

STEWART JAY
William L. Dwyer Chair in Law
University of Washington School of Law

Curriculum Vitae

Born: Havre, Montana, June 27, 1950

Work: University of Washington School of Law
Box 353020
Seattle, WA 98195-3020
206-543-0947 (voice)—206-685-4469 (fax)
E-mail: smj@u.washington.edu (official)—smjay@comcast.net (personal)

EDUCATIONAL BACKGROUND

LEGAL

Harvard Law School, Cambridge, Massachusetts; J.D., *Magna Cum Laude*, 1976

- Activities: Editor, *Harvard Law Review* (elected on basis of grades); Legal Staff (1974-76), Cambridgeport Problem Center, Cambridge, Massachusetts (legal services provider); British-American Bicentennial debate, Independence Hall, Philadelphia (November 1976—represented the U.S.)
- Scholarships: Harvard University National Scholarship; John E. Thayer Merit Scholarship

COLLEGE

Georgetown University, Washington, D.C.; A.B., *Magna Cum Laude*, 1973

- Majors (double): Philosophy and Political Theory; Minor: History
- Honorary Organizations: Phi Beta Kappa; National Honor Societies in History and Political Science
- Activities: Philodemic Debating Society: Vice President, 1971-72, President, 1972-73; Undergraduate Philosophy Club-President, 1971-72; Radio Announcer and Engineer, WGTB-FM
- Awards: National Collegiate Debate Tournament, Second Place, 1973; National Freshman Debating Championship, 1969; Winner of numerous intercollegiate debating tournaments, including eight in 1972-73; Winner of Georgetown's Edward Douglas White Debating Medal and the Hamilton Extempore Debating Award
- Scholarships: Georgetown University Scholarship

SECONDARY

Public School in Houston, Texas

- Activities: Nationally recognized champion debater: winner of seven nationally recognized high school debate tournaments, 1967-68

EMPLOYMENT EXPERIENCE

- 7/02 to present William L. Dwyer Endowed Chair in Law, Professor of Law (tenured), University of Washington School of Law (Subjects: Constitutional Law, Constitutional History)
- 9/86 to 2001 Professor of Law (tenured) and Washington Law School Foundation Scholar, University of Washington (Subjects: Constitutional Law, Constitutional History, Civil Procedure, Federal Courts, Jurisprudence, Biology and Law)
- 8/00 to 9/00 Visiting lecturer, Universidad Torcuato Di Tella, Buenos Aires, Argentina
- 7/98 to 8/98 Visiting Professor of Law, Vytauto Didžiojo Universitetas (Kaunas, Lithuania) (subject: U.S. Constitutional Law, taught to Lithuanian law students)
- 7/93 to 8/95 Associate Dean & Professor of Law, University of Washington School of Law (areas of responsibility: directing planning for new \$78 million building; overseeing faculty hiring, Law School facilities and computer operations)
- 9/82 to 9/86 Associate Professor of Law (tenured), University of Washington
- 8/84 to 7/85 Visiting Associate Professor of Law, Georgetown University Law Center (Subjects: Constitutional Law, Civil Procedure, Federal Courts)
- 12/80 to 9/82 Assistant Professor of Law, University of Washington
- Summer 1980 Visiting Professor of Law, University of Texas School of Law (Subject: Remedies)
- 8/78 to 12/80 Assistant Professor of Law, University of North Carolina at Chapel Hill (Subjects: Civil Procedure, Jurisprudence, Remedies)
- 8/77 to 8/78 Law Clerk, Chief Justice Warren E. Burger, United States Supreme Court, Washington, D.C.
- 10/76 to 8/77 Law Clerk, Judge George L. Hart, Jr., United States District Court for the District of Columbia
- Summer of 1975 Summer Associate, Kaler, Worsley, Daniel & Hollman, Washington, D.C. (small firm; general Washington practice)
- Summer of 1974 Policy Analyst, Office of Policy and Planning, ACTION, Washington, D.C.
- 10/69 to 5/73 Teacher (speech classes) and Debating Coach, Georgetown Visitation Preparatory School, Washington D.C. (full-time position held while attending college). Coached the team that won the National Catholic Debate Championship in 1971

PROFESSIONAL ORGANIZATIONS

Admitted to practice law in Washington State (active) and the District of Columbia (inactive); member of the United States Supreme Court Bar; Ninth Circuit Bar; U.S. Court of Appeals for the District of Columbia; American Association of Law Schools (Sections on Civil Procedure, Constitutional Law, Legal History, Jurisprudence); American Society for Law and History; Order of Coif (honorary); Supreme Court historical Society; Gruter Institute for Law and Behavioral Research; Society for Evolutionary Analysis of Law.

PROFESSIONAL ACTIVITIES

University

- University of Washington School of Law committees: Elected member of faculty executive committee 4 times (most recently 2002-03); member or chair of all standing committees at various times since 1981; co-drafted Law School's affirmative action policy for admissions, which was upheld by the Ninth Circuit Court of Appeals); Chair of Building Committee, 1993-95 (to plan a new 200,000 sq. ft. building)
- Member, University of Washington Faculty Senate (elected 1988-90)
- Member (1981-84) and Chair (1983-84), University of Washington faculty grievance committee (mediation and formal hearing panel)
- Chair (1983-84), University of Washington disciplinary committee (hearing panel for student misconduct cases)
- Member, Steering Committee, University of Washington Law, Science and Technology Program
- Attorney (pro bono) on numerous cases raising constitutional issues
- Scores of guest lectures for UW classes and panels in various departments (e.g., speaker at Grand Rounds for UW Department of Obstetrics and Gynecology, 2005)
- Dissertation/thesis advisor for numerous graduate students; UW Graduate School Representative at many oral defenses

Public Service

- Principal Drafter, Washington State Reproductive Privacy Act (abortion rights,; codified *Roe v. Wade* and assured funding of abortions for low income women; approved by Washington voters, Nov. 5, 1991, as Initiative 120; now codified as chapter 9.02 RCW *et seq.*)
- Principal Drafter, Washington State Handgun Safety Act (proposed Initiative 676, to require handgun licensing in Washington; defeated in Nov. 1997 election, but approved by 42% of voters)
- Washington Citizens for Firearms Safety: Vice-President, Executive Committee; Member, Legal Committee Chair (1994-1998) (citizens' group seeking reform of gun control laws)
- Pro-Choice Washington: Member of Steering Committee 1989-1995 (umbrella organization of Washington groups concerned with reproductive rights issues)

- Planned Parenthood of Washington: Legal consultant on legislative matters, 1989-present
- ACLU-Washington: member of the Board of Directors (1990-91); various ACLU projects, including work on abortion-related issues; membership on nominating committee, drug policy committee
- Reporter & Member (1987-88), Washington Supreme Court Commission on Attorneys Fees (Novack Commission)
- Speaker before hundreds of university and private groups on law-related subjects; frequently quoted in newspapers on legal topics
- Appeared on numerous radio, TV and internet programs concerning legal topics
- Testified frequently before state legislative committees on constitutional issues
- Presented scores of continuing legal education courses for UW School of Law and various bar associations
- Attorney (pro bono) on numerous cases raising constitutional issues
- Lecturer on Civil Procedure & Constitutional Law, BAR/BRI Bar Review Course (1980-2002); author and editor of course materials for same (1980-present)
- Teacher/presenter for high school classes in the Seattle area on constitutional subjects (usually several times a year)

Editorial Work

- External Reviewer, *Research in Law and Economics* (1989-90)
- Book Proposal Reviewer, Little Brown Publishing Co. (1986-1993)
- Editorial Board, H-LAW (international electronic discussion group on legal history, 1995-96)

Grants

- Washington Law School Foundation Scholar (1996-99)
- Summer Awards from Washington Law Foundation for research (1981-95)
- Summer Awards from North Carolina Law Foundation for research (1979-80)
- Grant from Federal Republic of Germany to fund attendance at the University of Bonn for a summer program in contemporary German affairs (1979)

Honors

- Finalist for 1998 Scribes Book Award for *Most Humble Servants* (below)
- 2006 Helen Williams Award for Excellence in Collegiate Independent Study from the American Association for Collegiate Independent Study (for development and teaching of a masters' level class on constitutional issues in homeland security)
- Washington Law School Foundation Scholar (1996-98) (in recognition of sustained excellence in research)
- Condon-Falknor Faculty Lecturer (1993) (for outstanding research by faculty member at University of Washington School of Law)
- Consistently ranked as one of the top teachers at the UW School of Law
- Honorary Member of Board of Director—NARAL Washington
- Washington State Bar Association—Pro Bono Service Award (2007)

PUBLICATIONS

- MORTAL WORDS: A HISTORY OF THE U.S. CONSTITUTION (North Carolina Academic Press 2010) (two volumes; first volume is expected Fall 2010)
- John Jay, *Yale Biographical Dictionary of American Law* (brief article) (Yale University Press, 2010)
- MOST HUMBLE SERVANTS: THE ADVISORY ROLE OF EARLY JUDGES (Yale University Press, 1997)
- *The Creation of the First Amendment Right to Free Expression: From the Eighteenth Century to the Mid-Twentieth Century*, 34 WILLIAM MITCHELL LAW REV. 733-1004 (2008) (April 2008) (271 pages)
- *Ideologue to Pragmatist?: Sandra Day O'Connor's Views on Abortion Rights*, 39 Ariz. St. Law. J. 777-828 (2007) (51 pages)
- *Public Interest versus Private Interest in United States Constitutional Law* (in draft, forthcoming)
- Book Review (*Seriatim: the Supreme Court before John Marshall* (Scott Douglas Gerber ed. 1998), WILLIAM & MARY QUARTERLY 235-37 (Jan. 2000))
- Book Review (William R. Casto, *The Supreme Court in the Early Republic: The Chief Justiceships of John Jay and Oliver Ellsworth*), LAW & HISTORY REVIEW, vol. 16, at 186-188 (1998)
- *Servants of Monarchs and Lords: The Advisory Role of Early British Judges*, AMERICAN JOURNAL OF LEGAL HISTORY, vol. 38, at 118-96 (1995)
- *The Rehabilitation of Samuel Chase*, BUFFALO LAW REVIEW, vol. 41, at 273-308 (1993)
- *The Dilemmas of Attorney Contingent Fees*, GEORGETOWN JOURNAL OF LEGAL ETHICS, vol. 4, at 813-84 (1989)
- *Juror Agreement on the Basis of Negligence*, REVIEW OF LITIGATION, vol. 8, at 119-64 (1989)
- *The Status of the Law of Nations in the Early American Law*, VANDERBILT LAW REVIEW, vol. 42, at 819-49 (1989)
- *Origins of Federal Common Law: Part I*, UNIVERSITY OF PENNSYLVANIA LAW REVIEW, vol. 133, at 1003-1116 (1985)
- *Origins of Federal Common Law: Part II*, UNIVERSITY OF PENNSYLVANIA LAW REVIEW, vol. 133, at 1231-1332 (1985)
- *The World According to Judge Posner*, GEORGETOWN LAW JOURNAL, vol. 73, at 1507-44 (1985)

- *Minimum Contacts as a Unified Theory of Personal Jurisdiction: A Reappraisal*, NORTH CAROLINA LAW REVIEW, vol. 59, at 429-75 (1981)
- Comment, *Van Gemert v. Boeing Co.*, HARVARD LAW REVIEW, vol. 89, at 1016-27 (1976)
- Numerous op-ed pieces in newspapers

COURSE MATERIALS

- EQUAL PROTECTION & DUE PROCESS OF LAW (complete casebook for course, 2005; 959 pages)
- CONSTITUTIONAL LAW: STRUCTURES OF GOVERNMENT (complete casebook for course, 2006; 895 pages)
- HISTORY OF THE FORMATION OF THE CONSTITUTION (mimeographed supplemental course materials, 520 pages, in various editions, 1990-1999)
- THEORIES OF JUSTICE (complete course materials, 2 volumes, 660 pages, in various editions (1979-2001))