

## **TOMIKO BROWN-NAGIN**

PROFESSOR OF LAW  
PROFESSOR OF HISTORY  
F. PALMER WEBER RESEARCH PROFESSOR IN CIVIL LIBERTIES AND HUMAN RIGHTS  
UNIVERSITY OF VIRGINIA  
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### **ACADEMIC APPOINTMENTS**

**Charles Warren Visiting Professor of American Legal History, Harvard Law School, Fall 2008.**

**Professor of Law & History, F. Palmer Weber Research Professor, University of Virginia, 2006-present**

**Courses Taught:** U.S. Legal & Social History; Constitutional Law; Public Law Remedies; Education Law & Policy; Ethics in Public Interest Law.

**Co-Director, Legal History Colloquium**

**Visiting Associate Professor, University of Virginia School of Law, 2004-2005.**

**Associate Professor of Law & History, Washington University in St. Louis, 2003-2006.**

**Samuel I. Golieb Fellow in Legal History, New York University School of Law, 2000-2001.**

**Charles Hamilton Houston Fellow, Harvard Law School, 1999-2000.**

### **EDUCATION**

**DUKE UNIVERSITY                      Ph.D. 2002**

Fields: U.S. Social, Political, and Legal History

Duke Endowment Fellowship, 1992-96  
Spencer Foundation, Dissertation Fellow, 1999-2000

Dissertation: "Class Actions: The Impact of Black and Middle Class Conservatism on Civil Rights Lawyering in a New South Political Economy, Atlanta, 1946-79"  
Nominated for the 2003 C. Vann Woodward Dissertation Prize

**YALE LAW SCHOOL**

**J.D. 1997**

*Editor, Yale Law Journal*

Research Assistant, Professor Reva Siegel

**DUKE UNIVERSITY**

**M.A. 1993**

Fields: U.S. Political and Social History

**FURMAN UNIVERSITY**

**B.A. (History), *summa cum laude*, 1992**

Phi Beta Kappa

Harry S Truman Scholarship (awarded by Congress)

Donald-Watkins Medal for General Excellence in a Graduating Senior

Margaret Watson Award for Best Undergraduate Thesis in History

Daughters of the American Revolution Scholarship Cup in History

Co-founder, Students for Diversity

**SELECTED PUBLICATIONS**

Work-in-Progress

*Courage to Dissent: Courts and Communities in the Civil Rights Movements*  
(forthcoming, Oxford University Press, 2010)

Articles in Law Reviews

Elites, Social Movements, and the Law: The Case of Affirmative Action, 105  
COLUMBIA L. REV. 1436 (June 2005)

Race as Identity Caricature: A Local Legal History Lesson in the Salience of  
Intra-racial Conflict, 151 U. PENN. LAW REV. 1913 (2003)

Toward a Pragmatic Understanding of Status Consciousness: The  
Case of Deregulated Education, 50 DUKE LAW JOURNAL 753 (2000)

Book Chapters

*Missouri v. Jenkins*: Why District Courts and Local Politics Matter, in CIVIL RIGHTS  
STORIES (Foundation Press, 2007)

The Impact of Lawyer-Client Disengagement on the NAACP Legal Defense  
Fund's Campaign to Implement *Brown v. Board of Education*, in FROM THE  
GRASSROOTS TO THE SUPREME COURT (DUKE UNIVERSITY PRESS, 2004)

## Essays

*"One of These Things Does Not Belong": Intellectual Property and Collective Action Across Boundaries*, 118 YALE L.J. POCKET PART TK (2008), <http://thepocketpart.org/2008/TK/TK/brown-nagin.html>.

The Transformative Racial Politics of Justice Clarence Thomas?: The *Grutter v. Bollinger* Opinion, 7 UNIV. OF PA. J. OF CONST. LAW 787 (Feb. 2005)

An Historical Note on Stigma as a Rationale for a Civil Rights Landmark, 48 ST.L.U. L.J. 991 (2004) (Childress Symposium)

## Articles in Historical Journals

The Transformation of a Social Movement into Law?: The NAACP's and SCLC's Civil Rights Campaign Reconsidered In Light of the Educational Activism of Septima P. Clark, 8 WOMEN'S HISTORY REVIEW 81 (1999)

## Book Reviews

Thomas Jackson, *From Civil Rights to Human Rights, Martin Luther King, Jr., and the Struggle for Economic Justice* (University of Pennsylvania, 2007); Felicia Kornbluh, *The Battle for Welfare Rights, Politics and Poverty in Modern America* (Univ. of Pennsylvania, 2007); Kris Shepard, *Rationing Justice, Poverty Lawyers and Poor People in the Deep South* (Louisiana State, 2007), in J. Southern Hist., Nov. 2008

## SCHOLARLY PRESENTATIONS

Panelist, "The Dream Fulfilled?" University of Virginia Black Alumni Weekend, Apr., 2009 (with Julian Bond)

"Re-Envisioning the Civil Rights Movement: Courts, Communities, and Legal Liberalism," James H. Thomas Lecture, Yale Law School, Nov., 2008, available at <http://cs.law.yale.edu/blogs/podcasts/archive/tags/public+interest+law/default.aspx>

"Uncovering the Grassroots, Re-imagining the Legal History of the Civil Rights Movement," Harvest Lecture, Vanderbilt University School of Law, Oct., 2008

"Courage to Dissent," Harvard Law School, Faculty Workshop

Commentator on Risa Goluboff, *The Lost Promise of Civil Rights*, "Meet the Author" Roundtable, The Law and Society Association Annual Meeting, Montreal, Quebec, Canada, June 2008

Panelist, Session on "The Roberts Court and Equal Protection," AALS Conference on Constitutional Law, June, 2008, Cleveland, Ohio

Commentator, Risa Goluboff, *Lost Promise of Civil Rights*, Book Review Panel, University of Virginia School of Law, May 2008

Presentation, "Legal Dead Ends and the Case for the Civil Rights Act of 1964," University of Pennsylvania School of Law, Faculty Workshop, Mar., 2008

Presentation, "The Marriage of Civil Rights Lawyers and Demonstrators, 1961-1964," American University School of Law, Faculty Workshop, Mar., 2008  
African American History Month Keynote Address, Longwood University, Feb., 2008

Panelist, "New Voices in Legal History," Section on Legal History, AALS Annual Meeting, New York, New York, Jan., 2008 (with Ken Mack, Risa Goluboff, Claire Priest and Dan Hamilton)

Panel Moderator, "De Facto Segregation: Regional Fallacies, Racial Myths, Historical Practices," American Historical Association, Annual Meeting, Washington, D.C., Jan., 2008 (with Jennifer Hochschild, Matthew Lassiter, Brett Gadsden and Andrew Highsmith)

Panelist, "The Craft of Legal History Seminar: Friends of the Court: History Meets Law," American Society for Legal History, Annual Conference, Tempe, Arizona, Oct., 2007 (with Bruce Mann, James Oldham, and Deborah Dinner)

"Pragmatic Civil Rights," Harvard Law School, Legal History Colloquium, Oct. 2007

Panelist, "Marching Toward Justice: Legal Aid and the Civil Rights Movement, 1967-2007," Charlottesville, Virginia, Oct. 2007 (with Morris Dees, Alex Gulotta, John Grisham)

"Education Reform in the Post-Race Era," National School Boards Association Annual Meeting, San Francisco, CA, Apr., 2007

"What *Grutter* Tells Us about Justice Thomas's Race Jurisprudence," University of Virginia School of Law, Center on Race and the Law, Apr. 2007

"A Volatile Alliance: The Marriage of Lawyers and Demonstrators, 1961-1964," Emory Law School Faculty Workshop, March 2007

"Seeking Redress in the Streets: The Student Movement's Challenge to Pragmatism and Liberalism," Fordham Law School Faculty Workshop, Feb., 2007

Panelist, "Affirmative Action in K-12 Education," University of Virginia Law School, Public Service Conference, Feb., 2007

Moderator, "Federally Funded Vouchers: Hurricane Katrina," University of Virginia Law School, Public Service Conference, Feb., 2007

"Atlanta's Response to Brown," American Historical Association Annual Meeting, Jan., 2007

"AALS Workshop on Teaching Remedies," AALS Annual Meeting, Jan., 2007

“Pragmatic Civil Rights: Black Atlantans’ Struggle for Equality Inside and Outside of the Courts,” American Society of Legal History Annual Meeting, November, 2006

American Constitution Society, Supreme Court Press Briefing: *Parents Involved in Community Schools v. Seattle School District and Meredith v. Jefferson Country Board of Education*, Nov. 29, 2006

“Doing What You Can With What You Have,” Keynote Address, University of Virginia School of Law, Public Interest Law Association Kickoff Meeting, Aug., 2006

Black Ambivalence about Legal Liberalism, Ch. 2, Northwestern University School of Law, Legal History Colloquium, Nov. 2005

Black Ambivalence about Legal Liberalism, Ch. 2, Duke University School of Law, Faculty Colloquium, Nov. 2005

Black Ambivalence about Legal Liberalism, Excerpts from Ch. 1, 2, Georgetown University School of Law, Faculty Colloquium, Oct. 2005

Black Ambivalence about Legal Liberalism, Excerpts from Ch. 2, University of North Carolina School of Law, Faculty Colloquium, Oct. 2005

The Transformative Racial Politics of Justice Clarence Thomas: The *Grutter v. Bollinger* Opinion, Center on Race and the Law Brown Bag Series, University of Virginia School of Law, Mar. 2005

“Elites, Social Movements, and the Law,” University of Virginia School of Law Faculty Workshop Series, Feb. 2005

“Coming to Terms with Conservative Truths,” Fordham University School of Law, Critical Lawyering Conference, Nov. 2004

“Black Ambivalence about *Brown v. Board of Education*; Causes and Consequences,” Villanova Law School Legal History Colloquium, Nov. 2004

“Critical Theory Conference,” Washington University School of Law, Oct. 2004, Panel Moderator (with Professors Gerald Torres and Sumi Cho)

“Thurgood Marshall’s Coming”, The Missouri Bar Association, St. Louis, Mo., April 2004

“*Brown v. Board of Education*: A Dream in the Balance”, Southern Regional Council Symposium, Georgia State University, Apr. 2004

“Beyond *Brown*: Children, Race and Education,” Center on Children and the Law and Center for the Study of Race and Race Relations, University of Florida, Mar. 2004

“Race Jurisprudence and the Supreme Court: Where Do We Go from Here?” Symposium, University of Pennsylvania School of Law, Feb. 2004

“Remedial Imperfection in Constitutional Law,” Association of American Law Schools, Jan. 2004

”A Class in the Middle: Origins of the Talented Tenth’s Tradition of Accommodation and Protest,” Legal History Colloquium, Northwestern University School of Law, Dec. 2003

“Taking Black Ambivalence to *Brown v. Board of Education* Seriously,” Childress Lecture Symposium, Saint Louis University School of Law, Oct. 2003

“Atlanta as a Paradigm of Civil Rights Activism,” Modern American History Workshop, Princeton University, April 2003 (with Prof. Kevin Kruse)

“Intra-Racial Conflict and the Law of School Desegregation,” Law and the Disappearance of Class Conference, University of Pennsylvania School of Law, Nov. 2002

“Community Perspectives on the Impact of *Brown v. Board of Education*,” University of South Carolina, Planning Conference on Commemoration of Brown’s Semi-Centennial, June, 2002

“Class and Class Actions,” Guest Lecture, Prof. Lani Guinier’s Course on the Professional Responsibilities of Public Interest Lawyers, Harvard Law School, Apr. 2000

“A Socio-Legal History of the NAACP’s Public Law Litigation: *Calhoun v. Latimer* and *Armour v. Nix* in Context,” New York University Law School, Legal History Colloquium, Mar. 2001

“Women Educators and Social Activism,” The Tenth Berkshire Conference on the History of Women, June, 1996

*Brown v. Board of Education* Blues: Women’s Experiences of Integration, Panel Moderator, University of North Carolina, Chapel Hill, Feb. 1996

## POPULAR COMMENTARY & PUBLICATIONS

Quoted in Francisco Ramos, Jr., “Facing the threats to Diversity,” Diversity and the Bar, Vol. 9, No. 7 (2007), p. 30.

Quoted in Brian McNeill, “Civil Rights Attorney Hill Remembered,” *Daily Progress* (Charlottesville, Va.), Sept. 14, 2007

Guest Commentary, “Democracy Matters,” American Constitution Society Blog, July 4, 2007

On-Camera Interview, CBS WCAV TV 19, Charlottesville, Va., June 29, 2007, Segment on Race and the Public Schools

Quoted in David Harrison, "Divided Court Rejects Using Race to Classify Students," *Roanoke Times*, June 29, 2007

Op-Ed, "History Matters: Cases Are a Referendum on Segregation History," *Richmond Times-Dispatch*, Dec. 15, 2006

Quoted in Cara Feinberg, "No Easy Answers: School Desegregation in Lynn, Massachusetts," *Boston Globe*, Nov. 12, 2006

Cited in Claire Cooper, "Dean Seeks Community Connections: Pacific McGeorge Law School Leader Has Inspired a Nationwide Outreach Effort," *Sacramento Bee*, Nov. 20, 2005

Quoted in Erica Erwin, "GECAC Charter School Faces Penalties," *Times-News* (Erie, Pa.), July 24, 2005

"Implementing *Brown v. Board of Education* in 1970s Atlanta," *Southern Changes: The Journal of the Southern Regional Council*, Dec. 2004

On-Air Interview, New Black City Radio, St. Louis, Mo., Sept. 10, 2004, Segment on the Presidential Election of 2004, available at <http://NewBlackCity.com>

On-Camera Interview, KMOV TV, St. Louis, Mo., May 17, 2004, Segment Commemorating the 50<sup>th</sup> Anniversary of *Brown v. Board of Education*

Quoted in "Myths about Brown v. Board of Education," DiversityInc.com, May 13, 2004

"Elementary and Secondary Education Act of 1965" in MAJOR ACTS OF CONGRESS (MACMILLAN REFERENCE USA, November 2003)

## **PRIOR LEGAL EMPLOYMENT**

**Paul, Weiss, Rifkind, Wharton & Garrison, New York, NY, Associate, Litigation Department, 2001-2003.** Practiced complex commercial law, including securities and employment class actions. Pro Bono practice included representing homeless, HIV+ individuals in civil rights action against the City of New York.

**Honorable Jane R. Roth, United States Court of Appeals, Third Circuit, Law Clerk, 1998-1999.**

**Honorable Robert L. Carter, United States District Court, Southern District of New York, Law Clerk, 1997-1998.**

**NAACP Legal Defense and Educational Fund, Inc., Washington, D.C., Intern, Summer 1996.**

**Lawyers Committee for Civil Rights Under Law, Education Project, Washington, D.C., Intern, Summer, 1995.**

**United States Department of Justice, Civil Rights Division, Washington, D.C., Intern, Summer, 1994.**

## **PROFESSIONAL SERVICE**

Executive Committee, Remedies Section, AALS

## **NOTABLE RECENT PRO BONO SERVICE**

Co-Counsel, Brief of Historians of the Civil Rights Era as Amicus Curiae Supporting Respondents, *Parents Involved v. Seattle School District No. 1 et al.*, 551 U.S. \_\_\_, 127 S.Ct. 2738 (2007)(Nos. 05-908 and 05-915).

Co-Counsel, Harvard Black Law Students Association, Stanford Black Law Students Association and Yale Black Law Students Association as Amicus Curiae Supporting Respondents, *Grutter v. Bollinger*, 539 U.S. 306 (2003)(No. 02-241).

## **BAR MEMBERSHIP**

Admitted, New York State Bar

Admitted, United States District Court, Southern District of New York