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EDUCATION:

- J.D. Boalt Hall School of Law, University of California, Berkeley (June, 1973).
Head Article Editor, *California Law Review*.
Order of the Coif.
- M.A. Psychology, University of Illinois, Urbana, Illinois (October, 1969).
National Institute of Mental Health Fellowship.
- B.A. Psychology, Reed College, Portland, Oregon (May, 1967).
Nominated, Woodrow Wilson Fellowship.

JUDICIAL CLERKSHIPS:

- Associate Justice William O. Douglas
United States Supreme Court, 1973-74.
- Associate Justice Mathew Tobriner,
California Supreme Court, 1/31/72 through 6/5/72.

PERMANENT AND VISITING AFFILIATIONS:

- 5/81 to Present: Professor of Law and (since 2001) Willard H. Pedrick Distinguished Research Scholar, Arizona State University.
- 9/2003 to Present Affiliate Faculty Member, Center for Child and Youth Policy, University of California at Berkeley.
- 9/2010 to 12/2010 Visiting Fellow Commoner, Trinity College, University of Cambridge
- 6/2007 to 12/2007 Visiting Scholar, Center for the Study of Law and Society, U.C. Berkeley
- 8/2006 to 12/2006 Visiting Professor of Law, Brooklyn Law School

10/95 to 5/2001 Chief Reporter, American Law Institute, for *Principles of the Law of Family Dissolution*. Justice R. Ammi Cutter Reporter, from June, 1998. (Reporter, 10/92-10/95; Associate Reporter, 2/91 to 10/92).

8/2005 to 12/2005 Visiting Scholar, School of Social Welfare, University of California, Berkeley

8/2004 to 12/2004 Visiting Scholar, Center for Law and Society, University of California, Berkeley

8/2003 to 12/2003 Visiting Scholar, Center for Law and Society, University of California, Berkeley

8/2000 to 5/2002 Visiting Professor, Hastings College of The Law, University of California.

7/99 to 5/2002 Visiting Professor, Earl Warren Legal Institute and (Spring, 2000) Jurisprudence and Social Policy Program, Boalt Hall School of Law, University of California, Berkeley

8/88 to 12/88: Visiting Professor Hastings College of the Law, University of California.

1/81 to 5/81: Visiting Scholar, Institute for Social and Policy Studies, Yale University.

1/78 to 1/81: Associate Professor of Law, Arizona State University.

7/76 to 12/78: Consultant, Assembly Select Committee on Revision of the Nonprofit Corporation Code, California Legislature. (In this capacity I produced the major part of the basic working draft of California's first Nonprofit Corporation Code.)

1975-1976: Associate Attorney, McCutchen, Doyle, Brown & Enersen, San Francisco, California.

1974-1975: Legislative Assistant, Hon. Adlai Stevenson, U.S. Senate, Washington, D.C.

1968-1970: Faculty, Department of Psychology, Roger Williams College, Providence, Rhode Island.

PUBLICATIONS

Books

- AMERICAN LAW INSTITUTE, PRINCIPLES OF THE LAW OF FAMILY DISSOLUTION (2002) (with Katharine Bartlett and Grace Blumberg). *Earlier Drafts (for which I was primary author):*

Tentative Draft No. 4 (2000) (primary author of portion on Premarital Agreements, joint author of chapter on Domestic Partners)

Proposed Final Draft, Part I (1997) (Revisions of Tentative Drafts 1 and 2)

Tentative Draft No. 2, (1996) Compensatory Payments, (460 pages, sole author)

Tentative Draft No. 1, (1995) Marital Property (330 pages, sole author)

- FAMILY LAW: CASES, TEXT, PROBLEMS (5th edition, 2010) (with Paul Kurtz, Lois Weithorn, Brian Bix, Maxine Eichner and Karen Czapanskiy) with Teacher's Manual (Lead author and general editor)

Fourth Edition (2004) (with Paul Kurtz, Elizabeth Scott, Lois Weithorn and Brian Bix).

Third Edition (1998) (1600 pages) (with Paul Kurtz and Elizabeth Scott).
With Teachers Manual (365 pages) and 2002 supplement (200 pages).

Second Edition (1991), (1400 pages) (with Paul Kurtz and Katherine Bartlett).
With Teachers Manual.

Textual supplements:

1994 (220 pages, with Kurtz)

1996 (54 pages) (with Kurtz and Scott).

First Edition, (1986), (1400 pages) (with Paul Kurtz and Ann Stanton)
With Teachers Manual.

Textual supplements

1987, 1988, 1989 (150 pages, with Kurtz and Stanton).

- HEALTH CARE LAW AND ETHICS IN A NUTSHELL. (I am the author of approximately one-third.) (Also in Japanese edition)
Second Edition (1998, 450 pages) (with Mark Hall and Dan Strouse)
First Edition (1990) (with Mark Hall)
(3d edition forthcoming 2011, with Hall and Orentlicher)

Articles and Book Chapters (Recent articles may be downloaded from links on my web page)

Fathers, Divorce, and Child Custody (with Matthew Stevenson, Sanford L. Braver, & Ashley M. Votruba), forthcoming 2012 in Natasha J. Cabrera & Catherine S. Tamis-LeMonda (Eds.), *Handbook of Father Involvement: Multidisciplinary Perspectives* (2nd. Ed.), New York: Psychology Press

Lay Intuitions About Family Obligations: The Relationship between Alimony and Child Support (with Sandy Braver), forthcoming in *Children and Family Law Quarterly* (2011).

Abstract Principles and Concrete Cases in Intuitive Lawmaking, (with Sandy Braver and Rob MacCoun) forthcoming in *LAW AND HUMAN BEHAVIOR* (2011), available at <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1755707>

Lay Intuitions About Family Obligations: The Case of Alimony, (with Sandy Braver) forthcoming in *THEORETICAL INQUIRIES IN LAW* (2011), and available at <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1737146>.

Lay Judgments About Child Custody After Divorce (with Sanford Braver, Ashley Votruba, and William Fabricius), forthcoming 17 *PSYCHOLOGY, PUBLIC POLICY, AND LAW* 212 (2011), available at <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1435043>

Converting Sentiments to Dollars: Scaling and Incommensurability Problems in the Evaluation of Child Support Payments, (with Rob MacCoun and Sanford Braver) 2008 Conference on Empirical Legal Studies, Cornell University. Available at <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1121240>.

Marital Agreements and Private Autonomy in the United States (chapter in *MARITAL AGREEMENTS AND PRIVATE AUTONOMY IN A COMPARATIVE PERSPECTIVE*, Jens Scherpe, editor, Hart Publishing 2011 (forthcoming))

Intuitive Lawmaking: The Example of Child Support, (with Sandy Braver and Rob MacCoun) 6 *JOURNAL OF EMPIRICAL LEGAL STUDIES* 69 (2009). Available at: <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1297588>.

The Theory of Child Support, (with Tara Ellman) 45 *Harvard J. Legislation* 107 (2008).

Child Support: How Much Is Just Right?, (with Tara Ellman). Chapter 6 in *RAISING CHILDREN: EMERGING NEEDS, MODERN RISKS, AND SOCIAL RESPONSES* (Jill Duerr Berrick and Neil Gilbert, editors) Oxford University Press, 2008

Marital Roles and Declining Marriage Rates, 41 FAMILY LAW QUARTERLY 455 (2007 Symposium Issue on the Future of Marriage)

Note, *Financial Settlement on Divorce: Two Steps Forward, Two to Go*, 122 Law Quarterly Review 2 (2007) (*Invited Comment on a decision of the House of Lords*)

O'Brien v. O'Brien: A Failed Reform, Unlikely Reformers, chapter in FAMILY LAW STORIES (2007.) (Reprinted in a Symposium Issue of Pace Law Review on the work of the Miller Commission recommendations for reform of New York's family law, 27 Pace L.Rev. 949 (2007).

Do Americans Play Football?, 19 International Journal of Law, Policy and the Family (Oxford) 257 (2005)

Should Visitation Denial Affect The Obligation to Pay Support?, in William Comanor, editor, THE LAW AND ECONOMICS OF CHILD SUPPORT PAYMENTS (2004) (also in slightly expanded form at 36 Ariz.St.L.J. 661 (2004). Reprinted, by their unsolicited request, in the Minnesota Family Law Journal (2005).

Fudging Failure: The Economic Analysis Used to Construct Child Support Guidelines, 2004 University of Chicago Legal Forum 162.

Relocation of Children after Divorce and Children's Best Interests: New Evidence and Legal Considerations 17 JOURNAL OF FAMILY PSYCHOLOGY 206 (2003) (with Sanford Braver and William Fabricius).

Why Making Family Law is Hard, 35 Arizona State Law Journal 699 (2003) (Inaugural Lecture as the Willard H. Pedrick Distinguished Research Scholar).

Ambiguous-Father Families, in Mary Ann Mason, Arlene Skolnick, and Stephen D. Sugarman, editors, ALL OUR FAMILIES (Revised and Enlarged Edition, Oxford University Press, 2002) (Reprinted in a slightly different form as *Thinking About Custody and Support in Ambiguous-Father Families*, 36 Fam.L.Q. 49 (2002))

Strengths-Building Public Policy for Children of Divorce, to appear in Maton, K., Schellenbach, C., Leadbeater, B., & Solarz, A (Eds.), INVESTING IN CHILDREN, YOUTH, FAMILIES, AND COMMUNITIES: STRENGTHS-BASED RESEARCH AND POLICY (forthcoming, 2001, American Psychological Association Press) (with Sanford L. Braver, Kathleen Nelson Hipke, and Irwin N. Sandler, all of the Department of Psychology, Arizona State University)

Contract Thinking Was Marvin's Fatal Flaw, 76 Notre Dame L. Rev. 1365 (2001).

Divorce Law, chapter in John Eckelaar, Mavis Maclean, and Sanford Katz, CROSS-CURRENTS: FAMILY LAW IN ENGLAND AND THE UNITED STATES SINCE WORLD WAR 2, Oxford University Press, (2001).

Family Law, chapter in Arthur Miller and Robert Stein, COMMON LAW, COMMON VALUES West Publishing Company, 2000

Divorce Rates, Marriage Rates and the Problematic Persistence of Traditional Marital Roles, 34 Family Law Quarterly 1 (2000).

The Maturing Law of Divorce Finances: Toward Rules and Guidelines, 33 Family L.Q. 801 (1999).

Inventing Family Law, 32 U.C. Davis L.Rev. 855 (1999) (1998 Brigitte Bodenheimer Memorial Lecture on the Family)

Dissolving the Relationship Between Divorce Law and Divorce Rates, (with Sharon Lohr, Dept. of Mathematics) 18 International Review of Law and Economics (Berkeley) 341 (1998).

The Misguided Movement to Revive Fault Divorce, 11 International Journal of Law, Policy and The Family (Oxford) 216 (1997). Reprinted as Chapter 14 in Martin Whyte, editor, MARRIAGE IN AMERICA: A COMMUNITARIAN PERSPECTIVE (2000)

Marriage As Contract, Opportunistic Violence, And Other Bad Arguments for Fault Divorce (with S. Lohr, Department of Mathematics) 1997 University of Illinois Law Review 719.

Spousal Emotional Abuse as a Tort? 55 Maryland L. Rev. 1268 (1996) (With Steve Sugarman) (Reprinted in 46 Defense Law Journal 459 (1997))

The Role of Fault in A Modern Divorce Law, 28 Ariz. St. L.J. 773 (1996)

Redefining the Terms of Health Insurance to Accommodate Varying Consumer Risk Preferences, 20 American J. of L. & Medicine 187 (1994) (with Mark Hall).

American Law Institute: *Various Council Drafts and Preliminary Drafts*. The Proposed Final and Tentative Drafts listed above built upon earlier drafts. These efforts, which monopolized most of my writing time between 1991 and 1994, included:

1994: *Compensatory Spousal Payments*, in Council Draft No. 2 (160 pages).
Division of Property Upon Dissolution, in Council Draft No. 2 (160 pages).

1993: *Compensatory Spousal Payments*, in Council Draft No. 1 (172 pages).

Division of Property Upon Dissolution, in Council Draft No. 1 (150 pages).
(And also prior versions of each of the above in Preliminary Draft No. 4).

1992: *Compensatory Spousal Payments*, in Preliminary Draft No. 3.

1991: *Division of Property Upon Divorce*, in Preliminary Draft No. 2.

Should Nonfinancial Losses and Motivations Be Included in the Theory of Alimony?, 1991 B.Y.U. L. Rev. 259 (Symposium Issue).

Can Others Exercise an Incapacitated Patient's Right to Die?, Hastings Center Report, Jan/Feb 1990, at p. 47.

Cruzan v. Harmon and the Dangerous Claim That Others Can Exercise an Incapacitated Patient's Right to Die, 29 Jurimetrics Journal of Law, Science and Technology 389 (1989).

The Theory of Alimony, 77 Calif. L. Rev. 1 (1989). (Reprinted as the lead article for Volume 5 of the Canadian Family Law Quarterly, 1989.)

Another Theory of Nonprofit Corporations, 80 Mich. L. Rev. 999 (1982).

Driven From the Tribunal: Judicial Resolution of Internal Church Disputes, 69 Calif. L. Rev. 1131 (1979).

Probabilities and Proof: Can HLA and Blood Group Testing Prove Paternity?, 54 N.Y.U. L. Rev. 1131 (1979) (with David Kaye).

Essays

The Pitfalls of Empirical Research: Studying Faculty Publication Studies, 36 J. Legal Educ. 24 (1986) (with David Kaye).

A Comparison of Law Faculty Production in Leading Law Reviews, 33 J. Legal Educ. 681 (1983).

Introduction: Survey of Abortion Law, 1980 Ariz. St. L.J. 70.

On Developing a Law of Nonprofit Corporations, 1979 Ariz. State L.J. 153.

Student Works

Comment, *And Now A Word Against our Sponsor: Extending the FCC's Fairness*

Doctrine to Advertising, 60 Calif. L. Rev. 1416 (1972).

Note, *Effect of Attorney's Discharge on Duty to Pay Fee*, 61 Calif. L. Rev. 289 (1973).

SELECTED SPEECHES AND PRESENTATIONS

Lay Intuitions About Family Obligations: The Case of Alimony, Cegla Center, University of Tel Aviv, December 14, 2010

Family Law and the American Constitutions: the Example of Same-Sex Marriage, Guest Lecture, Faculty of Law, University of Cambridge, November 15, 2010

Family Law: Legal Rules and Family Values, Seminar Presentation Sponsored by the University of Cambridge and the Nuffield Foundation, London, October 29, 2010

Challenges Facing Nontraditional Families, Panel, Arizona Association of Family and Conciliation Courts Annual Meeting, February 6, 2010

Speaker, Conference on *Marital Agreements and Private Autonomy in a Comparative Perspective*, University of Cambridge, June 26 and 27, 2009

Intuitive Lawmaking, Mathematics and Cognition Seminar, Arizona State University, April 21, 2009

Commentator, Family Law Mediation in Japan
Sho Sato Conference on Japanese Law, UC Berkeley, March 2008.

The Public's View on Child Support,
Association of Family and Conciliation Court Judges, Vancouver, Canada, May 2008 .

Intuitive Lawmaking: The Case of Child Support,
Conference on Empirical Legal Studies, NYU Law School, November 2007.

Moderator, *Money Matters*,
Panel Presentation, Law and Society Meeting, Berlin, July 2007.

Evaluating Support Guidelines: What They Do and How They Came to Do It.
Presentation to the Annual Meeting of New Jersey Legal Services, November 21, 2006.

Child Support: How Much Is Just Right?
Presentation to the Berkeley Child Policy Forum of the Center for Child and Youth Policy, University of California, Berkeley, March 2006.

Comparing Japanese and American Approaches to Parental Rights: A Comment On, and Appreciation of, the Work of Takao Tanase.
Sho Sato Conference on Japanese Law, Earl Warren Legal Institute, U.C. Berkeley, February 12, 2005. <http://www.law.berkeley.edu/centers/ilr/pub_sho_sato_2005/>.

Rethinking the Construction of Child Support Guidelines.

Child Support Guideline Study Committee of the Arizona Supreme Court,
February 10, 2005

The Economic Analysis Underlying Child Support Guidelines.

Faculty Seminar Series, Center for the Study of Law and Society, U.C. Berkeley,
September 2004

The Construction of Child Support Guidelines.

University of Chicago Legal Forum Symposium on “The Public and Private
Faces of Family Law, October 2003.

Why Family Law Is Hard.

Investiture Lecture, for appointment as the Willard Pedrick Distinguished
Research Scholar, March 25, 2003.

Child Support and Visitation.

Paper Presented to the Conference on Child Support sponsored by the Economics
Department of the University of California at Santa Barbara, September 20th,
2002.

The ALI’s Recommendations with Respect to Alimony Guidelines.

Presentation to the Ohio Judicial Conference, June 18th, 2002.

Presenter, AALS Workshop on Defining the Family in the Millennium, Palm Springs,
March 29-31, 2001.

Marriage Rates and Marital Roles, presented to

Department of Sociology, Arizona State University, September 8, 2000
Hastings College of Law Colloquium Series, September 22, 2000

The ALI Project and Reforms in Family Law.

Invited Presentation to the Utah Supreme Court and Selected Appellate Judges,
March 8, 2000.

Inventing Family Law, updated, Seminar presentation at

Center for the Law and Society, Boalt Hall School of Law, November, 1999
Hastings College of Law Faculty Works in Progress, April 2001
University of Minnesota Faculty Workshop, April 2001.

The Future of Divorce Law.

Pembroke College, Oxford, March 26, 1999 (part of a workshop sponsored by
New York University School of Law--Oxford University Institute of Law in a
Global Society.

Inventing Family Law

The Seventeenth Annual Brigitte M. Bodenheimer Memorial Lecture on the Family, University of California at Davis Law School, November 12, 1998.

Premarital Agreements: Limitations.

Seminar on Family Law (for policy-making officials of the Lord Chancellor's Office), sponsored by the Family Policy Studies Centre of London, September, 1998 (sole American representative)

Speaker, National Association of Women Judges Annual Meeting, September, 1997

Speaker, ABA Section on Taxation, Winter Meeting, January 1997.

Speaker, Communitarian Network Conference on Marriage and Divorce Policies, George Washington University, November 1996.

Speaker, Family Law Section, Arizona State Bar Convention, June 1995.

Speaker, Family Law Symposium, Brigham Young University Law School, October, 1990.

Invited Participant, *Family Law for the Next Century*, The Earl Warren Legal Institute, University of California, Berkeley, December 4-6, 1992.

Invited Participant, American Law Institute Conference on the Law and Public Policy of Family Dissolution, January 24 and 25, 1990.

Invited Participant, *Divorce Reform in Retrospect*, The Earl Warren Legal Institute, University of California, Berkeley, and the Institute for Research on Women and Gender, Stanford University, November 4 and 5, 1988.

COURSES

I currently teach Family Law, Gender and Family Policy, Case Studies in Law and Lawyering, and Empirical Research in Legal Policy Issues (with Michael Saks). In the past I have taught Property, Bioethics and Law, and a course at Berkeley (with Steve Sugarman) called The Family in Public Policy.

SELECTED PROFESSIONAL ACTIVITIES

Family Law

- Member, State of Arizona Child Support Guidelines Revision Workgroup, 2008-2010. (appointed by Chief Justice, Arizona Supreme Court). I chaired the principal subcommittee that devised and implemented a new method for generating support guidelines.
- Member, State of Arizona Child Support Guideline Interim Study Committee, 2005-2006. (appointed by Chief Justice, Arizona Supreme Court)
- Member, State of Arizona Child Support Guidelines Workgroup, 2002-2003. (appointed by Chief Justice, Arizona Supreme Court)
- Member, Domestic Relations Reform Study Committee, 1997-1999 (appointed by the Arizona legislature).
- Member, Family Court Committee, 1998 (appointed by Chief Justice, Arizona Supreme Court)
- Member, Committee on Spousal Maintenance Guidelines, Maricopa County Domestic Relations Court, 1 1997-98 (Appointed by Presiding Justice, Domestic Relations Court).
- Overseas Editorial Advisor, International Journal of Law, Policy and the Family, Oxford.

Bioethics and Health Law

- Advisor to Senator Ann Day, Chair, Arizona Senate Health Committee (drafted portions of S.B. 1103, enacted, May, 1998).
- Reporter, Group on Privacy Issues, NIH Conference on the *Legal and Ethical Issues of the Human Genome Initiative*, Center for the Study of Law, Science and Technology, Arizona State University Law School, March and May, 1991.
- Director, Legislative Workshop on Depriving Newborns of Life Sustaining Treatment (January 1984) (See "Baby Doe: Problems and Legislative Proposals - Legislative Workshop," 1984 Ariz. State L.J. 601).
- Founding Member, Ethics Committee, Good Samaritan Medical Center, Phoenix, Arizona (1984 to 1999).
- Member, Committee on Ethical Issues in Fetal and Maternal Care, Good Samaritan Medical Center, Member 1986 to 1999.

Chair, Subcommittee on DNR Orders for AIDS Patients, Good Samaritan Medical Center Ethics Committee, 1989-90.

Board of Directors, Donor Network of Arizona, 1993-95. (This is the regional organ procurement organization, for organ transplants.