

JANET COOPER ALEXANDER

Stanford Law School

Stanford CA 94305

(650) 723-2892

(650) 906-7581

EMPLOYMENT

STANFORD LAW SCHOOL, 1987-

Frederick I. Richman Professor of Law, 2002-2014; emerita, 2014-

Professor of Law, 1994-2002, Justin M. Roach, Jr. Faculty Scholar, 1998-2002

Principal Investigator, Stanford Center on Conflict and Negotiation, 1994-2002

*Subjects:* Federal Courts, Multiparty Litigation, Advanced Civil Procedure, Terrorism and the Courts, The Civil Jury, Civil Procedure, Conflict and Dispute Resolution

TOIN UNIVERSITY OF YOKOHAMA, Yokohama, Japan. Visiting Professor, 1998

MORRISON & FOERSTER, San Francisco, California, 1982-87 (partner from 1984)

CALIFANO, ROSS & HEINEMAN, Washington, D.C. Associate, 1980-82

JUDICIAL CLERKSHIPS

THE HONORABLE THURGOOD MARSHALL, United States Supreme Court, 1979 Term

THE HONORABLE SHIRLEY M. HUFSTEDLER, United States Court of Appeals for the Ninth Circuit, 1978-79

EDUCATION

UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW (BOALT HALL), J.D. 1978

Order of the Coif

California Law Review, 1976-78, Head Articles Editor, 1977-78

Industrial Relations Law Journal, 1975-76

STANFORD UNIVERSITY, M.A., English 1973.

Doctoral study in English and American literature, 1968-71

Teaching assistant, Freshman English, 1969-71

Taught Senior Colloquium: MOBY-DICK, 1969

SWARTHMORE COLLEGE, B.A. with Distinction, English Literature, 1968

Phi Beta Kappa

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PUBLICATIONS

*Shirley Mount Hufstедler, Pioneer*, 69 STANFORD LAW REVIEW 623 (2017)

*The Law-Free Zone and Back Again*, 2013 UNIVERSITY OF ILLINOIS LAW REVIEW 551  
(2013)

*To Skin a Cat: Qui Tam Actions as a State Legislative Response to Concepción*,  
46 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 1203 (2013)

*Military Commissions: A Place Outside Law's Reach*, 56 SAINT LOUIS UNIVERSITY LAW  
JOURNAL 1115 (2012)

*John Yoo's War Powers: The Law Review and the World*, 100 CALIFORNIA LAW REVIEW 331  
(2012)

*Jurisdiction-Stripping in a Time of Terror*, 95 CALIFORNIA LAW REVIEW 1193 (2007)

*Jurisdiction-Stripping in the War on Terrorism*, 2 STANFORD JOURNAL OF CIVIL  
RIGHTS AND CIVIL LIBERTIES 259 (2006)

*Procedural Design and Terror Victim Compensation*, 53 DEPAUL LAW REVIEW 627 (2003)

*An Introduction to Class Action Procedure in the United States*, available at  
<http://www.law.duke.edu/grouplit/papers/classactionalexander.pdf>, from  
Conference, Group Litigation in Comparative Perspective, Geneva, Switzerland,  
July 21-22, 2000

*Class Actions for Consumer Protection*, in Consejo General del Poder Judicial (Judicial  
Conference of Spain) y Instituto Nacional de Consumo, Ministerio de Sanidad y  
Consumo (National Institute for Consumer Affairs, Spanish Ministry of Health and  
Consumer Affairs), JUSTICIA & PROTECCION DE LOS CONSUMIDORES (published in  
English and in Spanish translation) (2000)

*The Administration of Justice in Commercial Disputes: Developments in the United States*, in  
CANADIAN INSTITUTE FOR THE ADMINISTRATION OF JUSTICE, THE  
ADMINISTRATION OF JUSTICE IN COMMERCIAL DISPUTES (1999).

*Contingency Fees and Class Actions*, 47 DEPAUL LAW REVIEW 347 (1998)

"Methodology and the Merits," American Bar Association, Torts and Insurance Practice  
Section, 1997 Annual Meeting program materials

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*The Agency Problem: Some Procedural Suggestions*, in Symposium, Civil Justice and the Litigation Process: Do the Merits and the Search for Truth Matter Anymore? 41 NEW YORK LAW SCHOOL LAW REVIEW 359 (1997)

*Rethinking Damages in Securities Class Actions*, 48 STANFORD LAW REVIEW 1487 (1996)  
Reprinted in 1998 SECURITIES LAW REVIEW  
Selected as one of the ten best corporate and securities articles of 1997 and reprinted in CORPORATE PRACTICE COMMENTATOR (1998)  
Translated and reprinted in Korean by the Korea Center for Free Enterprise (2004)

*The Value of Bad News in Securities Class Actions*, 41 UCLA LAW REVIEW 1421 (1994)  
Reprinted in 1995 SECURITIES LAW REVIEW  
Selected as one of the best corporate and securities articles of 1995 and reprinted in CORPORATE PRACTICE COMMENTATOR (1996)

*Judges' Self-Interest and Procedural Rules: Comment on Macey*, 23 JOURNAL OF LEGAL STUDIES 647 (1994)

*The Lawsuit Avoidance Theory of Why Initial Public Offerings Are Underpriced*, 41 UCLA LAW REVIEW 17 (1993)  
Selected as one of the best corporate and securities articles of 1993 and reprinted in CORPORATE PRACTICE COMMENTATOR (1994)

*Unlimited Shareholder Liability Through a Procedural Lens*, 102 HARVARD LAW REVIEW 387 (1992)  
Translated and reprinted in Chinese by Law Press China, 2004

*TM*, 44 STANFORD LAW REVIEW 1231 (1992)

*Do the Merits Matter? A Study of Settlements of Securities Class Actions*, 43 STANFORD LAW REVIEW 497 (1991)  
Reprinted in 1992 SECURITIES LAW REVIEW.  
Translated and reprinted in Korean by the Korea Center for Free Enterprise (2004).

Editor, TRIAL EVIDENCE COMMITTEE OF THE SECTION OF LITIGATION, AMERICAN BAR ASSOCIATION, THE ATTORNEY-CLIENT PRIVILEGE AND THE WORK-PRODUCT DOCTRINE (ABA Press, 1983)

Note, *Daly v. Superior Court: Immunity Orders for Discovery in Private Civil Litigation*, 66 CALIFORNIA LAW REVIEW 233 (1978)

SELECTED ACADEMIC AND PROFESSIONAL ACTIVITIES

INVITED LECTURES, PRESENTATIONS AND TESTIMONY

- “A Qui Tam Legislative Response to *Concepcion*,” Bay Area Civil Procedure Forum, November 6, 2013
- “Potential Legislative Responses to *Concepción*,” Symposium, University of Michigan Journal of Law Reform, Ann Arbor, Michigan, March 15-16, 2013
- “From Law-Free to Legalization: Inventing Forms of Adjudication in the War on Terror,” Childress Lecture Symposium, Saint Louis University Law School, St. Louis, Missouri, November 11, 2011
- Panelist, “Compensating Victims of Terrorism,” 2009 ABA Section of International Law Spring Meeting, Washington, D.C., April 15, 2009
- “Winging It: Creating New Procedural Systems for a Time of Terror,” Symposium: Dispute Systems Design Across Contexts and Continents, Harvard Negotiation Law Review, Cambridge, Massachusetts, March 7-8, 2008
- “Executive Power and Judicial Review in the War on Terrorism,” Symposium, The War on Terrorism: What Are the Roles of Congress, the President, and the Courts?, Pepperdine University, January 19, 2007
- “Jurisdiction-Stripping in a Time of Terror,” Symposium in Honor of Paul Mishkin, University of California, Berkeley, Law School, October 27-28, 2006
- “Large-Claim Class Actions,” 2006 UCLA Law Review Symposium, Emerging Issues in Class Action Law, UCLA Law School, Jan. 27, 2006
- “Jurisdiction-Stripping Goes to GWOT,” Federal Courts Section Program, 2006 AALS Annual Meeting, Washington, D.C., January 5, 2006
- “Procedural Design and Terror Victim Compensation,” Ninth Annual Clifford Symposium on Tort Law and Social Policy, DePaul University College of Law, Chicago, April 25, 2003
- “Class Action Practice and Procedure in the United States,” Conference, Debates Over Group Litigation in Comparative Perspective, Duke University and University of Geneva, Geneva, Switzerland, July 21-22, 2000

“Consumer Class Actions for Consumer Protection in the United States,” Conference on Justicia y Proteccion de los Consumidores, organized by the Ministerio de Sanidad y Consumo (Spanish Ministry of Health and Consumer Affairs) and the Consejo General del Poder Judicial (Judicial Conference), Madrid, Spain, October 30, 1998

Panelist, “ADR: A Cure for Litigation?” Stanford Law School, October 6, 1998

“A Middle View of Dispute Resolution in the United States Court System,” Principal Speaker, Colloquium, Comparison of Dispute Resolution in Japan and the United States, Tooin University, Yokohama, Japan, June 29, 1998

“American Justice and Law,” Tooin University of Yokohama, Japan, June-July 1998

Keynote Speaker, “The Administration of Justice in Commercial Disputes: Developments in the United States,” Canadian Institute for the Administration of Justice Annual Conference, Toronto, Canada, October 15-18, 1997

“The Impact of the Private Securities Litigation Reform Act and Alternative Directions,” Torts and Insurance Practice Section, American Bar Association Annual Meeting, San Francisco, California, August 5, 1997

“Contingency Fees and Class Action Litigation,” Third Annual Clifford Seminar on Tort Law and Social Policy, DePaul University School of Law, Chicago, April 4-5, 1997

“Class Action Litigation and the Merits,” Conference on Civil Justice and the Litigation Process, The Federalist Society, Washington DC, September 12, 1996

“Rethinking Damages in Securities Class Actions”  
Law and Economics Seminar, Stanford University, February 9, 1996  
Law and Economics Seminar, University of Chicago Law School,  
February 13, 1996

Testimony on securities fraud litigation before the Subcommittee on Telecommunications and Finance, Committee on Energy and Commerce, U.S. House of Representatives, August 10, 1994

Commentator, “Liability Reforms: Causes and Economic Impacts,” Conference on Growth and Development: The Economics of the 21st Century, Stanford Center for Economic Policy Research, Stanford, June 4, 1994

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Keynote Speaker, "Remembering Thurgood Marshall," University of California, San Diego Forum on the Life and Career of Thurgood Marshall, April 27, 1993

"Judicial Preferences and Procedural Rules: A Response to Professor Macey," Conference on Economic Analysis of Civil Procedure, John M. Olin Program in Law and Economics, University of Virginia, March 16-17, 1993

Commentator, "Reactive Devaluation in Negotiation and Conflict Resolution," SCCN-NIDR Conference on New Theoretical Perspectives on Dispute Resolution, Stanford University, February 19, 1993

"Shareholder Litigation and Corporate Disclosure Strategies," National Investor Relations Institute Spring Conference, San Francisco, California, June 8, 1992

"Developments in Securities Class Action Litigation: Settlement," Stanford Law and Business Society Forum, San Francisco, California, July 23, 1991

Principal speaker, "Why Do Securities Class Actions Settle?" Forum on Securities Class Actions, Stanford Law and Business Society, Stanford, California, May 8, 1991

"Do the Merits Matter? Settlements in Securities Class Actions"  
Law and Economics Seminar, Harvard University Law School, April 30, 1991  
Law and Economics Seminar, University of California, Berkeley School of Law, April 25, 1991  
Seminar, Stanford Center on Conflict and Negotiation, April 1990

Keynote speaker, "A Tribute to Justice Thurgood Marshall," Third Annual Justice and Humanity Awards, Legal Aid Society of San Diego, February 2, 1991

"Women in the Law: An Assessment and an Agenda," Presidential Symposium on Women in the Professions, Scripps College, Claremont, California, November 14, 1990

Panelist, "An Appellate Argument: Shopping for a Tort Theory," American Bar Association, Section of Litigation 14th Annual Fall Meeting, October 6, 1989

Moderator and Program Chair, "Civil Rights Litigation: The Bicentennial and Beyond," 1987 Annual Meeting, Section of Litigation, American Bar Association

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PROFESSIONAL CONFERENCES AND LAW REFORM

Federal Courts Section, American Association of Law Schools  
Executive Committee, 2007-  
Prize Committee, 2013, 2014, 2015  
Chair, 2006  
Annual Meeting Program Chair, 2005

Senior Commentator, First Annual Civil Procedure Workshop,  
Seattle University School of Law, July 16-17, 2015

Senior Commentator, Seventh Annual Junior Faculty Federal Courts Workshop,  
University of Georgia, Athens, Georgia, October 9-11, 2014

Moderator, "Class Actions vs. Mass Actions," Symposium, *A Complicated Cleanup: The BP Oil Spill Litigation*, Stanford Journal of Complex Litigation, Stanford CA May 7, 2014

Roundtable, Third Party Litigation Financing of Commercial Litigation, Stanford Center on the Legal Profession, January 23, 2014

Discussant, Corporate Governance Panel, Seventh Annual Conference on Empirical Legal Studies, Stanford Law School, November 9-10, 2012

Senior Mentor, Fourth Annual Federal Courts Junior Faculty Forum, Florida International University, Miami, Florida, February 4-5, 2012

Commentator, Civil Procedure and Dispute Resolution, Stanford/Yale Junior Faculty Forum, Stanford, California, June 24-25, 2011

Moderator, "The Judicial Function," Junior Federal Courts Faculty Workshop, American University Washington College of Law, Washington D.C., April 4, 2008

Consultant, Federal Rules of Civil Procedure restyling project (Rules 17-25), 2005

Moderator, "Class Action Reform," 2006 Stanford Law Review Symposium, The Civil Trial: Adaptation and Alternatives, Stanford Law School, February 5, 2005

Conference, Designing Victim Compensation Programs, Stanford Law School and Stanford Center on Conflict and Negotiation, Stanford, California, April 12, 2002

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Moderator, Symposium: Shifting the Balance of Power? The Judiciary, Federalism and State Sovereign Immunity, Stanford Law Review, Stanford Law School, February 5, 2001

Conference on Mass Tort Class Actions, convened by Advisory Committee on the Civil Rules of the Judicial Conference of the United States, University of Pennsylvania, October 1999

Conference, Working Group on Mass Tort Class Actions, convened by the Advisory Committee on the Civil Rules of the Judicial Conference of the United States, April 1998

Group Reporter, Conference on the Implementation of the Civil Justice Reform Act of 1991, American Bar Association and the University of Alabama Law School, Tuscaloosa, Alabama, April 1997

Meetings between U.S. and Russian experts on Russian shareholder rights and remedies, convened by the U.S. Securities and Exchange Commission at the request of the Russian government, Washington DC, December 2-5, 1996 (one of two non-SEC U.S. delegates invited to participate in all sessions)

Conferee, Research Conference on Class Actions and Related Issues in Complex Litigation, Institute of Judicial Administration, New York University School of Law, April 21-22, 1995

Co-Chair, 1987 Annual Meeting Program, American Bar Association, Section of Litigation

Chair, Committee on Special Publications, American Bar Association, Section of Litigation (1983-85); Chair, Monograph Series Committee, (1981-83)

Consultant, CALIFORNIA CONTINUING EDUCATION OF THE BAR, CALIFORNIA TRIAL OBJECTIONS (2d ed. 1984)



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#### PROFESSIONAL AFFILIATIONS

American Association of Law Schools

Chair, Federal Courts Section, 2006-07  
Executive Committee, 2007-  
Prize Committee, 2013, 2014, 2015  
Annual Meeting Program Chair, 2005-06

Member, Sections on Civil Procedure, Women and the Law

#### ADMITTED TO PRACTICE

California, 1978

District of Columbia, 1980

United States Supreme Court, 1987

United States Court of Appeals for the Eleventh Circuit, 2004

Eastern District of California, 1985

Northern District of California, 1982

Central District of California, 1978

#### UNIVERSITY AND COMMUNITY SERVICE

Stanford University

Judicial Panel, 2001-2005

Academic Senate, 2001-02

Swarthmore College

Alumni Council, 2001-04

Executive Committee, 2003-2004

Co-chair, College Advisory and Support Committee, 2003-04

Acting chair, 2003

Boalt Hall Alumni Association, University of California, Berkeley, Law School

Board of Directors, 1987-90

Castilleja School, Palo Alto, California

Leadership Council, 2002-2005

Athletic Council, 2002-2005

Castilleja School Association Board, 2002-03

Co-chair, Parent Education, 2002-03