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ACADEMIC AFFILIATION AND TEACHING EXPERIENCE

BROOKLYN LAW SCHOOL, Brooklyn, N.Y.
1901 Distinguished Research Professor of Law, since 2019
Suzanne J. & Norman Miles Professor of Law, 2007-19;
Professor of Law, 1986-2007.

Primary Courses:

Comparative & International Family Law, Law and Bioethics, Torts, Trusts and Estates

Other Courses:

Administrative Law, Children and the Law, Comparative Constitutional Law, Family law, Health Law

EDUCATION

HARVARD UNIVERSITY Cambridge, Mass. J.D.

UNIVERSITY OF UTAH, Salt Lake City, Utah B.A. magna cum laude in Political Science,
Honors Scholarship, Phi Beta Kappa

PUBLICATIONS

A. Books

FAMILY LIFE, FAMILY LAW, AND FAMILY JUSTICE: TYING THE KNOT (Routledge, 2023);

THE LAW OF BIOETHICS: INDIVIDUAL AUTONOMY AND SOCIAL REGULATION (with C.E. Schneider) (3d. ED, West, 2015, 2d ed. 2009 West, & 1st ed. Thomson-West, 2003);

MARRIAGE AT THE CROSSROADS: LAW, POLICY, AND THE BRAVE NEW WORLD OF TWENTY-FIRST-CENTURY FAMILIES (with E.S. Scott, eds.) (Cambridge Univ. Press, 2013);

FAMILY LAW: CASES, COMMENTS, AND QUESTIONS (with H.D. Krause, L.D. Elrod, & J.T. Oldham) (6th and 5th ed., Thomson-West 2007 & 2003 & 4th ed., West Group 1998);

B. Book Chapters and Journal Articles

Marriage, in J.M. SMIDT ET AL (eds.), ELGAR ENCYCLOPEDIA OF COMPARATIVE LAW (Elgar, 2023)

Family Law: Facts and Values, in JENS S. SCHERPE & STEVEN GILMORE (eds.), FAMILY MATTERS: FESTSCHRIFT FOR JOHN EEKELAAR (Intersentia, 2022)

The Invisible Prison: Pathways and Prevention, 95 NOTRE DAME L. REV. 1439 (2020) (with M.F. Brinig);

The Changing Face of Marriage, in JOHN EEKELAAR & ROB GEORGE (eds.), ROUTLEDGE HANDBOOK OF FAMILY LAW AND POLICY 3-14 (Routledge, 2d ed. 2020 & 1st ed. 2014);

Multi-Partner Fertility in a Disadvantaged Population: Findings from an Empirical Investigation of Paternity Actions in St. Joseph County, Indiana, 52 FAM. L.Q. 27-56 (2018) (with M.F. Brinig) (symposium issue);

Getting Blood from Stones: Results and Policy Implications of an Empirical Investigation of Paternity Actions in St. Joseph County, Indiana, 56 FAM. CT. REV. 521-43 (2018) (with M.F. Brinig);

Let's Get Married? American Perspectives on Matrimony in the 21st Century, in JOHN EEKELAAR (ed.), FAMILY LAW IN BRITAIN AND AMERICA IN THE NEW CENTURY (Brill, 2017);

Fostering Family-Law Norms through Educational Initiatives, 27 CHILD & FAM. L.Q. 261 (2015);

The Wild West of Parentage Determination: ART in the USA, in BRIGITTE FEUILLET (ed.), REPRODUCTIVE TECHNOLOGY AND CHANGING PERCEPTIONS OF PARENTHOOD AROUND THE WORLD (Bruylant, 2015);

U.S. Custody and Access Disputes—Continuity and Change, 27 KOREAN J. FAM. L. 17-38 (2013);

Rebuilding Family Law: From Adjudication to Therapeutic and Preventive Services, in INGA KUDINAVICIUTE-MICHAILOVIENE & EGIDIJA STAUSKIENE (eds.) FAMILY CASES: ADJUDICATION AND ENFORCEMENT (Mykolas Romeris Univ. Press, 2013);

Taking the Risks Out of Child Protection Risk Analysis, 21 J. L. & POL'Y 5-37 (2012-13) (symposium issue);

Property Rights for Cohabitants: Status v. Contract, in KATHERINA BOELE-WOELKI ET AL., (eds.), THE FUTURE OF FAMILY PROPERTY IN EUROPE 115-40 (Intersentia, 2011);

Why Has the United States Failed to Ratify the U.N. Convention on the Rights of the Child?, in GIUSEPPINA CORTESE (ED.), MARGINALIZED IDENTITIES IN THE DISCOURSE OF JUSTICE: REFLECTIONS ON CHILDREN'S RIGHTS 55-71 (Polymetrica Int'l, 2011);

Divorce Property Distribution: Cross-national Perspectives on Fairness, 72 LA. L. REV. 57-88 (2011) (symposium issue);

Nonmarital Cohabitation: Social Revolution and Legal Regulation, 42 FAM. L.Q. 309-31 (2008) (symposium issue), reprinted in part in UKRAINIAN LAW REVIEW: LAW OF THE USA (2012) and CARROLL ET AL., LOUISIANA MATRIMONIAL REGIMES: CASES & MATERIALS (2015);

Regulating Reproduction, 76 GEO. WASH. L. REV. 1623-56 (2008) (symposium issue) reprinted in part in 7 ICAFI UNIV. J. HEALTHCARE L. 32-57 (2009);

Reviving Marriage: Could We? Should We?, 10 J. L. & FAM. STUD. 279-335 (2008), reprinted in part in SCHNEIDER & BRINIG, AN INVITATION TO FAMILY LAW 577-89 (3d ed. 2006);

Cooperative Parenting: Programs and Prospects, 9 J. L. & FAM. STUD. 265-80 (2007) (symposium issue);

The Decline of Formal Marriage: Inevitable or Reversible?, 41 FAM. L.Q. 491-520 (2007) (symposium issue), reprinted in part in HARRIS ET AL., FAMILY LAW (5th ed. 2014);

The Empire of Illness: Competence and Coercion in Health-Care Decision Making, 49 WM. & MARY L. REV. 781-843 (2007) reprinted in part in GARRISON & SCHNEIDER, THE LAW OF BIOETHICS: INDIVIDUAL AUTONOMY AND SOCIAL REGULATION 249-51, 475-81 (2d ed. 2009);

Reforming Divorce: What's Needed and What's Not, 27 PACE L. REV. 921-47 (2007) (symposium issue);

Marriage Matters: What's Wrong with the ALI's Domestic Partnership Proposal, in ROBIN H. WILSON (ed.), PERSPECTIVES ON THE PRINCIPLES OF FAMILY DISSOLUTION 305-31 (Cambridge Univ. Press, 2006);

Reforming Child Protection: A Public Health Perspective, 12 VA. J. SOC. POL'Y & L. 590 (2005) (symposium issue);

Is Consent Necessary? An Evaluation of the Emerging Law of Cohabitant Obligation, 52 UCLA L. REV. 815-97(2005), reprinted in part in ABRAMS ET AL., CONTEMPORARY FAMILY LAW (2006);

Child Support Guideline Review: Problems and Prospects, in ANDREW BAINHAM (ED.), 2001 INTERNATIONAL SURVEY OF FAMILY LAW 437-49 (Kluwer Law Int'l, 2001);

The Economic Consequences of Divorce: Would Adoption of the ALI Standards Improve Current Outcomes?, 8 DUKE J. GENDER L. & POL'Y 119-37 (2001) (symposium issue);

The Goals and Limits of Child Support Policy, in J.T. OLDHAM & M.M. MELLI (eds.), CHILD SUPPORT: THE NEXT FRONTIER 16-46 (U. Michigan Press, 2000);

Law Making for Baby Making: An Interpretive Approach to the Determination of Legal Parentage, 113 HARV. L. REV. 835-923 (2000), reprinted in part in SCHNEIDER & BRINIG, AN INVITATION TO FAMILY LAW 889-93, 954-58 (3d ed. 2006) & GARRISON & SCHNEIDER, THE LAW OF BIOETHICS: INDIVIDUAL AUTONOMY AND SOCIAL REGULATION 894-95 (2d ed. 2009);

The Technological Family: What's New and What's Not, 33 FAM. L.Q. 691-704 (1999) (symposium issue);

Child Support: Guidelines and Goals, 33 FAM. L.Q. 157-89 (1999) (symposium issue), reprinted in part in KRAUSE ET AL, FAMILY LAW: CASES, COMMENTS, AND QUESTIONS 916-21 (5th ed. 2003);

Toward a Contractarian Account of Family Governance, 1998 UTAH L. REV. 241-69 (symposium issue);

Autonomy or Community: An Evaluation of Two Models of Parental Obligation, 86 CAL. L. REV. 41-117 (1998), reprinted in part in SCHNEIDER & BRINIG, AN INVITATION TO FAMILY LAW 1194-1207 (3d ed. 2006);

Succeeding in Law School: A Comparison of Women's Experiences at Brooklyn Law School and the University of Pennsylvania (with B. Tomko & I. Yip), 3 MICH. J. GENDER & LAW 515-50 (1996);

Parents' Rights vs. Children's Interests: The Case of the Foster Child, 22 N.Y.U. REV. LAW & SOC. CHANGE 371-96 (1996) (symposium issue), reprinted in part in WEISBERG & APPLETON, MODERN FAMILY LAW 1090-92 (1st-5th ed. 1998-2012);

How Do Judges Decide Divorce Cases? An Empirical Analysis of Discretionary Decision Making, 74 N.C. L. REV. 401-527 (1996), reprinted in part in BRINIG ET AL., (eds.), FAMILY LAW IN ACTION: A READER 265-92 (Anderson Pub. Co., 1999);

Child Support and Children's Poverty (book review essay), 28 FAM. L.Q. 475-507 (1994);

The Economic Consequences of Divorce, 32 FAM. & CONCILIATION CTS. REV. 10-26 (1994), reprinted in part in HARRIS ET AL., FAMILY LAW 324-25 (1996);

Good Intentions Gone Awry: The Impact of New York's Equitable Distribution Law Upon Divorce Outcomes, 57 BROOKLYN L. REV. 621-754 (1991);

The Economics of Divorce: Changing Rules, Changing Results, in S.D. SUGARMAN & H.H. KAY (eds.), DIVORCE REFORM AT THE CROSSROADS 75-101 (Yale University Press, 1990).

Surrogate Parenting: What Should Legislatures Do?, 22 FAM. L.Q. 149-72 (1988);

Child Welfare Decision Making: In Search of the Least Drastic Alternative, 75 GEO. L. J. 1745-1828 (1987), reprinted in part in KRAUSE ET AL., FAMILY LAW: CASES, COMMENTS, AND QUESTIONS 473-75 (4th-6th ed. 1998, 2003, 2007);

Marriage: The Status of Contract (book review essay), 133 U. PA. L. REV. 1039-62 (1983);

Why Terminate Parental Rights?, 35 STAN. L. REV. 423-96 (1983), reprinted in part in MNOOKIN & WEISBERG, CHILD, FAMILY AND STATE: PROBLEMS AND MATERIALS ON CHILDREN AND THE LAW 513-24 (3d-7th ed. 2014);

RECENT HONORS AND AWARDS

Association of Family and Conciliation Courts Meyer Elkin Award (with Margaret F. Brinig), 2019;

Senior Fulbright Scholar, Yangon University (2016);

Visiting Scholar, University of Bologna (2013);

Hague Institute for the Internationalisation of Law, Innovating Justice Contest Finalist and Runner-Up (2012).

REPRESENTATIVE SCHOLARLY PRESENTATIONS 2013-18

“Multipartner Fertility in a Disadvantaged Midwestern Population” (with M.F. Brinig, University of Notre Dame), Invited speaker, Am. Assoc. of Law Schools Annual Meeting, Joint Program of Sections on Family and Juvenile Law, San Diego, CA, January, 2018;

“Private Family Obligations in the United States,” Invited expert, University of Neuchatel Project on the Future of the Family, Neuchatel, Switzerland, October, 2017;

“Fault, 51 Ways: The Varied Role of Fault in U.S. Divorce Law,” Invited speaker, Nuffield Foundation Project on Fault and Divorce Law Reform, Amsterdam, NL, July, 2017;

“Advancing the Rule of Law in Myanmar: The Role of Legal Education,” Fulbright/ASEAN Annual Conference, Jakarta, Indonesia, March, 2016;

“Delegalizing” Family Law in the United States,” Invited plenary speaker, Int’l Society of Family Law & China Family Law Association Conference on Family Law and Family Justice: Practice and Reform, Chongqing, China, October, 2015;

“Marriage in the New Century,” Invited plenary speaker, Am. Assoc. of Law Schools Workshop on Shifting Foundations in Family Law, Orlando, FL, June, 2015;

“The Future of Family Law.” Invited plenary speaker, Int’l Society of Family Law Triennial World Conference, Recife, Brazil, August, 2014;

“Fostering Marriage and Family Responsibility Through Norm Creation: The U.S. Experience.” Invited speaker, Leverhulme Trust Conference on *Meanings and Understandings of Family Solidarity and Family Regulation*, London, U.K., March 2014.

“It’s My Body and I’ll Do What I Want To: The U.S. Perspective on Medical Decision Making.” Invited speaker, Réseau Universitaire Internationale de Bioéthique (International University Bioethics Research Network) Conference on The Protection of the Human Body: Cross-national Perspectives, Brussels, Belgium, December, 2013;

“U.S. Custody and Access Disputes: Continuity and Change.” Invited keynote speaker at conference on Family Law, Family Court, Family Policy in a Changing World cosponsored by Korean Family Court, Korean Women’s Development Institute, and Int’l Society of Family Law, Seoul, South Korea, October, 2013;

PROFESSIONAL AFFILIATIONS

American Law Institute (1991-present): Project on Family Dissolution, Members' Consultative Group (1991-1999);

Association of the Bar of the City of New York: Advisory Committee on Continuing Legal Education (1995-96); Executive Committee (1991-95); Committee on Family Court and Family Law (1983-1989), Chair (1986-89); Committee on Children and the Law (1990-91);

Cambridge University Family Law Centre, Advisory Board (2015-present);

Child and Family Law Quarterly, International Advisory Board (2007-present);

International Journal of Law, Policy, and the Family, Editorial Board (2020-present);

International Society of Family Law: President (2014-17); Secretary-General (2005-14); Executive Council (2000-present); North American Regional Conference Planning Committees (1995, 1998, 2001, 2003, 2007, 2013);

National Conference of State Bar Examiners, Multi-State Essay Examination Drafting Committee (2003-18)