

JUSTIN DRIVER
Professor of Law
Yale Law School
127 Wall Street
New Haven, CT 06511

EDUCATION

HARVARD LAW SCHOOL, JURIS DOCTOR 2004
Activities: *Harvard Law Review*, Volume 116 (Editor), Volume 117 (Book Reviews Chair and Articles Editor)
Lowell House, Pre-Law Residential Tutor and Member of Fellowships Committee
Black Law Students Association, Member

OXFORD UNIVERSITY, MAGDALEN COLLEGE, MASTER OF STUDIES IN MODERN HISTORY 2000
Honor: Marshall Scholarship

DUKE UNIVERSITY, MASTER OF ARTS IN TEACHING 1998
Honor: Rockefeller Brothers Fund Fellowship

BROWN UNIVERSITY, BACHELOR OF ARTS WITH HONORS IN PUBLIC POLICY 1997
Honors: Noah Krieger Prize for best senior thesis in Public Policy
Judge Alfred Joslin Award for outstanding campus leadership
Charles Royce Fellowship for academic achievement
Rose Writing Fellows Program

EXPERIENCE

YALE LAW SCHOOL, NEW HAVEN, CT 2019-present
Professor of Law

UNIVERSITY OF CHICAGO LAW SCHOOL, CHICAGO, IL 2016-2019
Harry N. Wyatt Professor of Law
2014-2016
Professor of Law

UNIVERSITY OF TEXAS SCHOOL OF LAW, AUSTIN, TX 2013-2014
Professor of Law
2009-2013
Assistant Professor

STANFORD LAW SCHOOL, STANFORD, CA Winter, Spring 2014
Herman Phleger Visiting Professor

HARVARD LAW SCHOOL, CAMBRIDGE, MA Fall 2013
Sullivan & Cromwell Visiting Assistant Professor

UNIVERSITY OF VIRGINIA LAW SCHOOL, CHARLOTTESVILLE, VA Spring 2013
Visiting Assistant Professor

UNIVERSITY OF CHICAGO LAW SCHOOL, CHICAGO, IL Autumn 2012
Visiting Assistant Professor

SIDLEY AUSTIN, LLP, WASHINGTON, D.C. 2007-2009
Associate

HON. SANDRA DAY O'CONNOR (RET.) & HON. STEPHEN BREYER, U.S. SUPREME COURT 2006-2007
Law Clerk

HON. MERRICK B. GARLAND, U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT 2005-2006
Law Clerk

CHARLES HAMILTON HOUSTON FELLOWSHIP , HARVARD LAW SCHOOL <i>Research Fellow</i>	2004-2005
SIDLEY AUSTIN, LLP , WASHINGTON, D.C. <i>Summer Associate</i>	2004
JENNER & BLOCK , WASHINGTON, D.C. <i>Summer Associate</i>	2003
O'MELVENY & MYERS , WASHINGTON, D.C. <i>Summer Associate</i>	2003
HALE & DORR , BOSTON, MA <i>Summer Associate</i>	2002
THE NEW REPUBLIC , WASHINGTON, D.C. <i>Assistant Literary Editor</i>	2001

SELECTED PUBLICATIONS & WORKS IN PROGRESS

BOOK

THE SCHOOLHOUSE GATE: PUBLIC EDUCATION, THE SUPREME COURT, AND THE BATTLE FOR THE AMERICAN MIND (Pantheon, 2018)

- A *Washington Post* Notable Book of the Year
- A *New York Times Book Review* Editors' Choice
- Finalist for the ABA Silver Gavel Award, Awarded Honorable Mention

BOOK SECTIONS

Jay Gatsby, Justice Douglas, and the Significance of Class in American Society, in POWER, PROSE, AND PURSE: LAW, LITERATURE, AND ECONOMIC TRANSFORMATIONS, ALISON LACROIX, SAUL LEVMORE & MARTHA C. NUSSBAUM (Oxford University Press, 2019)

Of Big Black Bucks and Golden-Haired Little Girls: How Fear of Interracial Sex Informed Brown v. Board of Education and Its Resistance, in THE EMPIRE OF DISGUST, ZOYA HASAN, AZIZ Z. HUQ, MARTHA C. NUSSBAUM & VIDHU VERMA (Oxford University Press, 2018)

Justice Thomas and Bigger Thomas, in FATAL FICTIONS: CRIME AND INVESTIGATION IN LAW AND LITERATURE, ALISON LACROIX, RICHARD H. MCADAMS & MARTHA C. NUSSBAUM, EDS. (Oxford University Press, 2016)

EDITED VOLUMES

2018 THE SUPREME COURT REVIEW (University of Chicago Press, 2019) (with David A. Strauss and Geoffrey R. Stone)

ACADEMIC JOURNALS

The Warren Court Paradox (in progress)

The Supreme Court as Bad Teacher (in progress)

The Keyes of Constitutional Law, 106 CALIFORNIA LAW REVIEW 1931 (2018)

The Courts, the Schools, and the Constitution, 100 PHI DELTA KAPPAN 14 (2018)

Constitutional Outliers, 81 UNIVERSITY OF CHICAGO LAW REVIEW 929 (2014)

Reactionary Rhetoric and Liberal Legal Academia, 123 YALE LAW JOURNAL 2616 (2014)

Supremacies and the Southern Manifesto, 92 TEXAS LAW REVIEW 1053 (2014)

The Constitutional Conservatism of the Warren Court, 100 CALIFORNIA LAW REVIEW 1101 (2012) [selected for Junior Faculty Forum at Harvard Law School, and the William Nelson Cromwell Article Prize]

The Significance of the Frontier in American Constitutional Law, 2011 SUPREME COURT REVIEW 345 (2012)

Recognizing Race, 112 COLUMBIA LAW REVIEW 404 (2012)

Rethinking the Interest-Convergence Thesis, 105 NORTHWESTERN UNIVERSITY LAW REVIEW 149 (2011)

Judicial Inconsistency as Virtue: The Case of Justice Stevens, 99 GEORGETOWN LAW JOURNAL 1263 (2011)

The Consensus Constitution, 89 TEXAS LAW REVIEW 755 (2011)

Rules, The New Standards: Partisan Gerrymandering and Judicial Manageability after Vieth v. Jubelirer, 73 GEORGE WASHINGTON LAW REVIEW 1166 (2005) [invited symposium participant]

Note, *Underenfranchisement: Black Voters and the Presidential Nomination Process*, 117 HARVARD LAW REVIEW 2318 (2004)

POPULAR PRESS

How Judges Weigh Shades of Gray to Make Tough Legal Decisions, THE WASHINGTON POST, October 26, 2018

Ask the Author: Our Constitution Says We Must Take This Risk, SCOTUSblog, October 16, 2018

How Trump Nominee Brett Kavanaugh Could Threaten Undocumented Children's Education, TIME, September 2018

The Constitution Goes to School, THE VOLOKH CONSPIRACY, September 17, 2018

Do Public School Students Have Constitutional Rights?, THE NEW YORK TIMES, August 31, 2018

The Report on Race that Shook America, THE ATLANTIC, May 2018

Challenging Conventional Perspectives of Burger Court, THE WASHINGTON POST, June 20, 2016, at p. B6

60 Years Later, the Southern Manifesto is as Alive as Ever, LOS ANGELES TIMES, March 11, 2016

Divine Justice, THE NEW REPUBLIC, Sept. 29, 2014, pp. 40-45 (reviewing SCALIA: A COURT OF ONE, BY BRUCE ALLEN MURPHY)

Ignoble Specificities, THE NEW REPUBLIC, April 5, 2012, pp. 32-35 (reviewing LIVING ORIGINALISM, BY JACK M. BALKIN)

Obama's Law, THE NEW REPUBLIC, June 30, 2011, pp. 10-14

Why the High Court is Ready for Gay Marriage, THE WASHINGTON POST, June 26, 2011, pp. B1, B4

Robust and Wide-Open, THE NEW REPUBLIC, Feb. 17, 2011, pp. 36-39 (reviewing JUSTICE BRENNAN: LIBERAL CHAMPION, BY SETH STERN & STEPHEN WERMIEL)

It's Alive, THE NEW REPUBLIC, July 8, 2010, pp. 10-12

The Stevens Myth, THE NEW REPUBLIC, Apr. 29, 2010, pp. 19-20

Why Law Should Lead, THE NEW REPUBLIC, Apr. 8, 2010, pp. 28-32 (REVIEWING THE WILL OF THE PEOPLE, BY BARRY FRIEDMAN) [*reprinted in 2011 GREEN BAG ALM. 375, issue honoring exemplary legal writing*]

The Lawyer's Revolution, THE NEW REPUBLIC, Mar. 13, 2006, pp. 38-41 (reviewing A MATTER OF LAW: A MEMOIR OF STRUGGLE IN THE CAUSE OF EQUAL RIGHTS, BY ROBERT L. CARTER)

Indelible Marks, THE NEW REPUBLIC, Nov. 22, 2004, pp. 29-33 (reviewing BLACK TRIALS: CITIZENSHIP FROM THE BEGINNINGS OF SLAVERY TO THE END OF CASTE, BY MARK S. WEINER).

Dream Weaver, THE NEW REPUBLIC, Jan. 19, 2004, pp. 33-37 (reviewing HER DREAM OF DREAMS: THE RISE AND TRIUMPH OF MADAM C.J. WALKER, BY BEVERLY LOWRY)

Why Johnnie Can't Lead, THE NEW REPUBLIC, Feb. 17, 2003, pp. 36-41 (reviewing A LAWYER'S LIFE, BY JOHNNIE COCHRAN WITH DAVID FISHER)

Pillar of Ire, THE NEW REPUBLIC, Apr. 29, 2002, pp. 33-37 (reviewing AMIRI BARAKA: THE POLITICS AND ART OF A BLACK INTELLECTUAL, BY JERRY GAFIO WATTS)

Cambridge Diarist: Class Act, THE NEW REPUBLIC, Nov. 25, 2002, p. 42 (reviewing 8 MILE (Universal Studios))

The Mirth of a Nation: Black Comedy's Reactionary Hipness, THE NEW REPUBLIC, June 11, 2001, pp. 29-33

Sports Nut: The Soles of Black Folk, SLATE, Apr. 27, 2001