

**JAMES EDWARD RYAN**  
University of Virginia School of Law  
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Charlottesville, VA 22901  
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## **EDUCATION**

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, J.D., May 1992

Alumni Award for Academic Excellence, given to student who graduates first in class  
Traynor Award, given to two graduates who have produced the best written work  
Thomas Marshall Miller Prize, given by faculty to an “outstanding and deserving” graduate  
Dillard Scholarship, three-year merit scholarship covering full tuition and expenses

YALE UNIVERSITY, A.B., with distinction, May 1988

*Summa cum laude*; Phi Beta Kappa

## **EMPLOYMENT**

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, 1998-

Academic Associate Dean since September 2004  
McFarland Prize for Outstanding Faculty Scholarship, May 2004  
Black Law Students Association Outstanding Service Award, May 2004  
William L. Matheson & Robert M. Morgenthau Distinguished Professor since May 2003  
Professor since September 2002; Associate Professor, 1998-2002  
Teaching areas: law and education; constitutional law; land use law; torts; local government law;  
and environmental justice

HARVARD LAW SCHOOL

Visiting Professor, Fall 2006

YALE LAW SCHOOL

Visiting Professor, 2002-03

GIBBONS FELLOWSHIP IN PUBLIC INTEREST AND CONSTITUTIONAL LAW, Newark, New Jersey

Pro Bono Fellow, 1995-97

IRAN-U.S. CLAIMS TRIBUNAL, The Hague, The Netherlands

Legal Assistant to Charles T. Duncan, United States Arbitrator, 1994-95

CHIEF JUSTICE WILLIAM H. REHNQUIST, United States Supreme Court

Law Clerk, 1993-94

CHIEF JUDGE J. CLIFFORD WALLACE, United States Court of Appeals for the Ninth Circuit

Law Clerk, 1992-1993

OFFICE OF THE SOLICITOR GENERAL OF THE UNITED STATES

Summer Intern, 1992

## **JOURNAL ARTICLES AND ESSAYS**

*Standards, Testing, and School Finance Litigation*, 86 TEX. L. REV. 1223 (2008) (recipient of Education Law Association's Steven S. Goldberg Award for Distinguished Scholarship)

*Charter Schools and Public Education*, 4 STAN. J. CIV. R. CIV. L. 393 (2008)

*The Supreme Court and Voluntary Integration*, 121 HARV. L. REV. 131 (2007)

*Does It Take a Theory? Originalism, Active Liberty, and Minimalism*, 58 STAN. L. REV. 1623 (2006)

*A Constitutional Right to Preschool?*, 94 CALIF. L. REV. 49 (2006)

*Voluntary Integration: Asking the Right Questions*, 67 OHIO ST. L.J. 328 (2006)

*Brown, School Choice, and the Suburban Veto*, 90 VA. L. REV. 1635 (2004)

*Foreword to Symposium on School Finance Litigation: Emerging Trends or New Dead Ends?*, 22 YALE L. & POL'Y REV. 463 (2004) (with Thomas Saunders)

*The Perverse Incentives of the No Child Left Behind Act*, 79 N.Y.U. L. REV. 932 (2004)

*The Limited Influence of Social Science Evidence in Modern Desegregation Cases*, 81 N.C. L. REV. 1659 (2003)

*Race Discrimination in Education: A Legal Perspective*, 105 TEACHERS COLL. REC. 1087 (2003)

*The Political Economy of School Choice*, 111 YALE L.J. 2043 (2002) (with Michael Heise)

*A Political History of the Establishment Clause*, 100 MICH. L. REV. 279 (2001) (with John C. Jeffries, Jr.)

*The Supreme Court and Public Schools*, 86 VA. L. REV. 1335 (2000)

*The Influence of Race in School Finance Reform*, 98 MICH. L. REV. 432 (1999)

*Schools, Race, and Money*, 109 YALE L.J. 249 (1999)

*Sheff, Segregation, and School Finance Litigation*, 74 N.Y.U. L. REV. 529 (1999)

*"Paying" for the Change: Using Eminent Domain to Secure Exactions and Sidestep Nollan and Dolan*, 81 VA. L. REV. 1801 (1995) (with Douglas T. Kendall)

Note, *Smith and the Religious Freedom Restoration Act: An Iconoclastic Assessment*, 78 VA. L. REV. 1407 (1992)

## **BOOK CHAPTERS**

*The Real Lessons of School Desegregation*, in FROM SCHOOLHOUSE TO COURTHOUSE: THE JUDICIARY'S ROLE IN AMERICAN EDUCATION (Brookings Press, forthcoming 2009).

*A Legal Perspective on Performance-Based Pay for Teachers*, in PERFORMANCE INCENTIVES: THEIR GROWING IMPACT ON AMERICAN K-12 EDUCATION (Brookings Press, forthcoming 2008)

*Federalism as Libertarian Fantasy*, in REDEFINING FEDERALISM (Env'tl Law Institute, 2004)

*The 10<sup>th</sup> Amendment and Other Paper Tigers: The Legal Boundaries of Educational Governance*, in WHO'S IN CHARGE HERE? THE TANGLED WEB OF SCHOOL GOVERNANCE AND POLICY (Brookings Press, 2004)

## **NEWSPAPER AND MAGAZINE ARTICLES**

*Socioeconomic Integration: It's Legal, and It Makes Sense*, EDUC. WEEK, June 14, 2008 (co-author)

*Fixing Education Policy*, SLATE, April 1, 2008

*Say Something! College Presidents and Public Education*, EDUC. WEEK, Jan. 23, 2008

*Originalist Sins: The Faux Originalism of Justice Clarence Thomas*, SLATE, Aug. 1, 2007 (co-author)

*Taking Back the Constitution*, THE NEW REPUBLIC, Aug. 6, 2007 (co-author)

*State Must Better Prepare Its Students*, RICHMOND TIMES DISPATCH, Jan. 21, 2004

*The Neutrality Principle*, 4 EDUC. NEXT 28 (Fall 2003)

*Taking School Choice to the Suburbs*, WASH. POST, July 3, 2003 (co-author)

*Sit in For School Equality*, WASH. POST, May 19, 2003

## **WORKS IN PROGRESS**

SAVE THE CITIES BUT SPARE THE SUBURBS: THE LAW AND POLITICS OF EDUCATIONAL OPPORTUNITY (Oxford University Press, forthcoming 2009)

*Poverty as Disability*

*What Do School Finance Plaintiffs Really Want?*

## **SELECTED PRESENTATIONS AND PUBLIC SPEECHES**

Faculty Workshops at UVA, University of Michigan, Harvard, Cornell, Cardozo, Yale, U.C. Davis, Stanford, University of Chicago, Villanova, Case Western

Japanese-American Legal Society, Tokyo, September 2008  
“Voluntary Integration and Affirmative Action”

Harvard Law Review Symposium, Supreme Court Forum, November 2007  
“The Supreme Court and Voluntary Integration”

University of Virginia Law School, April 2007  
“Charge to Class of 2007”

Child Advocacy Conference, Harvard Law School, March 2007  
“A Constitutional Right to Preschool?”

“The Old Chief,” Virginia Bar Association Annual Meeting, Williamsburg, January 2006

Symposium in Honor of 50<sup>th</sup> Anniversary of *Brown*, University of Virginia Law School, February 2004  
“Brown, School Choice, and the Suburban Veto”

AALS Conference, Atlanta, GA, January 2004  
“Political Progressives and School Choice”

NAACP Legal Defense Fund Conference, Airlie, VA, October 2002  
“The Prospects for Voluntary Integration”

Conference on the Resegregation of Southern Schools, University of North Carolina, August 2002  
“The Limited Influence of Social Science Evidence in Modern Desegregation Cases”

Address to State and Federal Judges, University of Virginia School of Law, July 2002  
“The Future of Vouchers”

Conference on the Status of America’s Public Schools, University of Michigan Law School, February 2002  
“Beyond School Finance Litigation”

Conference on the End of School Desegregation, University of Colorado Law School, October 2000  
“School Choice and Racial Integration”

School Choice Debate, University of Virginia School of Law, February 1999  
“School Choice, Libertarians, and the Institute for Justice”

Education Law Symposium, University of Virginia School of Law, February 1998  
“School Choice and the Suburbs”

## **SELECTED PRO BONO ACTIVITIES AND COMMUNITY SERVICE**

*Va Lerie v. U.S.*, 548 U.S. 903 (2006) (co-authored petition for certiorari)

*In re Damchoe Gyaltzen* (Sept. 2005) (successfully represented Tibetan Monk seeking political asylum)

*Lingle v. Chevron USA, Inc.*, 544 U.S. 528 (2005) (co-authored amicus brief for the National Conference of State Legislatures, et al., in support of petition for certiorari in takings case)

*Paynter v. New York*, 797 N.E.2d 1225 (N.Y. Ct. App. 2003) (authored amicus brief for Rochester Teachers' Association in case seeking recognition of state constitutional right to integrated schools)

*Palazzolo v. Rhode Island*, 533 U.S. 606 (2001) (co-authored amicus brief for The American Planning Association, et al., in takings case)

*Vinson v. Virginia*, 258 Va. 459, 522 S.E.2d 170 (Va. 1999) (co-authored brief seeking post-conviction review in capital case)

Board Member, Legal Aid Justice Society, Charlottesville, VA, 2008-

Board Member, Community Rights Counsel, 1998-2005

Board Member, Council on African-American Affairs, 2001-04

Board Member, Century Foundation Task Force on the Common School, 2001-02

Board Member, Virginia State Bar Board of Governors, Education for Lawyers Section, 2000-02; 2003-06

Vice-Chairman, American Bar Association's Committee on Public Schools, 1997-99