

JAMES W. FOX JR.

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ACADEMIC EMPLOYMENT

Stetson University College of Law,
1401 61st Street S., St. Petersburg, FL 33707.

Professor, 2006-present
Associate Dean for Academic Affairs, 2018-2019
Associate Dean of Faculty Development, 2009-2012
Associate Professor, 2004-2006
Assistant Professor, 2000-2004

Mercer University, Walter F. George School of Law,
1021 Georgia Avenue, Macon, GA 31207. (912) 301-2602

Visiting Professor, 1998-2000.

PUBLICATIONS – ARTICLES and BOOK CHAPTERS

Fellow Citizens, 12 ConLawNOW 171 (2021) (part of symposium “Black Citizenship from Reconstruction to Black Lives Matter”)

The Constitution of Black Abolitionism: Reframing the Second Founding, 23 U. Pa. J. Const. L. 267 (2021)

Black Progressivism and the Progressive Court, 130 Yale L. J. Forum 398–420 (2021) (invited)

Publics, Meanings, and the Privileges of Citizenship, 30 Const. Comment. 567 (2016)

Originalism and the Exclusionary Critique: Counterpublic Originalism, 67 Ala. L. Rev. 675 (2016)

“Fourteenth Amendment Citizenship and the Reconstruction-Era Black Public Sphere” in INFINITE HOPE AND FINITE DISAPPOINTMENT, 140 YEARS AFTER THE FOURTEENTH AMENDMENT (University of Akron Press, 2011) (Elizabeth Reilly, ed.)

Fourteenth Amendment Citizenship and the Reconstruction-Era Black Public Sphere, 42 AKRON L. REV. 1245 (2009) (invited symposium article).

The Law of Many Faces: The Ambiguous Origins of Reconstruction-Era Freedom of Contract, 49 AM. J. LEG. HISTORY 61 (2007) (published in 2009).

Intimations of Citizenship: Repressions and Expressions of Equal Citizenship in the Era of Jim Crow, 50 HOWARD L. J. 113 (2006)

Doctrinal Myths and the Management of Cognitive Dissonance: Race, Law, and the Supreme Court's Doctrinal Support of Jim Crow, 34 STET. L. REV. 293 (2005) (part of symposium volume on Brown v. Board of Education)

Divining the Privileges of Citizenship Under the Fourteenth Amendment: Lessons from Reconstruction, 13 TEMPLE POL. & CIV. RIGHTS L. REV. 453 (2004) (part of symposium volume titled "Vision and Revision: Exploring the History, Evolution, and Future of the Fourteenth Amendment")

Relational Contract Theory and Democratic Citizenship, 54 CASE W. RES. L. REV. 1 (2003)

Re-Readings and Misreadings: Slaughter-House, Privileges or Immunities, and Section Five Enforcement Powers, 91 KY. L. J. 67 (2002-2003)

Citizenship, Poverty, and Federalism: 1787-1882, 60 U. PITT. L. REV. 421 (1999)

Liberalism, Democratic Citizenship, and Welfare Reform: The Troubling Case of Workfare, 74 WASH. U. L.Q. 103 (1996)

The Road Not Taken: Criminal Contempt Sanctions and Grand Jury Press Leaks, 25 U. MICH. J. L. REF. 505 (1992) (student note)

PUBLICATIONS - OTHER

The Framers' Coup as a Challenge for Originalism, Review of Michael Klarman's *The Framers' Coup*, invited review for Professor Jack Balkin's blog, Balkinization, April 2017

Black Reconstruction, 1865-1883, entry for ENCYCLOPEDIA OF RACE AND RACISM, McMillan (2007) (John H. Moore, ed.)

Privileges and Immunities (XIV) and Edwards v. California, entries for THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES, Routledge Reference (2006) (Paul Finkelman, ed)

Naturalization Acts, entry for MAJOR ACTS OF CONGRESS, Macmillan, 2004 (Brian K. Landsberg, ed.)

Guest Blogger, The Faculty Lounge, January-July 2015

PRESENTATIONS

"Fellow Citizens: African-American Constitutionalism and the Creation of Equal Citizenship," opening presentation at University of Akron Center for Constitutional

Law symposium titled Examining Black Citizenship from Reconstruction to Black Lives Matter, Feb. 5, 2021 (online)

Black Constitutionalism and the Second Founding, Constitutional Law and Legal History Joint Program on “Reconstruction: The Second Founding,” AALS Conference January 2018

Black Originalism: Constitutional Citizenship, Constitutional Rights, and the Second Founding, 8th Annual Originalism Works-in-Progress Conference, February 2017.

Bernie’s Amendments, Constitutional Law and Poverty Law Joint Program on “The Constitution in an Era of Increasing Inequality”, AALS Conference January 2017

Black Originalism: African American Constitutionalism and the Long Reconstruction, Midwest Law and Society Conference, university of Wisconsin, November 2016

The Constitution as Long-Term Contract, Ninth International Conference on Contracts, Miami, February 2014

Black Originalism, Democracy in America: Participation and Social Justice, Stetson University, Deland, FL, March 2014

Black Originalism? Texas A&M University School of Law, March 2014

Black Originalism: Toward A Counterpublic Originalism, Law and Society Association Conference, Boston, June 2013

Reconstructing Freedom and Citizenship through Black Civil Society and the Black Public Sphere: 1865-1900, San Francisco Rights Conference: The Question of Rights in the U.S., San Francisco State University, September 2010

Forming Contracts and Similar Relationships, International Conference on Contracts, UNLV, February 2010 (moderator)

Poverty and Economic Justice in a Time of Crisis, panel discussant, Studio 620 community forum, St. Petersburg, March 2009

Reconstructing Citizenship: African-American Discourse, the Public Sphere, and the Initial Implementations of the Fourteenth Amendment, invited paper delivered at The Fourteenth Amendment: The 140th Anniversary Symposium, October 24, 2008, hosted by the Center for Constitutional Law at the University Of Akron School Of Law.

Constitutional Citizenship: Citizenship, Civil Society, and the Public Sphere, 1865-1920, paper delivered at Midwest Law and Society Retreat, Institute for Legal Studies, University of Wisconsin—Madison, September 2008.

Constituting Democratic Citizenship and Reconstructing Civil Society: Fourteenth

Amendment Citizenship from the Ground Up: 1865-1880, William S. Boyd School of Law, UNLV, July 2008

Reconstructing Citizenship and Civil Society in Postbellum America, Midwest Political Science Association, Chicago, IL, April 2008

Historical Perspectives on the Fourteenth Amendment and Civil Society, Southeastern Association of Law Schools, July 2007

International Conference on Contracts, South Texas College of Law, February 2007: Organized and moderated panel on teaching contracts.

The Antebellum Contract Law Background of Reconstruction-Era Freedom of Contract, Villanova University School of Law, March 2006

The Antebellum Contract Law Background of Reconstruction-Era Freedom of Contract, International Conference on Contracts, Texas-Wesleyan University School of Law, February 2006

White Supremacy, Black Resistance, and the Development of Democratic Citizenship under the Fourteenth Amendment, Southeastern Association of Law Schools, July 2005

Jim Crow and Democratic Citizenship under the Fourteenth Amendment, faculty works-in-progress presentation, Stetson University College of Law, Spring 2005

Diving the Privileges of Citizenship Under the Fourteenth Amendment: Lessons from Reconstruction, as part of symposium titled "Vision and Revision: Exploring the History, Evolution, and Future of the Fourteenth Amendment", Temple Law School, hosted by Temple Political and Civil Rights Law Review (November 2003)

Nineteenth Century Background of Segregation Laws, presented as member of panel on Brown v. Board of Education, program sponsored by Pinellas County Historical Association and Pinellas County Public Schools program at Heritage Village, Largo, Florida, October 2004

Presentation on "Law and History" at a panel on interdisciplinary perspectives for law school teaching and scholarship, Southeastern Association of Law Schools conference, July 2004

Diving the Privileges of Citizenship Under the Fourteenth Amendment: Lessons from Reconstruction, as part of symposium titled "Vision and Revision: Exploring the History, Evolution, and Future of the Fourteenth Amendment", Temple Law School, hosted by Temple Political and Civil Rights Law Review (November 2003)

Organized and moderated interdisciplinary panel on The Slaughter-House Cases, Southeastern Association of Law Schools conference, August 2003

Relational Contract Theory and Democratic Citizenship, Southeastern Association of Law Schools conference, July 2002

On Re-reading Slaughter-House and Misreading the Privileges or Immunities Clause, Faculty Work-in Progress series, Stetson Law School, February 2001

Saenz v. Roe and the Future of the Privileges or Immunities Clause, Faculty Colloquium, Mercer Law School, Fall 1999

Rethinking the Privileges or Immunities Clause: Some Historical Issues, Faculty Colloquium, Mercer Law School, Fall 1998

COURSES TAUGHT

Regular Courses: Contracts, Constitutional Law, Poverty Law, American Legal History; Advanced Contracts

Previous Courses: Torts, Insurance, Honors Seminar

PROFESSIONAL SERVICE

Association of American Law Schools, Section on Legal History

Chair, 2014-15
Chair-Elect, 2013-14
Secretary, 2012-13

International Conference on Contracts—Member, Board of Directors (2014-present)

Assist in organization of conference, selection of panels, selection of awards, etc.

6th Annual International Conference on Contracts, 2011

Organizer and host for conference of scholars on contract law and related areas held at Stetson University College of Law.

Board of Directors, Gulfcoast Legal Services, 2003-2015

St. Petersburg, Florida

President, 2012-2014; 2007
Vice President, 2006
Chair, Finance Committee 2014-15

Editor, Journal of International Aging Law & Policy, 2004-2008

Organizing start-up academic journal as a joint project of Stetson University College of Law and AARP. Solicited articles and supervised editing of all articles for Volume 1, published in Winter, 2006; assisted in editing and operations 2007-08.

EDUCATION

University of Michigan Law School, J.D. May 1990

Magna Cum Laude; Order of the Coif.

Editor In Chief, University of Michigan Journal of Law Reform.

University of North Carolina-Chapel Hill, B.A. 1986

Graduated with Distinction. Major: Political Science.

OTHER EMPLOYMENT EXPERIENCE

Covington and Burling

1201 Pennsylvania Ave., N.W., Washington, DC 20004.

Associate, 1991-1996

Areas: General Litigation; Insurance Litigation; Administrative Law.

Neighborhood Legal Services Program, Washington, D.C.

Temporary Staff Attorney, March-September 1994

The Honorable Phyllis A. Kravitch

U.S. 11th Circuit Court of Appeals, 56 Forsyth Street, Atlanta GA, 30303.

Judicial Clerk, 1990-91