

# 2015 AALS MIDYEAR MEETING

June 22 – 26, 2015      Orlando, Florida

## **Workshop on Shifting Foundations in Family Law:**

Family Law's Response to Changing Families

**Monday, June 22 –  
Wednesday, June 24**

## **Workshop on Measuring Learning Gains**

**Monday, June 22 –  
Wednesday, June 24**

## **Workshop on Next Generation Issues of Sex, Gender, and the Law**

**Wednesday, June 24 –  
Friday, June 26**

**Register Today!**

# Workshop on Shifting Foundations in Family Law: Family Law's Response to Changing Families

Monday, June 22 – Wednesday, June 24, 2015

## why attend?

Family life and family law have undergone sweeping transformations in recent decades. Families are both more diverse and more unequal. It has now been more than a decade since the American Law Institute published its *Principles on the Law of Family Dissolution* and since the Supreme Judicial Court of Massachusetts issued its *Goodridge v. Department of Public Health* decision. The U.S. Supreme Court's 2013 *United States v. Windsor* opinion has already spurred broad changes far beyond its invalidation of part of the Defense of Marriage Act, and the Supreme Court's anticipated 2015 decision on whether the federal constitution requires states to allow or recognize same-sex marriage is likely to have similarly dramatic consequences for families and family law. Consequently, it is both timely and critical to have a workshop that considers foundational questions about family law. This workshop will take up such issues as: how should family law respond to the changing shape of families and to the implications of rising inequality for families? How are the "essential" foundations of family law evolving to do so? What, today, is involved in teaching Family Law?

The shifting demographics of the family provide the context for the workshop. Family life is becoming more diverse as alternative forms of family organization have gained prominence, including cohabitation, LGBTQ relationships, single parent households, one-person households, and other care networks. Family life is also becoming more unequal. Although marriage is no longer the prevailing family form, it remains a primary source of social capital. This reality potentially presents challenges for family law; demographic studies identify a decline in marriage rates and characterize the increasing separation of marriage and parenthood among a growing segment of the U.S. population as part of a class-based marriage divide.

The increasing diversity of family structures has thus served as a catalyst for re-thinking intimate relationships and the role of the state. This process has brought sharply differentiated responses. A growing number of states have diversified legal recognition of intimate partner relationships by opening up marriage laws or by

recognizing new relationship forms such as civil unions and domestic partnerships. Conversely, other states have adopted laws designed to re-trench marriage as the archetype relationship that is available to opposite couples only. Core questions have surfaced: How and why should law regulate intimate partner and other adult relationships? How pluralistic should family law be?

Parent-child relationships are also in a period of change. Rapidly developing reproductive technologies offer new pathways to parenthood. Biology and parenthood no longer go hand in hand, raising questions about how to define parenthood and whether the law should recognize more than two parents. As marriage and parenthood are increasingly separated, this trend, along with higher rates of family dissolution, results in fewer children living in a marital household and more children living, for at least part of their lives, in single parent households and in households formed by a succession of adult partners. Some scholars and social commentators urge taking steps to reconnect marriage and





### Planning Committee for Workshop on Shifting Foundations in Family Law: Family Law's Response to Changing Families

Brian H. Bix  
University of Minnesota Law School

Naomi R. Cahn  
The George Washington University  
Law School, **Chair**

Solangel Maldonado  
Seton Hall University School of Law

Linda C. McClain  
Boston University School of Law

Sean H. Williams  
The University of Texas School of  
Law



parenthood, while others view this trend as the occasion to move away from marriage as the proper way to secure the parent-child relationship or co-parent cooperation and toward new legal statuses.

Social scientists warn of growing family economic inequality and its reproduction from one generation to the next. Studies report on the growing, class-based marriage gap, in which wealthier, college educated people marry later in life and become parents during marriage, while a growing number of poorer, less-educated people view marriage as an ideal that is out of reach and become parents outside of marriage. A similar trend began some fifty years ago in minority communities, and there are additional separate issues concerning race that account for family wealth gaps among various groups of Americans. Other inequalities also persist across a number of categories related to family law, including sexuality, gender, citizenship, and the treatment of juveniles and children. Law and society continue to grapple with critical questions: what is the meaning of equality and how can it be advanced to best serve families?

Legal education is also undergoing a process of rigorous evaluation and change. Spurred in significant part by challenging economic circumstances faced by law schools, the legal profession, and by the broader society, the legal academy is rethinking what to teach, why and how. The practice of family law itself has also shifted. With the increasing use of alternative dispute resolution methods, the increasing tendency by courts to steer parties to such methods and rising number of pro se litigants, family disputes are now less often resolved by judges and lawyers. Cumulatively, these changes in families, in Family Law, and in legal education have been profound. What is the role of lawyers in connecting families to the law? How should professors approach teaching and student learning in Family Law today?

Finally, this workshop will also consider how family law might be transformed for the future. What will become the foundations of family law in the future? And why, what, and how should we teach Family Law to tomorrow's lawyers? Increasingly, Family Law cuts across disciplines such as psychology, gender and sexuality studies, human development and flourishing, political science, the social sciences, the "hard" sciences, and history. This is true not only in academic scholarship, but in the practice of family law as well. Practitioners and judges are routinely being trained in an interdisciplinary manner and view other disciplines as necessary and informative to decisions made in family law cases. Family Law also continues to be expansive in terms of subject matter and includes a growing matrix of regulations across legal disciplines reaching well beyond divorce, custody, paternity, dependency and neglect.

### who should attend?

Section members and teachers of aging and the law, ADR, bioethics, children and the law, civil rights, clinical legal education, community property, elder law, family law, estates and trusts, feminist legal theory, healthcare law, juvenile, law and social science, minority groups, Native American rights law, poverty law, welfare law, women in legal education.

### schedule

The workshop will begin on Monday, June 22 with registration at 4 p.m. followed by a reception at 6 p.m. The program will include two full days of plenary sessions and breakout sessions. The workshop will conclude at 6:30 p.m. on Wednesday, June 24. In addition to the program sessions, there will be optional luncheons on Tuesday and Wednesday and another reception on Tuesday evening.

# program

monday, june 22, 2015

4 pm – 8 pm  
**AALS Registration**

6 pm – 7:30 pm  
**AALS Reception**

tuesday, june 23, 2015

8:45 am – 9 am  
**Welcome**  
Judith Areen, AALS Executive Director

**Introduction**  
Naomi R. Cahn, Chair, Planning Committee for AALS Workshop on  
Shifting Foundations in Family Law: Family Law's Response to  
Changing Families and The George Washington University Law  
School

9 am – 10:30 am  
**Plenary Session – Changes in Family and Family Law**  
Katharine T. Bartlett, Duke University School of Law  
Isabel V. Sawhill, Senior Fellow, Brookings Institution, Washington, D.C.

**Moderator:** Linda C. McClain, Boston University School of Law

This opening plenary session will provide a foundation for the rest of the workshop by detailing major demographic changes in family life and patterns of family formation, including generational trends, and major changes in family law that have facilitated or responded to changes in family life. The plenary will preview significant issues concerning family inequality and the role of law and policy in addressing it.

10:30 am – 10:45 am  
Refreshment Break

10:45 am – 12:15 pm  
**Plenary Session – Family Law and Inequality**

Margaret Friedlander Brinig, Notre Dame Law School  
June Rose Carbone, University of Minnesota Law School  
Lily Kahng, Seattle University School of Law  
Robin A. Lenhardt, Fordham University School of Law  
Elizabeth L. MacDowell, University of Nevada, Las Vegas, William S.  
Boyd School of Law

**Moderator:** Solangel Maldonado, Seton Hall University School of Law

This plenary considers numerous aspects of inequality in family law. Panelists will discuss growing family economic inequality and its reproduction from one generation to the next as well as other inequalities across a number of categories related to Family Law, including race, sexuality, gender, access to justice, and the treatment of juveniles and children. Law and society continue to grapple with critical questions: what is the meaning of equality, does the law reinforce inequalities, and how can equality be advanced to best serve families?

12:15 pm – 2 pm  
**AALS Luncheon**  
W. Bradford Wilcox, Director, National Marriage Project and Director,  
Graduate Studies, Sociology Department, University of Virginia,  
Charlottesville, Virginia

2 pm – 3:30 pm  
**Plenary Session – Family Options and the Law**  
Cynthia G. Bowman, Cornell Law School  
John G. Culhane, Widener University School of Law  
Maxine S. Eichner, University of North Carolina School of Law  
Martha M. Ertman, University of Maryland Francis King Carey School of  
Law  
Melissa E. Murray, University of California, Berkeley School of Law

**Moderator:** Sean H. Williams, The University of Texas School of Law



The plenary on Family Options and the Law explores how family law currently addresses family diversity and how it should respond to growing family diversity. Topics to be addressed include the future of marriage, the reasons why people seek statuses like civil unions and domestic partnerships, the regulation of cohabitants, and the proper role of the state in promoting or privileging certain family forms.

3:30 pm – 3:45 pm  
Refreshment Break

3:45 pm – 5:15 pm

### Concurrent Sessions – Relationship Pluralism

Sarah Abramowicz, Wayne State University Law School  
*Parenthood by Contract*

Erez Aloni, Whittier Law School  
*Mistaking Neoclassicism for Pluralism in Family Law*

Albertina Antognini, University of Kentucky College of Law  
*When Cohabitation Ends*

Michael Boucai, SUNY Buffalo Law School  
*Is Assisted Procreation an LGBT Right?*

Courtney Cahill, Florida State University Law School  
*Rethinking Reproductive Discrimination*

Jessica R. Feinberg, Mercer University School of Law  
*Gradual Marriage*

Deborah L. Forman, Whittier Law School  
*Exploring the Boundaries of Families Created with Known Gamete Providers: Who's In and Who's Out?*

Joanna L. Grossman, Hofstra University, Maurice A. Deane School of Law  
*Men Who Give it Away: The Perils of Free or Non-Anonymous Sperm Donation*

Suzanne A. Kim, Rutgers University School of Law, Newark  
*Marriage Equalities: Gender and Social Norms in Same-Sex and Different-Sex Marriage*

Shelly Kreiczer Levy, PhD, Associate Professor, College of Law and Business, Ramat Gan, Israel

Pamela Laufer-Ukeles, University of Dayton School of Law  
*The Cohabiting Family: Decoupling Sex from the Home*

Kaipo Matsumura, Arizona State University Sandra Day O'Connor College of Law  
*The Constitutional Limits of Private Ordering*

Mary M. Penrose, Texas A&M University School of Law  
*The Fundamental Right to Divorce (or, Family Law and the Fundamental Right to Travel)*

Nancy D. Polikoff, American University Washington College of Law  
*Parentage after Marriage Equality*

Susannah W. Pollvogt, Washburn University School of Law  
Catherine E. Smith, University of Denver Sturm College of Law  
*Is Focusing on Children Bad for the Movement?*

Dara E. Purvis, Pennsylvania State University The Dickinson School of Law  
*Parenthood Without Biology*

Elizabeth S. Scott, Columbia University School of Law  
Robert E. Scott, Columbia University School of Law  
*From Contract to Status: Collaboration and the Evolution of Novel Families*

Edward D. Stein, Benjamin N. Cardozo School of Law  
*Marriage and Sexual Fidelity*

Allison Anna Tait, The University of Richmond School of Law  
*Between Marriage Privilege and Economic Partnership*

Bela August Walker, Roger Williams University School of Law  
*Parental Status & the State: From Property Rights to Fundamental Rights*

5:15 pm – 6:30 pm

**AALS Reception including Speed “Dating” for Scholarship**



wednesday, june 24, 2015

9 am – 10:30 am

**Plenary Session – Core Family Law**

Barbara Ann Atwood, The University of Arizona James E. Rogers College of Law

Ann M. Cammett, City University of New York, School of Law

Cynthia L. Starnes, Michigan State University College of Law

Merle H. Weiner, University of Oregon School of Law

**Moderator:** Ann Laquer Estin, University of Iowa College of Law

During this plenary, panelists will explore foundational principles of family law and analyze how they are evolving in response to contemporary families. Topics to be addressed include shared parenting, alimony/property division, child support, and intrafamilial contracts.

10:30 am – 10:45 am

Refreshment Break

10:45 am – 12:15 pm

**Concurrent Sessions: Family Law and ...**

**1. Family Law and ... Family Violence**

Cynthia M. Godsoe, Brooklyn Law School

*Offensive Victims: Mothers at the Intersection of Criminal and Family Law*

Laurie S. Kohn, The George Washington University Law School

*False Remedies: The Ephemeral Relief of Custody and Visitation Provisions in Civil Protection Orders*

Joan S. Meier, The George Washington University Law School

*Pitfalls in Differentiation of Domestic Violence Types*

**2. Family Law and ... Aging/Family Care**

Alicia B. Kelly, Widener University School of Law

*Aging or Multigenerational Family Relationships*

Nina A. Kohn, Syracuse University School of Law

*Valuing Care*

Jessica Dixon Weaver, Southern Methodist University, Dedman School of Law

*Vulnerability, Resistant Assets, and Reciprocal Exchange*

**3. Family Law and ... Parentage/Parenthood**

Cheryl E. Amana-Burris, North Carolina Central University School of Law

*Time to Consider—Expanding the Definition of Family for the 21st Century*

Leslie J. Harris, University of Oregon School of Law

*Creating A Co-Parent Status: the Meaning of Voluntary Acknowledgments of Paternity and Legal Reforms to Support Unmarried Parents Working Together to Raise their Children*

Kim Hai Pearson, Gonzaga University School of Law

Addie Rolnick, University of Nevada, Las Vegas, William S. Boyd School of Law,

*Gender, Race, and Ideal Parenthood in Adoptive Couple v. Baby Girl*

**4. Family Law and ... Children's Rights/Clashes with Children's Rights**

Josh Gupta-Kagan, University of South Carolina School of Law

*The New Permanency*

Catherine J. Ross, The George Washington University Law School

*Limits to Parental Control: Student Speech Rights and the Collision of Values in Public Schools*

Lynn Dennis Wardle, Brigham Young University, J. Reuben Clark Law School

*Images and Illusions of Progressive Change in American Family Law*

Jonathan F. Will, Mississippi College School of Law

*Religion as a Controlling Interference in Medical Decision Making by Mature (?) Minors*



## 5. Family Law and ... Employment Law/Employment Discrimination

Jessica A. Clarke, University of Minnesota Law School  
*Employing the Family*

Courtney G. Joslin, University of California at Davis School of Law,  
*Marital Status Discrimination Revisited*

Deborah A. Widiss, Indiana University Maurer School of Law  
*Changing Work and Changing Families*

## 6. Family Law and ... Status (Culture, Immigration, etc.)

Wendy A. Bach, University of Tennessee College of Law  
*The Hyperregulatory and the Submerged State*

Andrea B. Carroll, Louisiana State University, Paul M. Hebert Law  
Center  
*Family Law and Female Empowerment*

Kari Hong, Boston College Law School  
*Famigration (Fam-Imm): The Next Frontier in Family Law*

Marcia A. Zug, University of South Carolina School of Law  
*Mail Order Marriages*

12:15 pm – 1:30 pm

### AALS Luncheon: Focus on Teaching

Jamie Rene Abrams, University of Louisville, Louis D. Brandeis School of  
Law

Mary P. Byrn, William Mitchell College of Law

Marsha M. Mansfield, University of Wisconsin Law School

1:45 pm – 3 pm

### Concurrent Sessions – Resources for Family Law Teaching and Practice

#### Teaching:

Deirdre Bowen, Seattle University School of Law  
*Teaching and Clinical Class Collaboration*

Janet M. Heppard, University of Houston Law Center  
Tasha Willis, University of Houston Law Center  
*How to Teach Immigration and Family Law Course*

Sarah Katz, Temple University, James E. Beasley School of Law  
Deeya Haldar, Drexel University Thomas R. Kline School of Law  
*Teaching Trauma-Informed Practice Through Family Law*

Deborah Paruch, University of Detroit Mercy School of Law  
*Two Simulation Courses in Family Law*

Nancy Ver Steegh, William Mitchell College of Law  
*Three New Learning Opportunities for Family Law Students*

#### Practice:

Marcia Canavan, University of Connecticut School of Law  
*Does the Use of Social Media Evidence in Family Law Litigation Matter?*

Jane C. Murphy, University of Baltimore School of Law  
Jana B. Singer, University of Maryland Francis King Carey School of Law  
*Dispute Resolution for Diverse Families*

Rachel Rebouche, Temple University, James E. Beasley School of Law  
*Against Collaboration*

3 pm – 3:15 pm

Refreshment Break



3:15 pm – 4:45 pm

**Plenary Session: Preparing Family Law for the Future**

Susan F. Appleton, Washington University in St. Louis School of Law  
R. Richard Banks, Stanford Law School  
Barbara A. Glesner-Fines, University of Missouri-Kansas City School of Law  
Jill Hasday, University of Minnesota Law School

“Preparing Family Law for the Future” will offer a series of overviews on likely developments in Family Law and Family Law teaching. The topics will include Family Law pedagogy, the canons of Family Law, and Assisted Reproductive Technologies.

5 pm – 6:30 pm

**Joint Plenary Session with Workshop on Next Generation Issues of Sex, Gender, and the Law: Marriage Equality and Inequality**

Marsha Garrison, Brooklyn Law School  
Clare Huntington, Fordham University School of Law  
Darren Lenard Hutchinson, American University, Washington College of Law  
Holning S. Lau, University of North Carolina School of Law

**Moderators:**

Solangel Maldonado, Seton Hall University School of Law  
Linda C. McClain, Boston University School of Law

This closing plenary will explore multiple dimensions of the relationship between marriage and equality, by considering “marriage equality” as more states open up civil marriage to same-sex couples alongside “marriage inequality,” the growing, class- and race-based marriage divide. Panelists will address a range of topics, including how family law should respond to the growing separation of marriage and parenthood and the intersection of marriage equality with concerns for family diversity and pluralism.





# Workshop on Measuring Learning Gains

Monday, June 22 – Wednesday, June 24, 2015

## why attend?

Law schools are entering a new era, one in which they will be expected to seriously evaluate what their students have learned throughout their law school careers. New accreditation requirements imposed by the American Bar Association (ABA), regional accreditors of colleges, and the federal government are driving forces for such attention to educational effectiveness. But so, too, is the intellectual curiosity and commitment to delivering high quality, effective education that animates most legal educators, particularly during a time of declining law school applicants and rapid changes in the legal profession. Few within the legal academy have experience in developing learning outcomes, measuring learning gains or demonstrating institutional effectiveness. Attentive administrators and faculty leaders of law schools around the country need to understand both how they can facilitate student learning in order to meet learning goals and how they can provide proof of accountability and effectiveness.

This workshop is designed to provide participants with:

- An intellectual and practical framework for measuring learning gains and institutional effectiveness, along with hands-on experience.



- An in-depth understanding and experience with issues, goals and strategies associated with assessment of institutional effectiveness.
- A true “workshop” experience that helps them achieve the following outcomes: (a) identifying a starting point for assessment planning at their individual schools; (b) drafting an assessment plan for their program or school; (c) developing a communications plan to increase understanding, acceptance, and participation in the assessment plan by others; and (d) identifying resources that will help them improve assessment of student learning.
- A significant head start in implementing related strategies at their individual schools.

Law schools are encouraged to send teams of 2-4 individuals who can work together to develop draft assessment plans for their home schools, and brainstorm and test implementation strategies through small-group work with those from other participating

schools and programs. Those playing any of the following roles would find the program of particular use and benefit: associate deans for academic affairs, self-study committee chairs, curriculum committee chairs, directors of academic support programs, directors of masters’ programs, clinic directors, legal writing directors, faculty members involved in developing substantive concentrations, faculty and staff charged with undertaking various types of institutional assessment, and librarians interested in expanding their roles into the area of educational effectiveness, and deans interested in developing long-term planning strategies. Participants should be committed to complete advanced reading assignments and to take assessment plans back to their home schools for further action. Individual faculty members who wish to gain deeper insight into related topics are also welcome, but should be prepared to work with others in developing strategies for institutional action.



## Planning Committee for Workshop on Measuring Learning Gains

Raquel E. Aldana  
University of the Pacific, McGeorge  
School of Law

Catherine L. Carpenter  
Southwestern Law School, **Chair**

Thomas F. Geraghty  
Northwestern University School of  
Law

Todd D. Rakoff  
Harvard Law School

## who should attend?

Section members and teachers of Academic Support, Clinical Legal Education, Continuing Legal Education, Dean, for the Law School, Institutional Advancement, Legal Writing, Reasoning and Research, New Law Professors, Part-Time Division Programs, Post-Graduate Legal Education, Pre Legal Education and Admission to Law School, Professional Responsibility, Scholarship, Student Services, and Teaching Methods; and deans and associate deans.

## schedule

The workshop will begin on Monday, June 22 with registration at 4 pm followed by a reception at 6 pm. The program will include two full days of plenary sessions and breakout sessions. The workshop will conclude at 6:30 pm on Wednesday, June 24. In addition thte program sessions, there will luncheons on Tuesday and Wednesday and another reception on Tuesday evening.



# program

monday, june 22, 2015

4 pm – 8 pm  
**AALS Registration**

6 pm – 7:30 pm  
**AALS Reception**

tuesday, june 23, 2015

8:45 am – 9 am  
**Welcome**  
Regina F. Burch, AALS Associate Director

**Introduction**  
Catherine L. Carpenter, Chair, Planning Committee for AALS Workshop  
on Measuring Learning Gains and Southwestern Law School

9 am – 10:30 am  
**Plenary Session: Assessment Vocabulary and Core Concepts**  
Bryant G. Garth, University of California, Irvine School of Law  
Barbara A. Glesner Fines, University of Missouri-Kansas City School of Law

**Moderator:** Catherine L. Carpenter, Southwestern Law School

An intellectual and practical framework for measuring learning gains and institutional effectiveness begins with a grounding in the vocabulary and core concepts of assessment. This panel offers the foundational principals of assessment that will guide the conference discussion.

10:30 am – 10:45 am  
**Refreshment Break**

10:45 am – 12:15 pm  
**Plenary Session: Cultures of Assessment**  
Joseph D. Harbaugh, Nova Southeastern University, Shepard Broad Law Center  
William F. Lee, Partner, WilmerHale, Boston, Massachusetts  
Lori E. Shaw, University of Dayton School of Law

**Moderator:** Thomas P. Geraghty, Northwestern University School of Law

Law schools are the last of the academic disciplines to embrace the concept of assessment. Luckily, we have experienced partners from other disciplines to help guide us. The panel will discuss assessment in other disciplines and how to import those lessons to your own institution: from taking advantage of university resources to jump starting your efforts and inspiring law faculty to join in the effort.

12:15 pm – 1:15 pm  
**Box Luncheon**

1:15 pm – 2:15 pm  
**Plenary Session: Best Practices in Curricular Mapping**  
Michael H. Schwartz, University of Arkansas at Little Rock, William H. Bowen School of Law  
Sophie M. Sparrow, University of New Hampshire School of Law

The facilitators will train workshop attendees in curriculum mapping and then walk workshop attendees through the process of mapping two or three outcomes that most law schools are likely to adopt to a fairly standard law school curriculum. The process will reveal the insight and improvement that best practices curriculum mapping can produce and provide a takeaway project that attendees can adapt to their own curricula.



2:15 pm – 2:30 pm  
Refreshment Break

2:30 pm – 3:30 pm  
**Small Group Sessions: Exploring Tool Kit Options**

*Cultural Competencies*

Raquel E. Aldana, University of the Pacific, McGeorge School of Law  
Andrea A. Curcio, Georgia State University College of Law

*Examinations*

Barbara A. Glesner-Fines, University of Missouri-Kansas City School of Law  
Todd D. Rakoff, Harvard Law School

*Portfolios and Capstone Courses*

Lori E. Shaw, University of Dayton School of Law

*Surveys Emphasis on LSSSE*

Bryant G. Garth, University of California, Irvine School of Law  
Carole Silver, Northwestern University School of Law

3:30 pm – 3:45 pm  
**Travel Break**

3:45 pm – 4:45 pm  
**Small Group Sessions: Exploring Tool Kit Options**

*Bar Examination*

Rodney O. Fong, University of San Francisco School of Law

*Cultural Competencies*

Raquel E. Aldana, University of the Pacific, McGeorge School of Law  
Andrea A. Curcio, Georgia State University College of Law

*Performance Skills (Clinical Input)*

Michele R. Pistone, Villanova University School of Law  
Sophie M. Sparrow, University of New Hampshire School of Law

*Interviews and Focus Groups*

Joyce S. Sterling, University of Denver Sturm College of Law

5 pm – 5:30 pm

**Plenary Session: Wrap Up for Whole Day**

**Moderator:** Todd D. Rakoff, Harvard Law School

5:30 pm – 6:30 pm

**AALS Reception**

wednesday, june 24, 2015

9 am – 10:15 am

**Plenary Sessions – Two Law Schools Share their Processes**

Jenni Parrish, University of California, Hastings College of Law  
Michael H. Schwartz, University of Arkansas at Little Rock, William H. Bowen School of Law

In this session, two law schools offer their own experiences in implementing institutional assessment and the lessons that they have learned and are learning along the way.

10:15 am – 10:30 am

Refreshment Break

10:30 am – 11:45 am

**Small Group Discussions**

12 pm – 1:30 pm

**AALS Luncheon: ABA Standards**

**Introduction:** Joan S. Howland, University of Minnesota Law School

Steven C. Bahls, President, Augustana College, Rock Island, Illinois

1:30 pm – 3 pm

**Works-in-Progress**

Similar to “open mike” night, this session provides an opportunity for law school attendees to present their own strategies and plans for institutional assessment in small group for group feedback





3 pm – 3:15 pm  
Refreshment Break

3:15 pm – 4 pm

**Plenary Session: Next Steps**

**Facilitators:**

Raquel E. Aldana, University of the Pacific, McGeorge School of Law

Thomas F. Geraghty, Northwestern University School of Law

Todd D. Rakoff, Harvard Law School

As a wrap up to the workshop, this session will circle the loop to discuss the take aways from the workshop and the various next steps in which law schools might engage as they implement institutional outcomes and assessment.



## Workshop on Next Generation Issues of Sex, Gender, and the Law

Wednesday, June 24 – Friday, June 26, 2015

### why attend?

After more than forty years of formal sex equality under the law, this 2015 workshop involves legal academics who have looked ahead to the future and identify, name, and analyze the next generation of legal issues, challenges, and questions that advocates for substantive gender equality must be prepared to consider. During this workshop, scholars will present papers and ideas that not only pinpoint and examine future law-related concerns about gender equality but that also provide innovative new approaches to achieving equality for women and those who challenge gender norms in our society. Particular attention will be given to issues related to gender and employment, violence against women, reproductive rights, women's poverty, and women in legal education.

The hope is to build on the insights of the participants in the 2011 AALS Workshop on Women Rethinking Equality by exploring new and forward-looking ideas for scholarship, law reform, and advocacy that can bring about gender equality. An additional expectation is that each session will address the ways in which characteristics other than gender, including race, sexual orientation, immigration status,

socioeconomic class, and disability, impact the real lives of people and the movement toward gender equality. We also anticipate that each session will analyze the institutional strengths and weaknesses of courts, legislatures, and administrative bodies for bringing about change and offer suggestions for legal reforms that can better meet the needs of women and those who challenge gender norms in our society. The final goal is to provide a rich and supportive atmosphere to foster mentoring and networking among teachers and scholars who are interested in gender equality and the law.

### who should attend?

Section members and teachers of women in legal education, family and juvenile law, feminist legal theory, children and the law, civil rights, clinical legal education, employment and labor law, employment discrimination law, law and the social sciences; minority groups, poverty law, property law, sexual orientation and gender identity issues and socio-economics.

### schedule

The workshop will begin on Wednesday, June 24 with registration at 4 p.m. followed by a Joint Session with the Workshop on Family Law at 5:30 p.m. and reception at 6:30 p.m. The program will include two full days of plenary sessions and concurrent sessions. The workshop will conclude at 5 p.m. on Friday, June 26. In addition to program sessions, there will be luncheons on Thursday and Friday and another reception on Thursday evening.



## Planning Committee for Workshop on Next Generation Issues of Sex, Gender and the Law

William Eskridge  
Yale Law School

Aya Gruber  
University of Colorado Law  
School

Angela I. Onwuachi-Willig  
University of Iowa College of  
Law, **Chair**

Kimberly Yuracko  
Northwestern University School  
of Law

Rebecca E. Zietlow  
University of Toledo College of  
Law



# program

wednesday, june 24, 2015

4 pm – 8 pm  
**AALS Registration**

5 pm – 6:30 pm  
**Joint Plenary Session with Workshop on  
Shifting Foundations: Family Law's Response  
to Changing Families: Marriage Equality and  
Inequality**

Marsha Garrison, Brooklyn Law School  
Clare Huntington, Fordham University School of  
Law  
Darren L. Hutchinson, University of Florida  
Frederic G. Levin College of Law  
Holning S. Lau, University of North Carolina  
School of Law

### Moderators:

Solangel Maldonado, Seton Hall University School  
of Law  
Linda C. McClain, Boston University School of  
Law

This joint plenary session will explore multiple dimensions of the relationship between marriage and equality. The plenary will consider “marriage equality” in the familiar sense of the changing landscape as more states open up civil marriage to same-sex couples alongside “marriage inequality,” which is the growing, class- and race-based marriage divide that some commentators warn is leading to marriage “haves” and “have nots.” Questions about marriage and equality will

include: the place of marriage versus nonmarital relationships in contemporary family life and law; the intersection of marriage equality with concerns for family diversity and pluralism; appropriate public policy responses to the growing separation of marriage and parenthood; and equality within marriage, including issues regarding the division of labor at home and work. Overall, panelists will consider what the relationship is between formal and substantive equality and whether classic feminist analyses are relevant to present-day problems.

6:30 pm – 8 pm  
**AALS Reception**

thursday, june 25, 2015

8:45 am – 9 am  
**Welcome**  
Judith Areen, AALS Executive Director

### Introduction

Angela I. Onwuachi-Willig, Chair, Planning  
Committee for AALS Workshop on Forty Years  
of Formal Equality and University of Iowa  
College of Law

9 am – 10:30 am

### Plenary Session: Legal Education

Patricia A. Cain, Santa Clara University School of Law  
 Bridget J. Crawford, Pace University School of Law  
 Meera E. Deo, Thomas Jefferson School of Law  
 Kristin Henning, Georgetown University Law Center  
 Teri McMurtry-Chubb, Mercer University Walter F. George School of Law  
 Blake D. Morant, The George Washington University Law School  
 Kellye Y. Testy, University of Washington School of Law

**Moderator:** D. Wendy Greene, Samford University Cumberland School of Law and Chair, AALS Section on Women in Legal Education

For the first half of the twentieth century, women faculty were virtually absent from law schools. Since the 1970s, the number and percentages of women in tenure-track, tenured, and non-tenure track law faculty positions have grown significantly. In the early 2000s, AALS data regarding the achievement of tenure revealed that the tenure gap between male and female law faculty had nearly closed. Today, many women lead law schools as Deans and Associate Deans. Yet, women in administrative and law teaching positions of all types—podium, clinical, legal writing, and adjunct—still face innumerable obstacles in their jobs due to gender bias and stereotypes. Professors and Deans on this Roundtable will engage in a lively discussion concerning the many forms of gender inequality in law schools. In so doing, they will draw upon empirical data and personal experience to address various forms of intersectional bias based on gender, race, sexual orientation, disability, age, and socioeconomic class. They also will consider strategies for tackling these systemic gender-related problems in law teaching.

10:30 am – 10:45 am  
 Refreshment Break



10:45 am – 12:15 pm

### Plenary Session: Employment/Civil Rights Act

Nicole B. Porter, University of Toledo College of Law  
 Gowri Ramachandran, Southwestern Law School  
 Vicki Schultz, Yale Law School  
 Ahmed A. White, University of Colorado School of Law

**Moderator:** Angela I. Onwuachi-Willig, University of Iowa College of Law

Although women today outnumber men in higher education and work in a broad array of fields once dominated by men, they still experience discrimination in many forms in the workplace. Today, women still earn less than men who are performing comparable work, earning only 78 cents to every dollar a man earns. Women remain severely underrepresented among the heads of the country's largest companies, with only 24 female CEOs of Fortune 500 companies (this number has been celebrated as an all-time historic high). Men and women continue to suffer harassment and discrimination in the workplace due to their failure to comply with gender norms in society. This panel will address a wide range of issues and challenges that negatively affect women in the workplace and that continue to hinder substantive workplace equality. The panel will discuss changes in the scope and theory of sexual harassment law, protections for expressions of gender and sexual identity in the workplace, as well as issues related to dress and grooming more generally. The panel will address intersectional forms of gender discrimination such as those involving race, class, and appearance. The panel will also address more structural issues related to work-family balance, caregiver discrimination, pay equity and the role of labor unions.

12:15 pm – 1:45 pm

### AALS Boxed Luncheon Breakout Sessions: Cutting Edge Issues in Legal Education and Employment

#### Family Law

Andrea B. Carroll, Louisiana State University Paul M. Hebert Law Center  
*Family Law and Female Empowerment*

Adele Morrison, Wayne State University Law School  
*Born this Way [!][?]" Sexual/Gender Fluidity and Family Law: Child Custody*



Melissa E. Murray, University of California Berkeley School of Law  
*A Right to Now Marry?*

**Presenter and Moderator:** Jill Hasday, University of Minnesota Law School  
*Intimate Lies: How Does and How Should the Law Regulate Deception Between Spouses, Lovers, Dates, Parents, Children, Siblings, and More*

### Feminist Legal Theory

Jessica Clarke, University of Minnesota Law School  
*Sexual Exceptionalism*

Lauren Sudeall Lucas, Georgia State University College of Law  
*Identity as Proxy*

**Presenter and Moderator:** Frank Rudy Cooper, Suffolk University Law School  
*Universally Vulnerable, Particularly Profiled*

### Gender Norms Disrupted

Susan L. Brody and Kim D. Chanbonpin, The John Marshall Law School  
*Who's Afraid of Katniss Everdeen?: How Fictional Female Characters Inspire New Visions of Substantive Gender Equality*

Sonia K. Katyal, Fordham University School of Law  
*Transcending Gender*

Suzanne A. Kim, Rutgers School of Law Newark  
*Marriage Equalities: Gender and Social Norms in Same-Sex and Different-Sex Marriage*

**Presenter and Moderator:** David B. Cruz, The University of Southern California Gould School of Law  
*The Cross-Migration of Sex Equality Norms*

2 pm – 3:45 pm

### Concurrent Sessions: Call for Papers

#### The Workplace

Sahar Aziz, Texas A&M University School of Law  
*Coercive Assimilationism: The Triple Bind of Muslim Women in the Workplace*

Stephanie Bornstein, University of Florida Frederic G. Levin College of Law  
*Dismantling Structural Discrimination Using Stereotype Theory*

Courtney G. Joslin, University of California at Davis School of Law  
*Marital Status a Cover for Impermissible Discrimination*

Natasha T. Martin, Seattle University School of Law  
*The Paradox of Covering: Workplace Appearance Discrimination at the Intersection of Gender, Race, and Religious Identity*

**Presenter and Moderator:** Ann C. McGinley, University of Nevada Las Vegas William S. Boyd School of Law  
*Through a Different Lens: Using Masculinities Research to Interpret Title VII*

#### Reproductive Rights

David S. Cohen, Drexel University Thomas R. Kline School of Law  
*Living in the Crosshairs: The Untold Stories of Anti-Abortion Terrorism*

**Presenter and Moderator:** Margaret Etienne, University of Illinois College of Law  
*The Other Side of Failed Reproductive Rights*

#### Violence Against Women

Jamie Rene Abrams, University of Louisville Louis D. Brandeis School of Law  
*New Approaches to Gendered Violence*

Cynthia M. Godsoe, Brooklyn Law School  
*Victims and Offenders*



Carolyn B. Ramsey, University of Colorado School of Law  
*The Stereotyped Offender: Domestic Violence and the Failure of Intervention*

JoAnne Sweeny, University of Louisville Louis D. Brandeis School of Law  
*Our Photos, Ourselves: Who "Owns" a Woman's Body When She is Seen by the Public?*

**Presenter and Moderator:** Olatunde C. Johnson, Columbia University School of Law  
*Title IX's Domain*

3:45 pm – 4 pm  
 Refreshment Break

4 pm – 5:30 pm

#### Plenary Session: Violence Against Women

Michelle J. Anderson, City University of New York School of Law  
 I. Bennett Capers, Brooklyn Law School  
 Leigh Goodmark, University of Maryland Francis King Carey School of Law  
 Cheryl Nelson Butler, Southern Methodist University Dedman School of Law  
 Elizabeth Schneider, Brooklyn Law School

**Moderator:** Aya Gruber, University of Colorado Law School

The last forty years have witnessed an incredible amount of theorizing and lawmaking on gender-based violence. In the United States, rape law has moved from treating rape complainants as liars and erecting evidentiary barriers to prosecution to endorsing exceptional evidentiary rules that favor rape prosecutions. Additionally, the law on intimate partner violence has experienced a similar radical transformation. The criminal law no longer relegates domestic violence to a private or tolerated act unworthy of intervention. In the face of evidence that violence against women continues to be a pressing problem of global import, scholars and lawmakers continue to propose and refine legal frameworks for addressing it, many of which involve criminal law. Yet, criminal law reform in the United States necessarily occurs upon a backdrop of racialized mass incarceration. For this and other reasons, rape and intimate partner violence law reform in the United States is

also the subject of a vocal critique. Participants in this panel are experts on sexual and intimate partner violence and will discuss, among other things, the contested terrain of criminal law reform in the United States, current legal projects to address gender-based violence in the U.S. and abroad, and alternatives to the law.

6 pm – 7 pm

#### AALS Reception

friday, june 26, 2015

9 am – 10:15 am

#### Plenary Session: Reproductive Rights

Cary C. Franklin, The University of Texas School of Law  
 Candace Gibson, LSRJ Legal Fellow, National Latina Institute for Reproductive Health, Washington, D.C.  
 B. Jessie Hill, Case Western Reserve University School of Law  
 Priscilla Ocen, Loyola Law School  
 Neil Siegel, Duke University School of Law  
 Robin L. West, Georgetown University Law Center

**Moderator:** Laura A. Rosenbury, Washington University in St. Louis School of Law

This year marks the 50th anniversary of *Griswold v. Connecticut* (1965), the landmark privacy decision for reproductive rights. Although the Supreme Court expanded upon *Griswold* in *Roe v. Wade* (1973), constitutionally protected reproductive rights have followed an unsteady path since the 1970s. First, the Supreme Court has retreated from *Roe*'s framework and implications and has allowed significant curtailment of the right to choose in more recent decisions, notably its decision allowing prohibition of many late-term abortions. Second, the pro-life movement has shifted its focus away from demand-side restrictions on reproductive rights and toward newer and more successful supply-side restrictions, such as heightened institutional and professional requirements for abortion clinics. This turn has created large practical problems of access to facilities and professionals who can deliver effective



reproductive assistance. Third, the Supreme Court's decision in *Burwell v. Hobby Lobby* (2014) creates an indeterminate statutory authorization for "religious" employers to deny health insurance coverage for many contraceptives (so long as the religious employer believes them to be contrary to its religion). This panel of scholars will consider these questions: What reproductive rights are guaranteed by the Constitution, properly understood? What institutions (legislatures, administrators, judges) are best situated to assure those rights? What substantive as well as institutional strategies should be followed by supporters of reproductive choice?

10:15 am – 10:30 am  
Refreshment Break

10:30 am – 11:45 am  
**Concurrent Sessions**

### **Economic Equality**

Deborah Dinner, Washington University in St. Louis School of Law  
*Contested Labor: Production and Reproduction in the Age of Market Conservatism, 1964-2010*

Lily Kahng, Seattle University School of Law  
*The Not-So-Merry Wives of Windsor: The Taxation of Women in Same Sex Marriage*

Rigel C. Oliveri, University of Missouri School of Law  
*Sexual Harassment of Low-Income Women in Housing: Empirical Evidence and Recommendations*

**Presenter and Moderator:** Michele Estrin Gilman, University of Baltimore School of Law  
*Gender, Economic Inequality, and the Supreme Court*

### **Pregnancy Discrimination & Law**

Saru Matambanadzo, Tulane University School of Law  
*Reconstructing Pregnancy*

Dara Purvis, Pennsylvania State University The Dickinson School of Law  
*The Rules of Maternity*

Mary Ziegler, Florida State University College of Law  
*Choice at Work: Pregnancy Discrimination and Statutory Reproductive Liberty*

**Presenter and Moderator:** Deborah A. Widiss, Indiana University Maurer School of Law  
*Accommodating Pregnancy: And Interbranch Conversation*

### **International Human Rights**

Rachel Anderson, University of Nevada Las Vegas School of Law  
*Corporate Responsibility and Gender in International Business: Sustainable Workforce Development*

Julia Ernst, University of North Dakota School of Law  
*Religious Law and Women's Human Rights: Reflections upon the African Human Rights System*

Jaya Ramji-Nogales, Temple University James E. Beasley School of Law  
*"Call Them Refugees": International Migration Law and the Construction of a Border Crisis*

**Presenter and Moderator:** Anna Williams Shavers, University of Nebraska College of Law  
*A New Theory of Customary International Law and the Rights of Women*

12 pm – 1:30 pm  
**AALS Luncheon**

1:30 pm – 3 pm  
**Plenary Session: Social Safety Net**

Martha A. L. Fineman, Emory University School of Law  
Andrea Freeman, University of Hawaii William S. Richardson School of Law  
Paul Gowder, University of Iowa College of Law  
Nicole Huberfeld, University of Kentucky College of Law  
Mariela Olivares, Howard University School of Law

**Moderator:** Rebecca E. Zietlow, University of Toledo College of Law



Despite the statutory and constitutional protections for women's equality that have developed in the last half century, women continue to lag behind men in virtually every economic indicator. This panel starts from the premise that the persistent poverty of women is a sex equality issue, and it explores state action to alleviate that poverty. A social safety net is particularly important for women because they continue to earn substantially less than men for comparable work and because women are still more likely than men to be the primary caretakers of their children and other family members. Panelists will discuss the role that a safety net plays in addressing vulnerability and dependency, and fostering equality, in our society. Panelists will also consider the relationship between immigration law and the availability of public benefits, food insecurity among women, and the effect of health care reform on women and their families.

3 pm - 3:15 pm  
Refreshment Break

3:15 pm - 5 pm

**Plenary Session: Ideas for the Future**

Deloso A. Alford, Florida A&M University College of Law  
Cynthia Grant Bowman, Cornell Law School  
David B. Cruz, University of Southern California Gould School of Law  
Frank Rudy Cooper, Suffolk University Law School  
D. Wendy Greene, Samford University Cumberland School of Law  
Olatunde C. Johnson, Columbia University School of Law  
Maya Manian, University of San Francisco School of Law  
Maritza Reyes, Florida A&M University College of Law  
Neil Siegel, Duke University School of Law  
Robin L. West, Georgetown University Law Center

**Moderator:** William Eskridge, Yale Law School

This final plenary session offers ideas for future projects that will advance gender equality in the law. Panelists will briefly explain their proposals for change in a variety of areas, including employment, violence against women, reproductive rights, women's poverty, and women in legal education. This plenary session is intended to be interactive. Audience feedback and comments are strongly encouraged.





## registration

### how to register

The Midyear Meeting consists of three professional development programs.

- I. The following two sessions run concurrently from Monday, June 22 through Wednesday, June 24; and you have the option of attending sessions at either of these two workshops:
  - A. The Workshop on Measuring Learning Gains
  - B. The Workshop on Shifting Foundations in Family Law: Family Law's Response to Changing Families
- II. Immediately following those two workshops is the Workshop on Next Generation Issues of Sex, Gender, and the Law being held on Wednesday, June 24-Friday, June 26, 2015. This workshop has a separate registration fee. This Workshop's registration fee is discounted up to 25% when signing up for the entire Midyear Meeting including optional attendance at all three workshops.

Please register for one or all of the workshops by one of the methods below.

#### Online:

Register on-line at [www.aals.org/midyear2015](http://www.aals.org/midyear2015) by entering your email address and password. If you do not recall your password, you can request a new password by clicking on the password link. American Express, Visa or MasterCard are accepted.

If you cannot register online, you may not be in the AALS database. If so, we suggest that you contact your law school dean's office to have your name added to the AALS Law School roster with your position, whether it is a tenure, tenure track, contract, visiting, adjunct, or fellow position at the law school.

#### Fax or Mail:

Alternatively, you may complete the [Registration Form](#) and send it with payment of the registration fee to AALS. AALS accepts American Express, Visa, MasterCard, or checks (made payable to AALS) for payment of the registration fee. If you are paying with American Express, Visa or

MasterCard, you may fax the form to AALS at (202) 872-1829. If you are paying by check, please mail the form and check directly to AALS, 1614 20th Street, N.W., Washington, DC 20009-1001.

### registration fees

Type of Registration	by May 17	after May 17
<b>Workshop on Measuring Learning Gains and/or Workshop on Shifting Foundations: Family Law's Response to Changing Families</b>		
Faculty of Member and Fee-Paid Schools	\$525	\$575
Faculty of Non Fee-Paid Law Schools	\$620	\$670
<b>Workshop on Next Generation Issues of Sex, Gender, and the Law</b>		
Faculty of Member and Fee-Paid Schools	\$525	\$575
Faculty of Non Fee-Paid Law Schools	\$620	\$670
<b>All Three Workshops</b>		
Faculty of Member and Fee-Paid Schools	\$790	\$870
Faculty of Non Fee-Paid Law Schools	\$945	\$1025

If your form with payment has not arrived at AALS by June 12, 2015, we ask you to register on-site. There is an additional charge of \$50.00 to register after June 12, 2015. AALS accepts cash, personal or school checks, American Express, MasterCard, and Visa for on-site payment for the workshop.

### hotel reservations

The Midyear Meeting will be held at The Doubletree Hotel at the Entrance to Universal Orlando. The room rate is \$119 for single or double occupancy; subject to 2015 established sales tax; currently at 12.5%.

To make reservations, attendees will first register for the Workshop. After completing the meeting registration process, registrants will receive a



confirmation email from AALS with instructions for booking a hotel reservation at the Hotel.

The cut-off date for making a room reservation is June 1, 2015 so register for the workshop early so you can also make your reservation early! Making a reservation prior to the cut-off date does not guarantee availability of the AALS rate. To ensure accommodations, please make your reservation early.

### accommodations

AALS is committed to making our meetings and events accessible to all of our attendees. Please contact the AALS at [accommodations@aals.org](mailto:accommodations@aals.org) so that we may assist you with services that you need. The AALS phone number is 202-296-8851. For further detail on disability accommodations provided, go to [www.aals.org/midyear/accessibility](http://www.aals.org/midyear/accessibility).

### registrant book flyers

Registrants are welcome to bring flyers of their published books for display at the Workshops that you are attending.

## local information

### local transportation

Orlando International Airport is located 15.9 miles away from The Doubletree Hotel at the Entrance to Universal Orlando. Taxi fare is an estimated \$50-60 one way. Mears Transportation offers a shuttle service at a cost of \$28/person after using the emailed, printable \$4 discount. The shuttle departs every 40 minutes and makes multiple stops, with an approximate travel time of one hour.

Orlando International Airport is serviced by all the major car rental agencies: Alamo, Avis, Budget, Dollar, Enterprise, Hertz, National and Thrifty. Avis also has a location at The Doubletree Hotel at the Entrance to Universal Studios.

### parking

The Doubletree Hotel at the Entrance to Universal Orlando is offering discounted parking for registrants staying at the hotel at a rate of \$12.00 per day for overnight guests and \$10.00 per event day for non-overnight guests.

### discounted park tickets

Walt Disney World and Universal Studios are offering discounted tickets and for Midyear attendees. Links to purchase discount tickets will be included in the confirmation email once you have registered.

**Disney Theme Parks:** For registrants and their guests, Disney offers exclusive afternoon After 2 pm and After 4 pm tickets, as well as a 10% savings on all multi-day (2+ day) tickets. All multi-day tickets include an additional complimentary "Bonus Visit" admission.

**Universal Orlando Theme Parks:** For registrants and their guests, Universal Orlando offers exclusive specially priced 1-Day Park to Park Ticket Plus CityWalk® Party Pass (Valid only after 4 pm). Universal Orlando offers online other non-discounted ticket options as well.

### nursing mothers

AALS will provide a room with electrical power, a refrigerator and a locking door for nursing mothers who attend AALS meetings. Please visit the AALS Registration Desk for access to the room.

### child care

The Hotel's Concierge can be contacted to arrange childcare, call (407) 351-1000.

### attire

We suggest you bring a sweater, shawl, or jacket to workshop sessions. The temperature in meeting rooms can often be cold or warm (although warm is less likely).

