

## **TOMIKO BROWN-NAGIN**

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

**Visiting Professor, Harvard Law School**, Fall 2008.

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

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

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

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

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

### **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**

*Senior 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**

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 Saliency 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)(excerpted in  
MARK YUDOF ET AL, EDUCATIONAL POLICY AND THE LAW 536-37 (4<sup>TH</sup> ED. 2002))

A Critique of Instrumental Rationality: Judicial Reasoning about the Cold  
Numbers in *Hopwood v. Texas*, 16 LAW & INEQUALITY 359 (1998)(student paper)

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).

Symposium Essays

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)

## Encyclopedia Entry

"Hon. Robert L. Carter," in *YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW* (YALE UNIV. PRESS, 2007).

## WORKS-IN-PROGRESS

Book Manuscript, *Courage to Dissent: Communities, Lawyers, and Courts in the Civil Rights Movements* (expected, 2009)

## SCHOLARLY PRESENTATIONS

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, January, 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, 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

“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

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

## UPCOMING PRESENTATIONS

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

Panelist, Session on “Citizenship,” AALS Conference on Constitutional Law,  
June, 2008, Cleveland, Ohio (with David Cruz, Guy Charles, and Berta  
Hernandez)

University of Pennsylvania School of Law, Faculty Workshop, March, 2008

American University School of Law, Faculty Workshop, March, 2008

James H. Thomas Lecture, Yale Law School, Nov., 2008

## 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)

## LAW SCHOOL SERVICE ACTIVITIES

Keynote Address, University of Virginia School of Law, Public Interest Law Association Kickoff Meeting, Aug., 2006

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

Address, University of Virginia School of Law, Center on Race and the Law, Apr. 2007

## PROFESSIONAL ACTIVITIES

Executive Committee, Remedies Section, AALS

## RESEARCH INTERESTS

U.S. Legal & Social History    Constitutional Law    Injunctions  
Social & Political Theory    Education Law & Policy

## 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 co-authoring Supreme Court amicus brief on behalf of Harvard, Yale, and Stanford BLSA in *Grutter v. Bollinger* and 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.**

**Hunton & Williams, Litigation Department, Washington, D.C., Summer Associate, Summer, 1994.**

## BAR MEMBERSHIP

Admitted, New York State Bar

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

## **PROFESSIONAL MEMBERSHIPS**

Member, American Historical Association  
Member, American Bar Association  
Member, American Society of Legal History