
AALS FAMILY AND JUVENILE LAW
SECTION NEWSLETTER
FALL 2020

Editor: Susan Hazeldean, Secretary, Section on Family and Juvenile Law

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SECTION LEADERSHIP

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MESSAGE FROM THE CHAIR

Dear AALS Section on Family and Juvenile Law colleagues,

As we near the end of a tumultuous year, I would like to share one of my favorite readings. It is a letter that is often read during Jodo Shinshu Buddhist memorial services when saying farewell to loved ones on their way to the Pure Land. “White ashes” refers to cremation. This letter was written in the 1400s, but still resonates today as we mourn those lost to the pandemic, ignorance, violence, injustice, oppression, poverty, sadness, loneliness, and fear. I hope I do not offend with a religious reading about human mortality, but I offer it only as a way to connect us with each other in the fight for meaningful lives and human kindness.

This reading is important to me because it represents hope and a call to embrace the present. I wish for us moving forward to have a remembrance of the fleeting nature of life and the desire to act in the present to make life better for others. We are uniquely positioned to aid those most vulnerable to oppression – children and families. Our work can change minds, influence policy and legal decision-makers, and we teach our students to carry concepts like equity, justice, intersectionality, compassion, and resilience into their professional lives.

Thank you all for continuing the difficult, challenging, and rewarding work of research, writing, and teaching – during a pandemic and divisive political landscape. It has been a complicated year and I’ve enjoyed immensely the opportunity to work with Nancy Soonpaa, Susan Hazeldean, the Executive Committee, and Faculty Awards Committee. Please accept my heartfelt gratitude and best wishes as 2020 draws to an end and we prepare for a new year with hope and grace in our hearts.

Letter on White Ashes

Now, if we look realistically at the nature of human life, we see that it is fleeting and unpredictable, illusive almost. Birth, life and death pass by in the twinkling of an eye. Thus we never hear of the human body lasting for ten thousand years.

And who today can keep the body young and healthy for even one hundred years? Yes, how quickly our lives slip away. Whether I am the first or someone else, whether today or tomorrow, our lives on earth do indeed one day come to an end. Life seems to vanish unseen like ground water, or to evaporate like the morning dew on the summer lawn.

Thus our bodies may be radiant with health in the morning, but by evening they may be white ashes. If the right causes and conditions prevail, our two eyes are closed forever, our breathing ceases and our bodies lose the glow of life. Our relatives in great numbers and with great wealth can assemble, but they are powerless to change our situation. Even the rites and rituals of grief and mourning change nothing. All we can do is prepare the body for cremation; all that is left is white ashes.

In view of these facts, *does it not make sense to focus on the things we can change?* We cannot control the passing away of both young and old alike, but each of us can take refuge in the Buddha of Infinite Life who promises to embrace, without exception, all beings who but recite his Holy Name – Namo Amida Buddha. This you can do here and now, freeing yourself of any worries concerning your future life.

With friendly reverence, I remain,
Rennyō (1414-1499)
[emphasis added]

Warmest regards,
Kim Hai Pearson
Chair, Section on Family and Juvenile Law
Professor of Law, Gonzaga University School of Law
pearsonk@gonzaga.edu

MESSAGE FROM THE CHAIR-ELECT

Greetings!

I think it's safe to say that last January in DC, we could not have imagined that 2020 would unfold as it has. As we all became virtually competent and reluctantly sheltered, our lives changed forever.

Yet in the midst of upheaval, blessedly normal tasks kept us connected: teaching, service, scholarship. We connected with students even when distanced; we met the needs of our communities, however altered; we wrote and presented and engaged with our scholarly communities.

The Section on Family & Juvenile Law kept busy with its 2021 program-planning and with a new Section award. Here are the details:

Tuesday, January 5, 2021, 11 a.m. to 12:15 p.m.

Section on Family and Juvenile Law: Main Program
“Opting In and Opting Out, Trapped In and Locked Out of Family Law.”

This program addresses groups that are able to opt in and out of typical family law systems, as well as groups that with no choice are either locked in or locked out. For example, the welfare system may limit the choices of those living in poverty to create their desired family structure. Poor families and families of color are both locked in and locked out by family law systems, both in their design and in operation; family courts and associated bureaucratic and administrative systems intersect to enforce and enact exclusion, social control, and surveillance. In contracts involving ART, the parties may choose to embrace parentage that a jurisdiction's statutory scheme would not require (e.g., sperm donors who seek parental rights) or be required to legally establish parentage for both same-sex married partners. Following the panel, small-group discussions will allow participants to explore the panelists' ideas in more depth.

Panelists:

Jessica Feinberg, University of Maine
Ann Freedman and Victoria Chase, Rutgers
Jill Hasday, University of Minnesota
Richard Storrow, CUNY

Wednesday, January 6, 2021, 2:45 p.m. to 4 p.m.

Section on Aging and the Law, Co-Sponsored by Disability Law, Family and Juvenile Law, and Minority Groups

“Intersectionality, Aging, and the Law”

Thursday, January 7, 2021, 4:15 p.m. to 5:30 p.m.

AALS Section on Family and Juvenile Law: Pedagogy Program

“Family Law: Creative and Experiential Teaching Tips”

First Day Graffiti Exercise; **Meredith Harbach**, University of Richmond School of Law

Making Space for Students to "Prepare, Perform, and Reflect": Integrating Experiential Skills Days into a Family Law Course; **Lydia Nussbaum**, UNLV Boyd School of Law

Racial Equity Impact Assessments in the Juvenile Law Classroom; **Eve Rips**, Loyola University Chicago School of Law

Putting the Practical in Practice: Integrating Practical Lawyering Strategies into the Juvenile Law Classroom; **Kinda L. Abdus-Saboor**, Georgia State University College of Law

A Dynamic and Experiential Class on Custody and Abuse; **Joan Meier**, George Washington University Law School

Kahoot! for Family Law; **Hannah Haksgaard**, University of South Dakota School of Law

Our inaugural **Section Award for outstanding contributions and achievements in the field** has two recipients: **Susan Appleton** (Washington University) and **Andrew Schepard** (Hofstra).

Professor Susan Appleton's career spans more than forty years, and during that time she has contributed in numerous ways to the law of domestic relations. First, she is a gifted scholar whose work has made transformative contributions to legal theory in the subjects of reproductive rights, adoption, conflict of laws, sexual regulation, and LGBTQ rights among others. She is likewise a devoted and innovative teacher, having mentored countless students and having produced outstanding textbooks that have been widely adopted throughout the United States. Finally, Professor Appleton provides tremendous service to the field. For instance, she served as the Secretary of the American Law Institute (ALI) from 2004-13 (having already served on its Council since 1994), she participates as an Adviser on several ALI projects, including the revision of the Model Penal Code's provisions on sexual assault, and throughout her career she has consistently gone out of her way to help mentor junior scholars.

During **Professor Andrew Schepard**'s academic career, which began in the late 1970s, he has contributed to the field of domestic relations in a number of ways. He is a prolific scholar, having authored numerous law review articles, book chapters, and over 80 Law and Children columns for the New York Law Journal. He is also a dedicated teacher who has worked to expand the traditional scope of family law education. For instance, founded the Family Law Education Reform Project, which examined family law curricula in legal education and recommended greater incorporation of interdisciplinary and experiential education. Professor Schepard's service is particularly impressive, with his having developed innovative programs to assist the family law needs of underserved segments of society, played key roles in a number of important family law related public service projects like *The Model Standards of Divorce and Family Mediation*, and served as

the Editor-in-Chief of the Family Court Review for eighteen years.

As 2020 draws to a close and we look with anticipation to 2021, please plan to join us at the 2021 AALS Annual Meeting for these exciting Section events!

Nancy Soonpaa

Chair-elect, Section on Family and Juvenile Law
Texas Tech University School of Law

CALL FOR PAPERS

Call for Papers – Dynamic Pedagogy in Family Law

Family Court Review, an international, interdisciplinary, peer-reviewed family law journal, is pleased to announce a Call for Papers for a Special Issue on *Dynamic Pedagogy in the Family and Juvenile Law Classroom: Experiential and In-Class Exercises*.

ABA Standard 303(a)(3) requires all students to complete “one or more experiential course(s) totaling at least six credit hours.” This revision has increased demand for experiential learning courses and clinics at law schools, and presents an opportunity for innovative teaching and community partnerships.

This special issue will explore existing—and creative—visions for integrating experiential learning into casebook-focused, clinical, and other experiential courses in ways that transcend simulations. Articles will describe the pedagogical design of experiential and in-class exercises, situating them within the scholarship of teaching and learning, and provide materials that can be used in family law-related courses and clinics. Potential topics range from integrating exercises and formative assessments into traditional doctrinal courses, to offering additional credits for participation in projects involving collaborations with courts, public interest nonprofits, or clinics, to other potential means of incorporating experiential learning into courses.

The Special Issue will build on the Family Law Section’s Pedagogy Panel to be held at the 2021 AALS Annual Meeting. The issue will include approximately a dozen articles. Articles will be published in the October 2022 issue of *Family Court Review* and manuscripts will be due September 1, 2021.

The Special Issue will be guest edited by Naomi R. Cahn, Professor of Law at the University of Virginia School of Law, and Meredith Johnson Harbach, Professor of Law at the University of Richmond School of Law. If interested, please submit an abstract to fcrapedagogy@gmail.com by January 2, 2021. The abstract should not exceed 500 words and should describe the experiential learning approach and potential materials that would be included in the article. Decisions about acceptance for publication will be made and communicated by February 1, 2021.

Call for Papers/Participation – Monday, December 21st Deadline

The Global Family Law International Research Collaboration (GFL-IRC)

Seeks submissions for the Law and Society Association Annual Meeting

May 27-30, 2021 in Chicago, Illinois or virtual, TBD

Submit to: mbreg@albanylaw.edu

Dear Colleagues,

We invite you to submit a proposal to participate in programming sponsored by the **Global Family Law International Research Collaboration (“GFL-IRC”)** at the 2021 Law and Society Annual Meeting (location TBD, either in Chicago or online). **Please note that LSA rules limit each participant to a single conference appearance as a paper panelist or as a roundtable participant.** (Note that you can have unlimited appearances as a Chair and/or Discussant on a panel, or an Author-Meets-Reader reader.)

The Global Family Law IRC brings together law and society scholars across a range of fields who are interested in family law. Information about the Law and Society meeting is available at <https://lawandsociety.site-ym.com/news/522961/LSA-2021-Chicago-Annual-Meeting-Theme-Announced.htm>.

Our IRC is described as follows:

The aim of this IRC is to bring together scholars from around the world who specialize or research in the field of family law from a variety of disciplines. The scholars strive to answer questions such as: What can we learn when we examine, compare, and contrast socio-legal aspects of families across the globe? What can we learn about the law and its interrelations with society, when we study how families are formed, dissolved, and altered across nations around the globe? The IRC brings together some of the world’s leading family law scholars, as well as bright, emerging scholars, all of whom are endeavoring to answer the above questions and beyond. The IRC has a shared interest in the concept of social norms, which weave in economic and psychological concepts, and are defined as “social attitudes of approval and disapproval, specifying what ought to be done and what ought not to be done”. The idea that law reflects normative social attitudes, and then social attitudes reflect law is a common theoretical thread.

Description Of IRCs In General- Per LSA:

IRCs assemble scholars from different backgrounds, experiences and training to work on specific projects involving a research or policy agenda related to social scientific, interpretive, and historical analyses of law, across many possible social contexts. They focus on concrete specific, self-contained projects with clear goals and tangible results, such as edited volumes, book chapters, symposia or articles to be published in scientific and academic journals.

IRCs have been instrumental in fostering and strengthening international and interdisciplinary scholarly networks, in promoting valuable collaborative research with scientific rigor and relevance, and in creating opportunities to share and communicate research to audiences at LSA meetings and other academic conferences. An LSA membership **is not required** to join an IRC.

Proposals to Present:

For 2021, our inaugural year, the GFL- IRC will offer three options to present:

- Paper Panel relating to a potential chapter in our *Exploring Norms And Family Laws Across The Globe- sequel/part 2*;
- Pre-formed panels centering around the book, *Exploring Norms And Family Laws Across The Globe*, which will be published in 2021 by Lexington Publishers, an imprint of Rowman-Littlefield; and/or
- Serving as a chair or outside/reader/discussant.

The 2021 meeting invites participants to explore “*Crisis, Healing, Re-Imagining.*” We are especially interested in proposals that explore the application of family law to this theme, broadly construed. We welcome multidisciplinary paper proposals and proposals from scholars from all parts of the world. We strongly encourage applications from junior scholars and graduate students – as well as people who are new to family law.

The Planning Committee will assign individual papers to panels of up to four presenters, based on subject matter. Each paper presentation should run roughly 10 to 15 minutes to allow ample time for discussion. We will also assign a commentator/discussant for each panel, to provide feedback on the papers and promote discussion.

If you would like to present a paper as part of an IRC panel, please send an email to Melissa Breger, mbreg@albanylaw.edu, with:

- Your paper’s title;
- A 500 word abstract or summary of your paper;
- Your name and institutional affiliation;
- Number of years you have been in teaching/working as a grad student; and
- A list of your areas of interest and expertise within family law.

Funding:

Per LSA: “Also, depending on available funding, any members of your IRC from low- and middle-income countries may be eligible for funding to defray their costs of attending the meetings. As you may know, LSA is applying for a grant from the U.S. National Science Foundation (NSF) this summer, so funding for IRC participants will be contingent on receiving that grant and on its amount.”

MEMBER NEWS & RECENT AND FORTHCOMING PUBLICATIONS

Jamie R. Abrams, Professor of Law University of Louisville Brandeis School of Law

Jessica Dixon Weaver and Jamie R. Abrams have co-authored Family Law Simulations: Bridge to Practice Series with West forthcoming in January 2021. This text offers in-depth, realistic simulations that adeptly build legal analysis, drafting, and negotiation skills for students who will represent diverse, complex clients.

Albertina Antognini, Professor of Law, James E. Rogers College of Law University of Arizona
Albertina Antognini, *Nonmarital Contracts*, 73 Stan. L. Rev. (forthcoming 2021)

Albertina Antognini, *Michael H. v. Gerald D.*, Feminist Judgments: Rewritten Family Law Opinions (edited collection) (2020, Cambridge University Press)

Albertina Antognini, Naomi R. Cahn, & Kaiponanea T. Matsumura, *Expanding Nonmarital*

Relationships, 58 Fam. Ct. Rev. 968 (2020) Recent news on my end is that my forthcoming article, *Nonmarital Contracts*, was selected for participation in the 2020 Stanford/Yale/Harvard Junior Faculty Forum, and was promoted to full Professor this summer.

Albertina hosted in February 2020, the second annual Roundtable on Nonmarriage, which I co-organized with Professors Naomi Cahn, Kaiponanea Matsumura, and Amanda Miller, at the University of Arizona James E. Rogers College of Law. A few of the articles that were presented were then published in a Special Feature on Nonmarriage in the *Family Court Review*.

Susan Frelich Appleton, Lemma Barkeloo & Phoebe Couzins Professor of Law

Washington University School of Law

—publications 2020-2021 *FAMILIES UNDER CONSTRUCTION: PARENTAGE, ADOPTION, AND ASSISTED REPRODUCTION* (2d ed. 2021) (casebook with D. Kelly Weisberg, published by Wolters Kluwer & forthcoming Feb. 2021). *Sex Positive Feminism's Values in Search of the Law of Pleasure*, in *THE OXFORD HANDBOOK OF FEMINISM AND LAW IN THE UNITED STATES* (Deborah L. Brake, Martha Chamallas, & Verna Williams, eds., Oxford University Press, forthcoming 2021). *Dandridge v. Williams*, in *FEMINIST JUDGMENTS: FAMILY LAW OPINIONS REWRITTEN* 62 (Rachel Rebouché ed., 2020). *Accountability, Eugenics, and Reproductive Justice*, 100 B.U. L. REV. ONLINE 134 (2020) (online symposium). *Telling the Story of Justice Sandra Day O'Connor*, 62 WASH. U. J.L. & POL'Y 5 (2020) (book review, also published as *How One Glass Ceiling Was Broken*, *THE COMMON READER*, Nov. 20, 2019). *Teaching with Feminist Judgments: A Global Conversation*, 38 *LAW & INEQ.* 1 (2020) (invited collaborative work with multiple co-authors).

James G. Dwyer, Arthur B. Hanson Professor of Law at William & Mary School of Law, Editor, *Oxford Handbook of Children and the Law* (2020) Chapter, "Screening Potential Parents," in the *Oxford Handbook of Children and the Law* (2020). Article, *Clarifying questions about the nature of rights*, 11(4) *Jurisprudence* ____ (2020) (peer reviewed)

Leigh Goodmark, Marjorie Cook Professor of Law and Co-Director, Clinical Law Program
University of Maryland Francis King Carey School of Law

Reimagining VAWA: Why Criminalization Is a Failed Policy and What a Non-Carceral VAWA Could Look Like, *Violence Against Women* (2020).

Kate Mogulescu & Leigh Goodmark, *Surveillance and Entanglement: How mandatory sex offender registration impacts criminalized survivors of human trafficking*, 14 *Anti-Trafficking Review* 125 (2020). Alesha Durfee & Leigh Goodmark, *Domestic Violence Mandatory Arrest Policies and Arrests for Same-Sex and Opposite-Sex Intimate Partner Violence After Legalization of Same Sex Marriage in the United States*, 33 *Criminal Justice Studies* 231 (2020).

Leigh Goodmark, *The More the Context Changes, The More Things Stay the Same* (review of *Oxford Handbook of Gender and Conflict*), 42 *Human Rights Quarterly* 280 (2020).

Alesha Durfee & Leigh Goodmark, *Gender, Protection Orders, and Intimate Partner Violence in Later Life: A Study of Protective Order Filings in Arizona*, *Journal of Interpersonal Violence* (2020).

Leigh Goodmark, "Best Practices in Legal Reforms," in *Transgender Intimate Partner Violence: A Comprehensive Introduction* (New York University Press 2020).

Aya Gruber & Leigh Goodmark, *Domestic violence is also a virus: During the coronavirus crisis*,

we need the right criminal justice response to the crime, [New York Daily News](#) (online), March 26, 2020.

Leigh Goodmark, *Point of View: Help domestic violence victims with real solutions*, [The Oklahoman](#), March 16, 2020.

Hannah Haksgaard, Associate Professor, University of South Dakota Knudson School of Law
[The Homesteading Rights of Deserted Wives: A History](#), 99 Nebraska Law Review __ (forthcoming 2020)

Elizabeth Katz, Associate Professor of Law of Washington University School of Law
Recent article, [“Racial and Religious Democracy”: Identity and Equality in Midcentury Courts](#), 72 Stan. L. Rev. 1467 (2020) was selected for the 2021 Harold Berman Award for Excellence in Scholarship by the AALS Section on Law and Religion.

Sanford N. Katz, Darald & Juliet Libby Professor Law Emeritus, Boston College Law School
The Third Edition of Family Law in America will be published by Oxford University Press in January 2021. The book, written by Prof. Sanford Katz, Emeritus Professor at Boston College Law School, has been described as "sure to become a classic."

Suzanne A. Kim, Professor of Law Judge Denny Chin Scholar Rutgers University Law School
NeJaime, Banks, Grossman, & Kim, *Family Law in a Changing America* (Wolters Kluwer 2020).
Suzanne A. Kim, Commentary on Rewrite of Michael H v. Gerald D, *in Feminist Judgments: Rewritten Family Law* (ed. Rachel Rebouché) (Cambridge University Press 2020).
Suzanne A. Kim, Commentary on Rewrite of Burwell v. Hobby Lobby Stores, *in Reproductive Justice Re-Written* (ed. Kimberly Mutcherson) (Cambridge University Press 2020).
Suzanne A. Kim, *Transitional Equality*, 53 U. Richmond L. Rev. 1149 (2019).
Suzanne A. Kim, *Intimacy in Bordered Globalization*, 15(2) Int'l J. of Law in Context 220 (2019).

Tom Oldham, Professor of Law, University of Houston School of Law
Houston Journal of International law, in vol. 41, issue #3, recently published an issue including a description of the standards for the award of post-divorce spousal support in France, Germany, Canada and the U.S.
Article (with Jane Venohr) entitled “The Relationship between Parenting Time and Child Support,” which will be published by the end of the 2020 calendar year by the Family Law Quarterly.

Jeffrey A. Parness, Professor Emeritus, Northern Illinois University College of Law
Jeffrey’s book, “American Parentage Law” (2021 edition), has just been published by Lexis Nexis. Its contents are also available online at Lexis. His article, “Illinois Childcare Parentage Law (R)Evolution,” appears in 51 Loyola Univ. Chicago L.J. 911 (2020).

Jane K. Stoeber, Clinical Professor of Law, Director of Initiative to End Family Violence and Director of Domestic Violence Clinic at University of California School of Law

The Politicization of Safety (Jane Stoever ed., NYU Press 2019).

Jane K. Stoever, *Title IX, Esports, and #EToo*, 89 Geo. Wash. L. Rev. (forthcoming 2021).

Jane K. Stoever, *Firearms and Domestic Violence Fatalities: Preventable Deaths*, 53 Fam. L. Quar. 183 (2020) (invited article).

Jane K. Stoever, *Access to Safety and Justice: Service of Process in Domestic Violence Cases*, 94 Wash. L. Rev. 333 (2019).

Jane K. Stoever, *The Ultimate Abuse: Perpetrating Domestic Violence Through Child Abduction*, 25 Domestic Violence Rep. 9 (2019). Reprinted in 12 Fam. & Intimate Partner Violence Quar. 61 (2020). Esmeralda Garcia, Jane Stoever & Ilona Yim, *Empowerment, Stress, and Depressive Symptoms Among Female Survivors of Intimate Partner Violence Attending Personal Empowerment Programs*, J. Interpersonal Violence (2019). In addition to directing the UCI Law Domestic Violence Clinic, I direct the UCI Initiative to End Family Violence, which just hosted a series on critical perspectives on policing intimate partner violence. Recordings of the programs are available for viewing here: <https://www.endfamilyviolence.uci.edu/media-center/>

Gregg Strauss was granted tenure and promotion to Professor of Law by the University of Virginia as of June 1, 2020.

Jonathan Todres, Georgia State University College of Law, reports the following publications: THE OXFORD HANDBOOK OF CHILDREN’S RIGHTS LAW (Oxford University Press, 2020) (co-editor, with Shani King); *Children and Disasters: The Essential Role of Children’s Rights Law*, in Giulio Bartolini et al., eds., YEARBOOK OF INTERNATIONAL DISASTER LAW (Vol 2; Brill Academic Publishers, forthcoming Dec. 2020); *COVID-19 and Human Trafficking—The Amplified Impact on Vulnerable Populations*, JAMA PEDIATRICS (online Sept. 2020; print forthcoming Dec. 2020) (with Angela Diaz); *Foreword: Preventing Human Trafficking*, 36 GA. ST. U. L. REV. vi (2020); *The Trauma of Trump’s Family Separation and Child Detention Actions: A Children’s Rights Perspective*, 95 WASHINGTON LAW REVIEW 377 (2020) (with Daniela Villamizar Fink); *Making Children’s Rights Widely Known*, 29 MINNESOTA JOURNAL OF INTERNATIONAL LAW 109 (2020). Jonathan was also appointed to the Executive Leadership Board of the Frank Porter Graham Child Development Institute, University of North Carolina, and he was awarded the GSU College of Law’s David J. Maleski Award for Teaching Excellence in 2020.

Merle H. Weiner, [*Civil Recourse Insurance: Increasing Access to the Tort System for Survivors of Domestic and Sexual Violence*](#), 62 Ariz. L. Rev. 957 (2020)

Rhona Schuz & Merle Weiner, *A Mistake Waiting to Happen: The Failure to Correct the Article 13(1)(b) Guide to Good Practice*, 2 International Family Law 87 (2020).

Merle H. Weiner, *Addendum to Weiner’s Article on The Article 13(b) Guide to Good Practice*, 25 The Domestic Violence Report 93, June/July 2020.

Merle H. Weiner, *The Article 13(b) Guide to Good Practice*, 25 The Domestic Violence Report 7, Oct./Nov. 2019.