

SUSAN FRELICH APPLETON

Washington University School of Law in St. Louis
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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

Inaugural award from the Section on Family & Juvenile Law of the Association of American Law Schools for outstanding contributions and achievements in the field, 2021.
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

FAMILIES UNDER CONSTRUCTION: PARENTAGE, ADOPTION, AND ASSISTED REPRODUCTION (1st ed. 2009 & 2d ed. 2021) (casebook with D. Kelly Weisberg, published by Aspen Coursebook Series).

MODERN FAMILY LAW: CASES AND MATERIALS (casebook and accompanying Teacher's Manual, with D. Kelly Weisberg, published by Little Brown, Aspen, & Wolters Kluwer – 1st edition, 1998, through 6th edition, 2016).

Sex Positive Feminism's Values in Search of the Law of Pleasure, in THE OXFORD HANDBOOK OF FEMINISM AND LAW IN THE UNITED STATES (Deborah L. Brake, Martha Chamallas, & Verna Williams, eds., Oxford University Press 2023).

Reflections on "Personal Responsibility" after COVID and Dobbs: Doubling Down on Privacy (with Laura Rosenbury), 72 WASHINGTON UNIVERSITY JOURNAL OF LAW AND POLICY 129 (2023) (Nonmarriage Roundtable symposium).

Out of Bounds? Abortion, Choice of Law, and a Modest Role for Congress, 35 JOURNAL OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS 461 (2023) (invited contribution to constitutional and family law symposium).

Sexual Agreements (with Albertina Antognini), 99 WASHINGTON UNIVERSITY LAW REVIEW 1807 (2022) (Nonmarriage Roundtable symposium).

Dandridge v. Williams, in FEMINIST JUDGMENTS: FAMILY LAW OPINIONS REWRITTEN 62 (Rachel Rebouché ed., 2020).

Accountability, Eugenics, and Reproductive Justice, 100 BOSTON UNIVERSITY LAW REVIEW ONLINE 134 (2020) (online symposium).

Telling the Story of Justice Sandra Day O'Connor, 62 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 5 (2020) (book review, also published as *How One Glass Ceiling Was Broken*, THE COMMON READER, Nov. 20, 2019).

Teaching with Feminist Judgments: A Global Conversation, 38 LAW & INEQUALITY: A JOURNAL OF THEORY & PRACTICE 1 (2020) (invited collaborative work with multiple co-authors).

How Feminism 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 150th 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 (2007) (with Robyn Rimmer) (“Following Marriage” symposium).

Gender, Abortion, and Travel After Roe’s End, 51 ST. LOUIS UNIVERSITY LAW JOURNAL 655 (2007) (“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

ADVANCED INTRODUCTION TO FAMILY LAW (Edward Elgar Publishers forthcoming 2025).

Family Law Without Families/Families Without Family Law (with Albertina Antognini)

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, 2015-2022; Adviser, Children & the Law, 2015-2024; Members Consultative Group, Conflict of Laws, since 2015; Members Consultative Group, Student Sexual Misconduct: Procedural Frameworks for Colleges and Universities, 2015-2022; Adviser, Principles of the Law of Family Dissolution, 1994-2000.

Member, Board of Directors, Guttmacher Institute, since 2019; chair, Nominating & Governance Committee 2021-2023, & member of Strategic Positioning Task Force, 2022.

Co-organizer, Nonmarriage Roundtable, Washington University in St. Louis, Oct. 1, 2021 & Sept. 30, 2022.

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 Appointments Committee (chair, 2019-2020) and Promotion & Tenure (co-chair 2020-2021).

Member, Board of Directors, Planned Parenthood of the St. Louis Region & Southwestern Missouri (later, Planned Parenthood Great Rivers—MO), 1997-2006 & 2008-present; Secretary, 2003-2006; Executive Committee, 2003-2006 & 2008-2009; Chair, Leadership & Governance Committee 2013, 2020; Chair, Education Committee, 2022.

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

Speeches, Workshops, and Panels (selected)

“Trauma in the Classroom,” Panel on The Traumatized Family, International Academy of Law & Mental Health, XXXVIIIth Congress, Barcelona, Spain, July 22, 2024.

Kickoff speaker and discussion leader celebrating the completion of the Restatement of the Law on Children and the Law, Columbia University School of Law, Sept. 22, 2023.

“The Legal Landscape of Reproductive Rights and Justice—Past, Present, and Future,” lecture at Cottey College, Nevada, MO, April 13, 2023.

“An Updated Pregnancy Audit for Family Law,” Walter O. Weyrauch Distinguished Lecture in Family Law, University of Florida College of Law, Feb. 16, 2023.

“Out of Bounds? Abortion, Choice of Law, and a Modest Role for Congress,” AALS Conflict of Laws Section, AALS Annual Meeting, Jan. 7, 2023, & Workshop on Regulation of Family, Sex, and Gender, University of Chicago Law School, Feb. 8, 2023.

Supreme Court Roundtable, Institute for Law & Economic Policy, San Diego, Jan. 26, 2023.

“Celebrating Title IX as Sex Education,” Panel on Sexual Assault and Harassment on Campus: Title IX’s Changing Role, 50 Years of Title IX Celebration, Northwestern University, Evanston, IL, Oct. 28, 2022.

“The Gender and Race of Public Support in the United States,” Panel on COVID and the Family, International Academy of Law & Mental Health, XXXVIIth Congress, Lyon, France, July 5, 2022.

“Requiem for *Roe*,” talk given to multiple groups and in multiple venues, in anticipation of the Supreme Court’s ruling in *Dobbs v. Jackson Women’s Health Organization* and later in response to it, throughout 2022.

“Choice of Law and Abortion after *Roe*,” AALS Conflict of Law Section, AALS Annual Meeting, Jan. 9, 2022.

“Sexual Agreements,” panel on “Bodies in Law,” Law & Society Meeting, May 30, 2021 & “Challenging Assumptions” panel, Nonmarriage Roundtable, Oct. 1, 2021.

“#MeToo as Sex Education?,” panel on “The #MeToo Movement: Its Meaning, Potential, and Perils,” International Academy of Law & Mental Health, Rome, July 25, 2019.

“Domesticating the Fourteenth Amendment,” panel on “Class, Gender, & LGBTQ Equality Panel,” Law & Society Annual Meeting, Washington, DC, May 30, 2019.

“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,” 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 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, Nov. 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, Oct. 31, 2013; and Loyola LA Law School, Oct. 23, 2014.

“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).

“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), Oct. 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) & 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.

Courses Taught and Academic Interests

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

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.