

JANE S. SCHACTER

Stanford Law School
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ACADEMIC EXPERIENCE

William Nelson Cromwell Professor of Law, Stanford Law School, 2007-
(Professor, 2006-2007; Associate Dean for Curriculum, 2009-2013;
Edwin A. Heafey, Jr. Visiting Professor, 2005-2006)

James E. & Ruth B. Doyle-Bascom Professor of Law, University of Wisconsin Law
School, 2003-2006 (Professor, 2000-2003; Associate Professor, 1996-1998; Assistant
Professor, 1991-1996)

Professor of Law, University of Michigan Law School, 1998-2000

Courses taught: Constitutional Law; Legislation; Statutory Interpretation; Law and
Sexuality; Direct Democracy

Awards:

University of Wisconsin Vilas Associates Award (2002-2004) (university-wide award for
research excellence)

University of Wisconsin-Madison Chancellor's Award for Distinguished Teaching (1998)

Wisconsin Law Alumni Association Teacher of the Year Award (2005 and 1996)

EDUCATION

Harvard Law School
J.D. 1984, cum laude
Articles Editor, Harvard Women's Law Journal

University of Michigan
A.B. 1980 with Highest Distinction and Highest Honors in History
John A. Williams Award for Senior Honors Thesis, Attica: Historical and Social
Perspectives on Prison Protest

University of Pennsylvania
Dean's List; History Major, 1976-1978

PREVIOUS LEGAL EMPLOYMENT

Hill & Barlow, Boston, MA
Litigation Associate (1985-87; 1989-91)

Massachusetts Department of the Attorney General,
Assistant Attorney General, Government Bureau (1987-89)

Judge Raymond J. Pettine, United States District Court, Providence, RI
Law Clerk (1984-85)

PUBLICATIONS

Books and Book Chapters

Cases and Materials on Constitutional Law (West Publishing 5th ed. 2013) (with D. Farber, W. Eskridge and the late P. Frickey)

Cases and Materials on Sexual Orientation and the Law (West Publishing 5th ed. 2014) (with W. Rubenstein, C. Ball and D. NeJaime)

Political Accountability, Proxy Accountability and the Democratic Legitimacy of Legislatures (chapter in Richard Bauman and Tsvi Kahana (eds.), The Least Examined Branch: The Role of Legislatures in the Constitutional State (Cambridge Univ. Press, 2006))

Articles

A Moment for Pragmatism, 113 Mich. L. Rev. 973 (2015) (review essay on Ackerman, We the People: The Civil Rights Revolution (2014))

What Marriage Equality Can Tell Us About Popular Constitutionalism (and Vice-Versa), 52 Houston L. Rev. 1147 (2015)

Unequal Inequalities, 2014 Utah L. Rev. 867 (for symposium on Governance in 2020)

Making Sense of the Marriage Debate, 91 Texas Law Review 1185 (2013) (review essay on Klarman, From the Closet to the Altar: Courts, Backlash and the Struggle for Same-

Sex Marriage (2013))

Reaction: Splitting the Difference: Reflections on Perry v. Brown, 125 Harvard Law Review Online Forum 72 (2012)

Ely at the Altar: Political Process Theory Through the Lens of the Marriage Debate, 109 Mich. L. Rev. 1363 (2011)

Text or Consequences, 76 Brooklyn L. Rev. 1007 (2011)

Capacity and Context: LGBT Rights and the Obama Administration's First Year, 6 Stanford J. Civ. Rts. & Civ. Lib. 147 (2010)

Courts and the Politics of Backlash: Marriage Equality Litigation, Then and Now, 82 So. Cal. L. Rev. 1153 (2009)

Digitally Democratizing Congress: Technology and Political Accountability, 89 Boston U. L. Rev. 641 (2009)

The Other Same-Sex Marriage Debate, 84 Chi. Kent. L. Rev. 379 (2009)

Unenumerated Democracy: Lessons from the Right to Vote, 9 U. Pa. J. Const. Law 457 (2007) (symposium)

Sexual Orientation, Social Change and the Courts, 54 Drake L. Rev. 861 (2006)

Ely and the Idea of Democracy, 57 Stanford Law Review 737 (2004)

Lawrence v. Texas and the Fourteenth Amendment's Democratic Aspirations, 13 Temple Political & Civil Rights Review 733 (2004)

Form, Function and Feminist Law Journals, 12 Columbia Journal of Gender & Law 574 (2003)

The Politics of Legislative Drafting: A Congressional Perspective, 77 N.Y.U. L. Rev. 575 (2002) (with Victoria Nourse)

Accounting for Accountability in Dynamic Statutory Interpretation and Beyond, Issues in Legal Scholarship, Dynamic Statutory Interpretation (2002)
(www.bepress.com/ils/iss3/art5)

Constructing Families in a Democracy: Courts, Legislatures and Second Parent Adoption, 75 Chicago-Kent L. Rev. 933 (2000)

The Confounding Common Law Originalism in Recent Supreme Court Statutory Interpretation: Implications for the Legislative History Debate and Beyond, 51 Stanford Law Review 1 (1998)

Taking the Intersexional Imperative Seriously: The Case of Marriage Reform, 75 Denver University Law Review 1255 (Summer 1998)

Romer v. Evans and Democracy's Domain, 50 Vanderbilt Law Review 361 (1997)

Culture, Skepticism and the Gay Civil Rights Debate in a Post-Civil Rights Era, 110 Harvard Law Review 684 (1997) (review of Andrew Sullivan, Virtually Normal and Urvashi Vaid, Virtual Equality)

'Counted Among the Blessed': One Court and the Constitution of Family, 74 Texas Law Review 1267 (1996)

The Pursuit of 'Popular Intent': Interpretive Dilemmas in Direct Democracy, 105 Yale Law Journal 107 (1995)

Metademocracy: The Changing Structure of Legitimacy in Statutory Interpretation, 108 Harvard Law Review 593 (1995)

The Gay Civil Rights Debate in the States: Decoding the Discourse of Equivalentents, 29 Harvard Civil Rights-Civil Liberties Law Review 283 (1994)

Poised at the Threshold: Sexual Orientation, Law and the Law School Curriculum in the Nineties, 92 Michigan Law Review 1910 (1994) (review of William B. Rubenstein, Lesbians, Gay Men and the Law (1993))

SELECTED PRESENTATIONS

“Marriage Equality and Popular Constitutionalism” (Commentary on Frankel Lecture at University of Houston Law School) (October 2014)

“Unequal Inequalities” (University of Utah Law School Symposium on Governance in 2020) (November 2013)

“The Marriage Debate Twenty Years On: Taking Stock” (Stanford Law School Symposium on Marriage Equality) (October 2013)

“Reflections on Republic of Statutes” (Villanova Law School, John F. Scarpa Conference on Eskridge and Ferejohn’s Republic of Statutes) (February 2011)

“Complexity and Consequence: Reflecting on the Primacy of Marriage Advocacy,” AALS Annual Meeting Workshop on “Changing Society, Changing Laws: Conflicts Over Sexuality and the Evolving American Family” (January 2011)

“Text or Consequences” (Brooklyn Law School Symposium on “Statutory Interpretation: How Much Work Does Language Do?”) (November 2010)

“Ely at the Altar: Political Process Theory Through the Lens of the Marriage Debate,” Workshops at Stanford Law School (July 2010) and the University of North Carolina Law School (March 2010)

“Marriage Movements,” University of San Francisco Law Review Symposium on “The Future of Same-Sex Marriage” (February 2010)

“Digitally Democratizing Congress,” Boston University Law School Symposium on “The Most Disparaged Branch: The Role of Congress in the 21st Century” (April 2009) and Emory Law School Faculty Workshop (March 2009)

“Courts and the Politics of Backlash: Marriage Equality Litigation, Then and Now,” Conference on the New Legal Realism, University of Wisconsin Law School, Workshops at University of Michigan Law School, University of Minnesota Law School and Stanford Law School, and Conference on “Loving By Law: Forty Years Since Loving v. Virginia, UC-Berkeley School of Law

“Conceptions of Democracy in Public Law,” Queens University School of Law (March 2007)

“Sexual Orientation, Social Change and the Courts,” for Drake University Constitutional Law Center Symposium on “The Role of Courts in Social Change” (April 2006)

“Unenumerated Democracy: Lessons from the Right to Vote,” University of Pennsylvania Journal of Constitutional Law Symposium on “The Future of Unenumerated Rights” (February 2006)

“Political Accountability, Proxy Accountability and the Democratic Legitimacy of Legislatures,” Faculty Workshops at University of Texas Law School (January 2006), Stanford Law School (October 2005) and Cornell and University of Wisconsin Law Schools (April 2005)

“Sexuality Debates and Democracy,” Symposium on Wisconsin’s Proposed Constitutional Amendment to Define Marriage and Prohibit Civil Unions,” University of Wisconsin Law School (February 2005)

“Judicial Review of Direct Democracy,” AALS Annual Meeting, Workshop on Democratic Governance (January 2005)

“Ely and the Idea of Democracy” (Stanford Law School Symposium to memorialize John Hart Ely) (April 2004)

“Lawrence v. Texas and the Constitution’s Democratic Aspirations,” Temple Political & Civil Rights Review Symposium “Vision and Revision: Exploring the History, Evolution and Future of the Fourteenth Amendment” (November 2003) and at University of Wisconsin Law School Faculty Workshop (February 2004)

“Some Dilemmas of Academic Feminism,” Feminism and Legal Theory, 20th Workshop (June 2003)

“Statutory Interpretation,” presentation on current research to National Conference of State Legislatures, Legal Services Staff Section (October 2002)

“The Politics of Legislative Drafting: A Congressional Perspective,” Faculty Workshops at University of Pennsylvania Law School (April 2001) and University of Iowa Law School (March 2001)

“Statutory Interpretation and Theories of the Political Process,” AALS Annual Meeting, Section on Legislation, (January 2001)

“Democracy and Constitutionalism,” Conference on Constitutionalism in the Contemporary Age, University of Wisconsin Law School (September 2000)

“Democracy, Equality and Sexual Orientation: Lessons from Vermont,” George Washington University President’s Millennium Seminars on Promoting Democracy (February 2000)

“Teaching Legislation Through a Legislative Process Perspective,” AALS Annual Meeting, Section on Legislation (January 2000)

“Taking the Intersexional Imperative Seriously: The Case of Marriage Reform,” University of Denver College of Law Symposium on “Intersexuality,” (February 1998)

“Interpretation in Direct Democracy,” AALS Annual Meeting, Section on Legislation (January 1998)

“The Confounding Common Law Originalism in Recent Supreme Court Statutory Interpretation: Implications for the Legislative History Debate and Beyond,” Legal Theory Workshop, University of Michigan Law School (November 1997) and Faculty Workshop, Cornell Law School (October 1997)

“Romer v. Evans and Democracy’s Domain,” Vanderbilt University Law School’s Symposium on Defining Democracy in the Next Century (October 1996)

“Culture, Skepticism and the Gay Civil Rights Debate in a Post-Civil Rights Era,”
University of Chicago Law School Feminist Legal Theory Workshop (April 1996)

“The Pursuit of Popular Intent,” Harvard Law School Faculty Workshop (February 1995)
and University of Wisconsin Law School, Institute for Legal Studies Colloquium (April
1995)

“Metademocracy,” University of Wisconsin Law School, Institute for Legal Studies
Colloquium (April 1994)

“The Gay Civil Rights Debate in the States,” Harvard Civil Rights-Civil Liberties Law
Review Symposium on the 25th Anniversary of Stonewall, Harvard Law School and
University of Wisconsin-Madison Speakers' Series on "Lesbigay Research at UW-
Madison" (April 1994)

“Courts, Legislatures and Administrative Agencies,” Conference on Effective and Ethical
Practice, Madison, WI (October 1993)

PROFESSIONAL ACTIVITIES AND ASSOCIATIONS

Advisory Board, SSRN Journal on Legislation and Statutory Interpretation

Chair, AALS Section on Sexual Orientation and Gender Identity Issues (2003)

Chair, AALS Section on Legislation (2002)

Co-Chair, Planning Committee, AALS Professional Development Workshop on Sexual
Orientation, Law Schools and the Law (October 1996)