

JENNY S. MARTINEZ
Stanford University
Office of the Provost, Building 10
Stanford California, U.S.A. 94305
1-650-724-4075 ♦ jsmartinez@stanford.edu

CURRENT POSITION

Stanford University

Provost

October 2023-present

Professor of Law

Senior Fellow (by Courtesy) of Freeman Spogli Institute
for International Studies

Dean of Stanford Law School

& Richard E. Lang Professor of Law

April 2019-October 2023

Professor of Law & Warren Christopher Professor
in the Practice of International Law & Diplomacy

2011-2019

Associate Dean for Curriculum

2013-2016

Professor of Law

2009

Associate Professor of Law

2006

Assistant Professor of Law

2003

Chief academic and chief budget office of Stanford University. Professor of Law and Senior Fellow (by Courtesy) of Freeman Spogli Institute for International Studies. Faculty affiliate of Stanford Law School Neukom Center for the Rule of Law, Stanford Center on Democracy, Development and the Rule of Law, Stanford Center on International Security and Cooperation, and Stanford Center for Law and History. Areas of academic research include comparative constitutional law and international law.

EDUCATION

Harvard Law School, J.D. 1997

Honors: *magna cum laude*; Sears Prize; *Harvard Law Review*, Managing Editor

Yale University, B.A. History 1993

Honors: *cum laude*; distinction in the History major

PUBLICATIONS:

Books

THE SLAVE TRADE AND THE ORIGINS OF INTERNATIONAL HUMAN RIGHTS LAW (Oxford Univ. Press 2012)

Articles, Essays, Book Chapters, etc.

In Tribute: Justice Stephen G. Breyer: Stephen Breyer and the Spirit of Liberty, 136 HARV. L. REV. 13 (2022).

The Constitutional Allocation of Executive and Legislative Power over Foreign Relations: A Survey, in OXFORD HANDBOOK OF COMPARATIVE FOREIGN RELATIONS LAW (2019).

“Like the Pirate and The Slave Trader Before Him”: Precedent and Analogy in Contemporary Law and Literature (co-authored with Lisa Surwillo), 35 LAW & HISTORY 81 (2017).

Who’s Afraid of International and Foreign Law?, 104 CAL. L. REV. 1579 (2016) *The*

New Territorialism & the Old Territorialism, 99 CORNELL L. REV. 1387 (2014).

Human Rights & History, 126 HARV. L. REV. F. 221 (2013).

The Anti-Slavery Movement and the Rise of Non-government Organizations, in Oxford Handbook of International Human Rights Law (Oxford 2013)

Horizontal Structuring, in OXFORD HANDBOOK OF COMPARATIVE CONSTITUTIONAL LAW (Oxford 2012)

International Courts and the U.S. Constitution: Re-examining the History, 159 U. PENN. L. REV. 1069 (2011)

The Extraterritorial Constitution and the Rule of Law, 27 CONSTITUTIONAL COMMENTARY 527 (2011)

International Criminal Law at the Crossroads: The Impact of Judge Patricia Wald (Tribute), INT’L CRIM. L. REV. (2011).

Patricia McGowan Wald, in Yale Biographical Dictionary of American Law (Yale 2009)

Process and Substance in the “War on Terror”, 108 COLUM. L. REV. 1013 (2008).

Antislavery Courts and the Dawn of International Human Rights Law, 117 YALE L.J. 550 (2008).

Understanding Mens Rea in Command Responsibility from Yamashita to Blaskic and Beyond, 5 J. INT'L CRIM. JUSTICE 638 (2007).

Slave Trade on Trial: Lessons of A Great Human Rights Law Success, BOSTON REVIEW (Sept./Oct. 2007)

The Law of Torture, in TORTURE, HUMAN RIGHTS AND TERRORISM, Working Paper 17, Center for Latin American Studies, University of California at Berkeley (2007)

The Military Commissions Act and "Torture Lite": Something for a Great Nation To Be Proud of?, 48 HARV. INT'L L.J. ONLINE 58 (2007)

Inherent Executive Power: A Comparative Perspective, 115 YALE L.J. 2480 (2006)

Guilty Associations: Joint Criminal Enterprise, Command Responsibility, and the Development of International Criminal Law (co-authored with Prof. Allison Danner), 93 CAL L. REV. 75 (2005).

Enforcing the Decisions of International Tribunals in the U.S. Legal System, 45 SANTA CLARA L. REV. 877 (2005).

Book Review: The International Criminal Tribunal for the Former Yugoslavia: An Exercise in Law, Politics and Diplomacy, by Rachel Kerr (Oxford 2004), and *Justice in the Balkans: Prosecuting War Crimes in the Hague Tribunal*, by John Hagan (U. Chi. Press 2003), 99 AM. J. INT'L L. 523 (2005).

International Decisions: Hamdi v. Rumsfeld, 98 AM. J. INT'L L. 782 (2004).

Jose Padilla and the War on Rights, VIRGINIA QUARTERLY REVIEW (2004)

Towards an International Judicial System, 56 STAN. L. REV. 429 (2003).

Patricia Wald & Jenny Martinez, *Provisional Release at the ICTY*, in ESSAYS ON ICTY PROCEDURE AND EVIDENCE 231 (R. May, ed. 2001)

Newspaper Editorials and Letters to the Editor:

Breyer's Contribution to Our Legal System: Making the Law Practical, WASH. POST (Jan. 26, 2022)

US Justice Will Miss Ginsburg's Passion for Reasoned Argument, FINANCIALTIMES (September 18, 2020).

There are Two Ways to Look at Sovereignty, New York Times, Room for Debate: A Running Commentary on the News, The Opinion Pages (Dec. 6, 2012)

Acknowledge that Treaties are Laws, New York Times, Room for Debate: A Running Commentary on the News, The Opinion Pages (July 8, 2012)

The Mess Left Behind, New York Times, Room for Debate: A Running Commentary on the News, The Opinion Pages (March 31, 2009)

Flexibility with Truth Commissions, New York Times, Room for Debate: A Running Commentary on the News, The Opinion Pages (March 2, 2009)

Questions of Justice, New York Times (October 17, 2007) (with Jack Goldsmith, Charles Fried, and Jack Balkin)

The Real Verdict on Jose Padilla, Washington Post (August 17, 2007)

Curbing the Misuse of the Enemy Combatant Provision, Washington Post (July 6, 2007)
Liberties and Limits in the War on Terrorism, Washington Post (Jan. 6, 2004)

Commanders Can Be Held Liable for Actions of Subordinates; Prison Abuse, Miami Herald (Aug. 31, 2004) (co-authored with Allison Marston Danner)

Troubles at the Tribunal, Washington Post (July 3, 2001)

REPRESENTATIVE LITIGATION EXPERIENCE

Jesner v. Arab Bank, 138 S.Ct. 1386 (2018)

Co-counsel for petitioners in case concerning liability of corporations under the Alien Tort Statute (with Stanford Supreme Court Litigation Clinic).

Bond v. United States, U.S. Supreme Court, 572 U.S. 2111 (2014)

Counsel of record for *amici curiae* Legal Historians, concerning the scope of the Treaty Clause.

Mohamad v. Palestinian Authority, U.S. Supreme Court, 566 U.S. 449 (2012) Co-counsel for petitioners in case concerning scope of Torture Victim Protection Act (with Stanford Supreme Court Litigation Clinic).

Boumediene v. Bush, U.S. Supreme Court 553 U.S. 723 (2008) Counsel of record for *amicus curiae* the National Institute of Military Justice, addressing the applicability of the laws of war to the Guantanamo detainees

Rumsfeld v. Padilla, 124 S.Ct. 2711 (2004); *Padilla v. Rumsfeld*, 352 F.3d 695 (2nd Cir. 2003)

Lead counsel; argued in U.S. Supreme Court on behalf of Jose Padilla in case involving power of President to detain American citizens without trial as enemy combatants.

Padilla v. Rumsfeld (U.S. District Court, 2007)

Counsel in suit for damages for torture while in government custody, brought by alleged enemy combatant.

Al Marri v. Hanft, 487 F.3d 160 (4th Cir. 2007)

Counsel of record for *amicus curiae* brief for experts on the laws of war in cases concerning “enemy combatant” detained in the United States.

Hwang Geum Joo v. Japan, 332 F.3d 679 (D.C. Cir. 2003); 413 F.3d 45 (D.C. Cir. 2005)

Presented oral argument (on two occasions) in D.C. Circuit on behalf of *amici curiae* human rights organizations in support of “comfort women” sexually enslaved by Japan during World War II, in appeal in Alien Tort Claims Act suit.

Hamdan v. Rumsfeld, 415 F.3d 33 (D.C. Cir. 2005)

Counsel of record for *amicus curiae* brief in military commissions case on scope of the crime of conspiracy in international criminal law.

Medellin v. Dretke, 125 S.Ct. 2088 (2005)

Co-counsel for *amicus curiae* brief for human rights organizations and bar associations in case concerning U.S. compliance with decisions of the International Court of Justice.

PREVIOUS EMPLOYMENT

Yale University

Senior Research Fellow & Visiting Lecturer

February 2002-June 2003

Conducted independent research on international law. Taught lecture course on international human rights law and seminar on terrorism and civil liberties.

Jenner & Block LLC (Washington, D.C.)

Litigation Associate

November 2000-June 2003

Participated in trial and appellate litigation. Substantive areas of practice included constitutional law, international law, and antitrust. Argued *pro bono* international human rights appeal in the D.C. Circuit, wrote briefs, took depositions, managed discovery.

U.N. International Criminal Tribunal for the Former Yugoslavia (The Hague)

Associate Legal Officer, Chambers of Judge Wald

November 1999-October 2000

Legal research and writing. Assisted judges during daily trial sessions of defendants charged with genocide, crimes against humanity, and war crimes arising out of Bosnia.

U.S. Supreme Court (Washington, D.C.)

Law Clerk, Chambers of Justice Stephen Breyer

July 1998-July 1999

U.S. Court of Appeals for the Second Circuit (New Haven, CT)

Law Clerk, Chambers of Judge Guido Calabresi

July 1997-July 1998

MEMBERSHIPS & PROFESSIONAL SERVICE

Admitted to the Bar, California (active), Virginia (currently inactive) and Washington, D.C. (active)

Member, American Academy of Arts and Sciences (2020–present)

Member, American Law Institute (2015–present)

Member, American Bar Association Task Force on American Democracy (2023- present)

Member, U.S. State Department Advisory Committee on International Law (2009–2021)

VISITING INTERNATIONAL PROFESSORSHIPS

Paris Dauphine University (September 2017)

Stanford Bing Overseas Program in Madrid (Winter 2017)

Oxford University-GW Summer Program on International Human Rights (Summer 2009, 2014)

Peking University School of Transnational Law, Shenzhen (Summer 2013)