

**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  
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**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))