

DEREK W. BLACK

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EDUCATION

UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW

J.D., *with High Honors*, May 2002

Honors and Activities: Law Review, *staff member*, 2000-2001; *senior staff*, 2001-2002; Order of the Coif; Public Interest Law Foundation Summer Grant Recipient; Public Interest Law Foundation Mentor

UNIVERSITY OF TENNESSEE

B.A., *Summa Cum Laude*, May 1999

Major: African and African American Studies, Philosophy, and Political Science

Honors and Activities: University, Foundation, Academic Work, and Clinton City Scholarships; Big Brothers Big Sisters of America; Children's Tennis Coach, City of Oak Ridge

PROFESSIONAL EXPERIENCE

HOWARD UNIVERSITY SCHOOL OF LAW, Washington, D.C.

Associate Professor of Law, August 2008 – present

Assistant Professor of Law, July 2005 - August 2008

Past and Current Courses: Torts I, Torts II, Education Law, Social Justice Lawyering, Civil Procedure, and Evidence.

Future Courses: Civil Rights Litigation/Anti-Discrimination Law and Higher Education.

Community and Pro Bono Service

- Appointed as Student Affairs Committee Co-Chair, Student Affairs Committee Member, Facilities Committee for ABA Reaccreditation, and Interviewer for new faculty candidates.
- Served as *pro bono* counsel for Lawyers' Committee for Civil Rights Under Law in both trial and appellate proceedings.
- Filed amicus brief, with the Civil Rights Clinic, in *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education* before the United States Supreme Court.
- Coordinated Student Hurricane Network *pro bono* activities in 2006-07.
- Supervised Alternative Spring Break 2008, which provided legal services to victims of Hurricane Katrina.
- Presented at various law school events, including outreach to new students, bar exam success programs, and conferences.
- Awarded New Teacher of the Year in 2006 by the Student Bar Association.

HOWARD UNIVERSITY SCHOOL OF LAW, cont.

Director, EDUCATION RIGHTS CENTER, October 2008- present

- Founded Center at School of Law in Fall of 2008.
- Recruited institutional partners both within and outside of the University.
- Developed research and advocacy plan for Center.
- Developed law school curriculum to supplement the work of the Center.

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, Washington, D.C.

Education Project Staff Attorney, June 2003 - July 2005

Litigation and Substantive Legal Work

- Conducted extensive class-action litigation, including preparing expert witnesses for testimony, conducting direct and cross examination of expert and lay witnesses, analyzing data and preparing trial exhibits, defending depositions, appraising clients of strategy and proceedings, collaborating with trial consultants to develop case theories, and drafting and editing voluminous findings of fact and conclusions of law.
- Drafted and filed appellate briefs regarding school segregation, classroom segregation and ability grouping, discriminatory discipline, segregated student activities, racial diversity, and voluntary desegregation efforts in both direct litigation and as *amicus curiae*.
- Provided consultation and resources to private practitioners involved in education litigation and served as an expert source for both print and television media.
- Facilitated educational outreach services to several minority communities, including acting as a liaison with the Department of Justice, leading community meetings, providing expert advice, and producing parental empowerment guidebooks.
- Delivered several lectures, presentations, and legal trainings on high stakes testing, diversity in education, intentional discrimination, and educational opportunities for minorities.

Supervisory and Management Responsibilities:

- Performed several executive and administrative functions for the Education Project, including assisting in the development of annual plans, drafting/submitting funding proposals to multiple major foundations, evaluating the appropriateness of potential litigation, and assisting in the development of a civil rights resource center.
- Developed multiple projects to solicit *pro bono* assistance from major law firms and subsequently directed law firm attorneys in research projects and amicus briefs.
- Supervised and directed paralegals and other support staff in the functions of the Education Project.
- Supervised and directed law school interns and paralegals in research, trial preparation and general responsibilities; and interviewed, hired and coordinated law school interns for entire office.
- Established working relationships with numerous non-profit organizations and coalitions to further the Education Project's goals, including organizing and hosting conferences, collaborating on legal filings, and setting policy agendas.

AMERICAN UNIVERSITY, WASHINGTON COLLEGE OF LAW, Washington, D.C.

Adjunct Professor, January 2004 - May 2004

Course Taught: Legal Writing and Rhetoric.

RURAL EDUCATION FINANCE CENTER, Raleigh, N.C.

Consultant, May 2002 - October 2003

- Evaluated current educational research on the benefits of small schools.
- Analyzed school finance litigation and legislative reform strategies and remedies.
- Drafted article on small schools, in conjunction with Executive Director, which was published in the Nebraska Law Review and other mediums accessible to educators and policy makers.
- Analyzed potential educational adequacy lawsuits for specific jurisdictions.

UNITED STATES POSTAL SERVICE LAW DEPARTMENT, CIVIL DIVISION, Washington, D.C.

Honors Attorney, October 2002 - June 2003

- Represented the United States Postal Service in complex civil litigation focused on employment and labor disputes.
- Authored and filed employment and labor dispute briefs in several United States Circuit Courts of Appeals and won in every instance, including three cases in which oral argument was granted before the Federal Circuit Court of Appeals.
- Provided advice to clients and field attorneys on federal laws relating to the accommodation of employee disabilities.
- Provided analysis in national employment class actions and helped plan settlement strategies.
- Litigated contract and copyright dispute before the Court of Federal Claims.

AMERICAN CIVIL LIBERTIES UNION, NORTH CAROLINA

Dan Pollitt Legal Fellow, August 2001 - May 2002

- Prepared memorandum and research on pending First and Fourteenth Amendment litigation.
- Evaluated merits of legal claims of new and potential clients.
- Prepared materials for and assisted in the writing of briefs in education finance and employment discrimination litigation.

OFFICE FOR CIVIL RIGHTS, UNITED STATES DEPARTMENT OF EDUCATION, Washington, D.C.

Law Clerk, May 2000 - August 2000 and May 2001 - August 2001

- Evaluated student selection procedures in Magnet School Applications.
- Provided consultation to school district administrators and grant writers to ensure the narrowly tailored use of race.
- Drafted an article on the implications of *Alexander v. Sandoval* and the future applicability of disparate impact regulations.
- Evaluated Freedom of Information Act appeal and drafted determination of the appeal.
- Collected, assessed, and classified research on the value of diversity in education.

PUBLICATIONS

In Defense of Voluntary Desegregation: All Things Are Not Equal, 43 WAKE FOREST L. REV. (Forthcoming March 2009).

The Uncertain Future of School Desegregation and the Importance of Good Will, Good Sense, and a Misguided Decision, 57 CATH. L. REV. 947 (2008).

Turning Stones of Hope into Boulders of Resistance: The First and Last Task of Social Justice Curriculum, Scholarship, and Practice, 86 N.C. L. REV. 673 (2008).

A Framework for the Next Civil Rights Act: What Tort Concepts Reveal About Goals, Results, and Standards, 60 RUT. L. REV. 259 (2008).

The Mysteriously Reappearing Cause of Action: The Court's Expanding Concept of Intentional Discrimination in Gender and Race Discrimination Statutes, 67 MARYLAND L. REV. 358 (2008).

Leave No Child Out: An Introduction to Homelessness, Joblessness, and Bullying in America's Schools, 51 HOW. L. J. 765 (2008).

Civil Rights Clinic at Howard University School of Law, Brief of Amicus Curiae, *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education*, Supreme Court Nos. 05-908 and 05-915 (2007).

The Contradiction Between Equal Protection's Meaning and Its Legal Substance: How Deliberate Indifference Can Cure It, 15 WILLIAM & MARY BILL OF RIGHTS J. 533 (2006).

Beyond Brown: Its Impact upon American Education and Culture, NATIONAL BAR ASSOCIATION MAGAZINE (March 2004).

The Power of Small Schools: Achieving Equal Educational Opportunity Through Academic Success and Democratic Citizenship, 82 NEB. L. REV. 50 (2003) (co-authored with Gregory Malhoit, Executive Director, Rural Finance Center).

Picking Up the Pieces After Alexander v. Sandoval? Resurrecting a Private Cause of Action for Disparate Impact, 81 N.C. L. REV. 356 (2002).

The Case for the New Compelling Government Interest: Improving Educational Outcomes, 80 N.C. L. REV. 923 (2001) (cited by the *en banc* panel of the 9th Circuit in *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 426 F.3d 1162, 1175 (9th Cir. 2005) and also three of the briefs filed in the appeal before the Supreme Court).

SELECTED PRESENTATIONS

Racial Bias in School Room Discipline, Panelist, George Washington University School of Education, April 2008.

Solidifying Education as a Civil Right: The Choice Between a Constitutional Amendment and the Courts, Presenter, National Alliance of Black School Educators Annual Convention, Washington, D.C., April 2008.

Teaching Hope to Social Justice Students, Presenter, Society of American Law Teachers, Teaching for Social Change Conference, University of California Berkeley School of Law, March 2008.

Can We Continue Brown v. Board's Promise by Suiing Kennedy's Taste?, Speaker, Southeastern Association of Law Schools Annual Meeting, July 2007.

The Future of Voluntary Desegregation, Panelist, The Marshall-Brennan Constitutional Literacy Project Conference, American University Washington College of Law, March 2007.

A Reason to Hope, Opening Address, 4th Annual Norman Amaker Public Interest Law Retreat, Bradford Woods (Indiana University School of Law-Indianapolis), Feb. 2005.

Connecting the Dots from Brown to Grutter, A Brown v. Board 50th Anniversary Lecture, Georgetown University, April 2004.

The Right to a High Quality Education under Florida Law, Presenter, Brown v. Board 50th Anniversary Event, University of Miami School of Law, March 2004.

Recognizing Inequity in Ability Grouping Practices, Panelist, Georgia Branches of N.A.A.C.P. Annual Convention, Atlanta, GA, Oct. 2003.

When Discrimination Can't Be Proven: The Uphill Battle of Alexander v. Sandoval, CLE Presentation at the Tennessee Branches of the N.A.A.C.P. Annual Convention, Nashville, TN, Sept. 2003.

Proving Intent by Alternative Means: An Answer to Alexander v. Sandoval, Panelist, Lawyers' Committee for Civil Rights Under Law 40th Anniversary Symposium, Washington, D.C., June 2003.