

Curriculum Vitae of BRYAN K. FAIR

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EMPLOYMENT

TEACHING:

THOMAS E. SKINNER PROFESSOR OF LAW, THE UNIVERSITY OF ALABAMA SCHOOL OF LAW (August 2000 to present) — Professor (1997-2000) — Associate Professor (1994-1997; tenured 1996) — Assistant Professor (1991-1994).

Courses Taught:

- Constitutional Law
 - Race, Racism and American Law
 - Gender, Sexism and American Law
 - First Amendment Survey
 - Advanced Equal Protection Survey
 - Advanced Due Process Survey
 - Constitutional Law Seminars
- (Professor Fair has also taught law courses at Seattle University Law School, the University of Fribourg, Switzerland, and The Australian National University.)

Honors and Awards:

- The University of Alabama National Alumni Association's Outstanding Commitment to Teaching Award (2004)
- Dean's Scholar
- Commencement Hooding Team Member (selected by students)
- Outstanding Faculty Member (selected by students)
- Alabama Law Hall of Honor, Law School Foundation, Inaugural Class, 2021.

Service:

- Director of the UA/University of Fribourg, Switzerland Cooperative Education Program (1999 to 2010)
- Co-Director of Fribourg Program (1996-1998)
- Summer Academic Support Administrator and Teacher (1991 to 2011)
- Academic Excellence Workshops for First-Year BLSA members
- Member of the following law school faculty committees:
 - Promotion and Tenure (2008- 2011)
 - Student Diversity and Academic Support (Chair, 2006 to 2009, 2016-present; 1991-2006)
 - Ad-hoc Committee on Professorship Policies
 - Ad-hoc Committee on Chair Appointments
 - International Programs (1996 to present)
 - Curriculum (2012-2019, Chair, 2005-2006; 2002-2005; 1992-1993)
 - Ad-hoc Committee on Faculty Excellence (Co-chair, 2005-2006)

- Faculty Development (Chair, 2001-2005)
- Legal Writing Lecturers Search (2002-2004)
- Readmissions (Chair, 2001-2002; 1992-1997)
- Clinical Program Director Search (Chair, 2000-2001)
- Dean's Leadership Evaluation (1999)
- Admissions (1997-1999)
- Self-Study (Chair, 1997-1998)
- Faculty Appointments (2012 to present, 2008-2010, 1993-97)
- Ad-hoc Faculty Support Committee
- Dean's Search (1993-1994).

LECTURER IN LAW, UCLA SCHOOL OF LAW (1987-1991).

- Co-Director of Academic Support Program
- Legal Research and Writing Instructor
- Admissions Consultant

ADMINISTRATION:

DIRECTOR OF INTERNATIONAL PROGRAMS (2010-2012, 2014, 2015-2016).

ASSOCIATE DEAN FOR SPECIAL PROGRAMS, THE UNIVERSITY OF ALABAMA SCHOOL OF LAW (2008-2010) — Worked with Dean on various Law School projects, especially international initiatives and diversity programs. Supervised faculty support staff and program assistants. Served as liaison for Dean on most Law School committees.

DIRECTOR OF INTERNATIONAL AND DIVERSITY PROGRAMS, THE UNIVERSITY OF ALABAMA SCHOOL OF LAW (2007- 2008) — Supervised the primary international and diversity programs, including the Swiss Exchange Program with The University of Fribourg, the Australian Exchange Program with the Australian National University, the International LL.M. programs, as well as working with student groups to promote diversity programs and a healthy environment for all students.

ASSISTANT VICE PRESIDENT FOR UNDERGRADUATE STUDIES, OFFICE FOR ACADEMIC AFFAIRS, THE UNIVERSITY OF ALABAMA (1994-1997) — Worked as assistant to the Provost/Vice President for Academic Affairs on campus-wide academic policy matters. (Two years with Dr. James G. Taaffe and one year with Dr. Nancy S. Barrett.)

Service:

- Member of the following university committees and task forces:
 - Faculty Liaison to Mediation Committee (2021-2022)
 - Program Review Committee, Department of History (Chair, 2003-2004)
 - Housing Diversity Task Force (2001)
 - Intercollegiate Athletics Committee (1995-1998)
 - Residency Reclassification Appeals Committee (Chair, 1994-1997)
 - Council of Assistant and Associate Deans (Chair, 1994-1997)
 - Affirmative Action Hiring Procedures Task Force (Chair, 1996-1997)
 - Undergraduate Advising Task Force (Chair, 1996-1997)
 - Teaching and Learning Committee (1995-1997)
 - Women's Studies (1993-1996)
 - Minority Initiatives Task Force (Co-Chair, 1996)
 - Faculty Handbook Revision Committee (1994-1995)
 - Admissions and Retention (Chair, 1993-1994; 1992-1994)
 - Drug and Alcohol Task Force (1993-1994).

- Member of the following University search committees:
 - Provost Search Committee (2013), (2019)
 - Associate Provost for Global Outreach and International Education (2012)
 - Dean, School of Social Work (1999)
 - Director, McNair Program in Center for Teaching and Learning (1999)
 - Vice President for Institutional Advancement (1996)
 - Athletic Director (1996)
 - Director, University Museums (1996)
 - Dean, College of Communication (1995).

LAW PRACTICE:

ASSOCIATE, BRYAN, CAVE, McPHEETERS & McROBERTS, LOS ANGELES, CALIFORNIA (1985-1987).

EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES SCHOOL OF LAW, J.D., 1985. Admitted to practice in California (inactive status).

DUKE UNIVERSITY, B.A., 1982.

Special Award: WASHINGTON COLLEGE, Honorary Doctor of Laws, 2019.

PUBLICATIONS

Book:

BRYAN K. FAIR, NOTES OF A RACIAL CASTE BABY: COLOR BLINDNESS AND THE END OF AFFIRMATIVE ACTION (NYU Press, 1997). (Received an Honorable Mention from The Gustavus Myers Center for the Study of Bigotry and Human Rights in North America for Books Published in 1997). (Paperback edition published in 1998.)

Casebook:

WEAVER ET AL., CONSTITUTIONAL LAW, 4th ed. (Aspen Wolters-Kluwer, 2017) (co-author).

WEAVER ET AL., CONSTITUTIONAL LAW, 3rd ed. (Aspen Wolters-Kluwer, 2013) (co-author).

WEAVER ET AL., CONSTITUTIONAL LAW, 2nd ed. (Aspen Wolters-Kluwer, 2011) (co-author).

Book Chapters:

Bryan K. Fair, Knowing the Suffering of Others: A Commentary on Jeannie Suk's "Laws of Trauma," KNOWING THE SUFFERING OF OTHERS: LEGAL PERSPECTIVES ON PAIN AND ITS MEANING 236-242 (Austin Sarat ed., 2014).

Bryan K. Fair, Freedom of Speech, Equal Citizenship, and the Anticaste Principle: A Commentary on Brettschneider's Regulating Hate Speech, LEGAL RESPONSES TO RELIGIOUS PRACTICES IN THE UNITED STATES: ACCOMMODATION AND ITS LIMITS 115-122 (Austin Sarat ed., 2012).

Bryan K. Fair, *Why Dissent Isn't Free: A Commentary on Pildes's "The Legal Academy and the Temptations of Power,"* DISSENTING VOICES IN AMERICAN SOCIETY: THE ROLE OF JUDGES, LAWYERS, AND CITIZENS 182-191 (Austin Sarat ed., 2011).

Bryan K. Fair, *After Katrina: Laying Bare the Anatomy of American Caste* in Levitt, Jeremy I. and Whitaker, HURRICANE KATRINA: AMERICA'S UNNATURAL DISASTER 35-46 (Matthew C. ed., 2009).

Articles:

Bryan K. Fair, *Federalism by Deception: The Implied Limits on Congressional Power*, forthcoming in 62 Santa Clara Law Review (accepted Fall 2021).

Bryan K. Fair, *Still Standing in the Schoolhouse Door: Deconstructing Brown's Bias and Reconstructing Its Remedy*, 2 Indiana Journal of Law and Social Equality (2013).

Bryan K. Fair, *Change Agents: Beating Back the Dark Caste of the Law, (A Tribute to Fred Gray)*, 3 Faulkner L. Rev. 215 (2011-2012).

Bryan K. Fair, *Intersectionality Theory, the Anticaste Principle, and the Future of Brown, (A Tribute to Martha Morgan)*, 60 Ala. L. Rev. IIII (2009).

Bryan K. Fair, *The Ultimate Association: Same-Sex Marriage and the Battle Against Jim Crow's Third Cousin*, University of Miami Law Review (2008).

Bryan K. Fair, *The Lengthening Shadow of Androcentrism*, 11 Cardozo Women's L.J. 559 (2005).

Bryan K. Fair, *Re(caste)ing Equality Theory: Will Grutter Survive Itself By 2028?* in University of Pennsylvania Symposium, "Race Jurisprudence and the Supreme Court: Where Do We Go from Here?" 7 U. Pa. J. Const. L. 721 (2005).

Bryan K. Fair, *The Darker Face of Brown: The Promise and Reality of the Decision's Anticaste Moorings Remain Unreconciled*, 88 Judicature 80 (Sept.-Oct. 2004).

Bryan K. Fair, *Taking Educational Caste Seriously: Why Grutter Will Help Very Little* 78 Tul. L. Rev. 1843 (2004).

U.W. Clemon & Bryan K. Fair, *Lawyers, Civil Disobedience, and Equality in the Twenty-First Century: Lessons From Two American Heroes*, 54 Ala. L. Rev. 961 (2003) (with The Honorable U.W. Clemon).

Bryan K. Fair, *Equality for All: The Case for a New Declaration of Rights Article of the Alabama Constitution*, 33(2) Cumb. L. Rev. 339 (2003).

U.W. Clemon & Bryan K. Fair, *Making Bricks Without Straw: The NAACP Legal Defense Fund and the Development of Civil Rights Law in Alabama 1940-1980*, 52(4) Ala. L. Rev. 1121 (2001) (with The Honorable U.W. Clemon).

Bryan K. Fair, *The Anatomy of American Caste*, 18(2) St. Louis U. Public L. Rev. 381 (1999) (published in late 2000).

Bryan K. Fair, *Been in the Storm Too Long, Without Redemption: What We Must Do Next*, 25 Southern U. L. Rev. 121 (1997) (published in late 1998).

Bryan K. Fair, *Using Parrots to Kill Mockingbirds: Yet Another Racial Prosecution and Wrongful Conviction in Maycomb*, 45 Ala. L. Rev. 403 (1994).

Bryan K. Fair, *Foreword: Rethinking the Colorblindness Model*, 13 National Black L.J. Nos. 1 & 2 (1993) (lead article followed by a collection of edited papers written by UA Law seminar students).

Book Review Essays:

Bryan K. Fair, *The Excessive Entanglement of Politics, Law and Religion*, 26 J.L. & Religion. 371 (2010-2011).

Bryan K. Fair, *The Washington Post*, at C04 (Jan. 5, 2005) (reviewing Mark S. Weiner, *BLACK TRIALS: CITIZENSHIP FROM THE BEGINNINGS OF SLAVERY TO THE END OF CASTE* (2004)).

Bryan K. Fair, *Part II. America's Equality Promise: Where Do We Go From Here?*, 19(1) J. of American Ethnic History (Fall 1999) (reviewing Stephan and Abigail Thernstrom, *AMERICA IN BLACK AND WHITE: ONE NATION, INDIVISIBLE* (1997)).

Bryan K. Fair, *Part I. America's Equality Promise: Can You Tell Me Where It's Gone?*, 18(4) J. of American Ethnic History 167-175 (Summer 1999) (reviewing CIVIL RIGHTS AND SOCIAL WRONGS: BLACK-WHITE RELATIONS SINCE WORLD WAR II (John Higham ed., 1997)).

Bryan K. Fair, *A Constitutional Law Casebook for the 21st Century: A Critical Essay on Cohen and Varat*, 21 Seattle U. L. Rev. 859 (1998) (reviewing William Cohen and Jonathan D. Varat, *CONSTITUTIONAL LAW: CASES AND MATERIALS* (10th ed., 1997)).

Bryan K. Fair, *The Acontextual Illusion of a Color-Blind Constitution*, 28 U. San Francisco L. Rev. 343 (1994) (reviewing Andrew Kull, *THE COLOR-BLIND CONSTITUTION* (1992)).

Bryan K. Fair, *How Far We Have to Go*, 10 National Black L.J. 318 (1988) (reviewing Derrick Bell, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1987)).

On-Line Essay:

Bryan K. Fair, *Teaching Tolerance and Seeking Justice in a World of Disadvantage*, published at <http://www.demosproject.net/2172-2/>.

Bryan K. Fair, *Preparing for a Career in Law in the 21st Century*, online manuscript for minority law school candidates, last revised in 2021.

In progress:

Bryan K. Fair, *Healing a Broken Nation: Reconstructing Constitutional Equality and Remediating American Caste*.

The Right to Shoot: Rethinking Due Process Rights of Unarmed Victims of Police Shootings.

The New Jim Crow of Voter Suppression.

PROFESSIONAL SERVICE

- Chair, ABA/AALS Site Evaluation Team, Barry University School of Law (2014)
- Chair, ABA/AALS Site Evaluation Team, The University of Wyoming School of Law (2013)
- Chair, AALS Committee on Recruitment and Retention of Minority Law Teachers and Students (2014-16)
- Reporter, ABA/AALS Site Evaluation Team, Seattle University (2013)
- Reporter, ABA/AALS Site Evaluation Team, Belmont University (2012)
- Reporter, ABA/AALS Site Evaluation Team, Baylor University (2011)
- Contributor, Talking Justice Blog, NPR and the Annenberg Public Policy Center, University of Pennsylvania, <http://communities.justicetalking.org/> (2007)
- Reporter, ABA/AALS Site Evaluation Team, University of Wisconsin Law School (2006)
- Summarian, ABA/AALS Site Evaluation Team, University of Washington School of Law (2005)
- Summarian, ABA/AALS Site Evaluation Team, The University of Florida, Fredric G. Levin College of Law (2004)
- Law School Admissions Council, Minority Affairs Committee (2003-2005)
- AALS Membership Review Committee (1999-2001)
- Manuscript Evaluator, NYU Press, Duke University Press, Penn State Press
- Promotion and Tenure External Evaluations, Baylor University (2013), Florida Agricultural and Mechanical University (2013), Louisiana State University School of Law (2008), University of Pittsburgh School of Law (2006), Northern Illinois College of Law (2004), Cleveland State University, Marshall-Wythe School of Law (1999), University of Houston School of Law (1999), Mississippi College of Law (1999), University of Kentucky College of Law (1999), California Western School of Law (1998).

SPEECHES/LECTURES/CONTINUING EDUCATION PROGRAMS

- 2020- 2021: National Black Pre-Law Conference, Mock Class, Presenter.
- October 2020 Voting Rights in Alabama and the Legacy of Dr. W. C. Patton, Alabama Humanities Foundation, Montgomery, AL.

- August 2020: Diversity, Equity, and Inclusion Speaker Series, Presenter, UT Southwestern Medical Center, Dallas, TX.
- Summer 2020: Alabama State Bar, We the People and the American Constitution, Presenter.
- February 2020: Reflections on the American Constitution, Washburn University College of Law, Wichita, KS.
- February 2019: Inclusive Citizenship in the Age of Trump: A Call to Mission and A Declaration Against Caste, Washington College Spring Convocation, Chestertown, MD.
- September 2018: Fostering Inclusive Citizenship: Fighting Hate and Seeking Justice in a World of Disadvantage, Keynote Speaker, St. Michael's College, Colchester, VT.
- October 2018: Free Speech and Bias on College Campus, Association of College Unions International, Indianapolis, IN
- October 2017: Free Speech on Campus- Panelist, Hamilton College, Clinton, NY.
- January 2017: Law School Access and Pipeline Initiatives for Students, Panelist, AALS Annual Meeting, San Francisco, CA.
- February 2016: Teaching Tolerance and Seeking Justice in a World of Disadvantage, Annual Distinguished Lecture, Alabama State University, Montgomery, AL.
- September 2015: Fighting Hate, Teaching Tolerance, and Seeking Justice in a World of Disadvantage, Annual Distinguished Lecture, Wooster College, Wooster, OH.
- February 2014: The Legacy of Brown at 60, Diversity Lecture Series, California Western School of Law, San Diego, CA.
- January 2013: Speaker, "Still Standing in the Schoolhouse Door, Deconstructing *Brown's* Bias, AALS Annual Meeting, New Orleans, LA.
- September 2012: Speaker, "Interpreting Our Constitution: Celebrating 225 Years," Constitution Day, Jacksonville State University, Jacksonville, AL.
- March 2012: Speaker, "Across Generations: A Conversation among Faculty of Color," Transformative Advocacy, Scholarship, and Praxis: Taking Our Pulse, Cumberland School of Law, Birmingham, AL.
- March 2012: Speaker, "Knowing the Suffering of Others," University of Alabama School of Law, Tuscaloosa AL.
- February 2012: Speaker, "The Dark Side of the Law," Fred Gray Civil Rights Symposium, Montgomery, AL.

ACTIVITIES

- Board of Directors, Southern Poverty Law Center (2013 to present) (Board Chair 2017-2020)
- Faculty Advisor, Jessup International Moot Court Team (2006 to 2010)
- Faculty Advisor, Law Democrats (2006 to present)
- Member, American Law Institute (2005 to present)
- Faculty Advisor, Outlaw (2005 to 2014)
- Board of Directors, Alabama Appleseed Center for Law & Justice, Inc. (2003 to 2010)
- Board of Directors, Equal Justice Initiative (1995 to 2013)
- Faculty Advisor, Black Law Students Association (1991 to present)
- Board of Directors, Hospice of West Alabama (2003-2004)
- Member, Challenge 21 Community Politics Team (2002-2004)
- Board of Directors, Child Abuse Prevention Services of Tuscaloosa (2000-2003)
- Board of Directors, 100 Men, 100 Boys (1993-1996)
- Board of Directors, Turning Point (1993-1996)
- Faculty Advisor, Alabama Public Interest Law Association (1992-1994).

REFERENCES

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