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University of Wisconsin Law School
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Personal Background:

Born 1931, Atlanta, Ga.; lived in Michigan until 1941 and Southern California until 1951 before entering Stanford University. Resident of Madison, WI., since 1957. Married in 1954 to Jacqueline Macaulay, Ph.D., J.D. (she died, Jan. 2, 2000). Four children: Monica (b. 1955), John (b. 1962), Philip (b. 1965) & Laura (b. 1969).

Education: John Muir Junior College (Pasadena); A.B. 1952, Stanford University; LL.B. 1955, Stanford University.

Note Editor, Vol. 7, Stanford Law Review. Named Honored Review Alumnus for 1986, by the Editors of Vol. 38.

Professional Experience:

Law Clerk to Chief Judge William Denman, U.S. Court of Appeals, 9th Circuit, 1955-1956, San Francisco; Bigelow Teaching Fellow and Instructor, University of Chicago Law School, 1956-1957; Assistant, Associate and Full Professor, University of Wisconsin Law School, since 1957; Malcolm Pitman Sharp Hilldale Professor of the University of Wisconsin, 1984-2008; Foley and Lardner Bascom Professor of Law, 1991-93; Theodore W. Brazeau Professor of Law, July 1993-2008. Retired, Dec. 2008. Taught one class a semester 2008 - 2013.

Fellow, Center for Advanced Study in the Behavioral Sciences, Stanford, California, 1966-1967; Director, Chile Law Program of the International Legal Center, Santiago, August 1970-January 1972; Visiting Professor, Faculty of Law and Jurisprudence, State University of New York at Buffalo, September 1972-June 1973; Visitor, Centre for Socio-Legal Studies, Oxford University, Summer 1979; Scholar in residence, Faculty of Law, University of Western Australia, Perth, July, 1986; Visiting scholar, Faculty of Law, University of Toronto, Canada, September 1986; Visiting scholar, Centro de Estudos Sociais, Universidade de Coimbra, Coimbra, Portugal, January 1989.

Courses Taught: *Contracts I & II, Sociology of Law, Constitutional Law, Unfair Trade Practices, Restitution, Business Organizations, Legislation, Law and Social Change in Latin America, Psychology and the Law, Dispute Processing, and Contract Theory Seminar.*

Selected Publications and Papers:

- Macaulay, "Justice Traynor and the Law of Contracts," 13 *Stanford L.Rev.* 812-864 (1961).
- Macaulay, "Non-Contractual Relations and Business: A Preliminary Study," 28 *American Sociological Rev.* 55-69 (1963). (This article is reprinted in *The Canon of American Legal Thought* (David Kennedy & William W. Fisher III eds. Princeton U. Press 2006).
- Macaulay, *Law and the Balance of Power -- The Automobile Manufacturers and Their Dealers*, (Russell Sage Foundation 1966.)
- Macaulay, "Private Legislation and the Duty to Read -- Business by IBM Machine, the Law of Contracts and Credit Cards," 19 *Vanderbilt L. Rev.* 1051-1121 (1966).
- Lawrence M. Friedman & Stewart Macaulay, "Contract Law and Contract Teaching: Past, Present and Future," 1967 *Wisconsin L. Rev.* 805.
- Friedman & Macaulay, *Law and the Behavioral Sciences* (Bobbs-Merrill 1969).
- Macaulay and Walster, "Legal Structures and Restoring Equity," 27 *J. of Social Issues* 173-188 (1971).
- Macaulay, "The Standardized Contracts of United States Automobile Manufacturers," in 3-21 *International Encyclopedia of Comparative Law* 18-34 (1974).
- Friedman & Macaulay, *Law and the Behavioral Sciences* (2d ed., Bobbs-Merrill 1977).
- Macaulay, "Elegant Models, Empirical Pictures, and the Complexities of Contract," 11 *Law & Society Review* 507-528 (1977).
- Jacqueline and Stewart Macaulay, "Adoption for Black Children: A Case Study of Expert Discretion," in Rita James Simon, ed., *Research in Law and Sociology: An Annual Compilation of Research* (JAI Press 1978), pp. 265-318.
- Macaulay, "Lawyers and Consumer Protection Laws: An Empirical Study," 14 *Law & Society Review* 115-171 (1979).
- Macaulay, *Law Schools and the World outside Their Doors II: Some Notes on Two Recent Studies of the Chicago Bar*, 32 *Journal of Legal Education* 506 (1982).
- Macaulay, "Law and the Behavioral Sciences: Is There Any There There?" 6 *Law & Policy* 149-187 (1984).
- Macaulay, "An Empirical View of Contract," 1985 *Wisconsin Law Review* 465-482.
- Macaulay, "Private Government," in Lipson & Wheeler (eds.) *Law and Social Science*, (Russell Sage Foundation: 1986), pp. 445-518.
- Macaulay, "Images of Law in Everyday Life: The Lessons of School, Entertainment, and Spectator Sports," 21 *Law & Society Review* 185-218 (1987).
- Macaulay, "Popular Legal Culture: An Introduction," 98 *Yale Law Journal* 1545-1558 (1989).
- Macaulay, "Bambi Meets Godzilla: Contracts Scholarship and Teaching vs. State Unfair and Deceptive Trade Practices and Consumer Protection Statutes," 26 *Houston L. Rev.* 575 (1989).

Macaulay, "Long-Term Continuing Relations: the American Experience Regulating Dealerships and Franchises," in C. Joerges (ed.) *Franchising and the Law: Theoretical and Comparative Approaches in Europe and the United States*, at 179-237 (Nomos Verlagsgesellschaft 1991).

Macaulay, "The Reliance Interest and the World Outside the Law Schools' Doors." 1991 *Wisconsin Law Review* 247-91.

Macaulay, *Business Adaptation to Regulation: What Do We Know and What Do We Need to Know?* 15 *Law & Policy Quarterly* 259-270 (1993).

Macaulay, *Crime and Custom in Business Society*, 22 *Journal of Law and Society* 248 (1995).

Macaulay, Kidwell, Whitford & Galanter, *Contracts: Law in Action* (Michie & Co. 1995).

Macaulay, Friedman & Stookey, *Law & Society: Readings on the Social Study of Law* (W.W. Norton & Co. 1995).

Macaulay, *Organic Transactions: Contract, Frank Lloyd Wright and the Johnson Building*, 1996 *Wisconsin Law Review* 75.

Kenworthy, Macaulay & Rogers, *The More Things Change, the More They Stay the Same: Business Litigation and Governance in the American Automobile Industry*, 21 *Law and Social Inquiry* 631 (1996).

Macaulay, *Relational Contracts Floating on a Sea of Custom? Thoughts about the Ideas of Ian Macneil and Lisa Bernstein*, 94 *Nw. U.L. Rev.* 775 (2000).

Macaulay, *Almost Everything That I Did Want to Know About Contract Litigation: A Comment on Galanter*, 2001 *Wisconsin Law Review* 629.

Macaulay, *The Real and the Paper Deal: Empirical Pictures of Relationships, Complexity and the Urge for Transparent Simple Rules*, 66 *The Modern Law Review* 44 (2003). This paper is also included in *Implicit Dimensions of Contract: Discrete, Relational & Network Contracts*, David Campbell, Hugh Collins & John Wightman eds. (Hart Publishing Co. 2003).

Macaulay, Kidwell, Whitford & Galanter, *Contracts: Law in Action* (LexisNexis 2d ed. 2003).

Macaulay, *Freedom From Contract: Solutions in Search of a Problem?* 2004 *Wis. L. Rev.* 777.

Macaulay, *The New v. The Old Legal Realism: "Things Ain't What They Used to Be,"* 2005 *Wis. L. Rev.* 365.

Macaulay, *Klein and the Contradictions of Corporations Law*, 2 *Berkeley Business Law Journal* 119 - 133 (2005).

Macaulay, *Contracts, New Legal Realism, and Improving the Navigation of The Yellow Submarine*, 80 *Tulane L. Rev.* 1 (2006).

Macaulay, *Renegotiations and Settlements: Dr. Pangloss' Notes on the Margins of David Campbell's Papers*, 29 *Cardozo L. Rev.* 261-89 (2007).

Macaulay, Friedman & Mertz, *Law in Action: A Socio-Legal Reader* (Foundation Press 2007).

Stewart Macaulay and "Non-Contractual Relations in Business," in *Conducting Law and Society Research: Reflections on Methods and Practices* 14 (Halliday & Schmidt eds. Cambridge 2009).

Macaulay, Braucher, Kidwell & Whitford, *Contracts: Law in Action* (3d ed LexisNexis 2010).

Macaulay, *The Death of Contract: Dodos and Unicorns or Sleeping Rattlesnakes? in Law, Society, and History: Themes in the Legal Sociology and Legal History of Lawrence M. Friedman* 193 (Gordon & Horwitz eds. Cambridge Press 2011).

Macaulay, *Dodging the Worst of the Thorns of the Bramble Bush, an Introduction to a reissue of Llewellyn, The Bramble Bush: On Our Law and Its Study* (1930, 2012 Quid Pro Quo Books)

Macaulay & Mertz, *New Legal Realism and the Empirical Turn in Law in Law and Social Theory* (2d ed Banakar & Travers eds. Hart 2013).

Macaulay, Bill Whitford: *A New Legal Realist Seeking to Understand Law Outside the Law School's Doors*, forthcoming Temple L. Rev.

See also *Revisiting the Contracts Scholarship of Stewart Macaulay: On the Empirical and the Lyrical* (Braucher, Kidwell & Whitford, eds., Hart 2013). This book was reviewed by Professor Richard Brooks, 2013 Wis. L. Rev. 1299 - 1355. See, also, Elizabeth Warren, *Stewart Macaulay: A Few Personal Reflections*, 2013 Wis. L. Rev. 1295.

Awards:

Fellow, American Academy of Arts and Sciences, 1994.

Recipient of the Harry Kalven Prize, Law and Society Association, June 1995.

Outstanding Scholar Award, Fellows of the American Bar Foundation, February 2004.

Social Justice Center Legacy Award (with the late Jackie Macaulay) May 2009.

International Conference on Contracts, 2011 Lifetime Achievement Award.

Professional Organizations:

Member, Board of Advisors to the Reporter, Restatement (Second) Contracts, American Law Institute, 1962-1979.

Board of Trustees of the Law and Society Association, 1977-1980; 2004-2007.

Advisory Panel, National Science Foundation, Law and Sociology Program, 1980-1983.

Research Committee, American Bar Foundation, 1984- .

President-Elect, Law and Society Association, 1983-1985; President, Law and Society Association, 1985-1987; Past-President, Law and Society Association, 1987-89.

Commission on Behavioral and Social Sciences and Education, National Research Council, National Academy of Science, 1985-92.