

## **SUSAN FRELICH APPLETON**

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### **Legal Positions**

Lemma Barkeloo and Phoebe Couzins Professor of Law, since 2000.  
Visiting Professor, Radzyner Law School, the Interdisciplinary Center, Herzliya, Israel, 2015.  
Vice Dean, Washington University School of Law, 2013-2014.  
Professor, Summer Institute for Global Justice, University of Utrecht, the Netherlands, 2011.  
Visiting Professor of Law, St. Louis University School of Law, spring, 2006.  
Associate Dean of Faculty, Washington University School of Law, 1998-2003.  
Professor, Washington University School of Law, since 1981.  
Associate Professor, Washington University School of Law, 1979-81.  
Assistant Professor, Washington University School of Law, 1975-79.  
Law Clerk, Hon. William H. Webster, U.S. Court of Appeals for the Eighth Circuit, 1973-75.

### **Honors**

Dukeminier Award for scholarly contribution to sexual orientation and gender identity law and policy, 2018.  
Israel Treiman Faculty Fellowship for 2012-2013.  
John S. Lehmann Research Professorship for 2009-2010.  
Triennial Alumni Distinguished Teaching Award, Washington University School of Law, 2004.  
Lemma Barkeloo and Phoebe Couzins Professorship, 2000 (inaugural recipient).  
Distinguished Faculty Award, Washington University Founders Day, 1993.  
MICDS Laurel Award (distinguished alumna award), 2004.

### **Scholarly Publications**

MODERN FAMILY LAW: CASES AND MATERIALS (casebook and accompanying Teacher's Manual, with D. Kelly Weisberg, Little Brown, Aspen, & Wolters Kluwer – multiple editions and supplements, including 6th edition, 2016).

ADOPTION AND ASSISTED REPRODUCTION: FAMILIES UNDER CONSTRUCTION (casebook, with D. Kelly Weisberg, Aspen Publishers, 2009).

*How Feminist Remade American Family Law (and How It Did Not)*, in RESEARCH HANDBOOK ON FEMINIST JURISPRUDENCE (Robin West & Cynthia Grant Bowman, eds. 2019).

*Obergefell's Liberties: All in the Family*, 77 OHIO STATE LAW JOURNAL 919 (2016) (invited contribution to colloquium on *Obergefell v. Hodges*, recipient of Michael Cunningham Prize, and republication in 17 DUKEMINIER AWARDS J. 1 (2018)).

*Doing Better for Child Migrants*, 17 WASHINGTON UNIVERSITY GLOBAL STUDIES LAW REVIEW 615 (2018) (response to article by Ann Laquer Estin).

*The Developing Brain: New Directions in Science, Policy, and Law*, 57 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 1 (2018) (introduction to symposium, co-authored with Deanna M. Barch & Anneliese M. Schaefer).

*Celebrating Masters and Johnson's Human Sexual Response: A Legacy in Limbo?* (with Susan E. Stiritz), 53 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 71 (2017) (essay celebrating Washington University School of Law's 150<sup>th</sup> Anniversary).

*How Feminism Changed American Family Law*, in *FEMINIST JURISPRUDENCE IN THE UNITED STATES AND ASIA: A TRANSPACIFIC DIALOGUE* (Cynthia Grant Bowman & Yu Xingzhong eds., 2017) (published in Chinese).

*The Joy of Sex Bureaucracy* (with Susan E. Stiritz), 7 *CALIFORNIA LAW REVIEW ONLINE* 49 (2016) (invited response).

*The Forgotten Family Law of Eisenstadt v. Baird*, 28 *YALE JOURNAL OF LAW & FEMINISM* 1 (2016).

*Going Wild: Law and Literature and Sex* (with Susan E. Stiritz), 69 *STUDIES IN LAW, POLITICS, AND SOCIETY* 11 (2016) (peer reviewed for special issue on feminist legal theory).

*Between the Binaries: Exploring the Legal Boundaries of Nonanonymous Sperm Donation*, 49 *FAMILY LAW QUARTERLY* 93 (2015) (invited contribution for special issue on assisted reproduction).

*Surrogacy and Windsor's Penumbra*, 90 *WASHINGTON LAW REVIEW ONLINE* 43 (2015) (invited response to symposium).

*Leaving Home? Domicile, Family, and Gender*, 47 *UC DAVIS LAW REVIEW* 1453 (2014) (invited article based on Brigitte Bodenheimer Lecture on Family Law).

*Restating Childhood*, 79 *BROOKLYN LAW REVIEW* 525 (2014) ("Restatement of . . ." symposium).

*Domicile and Inequality by Design: The Case of Destination Weddings*, 2013 *MICHIGAN STATE LAW REVIEW* 1449 ("In Search of Equality in Family Law" symposium).

*Gender and Parentage: Family Law's Equality Project in Our Empirical Age*, in *WHAT IS PARENTHOOD? CONTEMPORARY DEBATES ABOUT THE FAMILY* 237 (Linda McClain & Daniel Cere eds., NYU Press, 2013).

*Liberty's Forgotten Refugees? Engendering Assembly*, 89 *WASHINGTON UNIVERSITY LAW REVIEW* 1423 (2012) ("Engaging Liberty's Refuge" symposium).

*Illegitimacy and Sex, Old and New*, 20 *AMERICAN UNIVERSITY JOURNAL OF GENDER, SOCIAL POLICY & THE LAW* 347 (2012) ("The New 'Illegitimacy'" symposium).

*Reproduction and Regret*, 23 *YALE JOURNAL OF LAW & FEMINISM* 255 (2011).

*Sex Therapy in the Age of Viagra: "Money Can't Buy Me Love"* (with Susan E. Stiritz), 35 *WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY* 363 (2011) ("For Love or Money?" symposium).

*Exploring the Connections between Adoption and IVF: Twibling Analyses* (with Robert A. Pollak), 95 *MINNESOTA LAW REVIEW HEADNOTES* 60 (2011) (invited response).

*Parents by the Numbers*, 37 *HOFSTRA LAW REVIEW* 11 (2008) (invited article based on Sidney & Walter Siben Distinguished Professorship Lecture).

*Toward a "Culturally Cliterate" Family Law?*, 23 *BERKELEY JOURNAL OF GENDER, LAW & JUSTICE* 267 (2008).

*The Networked—Yet Still Hierarchical—Family*, 94 *VIRGINIA LAW REVIEW IN BRIEF* 31 (2008) (invited response).

*Power Couples: Lawmakers, Lobbyists, and the State of their Unions*, 24 WASHINGTON UNIVERSITY JOURNAL OF LAW AND POLICY 207 (with Robyn Rimmer) (“Following Marriage” symposium).

*Gender, Abortion, and Travel After Roe’s End*, 51 ST. LOUIS UNIVERSITY LAW JOURNAL 655 (“If Roe Were Overruled” symposium).

*Presuming Women: Revisiting the Presumption of Legitimacy in the Same-Sex Couples Era*, 86 BOSTON UNIVERSITY LAW REVIEW 227 (2006).

*Unraveling the “Seamless Garment”: Loose Threads in Pro-Life Progressivism*, 2 UNIVERSITY OF ST. THOMAS LAW JOURNAL 294 (2005) (“Can the Seamless Garment Be Sewn? The Future of Pro-Life Progressivism” symposium).

*Missing in Action? Searching for Gender Talk in the Same-Sex Marriage Debate*, 16 STANFORD LAW & POLICY REVIEW 97 (2005) (“Same-Sex Marriage” symposium).

*Contesting Gender in Popular Culture and Family Law: Middlesex and Other Transgender Tales*, 80 INDIANA LAW JOURNAL 391 (2005) (“Gender, Law, and Narrative” symposium).

*Adoption in the Age of Reproductive Technology*, 2004 UNIVERSITY OF CHICAGO LEGAL FORUM 393 (“The Public and Private Faces of Family Law” symposium).

*Gender Contests*, 5 JOURNAL OF GENDER SPECIFIC MEDICINE 11 (Sept./Oct. 2002).

*From the Lemma Barkeloo and Phoebe Couzins Era to the New Millennium: 130 Years of Family Law*, 6 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 189 (2001).

*“Planned Parenthood”: Adoption, Assisted Reproduction, and the New Ideal Family*, 56 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 85 (1999).

*Assisted Suicide and Reproductive Freedom: Exploring Some Connections*, 76 WASHINGTON UNIVERSITY LAW QUARTERLY 15 (1998).

*When Welfare Reforms Promote Abortion: “Personal Responsibility,” “Family Values,” and the Right to Choose*, 85 GEORGETOWN LAW JOURNAL 155 (1996).

*Standards for Constitutional Review of Privacy-Invasive Welfare Reforms: Distinguishing the Abortion-Funding Cases and Redeeming the Undue-Burden Test*, 49 VANDERBILT LAW REVIEW 1 (1996).

*Surrogacy Arrangements and the Conflict of Laws*, 1990 WISCONSIN LAW REVIEW 399.

*Stories of Surrogacy*, 24 FAMILY LAW QUARTERLY 205 (book review of LORI B. ANDREWS, BETWEEN STRANGERS: SURROGATE MOTHERS, EXPECTANT FATHERS, AND BRAVE NEW BABIES (1989)).

*The Feminization of Abortion*, 29 JURIMETRICS 349 (1989) (book review, with Barbara Flagg, of ROBERT D. GOLDSTEIN, MOTHER LOVE AND ABORTION: A LEGAL INTERPRETATION (1988)).

*More Thoughts on the Physician’s Constitutional Role in Abortion and Related Choices*, 66 WASHINGTON UNIVERSITY LAW QUARTERLY 499 (1988).

*Doctors, Patients and the Constitution: A Theoretical Analysis of the Physician's Role in "Private" Reproductive Decisions*, 63 WASHINGTON UNIVERSITY LAW QUARTERLY 183 (1985).

*Standards for Enjoining Teacher Strikes: The Irreparable Harm Test and Its Statutory Analogues*, 69 IOWA LAW REVIEW 853 (1984).

*Abortion*, in THE ENCYCLOPEDIA OF CRIME AND JUSTICE (S. KADISH ET AL. EDS. 1983).

*Beyond the Limits of Reproductive Choice: The Contributions of the Abortion-Funding Cases to Fundamental-Rights Analysis and to the Welfare-Rights Thesis*, 81 COLUMBIA LAW REVIEW 721 (1981).

*Growing up with Goldstein, Freud and Solnit*, 58 TEXAS LAW REVIEW 1343 (1980) (book review of JOSEPH GOLDSTEIN, ANNA FREUD, & ALBERT J. SOLNIT, BEFORE THE BEST INTERESTS OF THE CHILD (1979)).

*Professor Michelman's Quest for a Constitutional Welfare Right*, 1979 WASHINGTON UNIVERSITY LAW QUARTERLY 715.

*The Abortion-Funding Cases and Population Control: An Imaginary Lawsuit (and Some Reflections on the Uncertain Limits of Reproductive Privacy)*, 77 MICHIGAN LAW REVIEW 1688 (1979), republished in THE LAW AND POLITICS OF ABORTION (C. SCHNEIDER & M. VINOVSIS EDS. 1980).

*Alternative Schools for Minority Students: the Constitution, the Civil Rights Act, and the Berkeley Experiment*, 61 CALIFORNIA LAW REVIEW 858 (1973) (law-student work).

### **Works in Progress & Forthcoming**

*Domesticating the Fourteenth Amendment: Family Inequality and the Negative Constitution* (in progress).

*Dandridge v. Williams* (book chapter invited for FEMINIST JUDGMENTS: REWRITTEN FAMILY LAW OPINIONS, edited by Rachel Rebouché and forthcoming for Cambridge University Press).

### **Selected Additional Activities**

American Law Institute, member since 1987; Council, 1994-2016 (now emerita); Secretary, 2004-2013; Chair, Governance Committee, 2013-2016; Development Committee, since 2012; Executive Committee, 2004-2013; Nominating Committee, 2001-2013; Co-Chair, Inaugural Life Members' Class Gift, 2011-2012; Adviser, Model Penal Code: Sexual Assault, since 2015; Adviser, Children & the Law, since 2015; Members Consultative Group, Conflict of Laws, since 2015; Members Consultative Group, Student Sexual Misconduct: Procedural Frameworks for Colleges and Universities, since 2015; Adviser, Principles of the Law of Family Dissolution, 1994-2000.

Co-organizer, Multidisciplinary Conference on "The Developing Brain: New Directions in Science, Policy, and Law," Washington University School of Medicine, Sept. 26, 2017.

Co-Chair, Feminist Legal Theory Collaborative Research Network for Law & Society Annual Meeting, Honolulu, June 5-8, 2012 (organized 10 conference sessions & other activities, with Prof. Kathryn Abrams).

"Narratives of Law and Life: Using Film to Explore the State's Role in Constructing Identity," co-organizer (with Laura Rosenbury and Elizabeth Chen) of this interdisciplinary film series, supported by a Diversity & Inclusion Grant from the Washington University Office of the Provost, 2011-2012.

"Sexual Power, Then and Now," Program Notes for *In the Next Room or the vibrator play* by Sarah Ruhl, Repertory Theatre of St. Louis, March, 2011.

Member, Advisory Committee on Private International Law for the United States Department of State (representing Association of American Law Schools), 2009-2013.

Member, Board of Directors, American Bar Foundation, 2004-2014; Research Committee, 2004-2014 (chair, 2013-2014); Planning Task Force, 2006-2007; Orientation Committee, 2004-2008; Development & Grants Committee, 2008-2014; Special Committee on the Research Approval Process, 2013-2014.

Faculty Ombuds, Washington University (Danforth Campus), 2010-2012.

Executive Committee, Washington University Women, Gender, and Sexuality Studies Program, 2014-2018.

School of Law and University committees, including Faculty Senate Council: 2005-2008; Deans Transition Group, 2014-present; Promotions: 2005-2008, 2011-2012, & 2013-2014 & chair, 2007-2008; Faculty Appointments: chair, 2008-2009.

Member, Board of Directors, Planned Parenthood of the St. Louis Region & Southwestern Missouri, 1997-2006 & 2008-present; Secretary, 2003-2006; Executive Committee, 2003-2006 & 2008-present; Chair, Leadership & Governance Committee 2013.

Consultant, New Jersey Bioethics Commission (on surrogacy restrictions and conflict of laws), 1989.

#### **Speeches, Workshops, and Panels (recent)**

“Rewriting *Dandridge v. Williams*,” panel on Family Law and Feminist Opinions, Law & Society Meeting, Toronto, June 10, 2018.

“How Feminism Remade American Family Law (And How It Did Not),” panel on Non-Traditional Family Relationships, International Society of Family Law Meeting, Minneapolis, April 28, 2018.

“Domesticating the Fourteenth Amendment,” panel on Marriage, Race, Equality, and the Family, International Society of Family Law Meeting, Minneapolis, April 27, 2018.

“Higher Sex Education: Law, Theory, and Culture,” panel on Sexual Assault on Campus: Causes and Treatment, XXXVth International Congress on Law and Mental Health panel, Prague, Czech Republic, July 10, 2017.

“Reevaluating Gender Neutrality,” invited participant in roundtable discussion, Law & Society Meeting, Mexico City, June 22, 2017.

“*Obergefell*’s Liberties,” 2016 Association of American Law Schools Annual Meeting, Section on Family and Juvenile Law’s Panel on “Private vs. Public in Family Law,” New York, Jan. 9, 2016, and “Love and Prejudice Workshop,” Radzyner Law School, the Interdisciplinary Center, Herzliya, Israel, Dec. 21, 2015.

“The Forgotten Family Law of *Eisenstadt v. Baird*,” symposium on “Families-in Law: Setting New Agendas,” Radzyner Law School, the Interdisciplinary Center, Herzliya, Israel, Dec. 17, 2016.

“Assisted Reproductive Technologies and Family Law’s Enduring Foundations,” 2015 Association of American Law Schools Midyear Meeting on Shifting Foundations in Family Law: Family Law’s Response to Changing Families, Orlando, June 24, 2015 (invited speaker for plenary session on “Preparing Family Law for the Future”).

“How Feminism Changed American Family Law,” Conference on Feminist Jurisprudence in the United States and Asia: A Transpacific Dialogue, Fudan University, Shanghai, May 17, 2015 (invited speaker).

Roundtable on Feminist Legal Theory, Law & Society Meeting, Minneapolis, May 30, 2014 & Fordham Law School, New York, Dec. 16, 2013 (discussion of papers among invited authors for special issue of STUDIES IN LAW, POLITICS, AND SOCIETY).

“Leaving Home? Domicile, Family, and Gender,” Faculty Workshops at Boston University School of Law and University of Richmond T.C. Williams School of Law, Fall, 2013; International Society of Family Law Regional Conference, Brooklyn Law School, June 6-8, 2013; Annual Law & Society Meeting, Boston, May 30, 2013; American Bar Foundation Faculty Seminar, Chicago, April 24, 2013; Workshop on Politics, Ethics, and Society, Washington University, November 22, 2013.

“Law, Sex, Marriage, and Masters & Johnson,” American Association of Sexuality Educators, Counselors, and Therapists Summer Institute, Washington University, July 31, 2013.

“Geographic Inequality” at “In Search of Equality in Family Law” Conference at Michigan State University College of Law, April 12, 2013.

“Sexual Power, Then and Now,” at “What’s Happening in the Next Room? A Symposium on Sarah Ruhl’s Play About Hysteria, Vibrators, and Sexuality,” Washington University Performing Arts Department & Women Gender & Sexuality Studies Program, April 4, 2013.

“Leaving Home? Domicile, Family, and Gender,” Brigitte Bodenheimer Lecture on Family Law, UC Davis, School of Law, March 11, 2013.

“Ten Years Together: A Retrospective and Prospective Look at International and Domestic Adoption,” Diane Abbey Center for Children and Families, New York Law School, March 1, 2013.

“Restating Childhood,” at “Restatement of . . .” Conference, Brooklyn Law School, Jan. 25, 2013.

“Rereading Family Law: *Eisenstadt v. Baird* as Contested Icon,” Law & Society Annual Meeting, Honolulu, June 8, 2012; faculty workshop at UC Davis Law School, March 11, 2013; Gender, Law & Politics Colloquium, Boston University, October 31, 2013; and Loyola LA Law School, October 23, 2014.

“Sex Ed for Tomorrow’s Lawyers” (with Susan Stiritz), Law & Society Meeting, San Francisco, June 4, 2011.

“Illegitimacy and Sex, Old and New,” at the conference on “The New ‘Illegitimacy’: Revisiting Why Parentage Should Not Depend on Marriage,” American University Washington College of Law, Washington, DC, March 25-26, 2011.

“Reproduction and Regret,” Faculty Colloquium, University of Missouri School of Law, Columbia MO, March 4, 2011, and International Academy of Law & Mental Health, Berlin, July 18, 2011.

“‘Money Can’t Buy Me Love’: How Sex Therapy Became a Commodity in the Age of Viagra,” at “For Love or Money” Roundtable Conference, Center for the Interdisciplinary Study of Work and Social Capital, Washington University School of Law, March 27, 2010 and at Annual Meeting of International Society of Family Law & Midwest Family Law Consortium, UMKC Law School, June 5, 2010 (with Susan E. Stiritz).

Panelist, American Society of Legal History Annual Meeting, Dallas, November 13, 2009.

“Gender and Parentage: Family Law’s Equality Project in Our Empirical Age” at “What Is Parenthood?” Conference, University of Virginia (sponsored by Institute for American Values), October 16-18, 2008.

Participant, U.S. Law School Initiative, Center for Reproductive Rights, New York, June 16, 2008.

“Toward a ‘Culturally Cliterate’ Family Law?,” at the “Cultural & Legal Cliteracy” panel, Law & Society Annual Meeting, Berlin, July 28, 2007 (panel organizer and panelist) and at Inaugural Annual Midwest Family Law Conference, Indianapolis, June 13, 2008.

“Parentage by the Numbers: Why Should Two Always Do?,” Sidney & Walter Siben Distinguished Professorship Lecture, Hofstra University School of Law, April 23, 2008.

“Equalizing Family Law,” at the Family & Juvenile Law Section, Association of American Law Schools, Annual Meeting, New York, January 5, 2008.

“Two Kinds of Parents,” at the “Child Custody and Non-traditional Families” panel, 30th International Congress on Law & Mental Health, Padua (Italy), June 25, 2007 (panelist).

### **Courses Taught and Academic Interests**

Family Law, Adoption & Assisted Reproduction, Conflict of Laws, Parentage, and Regulating Sex: Historical & Cultural Encounters and Seminars on Reproductive Rights and Feminist Theories/Feminist Judgments.

### **Education**

A.B., 1970, Vassar College, with general honors, departmental honors in philosophy, and award for best senior thesis in philosophy.

J.D., 1973, University of California at Berkeley, Associate Editor of California Law Review, Order of the Coif, American Jurisprudence Awards in Family Law and Constitutional Law.