Catherine T. Albiston
Professor of Law and Professor of Sociology
Executive Committee Member, Thelton E. Henderson Center for Social Justice
University of California, Berkeley (Boalt Hall School of Law)
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Friday Keynote Speaker

“Rights on Leave: The Family and Medical Leave Act in the Courts and the Workplace”

Catherine Albiston joined the Boalt Hall faculty in 2003. She teaches primarily in the Jurisprudence and Social Policy program, an interdisciplinary doctoral program focused on the study of legal and political institutions through the perspectives and methods of economics, history, sociology, political science, and philosophy. Albiston’s legal expertise is in employment law, with an emphasis on gender and work/family policy.

Following law school, Albiston clerked for Judge Susan Illston of the Northern District of California and practiced law at the Employment Law Center, a project of the Legal Aid Society of San Francisco. From 1995 to 1997, she held a Skadden Fellowship and litigated some of the first federal cases brought under the Family and Medical Leave Act. After completing her Ph.D., Albiston joined the law faculty at the University of Wisconsin, where she also held affiliate appointments in Sociology and Women’s Studies. In 2005, she was elected to the Board of Trustees of the Law & Society Association.

Albiston’s research addresses the relationship between law and social change through a variety of empirical projects. She is currently conducting a study of more than 200 public interest law firms that examines how funding sources and other environmental factors affect their strategy, structure, and mission. Her other work includes investigating how law affects normative bias against workers who use family leave, barriers to exercising mandatory leave rights, how litigation affects social movements and social change, judicial deference to institutionalized employment practices, and the politics and effects of unpublished opinion rules. In 2002, her work won the Law & Society Association Dissertation Prize, and she received honorable mention for the Law & Society Association Article Prize in 2001 and again in 2007.


Judi Bartfeld
Professor of Consumer Science
University of Wisconsin
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Friday Plenary Roundtable

“Margo Melli’s Influence on Shared Custody and Child Support Policy Lives On”

Margo Melli had a significant impact on child support policy in Wisconsin (and nationally), and her interest and expertise in child support has shaped the careers of several faculty and researchers at the Institute for Research on Poverty. In this roundtable, we present a
brief historical sketch of the state of child support policy and research when Margo first became interested, and trace a variety of changes, some of which were directly due to her influence. We then look forward, highlighting some thorny policy issues that will need to be tackled in the future, building off Margo’s insights. Panelists include Judith Bartfeld (Professor, Consumer Science), Patricia R. Brown (Senior Researcher, Institute for Research on Poverty), Maria Cancian (Professor, Public Affairs and Social Work) and Daniel R. Meyer (Professor, Social Work).

Judi Bartfeld is Professor of Consumer Science, Specialist with UW-Extension, Director of the IRP RIDGE Center for National Food and Nutrition Assistance Research, and an affiliate of the Institute for Research on Poverty. Her research has explored various aspects of child support policy including compliance with child support orders, the role of child support in offsetting the economic impacts of divorce, and the ways in which child placement and child support policy interact to impact the economic wellbeing of divorced parents and their children. Ongoing work examines the impact of child placement on parents’ economic wellbeing. She also has an active research agenda related to the causes and consequences of food insecurity, and is involved with a wide range of local, state and national initiatives in this area. As director of the IRP RIDGE Center, she establishes and oversees a USDA-funded research agenda and national grants program focused on food assistance programs. She received her doctorate in Social Welfare from the University of Wisconsin – Madison.

Bruce L. Beverly
Assistant Professor of Law
Duncan School of Law, Lincoln Memorial University
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“Teaching Objectivity: Questioning the Facts to Get to the Point”
Specifically, I find it extremely difficult for the family law student (and many lawyers) to extricate themselves from egregious fact patterns and be objective in their representation. Family Law generally causes a knee-jerk reaction in people who hear the story; where the facts are so outrageous as to shock the senses, we all tend to pick sides. The main strength of a seasoned family lawyer is the ability to withhold the emotional reaction to one-sided facts, to withhold judgment good and bad, in order to see through to the other side of the case. The best outcome of a case in the short term, may likely be a far more detrimental outcome to the client and the children in a domestic relations case in the long term. Further, in looking at the case law, appellate cases tend to be written in such a way as to support the decision of the court, stating facts which overwhelmingly bolster the majority opinion while leaving out important facts that only further investigation may reveal. Taking case law at face value often yields the improper results, and we as teachers miss valuable opportunities for real-world discourse. As an example, I would concentrate upon the truly bizarre case of Saavedra v. Schmidt, used in case books as an example of one of the weaknesses of the Uniform Child Custody Jurisdiction and Enforcement Act. The Texas Ct. set out facts which supported their decision, which under the circumstances supported their position, but failed to mention several facts which caused my class to back pedal in their assessment of the outcome. It would be my intention to discuss methods of teaching to raise these issues, and somehow reach this objectivity which is required of the practicing attorney.

Bruce L. Beverly is an Assistant Professor of Law at the Lincoln Memorial University-Duncan School of Law, teaching Domestic Relations and Torts. Prior to moving to Knoxville, he practiced family law litigation primarily in Ft. Worth, Texas, for over 17 years, where he is board certified as a family law specialist by the Texas Board of Legal Specialization. In addition to his busy litigation practice as a partner and solo practitioner in private practice, Professor Beverly has written and presented dozens of articles and papers on family law, law and technology and practical tips for lawyers, and he has co-authored three published books on direct and cross examination in family law cases.
Karen Bogenschneider
Rothermel-Bascom Professor of Human Ecology, UW-Madison
Family Policy Specialist, UW-Extension
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Saturday Plenary Panel

“Family Impact Seminars: Using Research to Build Better Public Policy for Families”

This presentation will feature the Family Impact Seminars—a series of presentations, discussions, and briefing reports that provide state policymakers with objective, high-quality research on timely topics that they identify. The Seminar goals are to encourage use of research in policy decisions; encourage policymakers to view policies through the lens of family impacts; and to provide opportunities for policymakers to develop relationships across party lines that can build common ground. The Family Impact Seminars were recently named a “Bright Idea” by the Harvard Innovations in American Government Awards Program as a proven, replicable, and cost-effective model for advancing evidence-based policy and overcoming partisan gridlock. Professor Marygold Melli was instrumental in launching the Seminars in Wisconsin beginning in 1992 and in establishing the national Family Impact Institute at UW-Madison/Extension in 1999 that provides training and support to 22 states across the country that are conducting Seminars in their state capitals.

Karen Bogenschneider is director of the Wisconsin Family Impact Seminars, a series of seminars, discussion sessions, and briefing reports for state policymakers. She also directs the Policy Institute for Family Impact Seminars that provides training and technical assistance to 27 states planning or conducting Seminars. Her book, *Family Policy Matters: How Policymaking Affects Families and What Professionals Can Do*, is in its second edition. Dr. Bogenschneider has raised almost $3 million to support her research and outreach. She holds a named professorship, the highest award given to professors at the University of Wisconsin-Madison. In 2010, she received the Extension Lifetime Achievement Award for Outstanding Contributions by an Extension Specialist from the National Family Life and Children State Extension Specialists. In 2008, she received the Engagement Award from the Board of Human Sciences of the National Association of State Universities and Land Grant Colleges and, in 2006, she was named a fellow of the National Council on Family Relations.

Dolores A Bomrad
Washington County Circuit Court Commissioner
Co-Director, Washington County Family Court Services
dolores.bomrad@wicourts.gov

“Domestic Abuse: A Crucial Issue for Family Law Education & Practice”
[co-presented with Perri Mayes and Korey Lundin]

Awareness of the dynamics of domestic abuse is essential to the practice, teaching, and making of family law. Domestic abuse is a pervasive problem in family cases. It is crucial for family lawyers to understand the dynamics and impact of domestic abuse in order to meet the client's legal needs, to know when to refer the client to non-legal resources, and to know what non-legal resources may be appropriate and available. This presentation will include discussion of the dynamics of domestic abuse and the impact it has on children. Information on research differentiating types of abuse, as well as screening for and recognizing abusive situations will be shared. The session will provide information to assist attorneys and attorney educators in how to best represent the client in court, and how to counsel and support the client in mediation and other out-of-court processes. Participants will have the opportunity to discuss the complex issues raised by this subject.

Dolores A. Bomrad has been a Washington County Circuit Court Commissioner, handling primarily family law cases, since 1991, and is Co-Director of Washington County Family Court Services. Her volunteer activities include co-chairing the Coordinating Committee for the Wisconsin Chapter of the Association of Family and Conciliation Courts, sitting on the Boards of Directors for the State Bar Family Law Section and the Wisconsin Inter-professional Committee on Divorce, taking a leadership role in the Washington County Domestic Violence Coordinated Community Response Team, and in the Washington County Supervised Visitation & Exchange
Collaborative. She is a member of the ABA Family Law Section, the State Bar Children & the Law Section, the Wisconsin Family Court Commissioners Association (former president), the Wisconsin Supreme Court Public Policy Advisory Committee (PPAC), and the PPAC Planning Sub-committee. Among other awards, she received the Washington County Child Abuse Prevention Blue Ribbon Awards in both 2002 and 2010.

Cynthia Grant Bowman  
Dorothea S. Clarke Professor of Law  
Cornell Law School  
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“Learning by Doing: Adding a Clinical Component to a Traditional Family Law Course”  
[Presented by Professor Elizabeth Mertz]

This paper will describe a clinical component recently added to the course in Family Law at Cornell Law School. Students who are either co-registered for or have previously taken Family Law receive an extra two credits for clinical work under the instructor’s supervision. Each student undertakes to represent at least one client, referred from Neighborhood Legal Services, from the initial client interview through drafting, filing and service of the many documents required for dissolution of marriage in New York State. In order to complete this work in one semester, we only take relatively simple divorces that will result in a default judgment. (In New York State, appointed counsel are available for custody matters and support can be obtained in a separate court without paying filing fees, so most of our clients will have orders in place concerning those matters if the couple has a child.) In addition to obtaining a divorce judgment on behalf of a client, students are required to staff a desk in the local family court for three hours every Friday afternoon, to assist persons filling out petitions for support, modification of support, or for violation of a support order.

Cynthia Grant Bowman is the Dorothea S. Clarke Professor of Feminist Jurisprudence at Cornell Law School. A graduate of Swarthmore College, she has a Ph.D. in political science from Columbia University and a J.D. from Northwestern University School of Law. She taught at Northwestern University School of Law from 1988-2006. She has published widely in family law and a variety of areas having to do with law and women, such as women in the legal profession, sexual harassment, child sex abuse, and the legal treatment of opposite-sex cohabiting couples. She is the author of Unmarried Couples, Law, and Public Policy, published by Oxford Univ. Press in 2010 and co-author of the West Publishing text Feminist Jurisprudence (4th ed. 2010).

Tonya L. Brito  
Professor of Law  
University of Wisconsin Law School  
tlbrito@wisc.edu

Program Co-chair, Panel Chair, and Presenter

“What We Talk About When We Talk About Matriarchy”  
This article takes on and critically evaluates the claim that a nascent Middle Class Matriarchy is emerging in post-recession U.S. society. Pointing to the progress that women have made in a number of domains, (e.g., education, workplace, family) alongside the declines that men have experienced, claims are being made (by, among others, author Hanna Rosin in her recently published book, The End of Men) that women are becoming the dominant sex. This article places its emphasis on the family and the relative position of men and women within families and the larger political economy. In so doing, the article unpacks the meaning of the term “matriarchy” and explores continuing societal anxieties surrounding single, female-headed households. The article begins its analysis from a historical perspective, examining earlier instances of “matriarchies” existing in other racial and economic subgroups in the United States. The article assesses the distinct features of those matriarchies, compares and contrasts them, and considers whether anything can be learned from those earlier experiences.

Tonya Brito serves on the faculty at University of Wisconsin Law School, where she teaches courses in Family Law, Children, Law & Society, and Adoption Law & Policy. Professor Brito received her A.B. with honors from Barnard College and her J.D. cum laude from Harvard Law
School. Professor Brito’s scholarship critically examines the intersection of family law and poverty law, focusing on how the welfare state regulates the family relationships of the poor. She has written on welfare law and policy’s impact on the development of family law, the experience of poor families in the child support system, and the image of motherhood in poverty discourse. Professor Brito’s most recent publication in this area, “Fathers Behind Bars: Rethinking Child Support Policy Towards Low-Income Noncustodial Fathers and their Families”, was published in the Spring 2012 issue of the JOURNAL OF GENDER, RACE AND JUSTICE. Additionally, Professor Brito serves as lead researcher of a multidisciplinary team exploring the role and impact of counsel in the context of child support enforcement proceedings. This multi-method, empirical project examines the relationship between the availability of legal counsel and outcomes for indigent individuals involved in the civil justice system. Professor Brito’s professional service focuses on advancing the interests of poor children and their families. She is an affiliate of the UW Institute for Research on Poverty and serves on the boards of the Wisconsin Council on Children and Families and the Center for Family Policy and Practice (CFFPP). On behalf of CFFPP, she drafted an amicus brief in 2011 in the Turner v. Rogers case pending before the United States Supreme Court. Her brief analyzed the child support enforcement system’s treatment of low-income noncustodial fathers and their families.

Patricia R. Brown
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University of Wisconsin-Madison Institute for Research on Poverty
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Friday Plenary Roundtable

“Margo Melli’s Influence on Shared Custody and Child Support Policy Lives On”
Margo Melli had a significant impact on child support policy in Wisconsin (and nationally), and her interest and expertise in child support has shaped the careers of several faculty and researchers at the Institute for Research on Poverty. In this roundtable, we present a brief historical sketch of the state of child support policy and research when Margo first became interested, and trace a variety of changes, some of which were directly due to her influence. We then look forward, highlighting some thorny policy issues that will need to be tackled in the future, building off Margo’s insights. Panelists include Judith Bartfeld (Professor, Consumer Science), Patricia R. Brown (Senior Researcher, Institute for Research on Poverty), Maria Cancian (Professor, Public Affairs and Social Work) and Daniel R. Meyer (Professor, Social Work).

Patricia Brown is a Senior Researcher at the UW’s Institute for Research on Poverty. Her primary interests are in the linking and merging of administrative data, and the use of administrative and survey data and research in the area of child support, including child support guidelines, child custody, and shared physical placement.

Beth Burkstrand-Reid
Assistant Professor
University of Nebraska College of Law
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“Abortion as an Act of ‘Good Motherhood’”
This Article theorizes women can simultaneously be “good mothers” as defined by dominant social standards, while choosing to have an abortion, regardless of whether these women have been pregnant or had children previously. Such a label runs counter to the fact that women who have abortions are seen as the prototypical non-mother.

By surveying legal, sociological, and psychological literature, this Article attempts to identify qualities possessed by “good” mothers today. This paper will show that in many circumstances pregnant women fulfill the social requirements of being a “good mother” when deciding to end a pregnancy. Thus, the condemnation of the women who have an abortion runs afoul of societal dictates regarding “good” motherhood and may, perhaps, even merit an unquestionably controversial examination of the potential value in reclaiming “mother” in the context of pro-choice advocacy.
Beth Burkstrand-Reid is an Assistant Professor at the University of Nebraska College of Law. Her research focuses on reproductive health, specifically how limits on abortion rights impact women’s non-abortion reproductive health choices. She also researches masculinity and fatherhood.

Gaylynn Burroughs
Clinical Visiting Assistant Professor
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“Mothering on the Margins”
Child welfare law prioritizes government intervention. It neither privileges parents' rights nor children's rights. Instead, it upholds the government's interest in regulating poor communities of color. Debate over the value of a "rights-based" framework within this area of the law obfuscate the very real impact of state intervention in the lives of poor people of color who operate within a space where "rights" do not hold the same practical or vernacular meaning as they do in wealthier communities. Drawing upon years of practice as an attorney for parents alleged to have abused or neglected their children, I will show how the child welfare system, including the family court process, provides the space for continued regulation of the reproductive, sexual, and familial lives of women of color, without real regard for improving the lives of the children it purportedly seeks to protect. In addition, I will show how state intervention is both the cause and effect of family vulnerability, posing special challenges to proposed problem-solving models of collaboration between the state and families involved in the child welfare system (like the family team conferencing model).

Gaylynn Burroughs is a Clinical Visiting Assistant Professor at Fordham Law School where she teaches the Social Justice Clinic, part of the Feerick Center for Social Justice. Professor Burroughs specializes in child welfare law and family defense. Prior to joining the Fordham Law School faculty, she was an attorney at The Bronx Defenders in the Family Defense Practice where she represented low-income and indigent parents and caregivers in child abuse and neglect proceedings, as well as related legal matters, in Family Court. Professor Burroughs received her J.D. from New York University School of Law in 2005.

Nina Camic
Clinical Associate Professor of Law and Senior University Faculty Associate
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Program Committee Member and Panel Chair

Nina Camic is Clinical Associate Professor of Law and a Senior University Faculty Associate. She is the former Director of clinic programs in health law, AIDS law, and, most recently, Family Law. She teaches courses in family law, juvenile law, torts, and professional responsibility. As an outgrowth of her clinical work in assisting families in crisis, Professor Camic has spent a considerable amount of time working with courts and attorneys to improve legal and social services to children and parents. She has lectured extensively both in the United States and abroad on such topics as the legal rights of parents and children, the role of family courts in resolving intra-family conflicts, and clinical legal education. Professor Camic has been appointed to the Board of Directors of the Children and the Law section of the Wisconsin State Bar.
Ann Cammett
Associate Professor of Law and Co-Director of the Family Justice Clinic
William S. Boyd School of Law, University of Nevada-Las Vegas
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“Welfare Queens & Deadbeat Dads: How Metaphor Shapes Poverty Law”

This article will interrogate the widespread use of metaphoric language by policymakers, which has deeply influenced the normative discourse of social welfare law generally and child support enforcement legislation specifically. Using the theoretical framework of Critical Metaphor Analysis, I conclude that punitive child support doctrine is generated and reinforced by powerful gender, race, and class biases, and serves to undermine the wellbeing of America’s low-income children.

Ann Cammett joined the faculty at the William S. Boyd School of Law in 2008 after a teaching fellowship at Georgetown University Law Center’s Domestic Violence clinic. Her scholarship explores legal issues at the nexus of race, gender, poverty, criminalization and the family, and she is a recognized expert on policy implications of incarcerated parents with child support arrears and other collateral consequences of criminal convictions. Professor Cammett previously served as a Skadden Fellow at New York’s Legal Aid Society, representing formerly incarcerated women facing civil sanctions. She later worked as a policy analyst providing technical assistance to government and community-based organizations with the development of model programs to facilitate more positive prisoner reentry outcomes. At Boyd she co-directs the Family Justice Clinic, a live-client clinic with a particular focus on serving low-income families of prisoners and those affected by the child welfare system and other forms of state intervention.

Maria Cancian
Professor and Letters and Science Associate Dean for the Social Sciences
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Friday Plenary Panel

“Margo Melli’s Influence on Shared Custody and Child Support Policy Lives On”

Margo Melli had a significant impact on child support policy in Wisconsin (and nationally), and her interest and expertise in child support has shaped the careers of several faculty and researchers at the Institute for Research on Poverty. In this roundtable, we present a brief historical sketch of the state of child support policy and research when Margo first became interested, and trace a variety of changes, some of which were directly due to her influence. We then look forward, highlighting some thorny policy issues that will need to be tackled in the future, building on Margo’s insights. Panelists include Judith Bartfeld (Professor, Consumer Science), Patricia R. Brown (Senior Researcher, Institute for Research on Poverty), Maria Cancian (Professor, Public Affairs and Social Work) and Daniel R. Meyer (Professor, Social Work).

Maria Cancian is Professor of Public Affairs and Social Work and an affiliate of the Institute for Research on Poverty and the Center for Demography and Ecology. Her research considers the relationship between public policies and changes in marriage, fertility and employment, with a focus on the implications of child support policy for the well-being of divorced and never-married families, the employment and income of women who have received welfare, and the impact of married women’s growing employment and earnings on marriage patterns and the inter- and intra-household distribution of income. Ongoing research projects consider the implications of multiple partner fertility for family organization and policy, as well as the interactions of the incarceration, child welfare and child support systems. Professor Cancian has been a Visiting Scholar at the Russell Sage Foundation, a Visiting Fellow at the Public Policy Institute of California, and spent 2010-11 as a W. T. Grant Foundation Distinguished Fellow in residence at the Wisconsin Department of Children and Families. She has served as Director of the Institute for Research on Poverty and Vice President of the Association for Public Policy Analysis and Management and serves as Associate Dean for Social Sciences in the College of Letters and Sciences. She received her doctorate in Economics from the University of Michigan.
**June Carbone**  
Edward A. Smith/Missouri Chair in Law, the Constitution, and Society  
University of Missouri-Kansas City School of Law  
carbonej@umkc.edu

Presenter, Planning Committee Member, and Panel Chair

“Is Marriage a Good Deal for Women?”

Women fought hard for recognition of equality in marriage. Equality has tended to be associated with the idea of sharing principles, including a presumption favoring equal division of marital property, recognition of the presumed equality of financial and non-financial contributions, and a preference for shared parenting. While a long standing feminist critique has questioned the application of shared custody preferences, there has been less examination of shared financial arrangements. This paper will review the debate inspired by publication of Hanna Rosin’s, *The End of Men*, consider the growing public commentary on the increase in the number of women who face potential spousal support obligations at divorce, and question whether sharing principles today include either class or gendered assumption that make marriage an increasing bad deal for many women, particularly the working class women likely to pair with men at the losing end of modern economic changes.

**June Carbone** is the Edward A. Smith/Missouri Chair of Law, the Constitution and Society at the University of Missouri at Kansas City. She previously served as Associate Dean for Professional Development and Presidential Professor of Ethics and the Common Good at Santa Clara University School of Law. Professor Carbone received her J.D. from the Yale Law School, and her A.B. from the Woodrow Wilson School of Public and International Affairs at Princeton University. She teaches Property, Family Law, Assisted Reproduction and Bioethics. Professor Carbone is the author of *From Partners to Parents: The Second Revolution in Family Law* (Columbia University Press, 2000), the third and fourth editions of *Family Law* with Leslie Harris and the late Lee Teitelbaum (Aspen, 2005, 2009), and *Red Families v. Blue Families* with Naomi Cahn (Oxford University Press, 2010).

**Dale Margolin Cecka**  
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“Abolish Anonymous Public Reporting to Child Protective Services”

All states allow the public to anonymously report suspicions of child abuse or neglect to a toll free central phone number. The caller may choose to remain anonymous – and is not assigned a numerical identification – without providing a reason for the need to be anonymous. If the report creates a suspicion of activity that meets the broad legal definition of abuse or neglect, the state is mandated to investigate the family, including visiting the home. However, an extensive examination of the policy and practices behind anonymous reporting indicates that it is widely unregulated and susceptible to abuse, without feasible penalties for false reporting. The possible repercussions of an anonymous phone call create costs to the family and society which do not outweigh the potential benefit.

Under the guise of protecting children, the law has developed in such a way that it infringes on the fundamental rights of parents and children. At the same time, anonymous reporting overburdens the system, causing us to overlook some child maltreatment that can be, and is otherwise, addressed through confidential and mandatory reporting. Given the severity of the rights and lives at stake, it is time to abolish anonymous public reporting of suspected child maltreatment.

**Dale Margolin Cecka** is Director of the University of Richmond Law School’s Family Law Clinic, and teaches and writes in the area of family law. Professor Cecka's scholarship focuses on child welfare issues, youth aging out of foster care, and the constitutional rights of parents, particularly those who are mentally disabled, in child protective proceedings. Prior to joining the Richmond Law faculty, Professor Cecka was a Skadden Fellow in the Juvenile Rights Division of the Legal Aid Society in New York, and then a Clinical Teaching Fellow at the St. John’s University School of Law. For her contributions in the area of family law generally, and foster
care specifically, Professor Cecka was awarded the FACES of Virginia Families Empowerment Award in 2009. She was recently a guest on National Public Radio to discuss foster parenting. Professor Cecka holds a B.A. with honors from Stanford University and J.D. from Columbia Law School, where she was a Harlan Fiske Stone Scholar.

Camille M. Davidson
Associate Professor and Associate Dean for Faculty Development
Charlotte School of Law
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“Reproductive Technology, Redefining Parenthood”

In January of 2011, an article “Meet My Real Modern Family” by Andrew Solomon appeared in Newsweek. The family includes six adults and four children. John, Andrew, Laura, Tammy and Blaine are the “parents” of four children Lucy, Oliver, Baby Blaine and George. The children were all a result of Assisted Reproductive Technologies. Currently, the unconventional family is large and happy. However, suppose the relationships between the adults begin to sour. Andrew’s partner John was the sperm donor for his co-worker Laura and her partner Tammy. John foreswore parental rights and Tammy adopted the children. Oliver and Lucy were born in 2001 and 2004 using IVF. Andrew (the author) had a friend Blaine, who was nearing the end of her childbearing age. She and Andrew decided to have a baby together. In 2003 using IVF, Blaine conceived Baby Blaine AND while pregnant, she met her new partner Richard. Andrew elected to establish paternity with Baby Blaine. In the meantime, Andrew and John married in England. The service was attended by Blaine (four months pregnant with Andrew’s baby) and her new partner Richard, Tammy and Laura. And, Tammy and Laura’s baby Oliver, for whom John was the sperm donor, was the ring bearer at the wedding. After their marriage, Andrew and John wanted a child of their own. So, as a favor, Laura opted to be the surrogate. Andrew’s sperm, a donated egg and IVF resulted in Baby George. In this paper I will discuss the legal implications of this family. John has a genetic connection to Lucy and Oliver but he has no legal connection as a sperm donor who waived parental rights. John has no biological connection to George but may have a legal connection in a jurisdiction that recognizes same sex parent adoption. Laura has no biological connection to George but she is the “mother” who carried the baby. And, can Baby Blaine have two fathers – Andrew and Richard? What are the legal consequences of using medical science to facilitate the creation of these children? Should the non-legal parents have any rights? Are more-than-two-parent families and other unusual family structures a good idea? Is this a moral principle or a matter of fact?

Camille M. Davidson teaches Health Law, Decedents’ Estates, Advanced Decedents’ Estates, and Property at the Charlotte School of Law. Prior to teaching she practiced law in the areas of estate planning and administration, and elder law. She also worked as a consultant for Mecklenburg County on children’s health issues and long term care issues and as an Assistant Counsel in the Office of the Legislative Counsel, United States House of Representatives where she drafted legislation in the areas of health law, small business and ERISA. Professor Davidson was a Rotary International Ambassadorial Scholar and pursued postgraduate studies at the University of Nairobi, Kenya. She has previously served on the Board of Metrolina Comprehensive Health Center. She is a graduate of Millsaps College in Jackson, Mississippi (BBA magna cum laude) and Georgetown University Law Center.

Jessica Feinberg
Assistant Professor of Law
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“Avoiding Marriage Tunnel Vision: Why the Same-Sex Marriage Movement Need Not and Should Not Undermine the Advancement of Non-Marital Relationship Recognition”

The LGBT rights movement has reached a critical juncture. Same-sex marriage has become the face of the movement, with an unparalleled amount of resources being devoted to its pursuit. Significant marriage equality advancements in recent years have given the movement much to celebrate and have demonstrated the attainability of this goal, further honing the movement's focus on it. The prioritization of marriage equality, however, has long been a source of contention within the movement. Many people within the movement feel it is more important
to pursue the goal of pluralistic relationship recognition: acquiring legal rights and protections to better serve the needs of the diverse relationship and familial forms in existence today without regard to marriage eligibility. While most members of the movement would not dispute that both marriage equality and pluralistic relationship recognition are important goals, and that the advancement of each ultimately would help many individuals within the LGBT community, the fear that these two goals cannot successfully coexist has come to fruition recently. Marriage equality supporters increasingly engage in rhetoric that disparages non-marital relationship statuses, and marriage equality advancements have led to measurable harms to the goal of pluralistic relationship recognition through the repeal of non-marital statuses in a number of states that have legalized same-sex marriage. Occurrences such as this and the general pitting of these two goals against each other are unfortunate and unnecessary, but will not cease until the movement adopts specific strategies to advance both goals simultaneously. This Article proposes a number of strategies, such as the restructuring of non-marital relationship statuses and the reconfiguring of the movement’s messages, to aid the movement in successfully advancing both goals.

Jessica Feinberg currently serves as an Assistant Professor at Mercer University School of Law. Her teaching and scholarship interests include contracts, family law, elder law, and gender and sexuality law. Professor Feinberg received her B.A. in Psychology, magna cum laude, from Boston University. She received her J.D., summa cum laude, from Washington University School of Law, where she served as an articles editor for the WASHINGTON UNIVERSITY LAW REVIEW. After law school, she completed a clerkship with Judge Michael Murphy of the U.S. Court of Appeals for the Tenth Circuit. She then served as a visiting assistant professor in the Criminal Appeals and Death Penalty Clinics at DePaul University College of Law, and completed a teaching fellowship at Tulane University Law School. Her most recent scholarship includes “Exposing the Traditional Marriage Agenda,” 7 NW. J.L. & SOC. POL’Y (forthcoming, 2012) and “The Plus One Policy: An Autonomous Model of Family Reunification,” 11 NEV. L.J. 629 (2011).

Barbara Glesner Fines
Associate Dean for Faculty Development
Ruby M. Hulen Professor of Law
University of Missouri-Kansas City School of Law
glesnerb@umkc.edu

Presenter, Program Committee Member and Panel Chair

“Assessment and Family Law Learning Outcomes”
In this program, Professor Glesner Fines will lead the participants in an interactive exercise of identifying learning outcomes for family law courses and exploring formative and summative methods for assessing student mastery of those outcomes.

Barbara Glesner Fines
Barbara Glesner Fines is the Ruby M. Hulen Professor of Law and Associate Dean for Faculty at the University of Missouri - Kansas City, where she has taught since 1986. Professor Glesner received her law degree from the University of Wisconsin at Madison and her masters of law degree from Yale Law School. Professor Glesner teaches Professional Responsibility, the Seminar in Family Violence, and a course in Ethical Issues in the Representation of Families and Children. She is the author of Ethical Issues in Family Representation (Carolina Academic Press, 2010) and Professional Responsibility: Context & Practice forthcoming Carolina Academic Press, 2013) as well as numerous articles addressing issues at the intersection of professional responsibilty and family law. Professor Glesner is a member of the American Bar Association Center for Professional Responsibility, is the immediate past Chair of the Teaching Methods section and Chair-elect Section on Professional Responsibility of the American Association of Law Schools. She serves on the editorial boards of the Family Court Review and the Center for Computer-Assisted Legal Instruction.
“Administering Families”

Although family law is usually described as a private law matter, low-income families are often governed by large public agencies. Yet the application of administrative law principles to the public benefits, child protection and child support context have been overlooked. In this paper, I hope to advance a scholarly conversation about these issues, as well as fulfill the consortium’s goal of writing about “real” family law. Drawing from political science literature and the recent work others have done in the criminal law field, this piece will examine the institutional design of public family law agencies, focusing on child protection agencies. It will explore the ways that institutional design can encourage or hinder change in the fair assessment of families, and the effective delivery of services to them. To raise one example, the multiple, seemingly conflicting goals of these agencies – to simultaneously investigate parents for abuse and neglect and assist families to stay together – may present particular challenges to effective institutional design. The piece will also apply administrative law principles of transparency, participation, review, and accountability to the case study of child protective agencies. Child protective workers often have incredible discretion to make significant decisions, such as removing children to foster care. Yet administrative or judicial review of child protection decisions is often rare or cursory, so agency design and practice have an enormous impact on the day-to-day lives of many families. At the same time, because low-income families are politically powerless, there is little effective monitoring and accountability of public family law agencies.

Cynthia Godsoe is an Assistant Professor of Law at Brooklyn Law School. She teaches courses in family law, children and the law, professional responsibility and public interest lawyering. Her scholarship centers on family law, juvenile justice, and ethics, and she has presented widely on these issues. Before joining the Brooklyn Law School faculty, Professor Godsoe represented children and youth in impact litigation and individual cases in juvenile justice, education and child protection matters as an attorney at the Legal Aid Society’s Juvenile Rights Division and Advocates for Children, among others. Following law school, she clerked for Judge Edward Korman in the U.S. District Court for the Eastern District of New York and was a Skadden Public Interest Fellow. She was chair of the Juvenile Justice Committee of the New York City Bar from 2008-2011 and participates in pro bono work on a variety of children's rights issues. Professor Godsoe received her A.B. from Harvard University and J.D. from Harvard Law School.

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“The Mother of All Questions: Who is Parent?”

The question of what constitutes a legal parent-child relationship under American law has become increasingly important because of its primacy in the determination of rights and obligations, but also increasingly complex because of reproductive technology and changing patterns of childbearing. Parentage questions arise in a diverse array of settings - from surrogacy to free sperm donation to paternity misrepresentation to lesbian co-parentage. The focus of this paper is on the tension between federal constitutional protection for parental rights, which dramatically limits the ability of non-parents to insist on any connection to other people’s children, and the broad power of states to establish rules that dictate who is a “parent” in the first instance. This tension is perhaps best illustrated in cases of a child raised by co-parents of the same sex, only one of whom has a biological tie to the child. If the adult without the biological tie is not deemed a legal parent, he or she has the virtually unrestrained ability to cut off all ties between the child and the other adult, regardless of the nature and degree of the adult’s involvement in raising the child. This flows from a long line of cases establishing constitutional protection for parental rights, but most directly, in a contest between parent and non-parent, from the U.S. Supreme Court’s ruling in Troxel v. Granville (2000). But the practical meaning of those constitutional parental rights changes dramatically if the second adult, the functional co-parent,
also deemed a legal parent. Then, the constitutional parental rights of the parent are essentially offset by the parental rights of the second parent. Yet the determination whether the second adult is entitled to legal parent status is a function of state law and varies quite a bit from jurisdiction to jurisdiction. Some states, following Wisconsin's lead in In re H.S.H.-K., give parental status to second adults in this situation via the de facto parenthood doctrine or the intended parent doctrine. Others, like New York, have refused, restricting legal parent status to those tied by blood, marriage, or adoption. Do states have the ability to expand the definition of “legal parent” even if doing so undermines the rights of those traditionally recognized as parents based on biology, marriage or adoption? Can constitutionally protected parental rights be divested or shared on the basis of express or implied consent? This paper will argue that states do have this power, as long as their definition of “legal parent” recognize only those adults who have participated meaningfully in childrearing with consent of the biological or other legal parent. This approach serves the needs of children, while better protecting the rights of all the adults who raise them. It will also tie the parentage question raised in this situation to those raised across the board and consider whether a unified theory of parentage is necessary or desirable.

Joanna Grossman joined the Hofstra faculty in 1999 and served as the Associate Dean for Faculty Development from 2004-08. She was named the John DeWitt Gregory Research Scholar for 2010-11. She has also taught in the law schools at Vanderbilt, University of North Carolina, Cardozo, and Tulane. She writes extensively about family law, especially state regulation of marriage. She is the co-author, with Lawrence M. Friedman, of Inside the Castle: Law and the Family in 20th Century America (Princeton, 2011), a comprehensive social history of family law in the United States. She also writes about sex discrimination and workplace equality, with a special focus on issues such as sexual harassment and pregnancy discrimination. She is the coeditor, with Linda McClain, of Gender Equality: Dimensions of Women's Equal Citizenship (Cambridge University Press, 2009), an interdisciplinary anthology that explores persistent gaps between formal commitments to gender equality and the reality of women’s lives. She has published articles in STANFORD LAW REVIEW, GEORGETOWN LAW JOURNAL, and THE YALE JOURNAL ON LAW AND FEMINISM, among other places. Professor Grossman teaches Family Law; Wills, Trusts & Estates; and a variety of courses relating to gender and law.

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“Family Law Reimagined: Recasting the Canon”

Family Law Reimagined is the first book to explore family law’s “canon.” By canon, I mean the dominant narratives, stories, examples, and ideas that commentators and, more importantly, judges, legislators, and other lawmakers repeatedly invoke to describe and explain family law and its governing principles. This book reveals that the family law canon misdescribes the reality of family law, misdirects attention away from the actual problems that family law confronts, and misshapes the policy interventions that courts, legislatures, and advocates pursue. Much of the “common sense” that many jurists, lawmakers, and commentators expound and repeat about family law actually makes little sense. Family Law Reimagined explores, uncovers, and critiques the family law canon, and outlines the path to reform. The book challenges the answers that the canon assumes and asks questions that the canon never considers.

The book is organized into three sections. The first section – Family Law Exceptionalism – focuses on the canonical understanding of family law’s differences from other legal fields. The second section – The Family Law Canon’s Progress Narratives – examines the canonical understanding of family law’s relationship to its past. The third section – What’s Missing from the Family Law Canon? – considers what the family law canon excludes and ignores.

My presentation will discuss a chapter in the section on family law exceptionalism. This chapter – Federalism and the Family – considers the canonical narrative maintaining that family law is a lonely outpost of localism in an era when the federal government regulates virtually every other aspect of life. This narrative has permitted legislators, judges, and commentators to oppose specific federal laws regulating families on the ground that any federal family law is unprecedented and inappropriate by definition. If the canonical narrative of family law localism was consistently deployed, and consistently successful, then its description of family law as a
field that the federal government does not and should not enter would be much more accurate. Instead, however, legal authorities and commentators use the canonical narrative of family law localism selectively to counter specific federal initiatives. Proponents of this narrative assume and insist in some contexts that family law’s localism is a matter of common sense, and many legal authorities take arguments asserting family law's localism to have real persuasive power, yet the premise of family law localism is also commonly disregarded. Federal family law is well-established, extensive, indeed sometimes unavoidable given the requirements of the federal Constitution and the extent of exclusive federal jurisdiction. Although the weight and persistence of state family law are undeniable, federal statutes, regulations, and judicial decisions routinely structure the creation and dissolution of legally recognized family relationships, and determine the rights and responsibilities of family members. The narrative of family law localism takes time away from addressing the pressing choices that decisionmakers face. The live questions in family law are not about whether the federal government can or should be involved at all. Federal involvement is already pervasive. The real questions in family law are about whether any particular family law policy is substantively desirable on its own merits and about which level of government is best situated institutionally (or which levels of government working together are best situated) to effectuate that specific policy.


Daniel L. Hatcher
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Saturday Plenary Panel

“Helping Poor Mothers, Fathers and Children: Breaking down Silos for Collaborative Law Reform”

Daniel Hatcher joined the Baltimore faculty in 2004. Prior to this, he was in a statewide position with the Maryland Legal Aid Bureau, serving as the assistant director of advocacy for public benefits and economic stability. He previously worked as a staff attorney for Legal Aid in the Baltimore Child Advocacy Unit representing abused and neglected children, and in the Metropolitan Maryland office representing clients in public benefits, housing, consumer and family law issues. He was also a senior staff attorney with the Children’s Defense Fund in Washington, D.C., where he worked on policy development and legislative advocacy in areas impacting child and family poverty. Hatcher has testified before Congress, the Maryland General Assembly and in other governmental proceedings regarding several issues affecting children and low-income individuals and families.

Hatcher’s recent scholarship has addressed the conflicts between state agencies’ revenue maximization strategies and the agencies’ core missions to serve low-income children and families – including the practice of state foster care agencies converting foster children’s Social Security benefits into state revenue, welfare cost recovery policies in the TANF program, and foster care cost recovery through child support enforcement. His scholarship has attracted national attention, including significant press coverage, Congressional testimony, citation in multiple Congressional Research Service reports, requests to draft legislation, and continued participation in national policy reform efforts.
Aviva Kaiser  
Clinical Assistant Professor  
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Panel Chair  

**Aviva Kaiser** joined the UW Law School faculty in 1988. She teaches Problem Solving, Advanced Legal Writing, and Professional Responsibilities. Professor Kaiser serves on the Professional Ethics Committee of the State Bar of Wisconsin. She has presented at CLE seminars on the professional responsibility of lawyers and on legal writing. Professor Kaiser received her B.A. in Chinese from the University of Pittsburgh and her J.D. from the State University of New York at Buffalo Law School. Before working at various firms in Chicago, she clerked for the Honorable Louis B. Garippo in the case of *People v. John Wayne Gacy* and then clerked for the Honorable Maurice Perlin in the Illinois Appellate Court.

**Hon. Joan F. Kessler**  
Court of Appeals - District 1  
Wisconsin Court System  
joan.kessler@wicourts.gov

Presenter at opening reception  

**Hon. Joan F. Kessler** has been an appellate court judge since 2004. Prior to joining the court, she was in private practice (1981-2004) and was a U.S. Attorney for the Eastern District of Wisconsin (1978-81). Judge Kessler is a graduate of Marquette University Law School, *cum laude*. After earning her J.D. degree, she clerked for Hon. John W. Reynolds, U.S. District Court of Eastern District of Wisconsin (1968-69).

Mary Kay Kisthardt  
Tiera M. Farrow Faculty Scholar and Professor of Law  
Co-Director of the UMKC Child and Family Services Clinic  
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“**The Future of Spousal Support**”

In 2008 Professor Kisthardt served as the Reporter for a project on spousal support for the American Academy of Matrimonial Lawyers. The project resulted in a recommendation for guidelines to be used in such cases. Since that time the AAML guidelines have influenced legislative proposals in several jurisdictions including Illinois and Colorado. At the same time important changes took place in Massachusetts and new legislation is pending in Florida and New Jersey. These latter statutes significantly limit both the duration of alimony and the grounds for modification. This presentation will highlight some of these changes and suggest future trends.

Mary Kay Kisthardt is a graduate of Penn State and the Yale Law Schools. She teaches at the University of Missouri-Kansas City School of Law where her courses include Family Law, Children in the Law, Elder Law, Alternative Dispute Resolution and Mediation. She is also the faculty Co-Director of the UMKC Child and Family Services Clinic. Professor Kisthardt drafted the Missouri Supreme Court Rule on Child Custody Mediation and has been involved in efforts to implement the rule throughout the state. Her most recent mediation project involved the use of facilitators to resolve disputes involving end of life decisions for children. In addition to her teaching responsibilities, she also acts as the Director of the Campus Mediation Service at the University of Missouri-Kansas City. Professor Kisthardt has been the Executive Editor of the Journal of the American Academy of Matrimonial Lawyers since 1990. She also serves as the Reporter for the AAML Best Practices Committee. As the Reporter for the AAML ALI Principles of Family Dissolution Commission she contributed to the drafting of the AAML Model Parenting Plan, the AAML Considerations in Determining Spousal Support and most recently she co-authored (with Joan Kelly) the AAML publication entitled, “What Do We Tell

The United States has long followed the English common law view that citizenship can be attained at birth in two ways: by being born in the U.S. (jus soli), or by being born abroad as the child of a U.S. citizen (jus sanguinis). The first, jus soli, is now part of the 14th amendment to the U.S. Constitution: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside.” Jus soli does not inquire into the citizenship of the child’s parents; the relevant fact is that the birth takes place in the United States. Jus sanguinis, in contrast, arises “from the bloodline,” a principle dating back to Roman law. For a child born abroad to claim citizenship through jus sanguinis, the State Department requires proof of a blood relationship between the child and a U.S. citizen: “It is not enough that the child is presumed to be the issue of the parents’ marriage by the laws of the jurisdiction where the child was born.”

A purely genetic connection to the child is sufficient to establish parentage in relatively few instances in American law. One is child support: even if the genetic father has had no contact with the child, the genetic connection may be enough if no other presumed father is on the scene. I will discuss a second instance in which the genetic connection is paramount: when an American citizen gives birth abroad. A genetic test works well for children conceived coitally, but may wreak havoc for those conceived using assisted reproduction techniques (ART). Citizenship has recently been denied to the children of two American women who used anonymously donated gametes to conceive and give birth to a child in Israel and in Switzerland; in a third case, the U.S. Embassy refused to recognize the birth mother as the child’s mother because she had used donated eggs and given birth to the child in India. I will briefly explore the three prevailing views of determining maternity, and propose a workable solution for assisted reproduction children who currently are denied American citizenship.

Kristine S. Knaplund joined the faculty of Pepperdine University School of Law in 2002, and teaches Property, Wills and Trusts, Advanced Wills and Trusts, and the Bioethics Seminar. She is a graduate of Oberlin College in Oberlin, Ohio, and the University of California, Davis School of Law. Professor Knaplund is an Academic Fellow in the American College of Trust and Estate Counsel, where she serves on the Communications Committee and the Legal Education Committee, and is Assistant Editor of the ACTEC Journal. She is also active in the ABA Section on Real Property, Trusts and Estates, and is Chair of the ABA Elder Law, Disability Planning and Bioethics Group. Before moving to Pepperdine, she taught at UCLA School of Law. She is a member of the New York bar, and a member of the Estate Planning, Trust and Probate Section of the California bar. Her most recent articles are “Children of Assisted Reproduction,” 45 Mich. J.L. Ref. 899 (2012), “The Uniform Probate Code’s Surprising Gender Inequities,” 18 Duke J. Gender L. & Pol’y 335 (Spring 2011) and “Synthetic Cells, Synthetic Life and Inheritance,” 45 Valparaiso L. Rev. 1361 (Summer 2011). In Spring 2012, she was a guest author on SCOTUSblog for three articles on Astrue v. Capato, determining parentage of a child conceived after a man had died.

Browne Lewis
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“Papa’s Baby: Equalizing the Statuses of Children of Science and Children of Passion”

With regard to the allocation of paternity, the law treats children conceived by artificial insemination differently from those children conceived by sexual intercourse. The husband of a woman who conceives artificially using donor sperm is legally recognized as the father of the resulting child only if he consents to the procedure. There is no presumption of paternity that
results from the marriage. On the other hand, if a married woman becomes pregnant with another man's child as the result of sexual intercourse; her husband is presumed to be the father of the child. It does not matter that the husband did not consent to his wife becoming pregnant as a consequence of the affair. If a man donates sperm to an unmarried woman through sexual intercourse, he is legally responsible for the support of the child. By contrast, if a man donates his sperm to a sperm bank, and a woman is inseminated with it, the man is not legally obligated to provide support for the child. In order to promote the best interests of children of science, the law needs to treat them on par with children of passion. Once children of science are born, society has an obligation to ensure that they are given the financial and emotional support they need. That support comes from the parents. In most cases, children of science have relationships with their mothers that are similar to the relationships enjoyed by children of passion. Legislatures and courts should act to ensure that those children are likewise supported by their paternal parents. One way to achieve that goal is to expand the definition of “father” to include a person who has taken on the role or is willing to take on the role. To promote the best interests of the child of science the court should allocate paternity in a way that provides the child with two legal parents.

**Browne Lewis** is the Leon and Gloria Plevin Professor of Law at Cleveland Marshall College of Law. Prior to joining the faculty at Cleveland Marshall, she was an associate professor at the University of Detroit Mercy School of Law, a visiting professor at the University of Pittsburgh School of Law, a summer visiting professor at Seattle University School of Law and a legal writing instructor at Hamline University School of Law. Professor Lewis writes in the areas of environmental, family and reproductive law. Her most recent article on the enforcement of surrogacy agreements is scheduled to be published in the *ST. JOHN’S LAW REVIEW*. Professor Lewis’ book on paternity and artificial insemination was published by New York University Press in July 2012. Professor Lewis received her J.D. from the University of Minnesota School of Law, her M.P.A. from the Humphrey Institute, and her L.L.M. from the Houston Law Center. She clerked for the Honorable Daniel Wozniak, Chief Judge of the Minnesota Court of Appeals and practiced in the areas of environmental, elder, family, housing and probate law.

**Korey Lundin**  
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“Domestic Abuse: A Crucial Issue for Family Law Education & Practice”  
[co-presented with Dolores Bomrad and Perri Mayes]  

Awareness of the dynamics of domestic abuse is essential to the practice, teaching, and making of family law. Domestic abuse is a pervasive problem in family cases. It is crucial for family lawyers to understand the dynamics and impact of domestic abuse in order to meet the client’s legal needs, to know when to refer the client to non-legal resources, and to know what non-legal resources may be appropriate and available. This presentation will include discussion of the dynamics of domestic abuse and the impact it has on children. Information on research differentiating types of abuse, as well as screening for and recognizing abusive situations will be shared. The session will provide information to assist attorneys and attorney educators in how to best represent the client in court, and how to counsel and support the client in mediation and other out-of-court processes. Participants will have the opportunity to discuss the complex issues raised by this subject.

**Korey C. Lundin** is the Family Law Priority Coordinator for Legal Action of Wisconsin, Inc., a non-profit law firm which provides free representation to low-income clients in civil matters. He heads the firm’s family law practice and works with Legal Action’s six offices to coordinate family law litigation and direct legislative advocacy. He focuses on family law cases involving domestic abuse, child abuse, jurisdictional disputes, the inequitable treatment of low-income litigants, and appellate family law litigation. He has been actively involved with Legal Action’s work to establish a right to counsel for indigent litigants in certain civil legal matters. He also recently served on the legislature’s study committee to review maintenance awards in divorce cases. Member of the Appellate Practice Section of the State Bar. Board Member of Public Interest Law Section of the State Bar (2002-05). Board Member of the Family Law Section of the State Bar.
“From Victims to Litigants: Legal Consciousness, Court Fragmentation, and the Politics of Self-Help”

This paper examines courthouse self-help clinics assisting self-represented litigants with civil domestic violence restraining orders. Such clinics are promoted as a way to address the problems faced by courts from growing numbers of unrepresented litigants and to increase access to justice. Yet the model remains under-examined: the role of self-help clinics in implementing law and shaping legal consciousness is unexplored, along with the significance of shifting alliances between legal aid and other organizations that partner with courts to provide self-help services. The paper will draw on my research at domestic violence self-help clinics in two southern California cities to show that self-help clinics are not neutral in their role as dispensaries of legal services. Instead, they are active in shaping litigants' claims and the nature of relief available to them. The result is sometimes to discourage litigants from seeking relief or to narrow their legal remedies. However, frames of access to justice mask the true, political nature of self-help. In the context of domestic violence cases, self-help clinics sometimes shift resources from an advocacy model for indigent litigants and help to de-politicize their legal claims. Although the ramifications echo throughout the justice system, the direct impact is on the low-income minorities who are the primary consumers of clinic services in an increasingly bureaucratized and ghettoized American court system. I will explore alternative frames for analyzing and potentially reconceptualizing self-help, and new directions for research about the problem.

Elizabeth L. MacDowell is an Associate Professor of Law at the William S. Boyd School of Law at the University of Nevada, Las Vegas. She co-directs the Family Justice Clinic at Boyd, a family law clinic focusing on the intersection of family law with criminalization, immigration, child welfare, and other forms of state intervention into families. A graduate of the University of California, Berkeley School of Law, Professor MacDowell’s scholarship focuses on intersectional issues of gender, race, class and culture, domestic violence, and access to justice. Her most recent articles focus on intersectionality theory and the construction of victims and perpetrators, and how court systems and cultures impact access to justice in domestic violence cases. She was named a Bellow Scholar for 2013 by the AALS Clinical Section for her empirical study of domestic violence self-help clinics.

Marsha Mansfield
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Program Co-chair, Panel Chair, and Presenter

“Teaching a Multidisciplinary Family Law Class” [copresented with Elizabeth Mertz]

Marsha M. Mansfield is the Director of the Economic Justice Institute (EJI), the “civil wing” of the Law School’s Frank J. Remington Center. The Institute includes four clinics: the Consumer Law Clinic, the Neighborhood Law Clinic, the Domestic Violence Immigration Clinic, and the Family Law Clinic. Professor Mansfield directly supervises students in the Family Law Clinic. Through her clinical work, she guides law students as they develop their lawyering skills through representation of and assistance to the underserved in Dane County while learning about the challenges faced by their clients and considering how they, as lawyers, might be most effective in their role as the lawyer. She also has taught Professional Responsibility and Pre-Trial Advocacy.
**Perri Mayes**  
Dispute Resolution Professional / Adjunct Faculty  
University of Wisconsin Law School  
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“Domestic Abuse: A Crucial Issue for Family Law Education & Practice”  
[co-presented with Dolores Bomrad and Korey Lundin]

Awareness of the dynamics of domestic abuse is essential to the practice, teaching, and making of family law. Domestic abuse is a pervasive problem in family cases. It is crucial for family lawyers to understand the dynamics and impact of domestic abuse in order to meet the client's legal needs, to know when to refer the client to non-legal resources, and to know what non-legal resources may be appropriate and available. This presentation will include discussion of the dynamics of domestic abuse and the impact it has on children. Information on research differentiating types of abuse, as well as screening for and recognizing abusive situations will be shared. The session will provide information to assist attorneys and attorney educators in how to best represent the client in court, and how to counsel and support the client in mediation and other out-of-court processes. Participants will have the opportunity to discuss the complex issues raised by this subject.

**Perri E. Mayes** is a dispute resolution practitioner and educator based in Milwaukee, Wisconsin. Perri has 15 years of teaching experience and over 20 years of practice experience, including serving as a family mediator. She is adjunct faculty in the Mediation Clinic at University of Wisconsin Law School. She is also the instructor for a divorce and family mediation course at University of Wisconsin-Madison Continuing Studies. She is a former mediation program administrator in family and juvenile courts, including serving as Mediation Coordinator for Washington County Family Court. Perri serves as Immediate Past President of the Association for Conflict Resolution and is a former President of the Wisconsin Association of Mediators. She has presented on the topic of ‘domestic abuse and mediation’ at national and state conferences. Perri holds a Bachelor of Arts degree from Washington University in St. Louis and a Juris Doctorate from Drake University Law School.

**Judi McMullen**  
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“Spousal Support in the 21st Century”

Spousal support was never granted in the majority of divorce cases, but in the past few decades it has been awarded in fewer cases, in lesser amounts and for shorter periods of time. For example, in one study of 2005 divorce cases that I co-authored (published in the *Journal of Law & Family Studies*), only 8.6% of the cases involved a maintenance award, with an additional 2.6% of cases involving family support (i.e. combined child support and maintenance). In another article (published in the *Duke Journal of Gender Law & Policy*), I have argued that this dip in the number and amount of maintenance awards is largely due to women settling for little or no maintenance because of some combination of the following factors: self-representation (and accompanying uncertainty about their eligibility for maintenance), gender differences in how women bargain and settle in family situations, and social changes in gender expectations that make women feel reluctant to seek spousal support, men reluctant to agree to it and judges reluctant to award it. My proposal is to discuss and elaborate on my analysis of maintenance awards, as well as discuss my own belief that maintenance is likely to become less and less frequent over the next decade, reserved only for hardship cases or cases where it was agreed to in a pre-nuptial agreement.

**Judith G. McMullen** received her undergraduate degree from the University of Notre Dame, and her law degree from Yale University. She is a professor at Marquette Law School, where she specializes in family and children's law. Prior to joining the Marquette faculty, she practiced law at Sidley & Austin in Chicago, and taught legal writing at DePaul University.
Elizabeth Mertz
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Presenter, Host and Panel Chair

“Teaching a Multidisciplinary Family Law Class” [Co-presented with Marsha Mansfield]

Elizabeth Mertz is a leading legal anthropologist, and a pioneer in the field of law and language. She uses this background to study legal language in the United States, with a special focus on law school education. Her research also examines the problems involved in translating between law and social science, particularly in the domain of family law. In addition to her position on the faculty of the University of Wisconsin, she is a Senior Research Fellow at the American Bar Foundation, where she has conducted empirical research on legal education. The results of this research have appeared in numerous journals and edited collections. Her book, The Language of Law School: Learning to “Think Like a Lawyer” (Oxford University Press) was 2008 co-winner of the Herbert Jacob Book Prize, awarded by the Law & Society Association for “distinguished work that fulfills the high expectations of interdisciplinary scholarship that define this association.” Mertz’s study has drawn national attention from scholars interested in reforming the current system of legal education in the U.S.

Daniel R. Meyer
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Friday Plenary Panel

“Margo Melli’s Influence on Shared Custody and Child Support Policy Lives On”

Margo Melli had a significant impact on child support policy in Wisconsin (and nationally), and her interest and expertise in child support has shaped the careers of several faculty and researchers at the Institute for Research on Poverty. In this roundtable, we present a brief historical sketch of the state of child support policy and research when Margo first became interested, and trace a variety of changes, some of which were directly due to her influence. We then look forward, highlighting some thorny policy issues that will need to be tackled in the future, building off Margo’s insights. Panelists include Judith Bartfeld (Professor, Consumer Science), Patricia R. Brown (Senior Researcher, Institute for Research on Poverty), Maria Cancian (Professor, Public Affairs and Social Work) and Daniel R. Meyer (Professor, Social Work).

Daniel Meyer is a Professor of Social Work and an affiliate of the Institute for Research on Poverty. Professor Meyer’s research has centered on the issue of the economic well-being of single-parent families, a problem of critical importance. Most of his work examines child support policy and welfare reform, employing data derived from his various Wisconsin-based projects. With Professor Maria Cancian, he led a team of researchers that evaluated an experimental innovative child support policy. This multi-year, multi-method, multi-disciplinary evaluation demonstrated the advantages of allowing all child support paid by noncustodial parents (usually fathers) to go to the family. In the United Kingdom, a proposed fundamental redesign of their child support system includes a substantially increased pass-through provision. The UK government’s policy proposal includes a reference to the Wisconsin evaluation as evidence for the importance of allowing families to receive more of the child support paid on their behalf. Professor Meyer’s research is having a global impact. He has participated in several studies of the income support system in place for families with children in the United States, the United Kingdom, and several other developed countries. Most recently, Professor Meyer worked for the United Kingdom in comparing their child support policies with those in 14 other countries, and participated in a large multi-country study of the effects of the worldwide recession on families with children. He holds a Ph.D. in Social Welfare from the University of Wisconsin-Madison, and M.S.W./M.B.A. from Washington University.
“A Feminist Analysis of Paternity Fraud”

The area of paternity fraud is largely unsettled in this country. Children born of an intact marriage are presumed to be the legal child of the husband of the mother. When a mother deceives her husband with regard to the fact that he is not the biological father of a child born of the marriage, the husband has several choices. He can ask the court to grant him continued legal fatherhood (as against the biological father who may be seeking such status) or he can ask the court to relieve him of that status and its legal and financial obligations. Either way, the mother's deception has caused significant harm to her husband. The possible remedies for such harm include actions to recover the cost of raising the child for the period during which the husband was deceived by his wife, and damages for intentional infliction of emotional distress. A few states have entertained such actions and some have allowed recovery for both, some for just reimbursement and some have not allowed such actions at all. How should we as feminists view the actions of the mothers in these cases? If we believe in the agency of women - should they not be held responsible for such fraud? Are there mitigating circumstances which might relieve them of such liability if we view their position within marriage and society as subordinate? Do social constructs about good wives and mothers provide an excuse for such behavior? And what role might post-partum depression or psychosis play in such behavior? Should any of these factors inform our thinking about whether courts should allow actions for paternity fraud? These are the ideas that I would like to present in a Work in Progress panel at the conference. I plan to write an article during summer 2013 that reflects these questions and that would be greatly informed by hearing others at the conference share their ideas on the topic.

Paula A. Monopoli is a Professor of Law at the University of Maryland School of Law and the founding director of its Women, Leadership & Equality Program. Professor Monopoli graduated from Yale College in 1980 and the University of Virginia School of Law in 1983. She is the author and editor of several books and a number of articles on inheritance law, leadership studies in legal education, women in the academy and feminist constitutionalism. Professor Monopoli is an elected member of the American Law Institute and an Academic Fellow of the American College of Trust and Estate Counsel.

Mary Kay O’Malley
Associate Clinical Professor
University of Missouri-Kansas City School of Law
omalleymk@umkc.edu

Participant

Mary Kay O’Malley has been the director of the Child and Family Services Clinic and associate clinical professor since 2002. She obtained her bachelor of arts from St. Mary-of-the-Woods College near Terre Haute, Indiana and her master of arts from UMKC. After working as a social worker for the Missouri Division of Family Services for 13 years, she returned to school and graduated cum laude from the Washburn University School of Law in Topeka, Kan., where she was an editor on both the Washburn Law Journal and the ABA Family Law Quarterly. Following law school, Professor O’Malley was employed as a prosecuting attorney at the Jackson County Family Court for six years. After leaving the court she was a partner with Raith and O’Malley P.C., focusing her practice in the area of juvenile and family law. Her other teaching assignments include the law school’s Guardian ad Litem Workshop, and she is the legal director of the Kansas City Youth Court program housed at the law school.
Saturday Keynote Address

“Reflections in Black and White: Lessons from Alice and Leonard Rhinelander”

My lecture will come from my book project, According to Our Hearts: Rhinelander v. Rhinelander and the Law of the Multiracial Family, which will be published and released by Yale University Press in June 2013. According to Our Hearts consists of two parts. The first part of my book tells the love story of the Alice and Leonard Rhinelander, beginning in 1921, and their trial in November of 1925. The second part of the book uses the annulment lawsuit, Rhinelander v. Rhinelander, from 1924 and its resulting trial in 1925 as springboards for examining how law and society have functioned together to frame the normative ideal of family as monoracial (1) by failing to acknowledge the existence of interracial couples and thereby rendering them invisible in law and life and (2) by punishing racial transgressors—those who are in interracial marriages or who break the norms of monoraciality through transracial adoption or the merging of black and white single-race families through remarriage. Specifically, I work to discredit the myth that interracial, heterosexual couples no longer experience legally facilitated discrimination against them in a post-Loving v. Virginia era. In examining the insights that the Rhinelander case provides into law’s past and continuing role in defining the normative ideal family as monoracial, I focus my attention on black-white heterosexual couples—those heterosexual couples that racially identify in the same way that Alice and Leonard were ultimately viewed by their jury and the public.

Through their tragic love story, Alice and Leonard have provided us with a critical vantage point for seeing how far we have come with regards to race, intimacy, and family. They also have provided us with important lessons about law’s invisible role in reifying race and racial hierarchies among individuals and families at home, in the workplace, through children, and even in our courtrooms. In this lecture, I will analyze data from surveys of both students and interracial, heterosexual and gay and lesbian couples to reflect upon key questions from the Rhinelander case. I also will consider and examine how being part of a multiracial collective may shape the individual racial identities of persons in such families as well as how such “new” understandings of race may affect or should affect the legal analysis in certain anti-discrimination cases.

Angela Onwuachi-Willig is Charles M. and Marion J. Kierscht Professor of Law at the University of Iowa. She joined the Iowa Law faculty in 2006 after three years on the tenure track at the University of California, Davis School of Law. She graduated from Grinnell College, where she majored in American Studies and was elected Phi Beta Kappa. She received her law degree from the University of Michigan Law School, where she was a Clarence Darrow Scholar, a Note Editor on the Michigan Law Review, and an Associate Editor of the founding issue of the Michigan Journal of Race and Law. After law school, she clerked for the Honorable Solomon Oliver, U.S. District Judge for the Northern District of Ohio, and the Honorable Karen Nelson Moore, U.S. Circuit Judge for the Sixth Circuit Court of Appeals. She also worked as a labor and employment associate at both Jones Day in Cleveland, Ohio, and Foley Hoag in Boston, Massachusetts.


Professor Onwuachi-Willig is a past Chair of the Association of American Law Schools (AALS) Minority Groups Section and Law and Humanities Section. She currently serves as the
Chair of the AALS Committee for the Recruitment and Retention of Minorities.
   In 2006, Professor Onwuachi-Willig was honored for her service by the Minority Groups
Section of the AALS with the Derrick A. Bell Award, which is given to a junior faculty member
who has made an extraordinary contribution to legal education, the legal system, or social justice.
In 2010, she was elected to the American Law Institute, and in January of 2011, she was selected
as one of nine finalists for three openings on the Iowa Supreme Court. She recently was invited
to be a Fellow of the American Bar Foundation in 2011.

David J. Pate
Associate Professor of Social Work
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Saturday Plenary Panel

“Using ‘Real World’ Practices to Inform Policy Analysts: an Examination of the Life of
Low-income Men and Child Support Enforcement”
   This talk will discuss the challenges faced by low-income men with welfare reliant
children in meeting their child support obligations and involvement with their children.

David J. Pate, Jr. joined the UWM faculty in January of 2006. Professor Pate received a
Bachelor of Social Work from the University of Detroit, a Masters of Arts in Social Work from
the University of Chicago, School of Social Service Administration and then earned a Ph.D. in
Social Welfare at the University of Wisconsin-Madison. His fields of special interest are welfare
reform policy; child support enforcement policy; fatherhood; domestic violence; and the
intersection of race, gender, and poverty. He has over twenty years of direct service,
management, and policy experience in the field of social work. Professor Pate’s research projects
involve the use of qualitative research methods to examine the relationship of non-custodial
fathers of children on welfare and their interaction with their children, the child support
enforcement system, the mothers of their children, and the incarceration system.

Terry Price
Associate Director, Center for Law, Science and Global Health
University of Washington
tprice@uw.edu

“Bringing the State Debate into the Classroom”
   Family law curricula typically rely on case law and related articles. Less often, however,
does a state's family law policy debate get incorporated into the classroom setting. In Washington
State, because of easy access to archived legislative materials through www.leg.wa.gov (the
Washington Legislature's website) and www.TVW.org (the Washington legislative public access
website), the family law curriculum can be augmented with actual video of policy debates. These
debates demonstrate to students the family law policy choices that were considered and accepted
or rejected. They also show how compromises occur statewide, and how that impacts the case
materials and statutes the students read in class. Recent developments in controversial areas of
family law lend themselves to this method. This presentation will provide a background on the
making of “real family law” by focusing on several proposed family law bills during the most
recent Washington State legislative sessions, including intensely-debated areas of marriage
equality, surrogacy and third-party visitation (also referred to as grandparent visitation). The
presentation will discuss how the floor debates served as a teaching tool, and the reaction of the
students to seeing these debates. The presentation will include several video clips used in class,
discussion of the students' evaluations and feedback, and thoughts for future ways to use this
material.

Terry Price is Associate Director, Center for Law, Science and Global Health, at the University
of Washington School of Law. He graduated the University of Washington School of Law in
2001 and clerked for Division II Washington Court of Appeals. He litigated family law cases for
two and a half years, and practiced civil litigation after that. From 2008 to 2012, he was policy
counsel to the Washington House of Representatives Democratic Caucus, covering Judiciary,
Public Safety and Early Learning/Children’s Services committees. Mr. Price has also been
part-time lecturer for the University of Washington School of Law for nine years, teaching
Family Law, Mental Health and Law, and Legal Issues at Beginning of Life. Mr. Price was a 2006 WA State Bar Association Leadership Institute Fellow and a 2004 and 2009 Washington SuperLawyers “Rising Star.” Mr. Price also holds an MSW from Smith College School of Social Work.

Margaret Raymond  
Fred W. & Vi Miller Dean and Professor of Law  
University of Wisconsin Law School  
mraymond2@wisc.edu

Welcome Remarks

Margaret Raymond was named Dean of University of Wisconsin Law School in July 2011. As Dean, she serves as the chief academic and executive officer of the school, with responsibility for faculty and staff development, personnel oversight, fundraising, budget planning and management, curriculum and student academic affairs.

Dean Raymond received a bachelor’s degree from Carleton College and earned her J.D. at Columbia University School of Law, where she was Editor-in-Chief of the COLUMBIA LAW REVIEW. She served as a law clerk to the late Justice Thurgood Marshall of the U.S. Supreme Court and the late Judge James L. Oakes of the U.S. Court of Appeals for the Second Circuit. Following her clerkships, she practiced as a commercial litigator and a criminal defense lawyer. She was a member of the faculty at the University of Iowa from 1995-2011, where she was named the William G. Hammond Professor of Law and was honored with the law school’s Collegiate Teaching Award. While at Iowa, Dean Raymond held a number of campus leadership roles, including president of the University Faculty Senate.

Dean Raymond’s scholarship focuses on constitutional criminal procedure, substantive criminal law, and the professional responsibility of lawyers. She is the author of a Professional Responsibility casebook, The Law and Ethics of Law Practice.

Elizabeth Samples  
Attorney, Office of Civil Rights  
U.S. Department of Education  
elizabethksamples@gmail.com

Participant

Elizabeth Samples is an attorney with the Office of Civil Rights at the U.S. Department of Education. She is a graduate of the University of Wisconsin Law School and a former Law Clerk at to the Honorable Richard D. Greene of the Kansas Court of Appeals.

Rebecca Scharf  
Lawyering Process Professor  
University of Nevada-Las Vegas  
William S. Boyd School of Law  
rebecca.shaft@unlv.edu

Panel Chair

Rebecca Scharf earned her J.D. in 1991 from Harvard Law School, where she served as an editor on the JOURNAL ON LEGISLATION. Prior to coming to the Boyd School of Law, Professor Scharf worked as a senior attorney with the National Center for Law and Economic Justice (formerly known as the Welfare Law Center) in New York City, where she conducted class action impact litigation throughout the United States, primarily in the area of public benefits law. While there, she won the coveted “Association of the Bar of the City of New York Civil Legal Services Award” for her work promoting economic and social justice through the law. Before working for the National Center for Law and Economic Justice, she worked as an attorney for the Legal Aid Society of New York City, providing legal services to impoverished families in the South Bronx. She has published articles in the areas of legal writing and welfare reform. Professor Scharf teaches Family Law, Legal Research and Writing, and Privacy, Publicity & Defamation.
“Bringing the Client Into the Classroom: Telling the Story Behind the Case”
I tried a very long and complicated termination of parental rights case in which my clients were at risk both of losing their children and being charged with attempted murder. In fact, their daughter suffered from a rare medical condition which caused her injuries. My client comes to my Client Interviewing and Counseling class to help my students understand the case, the law, and the process from a client’s point of view.


**Leslie Shear**
Clinical Associate Professor of Law
Director of the Family Law Project
University of Wisconsin Law School
ldshear@wisc.edu

Program Committee Member and Panel Chair

**Leslie D. Shear** has been director of the Frank J. Remington Center’s Family Law Project since August 2001. The Family Law Project offers law students the opportunity to represent incarcerated clients in a broad range of family law litigation, including divorce, paternity, child custody and placement, child support, CHIPS and guardianship cases. Professor Shear currently is working on the publication of a family law manual for incarcerated parents.

**Barbara Stark**
Professor of Law, Hofstra Research Scholar, and Associate Dean for Intellectual Life
Hofstra Law School
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“NY Family Law: Provincial, Cosmopolitan, and Quirky”
There are several unique aspects of New York family law. New York was the last state to hold out against the ‘no-fault revolution,’ for example. In 2010, when it finally succumbed, added a mandatory formula for temporary alimony. It is the only state which considers a degree (such as a law degree) acquired during marriage part of divisible ‘marital property.’ Like California, New York can be seen as a leader in family law reform. But it is a leader with few followers. Is there a pattern, or an explanation, for this quirkiness?

**Barbara Stark** has published dozens of articles in the California, UCLA, and Hastings law reviews, among others. Since joining the Hofstra faculty in 2005, she has published three books, *International Family Law: An Introduction* (2005), *Global Issues in Family Law* (with Ann Estin, 2007), and *Family Law in the World Community* (with Marianne Blair et al., 2009). She teaches International Law, Family Law, and International Family Law. She is a former Chair of the AALS Family Law Section and she currently chairs the Family Law Committee of the International Law Association. Professor Stark has made close to a hundred invited presentations at law schools and professional meetings throughout the world. In 2003-04 she was a Distinguished Visiting Professor at New England School of Law in Boston. In 2008, she was the
John T. Copenhaver Chair at the University of West Virginia. In 2009, she was selected to deliver the Hofstra Distinguished Faculty Lecture, and in 2012 she was appointed Associate Dean of Intellectual Life.

Debra Pogrund Stark  
Professor of Law  
John Marshall Law School  
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“Legislative Promise Only Half Fulfilled: An Empirical Analysis of a Specialized Domestic Violence Court”

The paper will report on data collected from a court-monitoring project and court file review for 110 cases where survivors of domestic violence in Cook County Illinois were seeking an order of protection with the goal of determining how well the Illinois Domestic Violence Law Act has been implemented. The paper discusses three areas of concern. First, while in 90% of the cases monitored the court granted an emergency order of protection to the petitioner, based on a follow up review of the court files over 5 months later, it was learned that in only 49% of the cases where an emergency order had been issued (good for only a short period of time) was a plenary order (good for up to two years) later issued. The paper explores the extent to which court continuances due to failure to personally serve the respondent may have played a role in some of the cases where the petitioner dropped the case. Second, the review of the court cases reflected that the judges rarely grant many important remedies expressly provided for under the Illinois Domestic Violence Law Act even when the elements required for those remedies to be awarded are present and instead only grant those that the judges perceive as focused on “safety” issues. The paper analyzes why this is the case and what can be done. Finally, the paper analyzes the statutory standard for awarding an ex parte emergency order of protection in comparison with the different standard commonly applied by the judges and discusses the negative impact of this dichotomy in protecting survivors of domestic violence.

Debra Pogrund Stark is a professor of law at The John Marshall Law School. She teaches “Domestic Violence Law & Practicum” at the law school, a course she developed that applies an interdisciplinary and clinical approach to the topic. After gaining an appreciation for the dynamics of domestic violence and the laws relating to orders of protection, students in the course work with the Illinois Domestic Violence Legal Clinic handling intakes, drafting pleadings, and arguing for emergency orders of protection. She is a member of the Metropolitan Battered Women's Network, completed the 40-hour training for advocates, and is engaged in various empirical research projects relating to the implementation of domestic violence laws. Professor Stark received her B.A. from Brandeis University, summa cum laude, Phi Beta Kappa and her J.D. from Northwestern University School of Law, cum laude.

Mark Strasser  
Professor of Law  
Capital University Law School  
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“Coming to Bury DOMA, Not to Praise It: On Federal Courts, Misdirection, and the Future of Marriage Litigation”

Several federal courts have addressed issues related to state or federal same-sex marriage bans, and a number have concluded, for example, that section three of DOMA is unconstitutional. One noteworthy aspect of some of the opinions involves the ways that these courts have addressed issues and offered analyses that were at best tangentially related to the matter at hand. The difficulty pointed to here is not that the courts were offering dicta, but that they were sometimes mischaracterizing existing law, perhaps unintentionally, in a way that would likely not be subject to review but nonetheless might provide the foundation for analyses to be offered in other currently anticipated challenges to same-sex marriage bans. This paper addresses some of the express and implied errors in the recent case law that will likely be the basis of some of the majority, concurring, and dissenting opinions in marriage litigation in the not-distant future.
Mark Strasser is Trustees Professor of Law at Capital University Law School in Columbus, Ohio, where he teaches family law and constitutional law. Much of his writing focuses on the rights of sexual minorities. His most recent monograph in the area is *Same-Sex Unions Across the United States* (Carolina Academic Press, 2011).

Jalae Ulicki  
Assistant Professor of Law  
Phoenix School of Law  
julicki@phoenixlaw.edu

“Forms, Forms and More Forms - Effectively Using Forms Effectively to Teach Family Law”  
Teaching law students early on to think about forms rather than simply using them (without reflection) is the type of fundamental analytical skill that we as law professors should incorporate into our courses. The primary objective of using forms in the classroom is to “think” about the form rather than just mindlessly “filling out” the form. Efficiency in a changing world means lawyers use forms – practitioners use them, the courts use them, and nearly every industry uses them. It’s time we teach with them effectively.

Jalae A. Ulicki, J.D. is an Assistant Professor of Law at Phoenix School of Law where she joined the faculty in 2007. She currently teaches in the areas of Family Law, Community Property Law, Property Law and Real Estate Transactions. She was the former Director of the MSU College of Law Rental Housing Clinic. She has been a recent presenter at the Institute of Learning and Teaching focusing on effectively using forms for teaching and has published in that area. She has been a presenter for the Maricopa County Court System’s Arizona Teen Court Association and a presenter at the ABA Equal Justice Conference. She has made television appearances on CMU Public Television “Ask the Lawyers” and “Good Morning! Arizona.” She is a member of the State Bar of Michigan, The Fellows of the Michigan State Bar Foundation, and a member of the American Bar Association.

Gretchen Viney  
Clinical Professor and Director of the Lawyering Skills Program  
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Program Committee Member and Panel Chair

Gretchen Viney oversees and shares responsibility for the Lawyering Skills Course, a second-semester 7-credit course that introduces students to law practice. Outside the LSC, Professor Viney also teaches Client Interviewing & Counseling, Real Estate Transactions, and Guardian ad Litem Practice. She is recognized for her work and expertise as a guardian ad litem for children, elders, and the disabled. Professor Viney is a former Secretary of the State Bar of Wisconsin.

Lynn D. Wardle  
Bruce C. Hafen Professor of Law  
J. Reuben Clark Law School  
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“The paper I propose to write will begin with a tribute to Professor Marygold Melli and her groundbreaking academic career and legal scholarship. I had the honor to serve with her for many years on the Executive Council of the International Society of Family Law and in the American Law Institute, and I quickly grew to greatly respect her wisdom, good judgment, and good will. I admire the partnership that she and Joe displayed so well during those many years when we would meet at conference and business meetings; they were a marvelous team and great example of marital unity and mutual devotion and respectful of each others interests. Next, addressing the interests of low-income families and “fragile” families, I will discuss whether marriage really is a “magic bullet” (or only a pragmatic possibility) to cure poverty for low-income non-marital couples and families, and how it effects children in those relationships.
Also, I will briefly consider the extent to which family law and welfare law reflects our best scientific understanding of the realities of marriage, family poverty and child well-being.

Finally, I will address issues at the conjunction of state regulatory authority, parents’ rights and childrens’ rights and welfare. In September 2012 California enacted a law which prohibits parents from providing psychotherapy (reparative therapy) to children with unwanted homosexual attraction. I will consider whether that law impermissibly interferes with the constitutional rights of parents to direct the upbringing and medical treatment of their children established in a series of Supreme Court decisions.


Robin Fretwell Wilson
Class of 1958 Law Alumni Professor of Law
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“Balancing New ‘Practicum’ Courses with Scholarship”

This presentation will summarize an innovation in teaching pioneered at Washington and Lee University school of Law, the Third Year Practicum. It will describe course coverage in the Advanced Family Law Practicum, which includes simulated exercises ranging from the standard legal research memo (e.g., a memo about the classification of a specific piece of property as marital or separate) to a pendente lite application for temporary maintenance to the negotiation of a prenuptial agreement, among other exercises. This presentation will also discuss the challenges that teachers may face when balancing a labor and time intensive teaching model – which offers a significantly richer experience for students – with an active scholarly agenda. It presents a series of strategies for balancing the two, using a new book project that I am beginning on the “legal meaning of sex.” For example, the presentation will chart an evolution in the prenuptial agreement exercise from a “plain vanilla” prenup to one that includes an adultery penalty or “bad boy” clause. The new exercise combines research for my new book with a more challenging exercise that requires students to issue spot a possibly unenforceable provision and grapple with how to discuss such a provision with clients and whether to strike it.

Marygold Shire Melli (Margo) is Voss-Bascom Professor of Law Emerita and an affiliate of the Institute for Research on Poverty. She taught in the areas of family law, juvenile law and criminal law: the areas she calls the people-handling parts of the law. Her specialty was family law which she developed from one two-credit course to two three-credit courses in recognition of the increasing complexity of the area. She also developed courses in Law of the Elderly and Juvenile Justice.

Professor Melli’s research interests relate primarily to families and children. She has participated in a large-scale research project that resulted in reform of the Wisconsin child support system and that served as a model for the requirement by the federal government that states adopt Child Support Guidelines. She has researched and written about the role of negotiation in divorce, various aspects of the processing of divorce cases, and developments in the law of child custody. She is a member of the American Law Institute and the International Society of Family Law where she currently serves as a vice-president and as chair of the Scientific Committee, screening papers and planning the program for the ISFL 12th World Conference in 2005.

As a member of the legal profession, she has been involved at several levels in the bar examination process. She has served as vice-chair of the Wisconsin Supreme Court’s Board of Lawyer Competence and as Chair of the National Conference of Bar Examiners, the organization which develops the most widely used exams for the admission of lawyers to practice.

She is a fellow of the American Academy of Matrimonial Lawyers and was the founding Executive Editor of its Journal. She has served as Chair of the Family Law Section of the Wisconsin State Bar and for many years has contributed a quarterly review of Wisconsin family law cases to the Wisconsin Journal of Family Law, a publication of the Family Law Section. She has been honored by the Wisconsin Law Foundation with the Belle Case LaFollette Award for outstanding service to the profession, by the State Bar of Wisconsin for lifelong contributions to the advancement of women in the legal profession and by the Family Law Section of the Wisconsin Bar for outstanding service to the Family Law Section.

At the University level, she has served as Associate Dean of the Law School, and as Chair of the University Committee, which is the executive committee of the University faculty. She has served as Chair of a Chancellor’s Task Force on Gender Equity and as Co-Chair of a Regents’ Task Force on The Status of Women. She has been honored by the U.W. System with the Award for Outstanding Contributions to the Advancement of Women in Higher Education.

Professor Melli counts the significant increase in the number of women in the legal profession as one of the most encouraging developments during her career. When she joined the faculty in 1959, she was the only woman professor on the Law School faculty and there were only a handful of women law students. Today, nearly half of the tenure-track faculty and current law students are women.