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Stanford Law School
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ACADEMIC EXPERIENCE

William Nelson Cromwell Professor of Law, Stanford Law School, 2007-Present (Professor, 2006-2007; 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; State Constitutional Law; Statutory Interpretation; Direct Democracy; Constitutional Politics

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)

PUBLICATIONS

Books and Book Chapters

Cases and Materials on Constitutional Law (West Publishing 7th ed. 2025) (with D. Farber, W. Eskridge and the late P. Frickey) (co-editor, 5th, 6th and 7th editions and their supplements)

Cases and Materials on Sexuality, Gender Identity and the Law (West Publishing 7th ed. 2022) (with C. Ball, D. NeJaime and W. Rubenstein) (co-editor 3rd, 4th, 5th and 6th editions and their supplements)

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

Gauging Geduldig in the States: State Supreme Courts and Sex Equality Claims for Abortion Rights After Dobbs (forthcoming 2026 in Symposium Issue, Santa Clara L. Rev.)

'Quite Literally Our Job': Moore v. Harper and the Fragility of Judicial Federalism, 2025 Wis. Rev. 531 (2025)

Direct Democracy After Dobbs: Paradox, Irony and the Coming Recalibration, 2024 Ill. L. Rev. 1497

Polarization, Nationalization, and the Constitutional Politics of Recent State Supreme Court Elections, 2022 Wis. L. Rev. 1311 (2022)

Glimpses of Representation-Reinforcement in State Courts, 36 Const. Commentary 349 (2021)

Judicial Capacities, 2020 Wis. L. Rev. 293

Putting the Politics of 'Judicial Activism' in Historical Perspective, 2017 Sup. Ct Rev. (2018)

Obergefell's Audiences, 77 Ohio St. L. J. 1011 (2016)

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 SameSex 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 Equivalents, 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))

SERVICE

Selected Service at Stanford: University Search Committee for Law Dean, 2023-2024 and 2018-2019 (co-chair each time with former Provost Persis Drell); Appointments Committee (as Chair in 2020-2021 and as member numerous times between 2006-2020); Next Steps Committee (co-chair, 2023); Clerkship Committee (member, 2022-present); Committee on Community, Belonging and Well-Being (member, 2024-present)

Associate Dean for Curriculum, 2009-2013

Selected AALS Service: Chair, AALS Section on Sexual Orientation and Gender Identity Issues (2003); Chair, AALS Section on Legislation (2002)

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)