Cutting Edge Issues in Family and Matrimonial Law: An Annotated Bibliography, 2008-2011

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This bibliography covers law review articles published, for the most part, after 2007. Articles for which the title is self-explanatory or that concern only a single case, state, or statute are cited, but not annotated. Property-related issues will appear in the fall 2011 bibliography.

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* Curators’ and Edward D. Ellison Professor of Law, University of Missouri-Kansas City School of Law.
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Adoption

Annette R. Appell, *Controlling for Kin: Ghosts in the Postmodern Family*, 25 Wis. J.L. GENDER & SOC’Y 73 (Spring 2010) (stressing the importance of connections with biological family members and urging fewer all-or-nothing models of adoption and instead allowing adoptions to proceed while preserving contacts with biological families).


James G. Dwyer, *First Parents: Reconceptualizing Newborn Adoption*, 37 CAP. U. L. REV. 293 (2008) (arguing that newborns have a due process right to not be placed with birth parents whom the state has evidence will be unfit).

Lauren M. Fair, Comment, *Shame on U.S.: The Need for Uniform Open Adoption Records Legislation in the United States*, 48 SANTA CLARA L. REV. 1039 (2008) (noting that only five states (Alabama, Alaska, Kansas, New Hampshire and Oregon) allow adoptees unrestricted access to their adoption records and arguing that the secrecy of closed records adoption laws implies
shame and deprives adoptees of valuable personal and medical information).


Michael J. Higdon, *When Informal Adoption Meets Intestate Succession: The Cultural Myopia of the Equitable Adoption Doctrine*, 43 Wake Forest L. Rev. 223 (2008) (articulating the tests courts have developed to assess whether an individual has been equitably adopted under the intestate succession laws and maintaining that the strict requirements of the equitable adoption doctrine—including a contract to adopt—have “made it nearly impossible for informally adopted children to qualify as equitably adopted children”).


E. Gary Spitko, *Open Adoption, Inheritance, and the “Uncleing” Principle*, 48 Santa Clara L. Rev. 765 (2008) (proposing that birth parents and their children who are adopted through open adoption be treated as heirs of each other, in essentially an aunt or uncle—niece or nephew relationship).
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Terry L. Turnipseed, Scalia’s Ship of Revulsion Has Sailed: Will Lawrence Protect Adults Who Adopt Lovers to Help Ensure Their Inheritance from Incest Prosecution?, 32 HAMLNE L. REV. 95 (2009).

Alternative Dispute Resolution

Connie J. A. Beck, et al., Divorce Mediation With and Without Legal Representation: A Focus on Intimate Partner Violence and Abuse, 48 Fam. Ct. Rev. 631 (2010) (studying pro se and attorney represented clients in divorce mediation in Arizona and Indiana, and finding no significant difference in the rates of reported intimate violence according to whether parties were represented or not).


Christopher M. Fairman, Growing Pains: Changes in Collaborative Law and the Challenge of Legal Ethics, 30 Campbell L. Rev. 237 (2008) (addressing the Colorado ethics committee’s opinion finding the conventional practice of collaborative law is unethical).

Barbara Glesner Fines, Ethical Issues in Collaborative Lawyering, 21 J. Am. Acad. Matrim. Law. 141 (2008) (offering specific practical advice about attorney communications with clients in collaborative law practice, possible conflicts of interest, confidential communications, as well as permissible and required withdrawals).


Wilma J. Henry et al., Parenting Coordination and Court Relitigation: A Case Study, 47 Fam. Ct. Rev. 682 (2009) (providing the results of one study of 49 couples in which child-related court
motions decreased approximately 75 percent the year after the couples participated in parenting coordination programs).


John Lande & Forrest S. Mosten, *Before You Take a Collaborative Law Case*, 33 Fam. Advoc. 31 (Fall 2010) (discussing ethics rules regarding limited scope representations, conflicts of interest and informed consent).


Peter Salem, *The Emergence of Triage in Family Court Services: The Beginning of the End for Mandatory Mediation?*, 47 Fam. Ct. Rev. 371 (2009) (urging triage or “differentiated case management”: instead of requiring mediation of almost all participants, allowing the parties to help decide what mechanisms would best benefit them, such as early neutral evaluation or non-confidential dispute resolution and assessment).

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to likely questions about mediation, ranging from its disadvantages to enforceability of settlements reached).

Pauline H. Tesler, Collaborative Family Law, the New Lawyer, and Deep Resolution of Divorce-Related Conflicts, 2008 J. Disp. Resol. 83 (considering interdisciplinary team collaborative divorce practice, including specialists in child psychology, financial services, and mediation).


Nancy Ver Steegh, Family Court Reform and ADR: Shifting Values and Expectations Transform the Divorce Process, 42 Fam. L.Q. 659 (2008) (discussing the range of ADR services—such as parent education programs, early neutral evaluation, parenting coordination—and available empirical research about each of these).

Roselle L. Wissler, Representation in Mediation: What We Know From Empirical Research, 37 Fordham Urb. L.J. 419 (2010) (reviewing studies regarding parties’ experiences and outcomes in mediation when they are and are not represented by lawyers).


Jaime Abraham, Note, Divorce Mediation—Limiting the Profession to Family/Matrimonial Lawyers, 10 Cardozo J. Conflict Resol. 241 (2008).


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Christine A. Coates, A Brief Overview of Parenting Coordination, 38 Colo. Law. 61 (July 2009) (Colorado).


Kristin L. Fortin, Reviving the Lawyer’s Role as Servant Leader: The Professional Paradigm and a Lawyer’s Ethical Obligation to Inform Clients About Alternative Dispute Resolution, 22 Geo. J. Legal Ethics 589 (2009).


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Assisted Reproductive Technologies

Articles relating to assisted reproductive technologies (ART), including embryo disputes and preconception agreements and gestational surrogacy, from 2005-2008 can be found in Nancy Levit, *Family Law in the Twenty-first Century: An Annotated Bibliography*, 21 J. AM. ACAD. MATRIM. LAW. 271 (2008), and articles from 2008-2010 relating to ART agreements can be found in Nancy Levit, *Familial and Matrimonial Agreements: An Annotated Bibliography*, 23 J. AM. ACAD. MATRIM. LAW. 453 (2010). The following section covers articles from 2008-2011 other than those relating to ART agreements.

Dominic J. Campisi, et al., *Heirs in the Freezer: Bronze Age Biology Confronts Biotechnology*, 36 ACTEC J. 179 (2010) (addressing issues faced by executors and trustees regarding advances in biotechnology, including how to handle the issues of frozen gametes in trust distributions, paying medical expenses for a beneficiary in a coma, responding to requests to pay for assisted reproduction treatments, and other matters).

Taylor Irene Dudley, Comment, *A Fair Hearing for Children*, 9 WHITTIER J. CHILD & FAM. ADVOC. 341 (2010) (discussing preimplantation genetic diagnosis and the rights of parents who intentionally want to choose in favor of a disabling trait, such as deafness).


Jim Hawkins, *Financing Fertility*, 47 HARV. J. ON LEGIS. 115 (2010) (evaluating the ways in which fertility clinic refund programs are presented to patients and arguing for additional consumer protection regulations).

Courtney G. Joslin, *Protecting Children(?)*: *Marriage, Gender, and Assisted Reproductive Technology*, 83 S. CAL. L. REV. 1177 (2010) (observing that the statutes in most states only cover the situations of children of assisted reproduction born to married parents and evaluating “the eligibility of nonmarital children born through ART to two specific financial protections: child support and children’s Social Security benefits”).


Kerry Lynn Macintosh, *Brave New Eugenics: Regulating Assisted Reproductive Technologies in the Name of Better Babies*, 2010 U. ILL. J.L. TECH. & POL’Y 257 (addressing the medical evidence regarding birth defects, low birth weight and perinatal problems, and assessing whether these dangers stem from assisted reproductive technologies or prior infertility problems).


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**Embryo Disputes**


**Surrogacy and Egg and Sperm Donation**


dressing potential parental rights and child support obligations of egg donors, as well as possible products liability claims against them).


**Attorney Advertising Through Internet Ads, Blogs, and Websites**

Articles relating to the legal profession from 2002-2007 can be found in Nancy Levit, *Family Law in the Twenty-first Century*: ...


Jonathan G. Blattmachr, *Looking Back and Looking Ahead: Preparing Your Practice for the Future: Do Not Get Behind the Change Curve*, 36 ACTEC J. 1 (Summer 2010) (suggesting ways in which lawyers can do business forecasting, discussing areas of practice that are burgeoning, and evaluating marketing opportunities, such as interactive websites).


Alison Hinson, *The Business of Being an Attorney*, 25 ME. B.J. 146 (Summer 2010) (covering topics from website design and content to office software).


Dustin B. Benham, The State Bar of Texas Provides New Guidance to Attorneys Regarding the Proper Use of Social Media and Blogs for Advertising Purposes, 52 THE ADVOC. (Texas) 13 (Fall 2010) (Texas).

Brian A. Benko & Corrine Morrissey, Is It Ethical to Be a Super Lawyer?, 20 PROF. LAW. 25 (No. 1 2010).

Debra Bruce, Ethically Navigating the Social Media Landscape, 73 TEX. B.J. 196 (Mar. 2010) (Texas).

Claudia Eubanks, Maintaining an Online Presence Within the Bounds of the Texas Disciplinary Rules, 47 HOUS. LAW. 34 (Apr. 2010) (Texas).

Benjamin W. Glass III, Build Your Practice with a Blog, 44 TRIAL 30 (Jan. 2008).


Tom Mighell, *Avoiding a Grievance in 140 Characters or Less: Ethical Issues in Social Media and Online Activities*, 52 THE ADOVOC. (Texas) 8 (Fall 2010) (Texas).


**Custody and Visitation** *(See also Parenting)*

**Custody**


Christy M. Buchanan & Parissa L. Jahromi, *A Psychological Perspective on Shared Custody Arrangements*, 43 WAKE FOREST L. REV. 419 (2008) (exploring empirical findings on whether joint custody arrangements are better than sole physical custody with visitation arrangements in terms of their psychological effects on children).


Emily Gleiss, Note, *The Due Process Rights of Parents to Cross-Examine Guardians ad Litem in Custody Disputes: The Reality and the Ideal*, 94 Minn. L. Rev. 2103 (2010) (arguing that the inability of parents under most state laws to cross-examine guardians ad litem violates the parents’ substantive and procedural due process rights).

Robert F. Kelly & Sarah H. Ramsey, *Child Custody Evaluations: The Need for Systems-Level Outcome Assessments*, 47 Fam. Ct. Rev. 286 (2009) (examining different selection processes, payment practices and evaluation report outcomes for different types of child custody evaluators, such as a court-appointed forensic evaluator compared to a privately paid mental health expert, and questioning whether to have such evaluations).

Pamela Laufer-Ukeles, *Money, Caregiving, and Kinship: Should Paid Caregivers Be Allowed to Obtain De Facto Parental Status?*, 74 Mo. L. Rev. 25 (2009) (urging a more nuanced approach that considers the circumstances of individual situations rather than exclude all paid caregivers, such as paid child care providers and foster parents, from those who can petition for child visitation).


Margaret M. Mahoney, *The Enforcement of Child Custody Orders by Contempt Remedies*, 68 U. Pitt. L. Rev. 835 (2007) (considering the enforcement of court ordered parenting plans, custody and visitation orders through the means of civil and
criminal contempt, and discussing the differences between these orders and other injunctive orders).


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Shannon Shafron Perez, Comment, Is It a Boy or a Girl? Not the Baby, the Parent: Transgender Parties in Custody Battles and the Benefit of Promoting a Truer Understanding of Gender, 9 WHITTIER J. CHILD & FAM. ADVOC. 367 (2010).


Karen J. Saywitz, The Art of Interviewing Young Children in Custody Disputes, 30 FAM. ADVOC. 26 (Spring 2008).


Hague Convention (See also Child Support)


charged with their enforcement and assessing the performance of the United States in returning children and complying with requests for returns).


**Visitation**

Ayelet Blecher-Prigat, *Rethinking Visitation: From a Parental to a Relational Right*, 16 Duke J. Gender L. & Pol’y 1 (2009) (urging a view of visitation not as a parental status right, but as a right that attaches to the care and nurturance of children and considers children’s relational interests).


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**Child Support**


Leslie Joan Harris, *The Basis for Legal Parentage and the Clash Between Custody and Child Support*, 42 IND. L. REV. 611 (2009) (discussing how courts tend to find biology significant to child support determinations, while viewing functional parenting significant in custody decisions).

Adrienne Jennings Lockie, *Multiple Families, Multiple Goals, Multiple Failures: The Need for “Limited Equalization” as a Theory of Child Support*, 32 HARV. J. L. & GENDER 109 (2009) (arguing that child support laws should be reformed to give priority to first families (because parents tend to naturally economically favor their later or current families) and economically neediest families).

Laura W. Morgan, *Child Support Fifty Years Later*, 42 FAM. L.Q. 365 (2008) (addressing sweeping legislative changes, such as the Family Support Act, and patchwork laws imposing child support liability in nonbiological relationships, such as parenthood by estoppel).


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**Uniform Interstate Family Support Act (UIFSA)**


**Children’s Rights**


Marjory D. Fields, *Remedies for Children When Non-Resident Parents Abandon Them After Separation or Divorce*, 22 J. AM. ACAD. MATRIM. LAW. 291 (2009) (suggesting possibilities such as providing for increased child support, limiting relocation, and considering tort-type damages for parental abandonment of children after divorce).

the lack of resources devoted to child welfare and comparing the training standards adopted by states with the ethical guidelines various expert groups suggest for the representation of children).

Mark Henaghan, *What Does a Child’s Right to Be Heard in Legal Proceedings Really Mean? ABA Custody Standards Do Not Go Far Enough*, 42 Fam. L.Q. 117 (2008) (addressing the situations of representing children who do not want or are unable to express their views or who are at a risk of harm).


Susan L. Pollet, *A Nationwide Survey of Programs for Children of Divorcing and Separating Parents*, 47 Fam. Ct. Rev. 523 (2009) (reviewing the types of programs available in various jurisdictions, such as parent education programs, child education programs, and children’s support groups (both court and school-based), and reviewing the slim amount of existing empirical research regarding these programs).


**Divorce**


Sanjay T. Tailor, *Better Civil Practice in Dissolution of Marriage Litigation*, 40 LOY. U. CHI. L.J. 911 (2009) (noting a number of common practices that are at odds with procedural rules specifically in Illinois, but with some universal applicability, such as the treatment of proof requirements regarding dissipation of assets, the laxity of court orders regarding extended discovery, and the misuse of notice through publication).


Domestic Violence


Sally F. Goldfarb, Reconceiving Civil Protection Orders for Domestic Violence: Can Law Help End the Abuse Without Ending the Relationship? 29 CARDOZO L. REV. 1487 (2008) (examining factors associated with victim and batterer compliance with protection orders, the difficulties of enforcement, and the issue that many victims want some continued contact with their batterers, and proposing the goal of crafting protection orders in some cases that permit limited ongoing contact).


Leslie Joan Harris, Failure to Protect From Exposure to Domestic Violence in Private Custody Contests, 44 FAM. L.Q. 169 (2010) (evaluating state statutes that require courts to consider intimate violence during custody decisions and considering the role of the failure to protect a child from witnessing or experiencing violence from someone else).


Laurie S. Kohn, *What's So Funny About Peace, Love and Understanding? Restorative Justice as a New Paradigm for Domestic Violence Intervention*, 40 Seton Hall L. Rev. 517 (2010) (introducing types of restorative justice programs, including mediation, family group conferences and peacemaking circles, and evaluating whether they can be useful if appropriate screening techniques, ground rules, and enforcement mechanisms are in place).


Leah Satine, *Maximal Safety, Minimal Intrusion: Monitoring Civil Protective Orders Without Implicating Privacy*, 43 Harv. C.R.-C.L. L. Rev. 267 (2008) (evaluating the Fourth Amendment implications of using GPS monitors that would track domestic abusers and only alert enforcement authorities if the wearer entered an area prohibited by location data, and concluding that this limited surveillance of only prohibited movement would not interfere with privacy rights).


Elder Issues


Marshall B. Kapp, *Older Clients With Questionable Legal Competence: Elder Law Practitioners and Treating Physicians*, 37 Wm. Mitchell L. Rev. 99 (2010) (urging that lawyers who are seeking competence evaluations from doctors “break the competence evaluation into its separate data components . . . : the individual’s ability to make and communicate any discernible choice; the individual’s ability to comprehend his or her own specific situation; the person’s ability to reason with the available information in reaching a decision; and the individual’s ability to appreciate the probable and possible consequences of the alternatives being contemplated”).


Phoebe Weaver Williams, *Age Discrimination in the Delivery of Health Care Services to Our Elders*, 11 Marq. Elder’s Advisor 1 (Fall 2009) (describing the prospects for and limitations on using the Age Discrimination Act of 1975 to address age-based health care discrimination).


Denis Culley, *Thoughts on Resolving the PFA/PFH Conundrum Faced by Elders in Maine*, 25 Me. B.J. 136 (Summer 2010) (Maine).

William S. Friedlander, *Help Your Clients Pick a Nursing Home*, 46 *Trial* 16 (July 2010).


Andrew H. Hook, *Veterans Administration Aid and Attendance Benefits*, 20 *Experience* 28 (No. 2 2010).


Electronic Discovery


Steven C. Bennett, *Coping With Metadata: Ten Key Steps*, 61 Mercer L. Rev. 471 (2010) (offering practical advice about word processing features that can be shut off and scrubbing software).


Steven C. Bennett, *Civil Discovery of Social Networking Information*, 39 Sw. L. Rev. 413 (2010).


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Shawn Raymond, *Tackling E-Discovery on a Budget*, 51 THE ADVOC. (Texas) 50 (Summer 2010).


**Immigration**

Evelyn H. Cruz, *Because You’re Mine, I Walk the Line: The Trials and Tribulations of the Family Visa Program*, 38 FORDHAM URB. L.J. 155 (2010) (providing the basic requirements of the visa petition program and addressing the increasing difficulties beneficiaries face in the petition process).


reunification policies and assessing the plight of mixed status families).


**Marriage** *(See also Same-Sex Marriage, Divorce, Relationships and Families—Parenting)*

Robert E. Rains, *Marriage in the Time of Internet Ministers: I Now Pronounce You Married, But Who Am I To Do So?*, 64 U. Miami L. Rev. 809 (2010) (addressing state statutes and challenges to the validity of marriages approved by “ministers” with few or no credentials, such as some Universal Life Church-officiated marriages; including an appendix of each state’s laws regarding approved officiants).

**Miscellaneous**

Linda D. Elrod & Robert G. Spector *A Review of the Year in Family Law: Looking at Interjurisdictional Recognition,* 43 Fam. L.Q. 923 (2010) (recapping the most recent interjurisdictional cases under the Hague Convention, Indian Child Welfare Act, bankruptcy proceedings, in interstate proceedings, and various uniform state laws, such as the Uniform Interstate Family Support Act).

Clare Huntington, *Happy Families? Translating Positive Psychology Into Family Law,* 16 Va. J. Soc. Pol’y & L. 385 (2009) (drawing on research in positive psychology, this article demonstrates the effect that positive reinforcements can have on some of the most troubling family issues—for example, welfare and early childhood education benefits can diminish rates of child
abuse and neglect; similarly, a program of nurse-family partnerships can promote child development).

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Parenting (See also Same-Sex Marriage, Divorce, Relationships and Families—Parenting)

Sacha M. Coupet, “Ain’t I a Parent?”: The Exclusion of Kinship Caregivers From the Debate Over Expansions of Parenthood, 34 N.Y.U. Rev. L. & Soc. Change 595 (2010) (arguing that the laws in most states privilege conjugal ties and exclusive parental rights over the realities of caregiving by extended family members, and arguing that kinship caregivers should be afforded rights of custody and visitation).

Susan A. Dwyer, How to Share Parenting, 33 Fam. Advoc. 4 (Summer 2010) (discussing ways to make workable allocations of time and decisional authority).

Leslie Joan Harris, The Basis for Legal Parentage and the Clash Between Custody and Child Support, 42 Ind. L. Rev. 611 (2009) (comparing the requirements for and consequences of parenthood by estoppel and de facto parenting).


Laura T. Kessler, Community Parenting, 24 Wash. U. J.L. & Pol’y 47 (2007) (unpacking the assumption that children should only have two parents).

Solangel Maldonado, Cultivating Forgiveness: Reducing Hostility and Conflict After Divorce, 43 Wake Forest L. Rev. 441 (2008) (urging courts to require parents involved in high conflict divorces to take a forgiveness education program).
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Amanda Sigal et al., *Do Parent Education Programs Promote Healthy Postdivorce Parenting? Critical Distinctions and a Review of the Evidence*, 49 Fam. Ct. Rev. 120 (2011) (assessing the literature on a variety of post-divorce arrangements (such as time spent with parents after divorce and what types of visitation programs are most effective at maintaining continuing contact) and reviewing studies of court-ordered education programs; concluding that the absence of evidence that these programs work may not be due to the programs, but to methodological weaknesses in the evaluative studies).

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Parental Alienation

Barbara Jo Fidler & Nicholas Bala, *Children Resisting Post-separation Contact With a Parent: Concepts, Controversies, and Conundrums*, 48 Fam. Ct. Rev. 10 (2010) (distinguishing behaviors of a child who is resistant to contact and those of parents who try to alienate the other parent, explaining that parental alienation “syndrome” is not included in DSM-IV, and surveying the literature on behaviors regarding the favored and rejected parents as well as the effects of alienation on children and potential remedies).

Paul D. Nordini, *Emancipation Events: Judicial Activism to Curb Parental Alienation Syndrome*, 21 DCBA Brief 12 (Nov. 2008) (discussing the possibility of arguing that parental alienation by a child is a self-emancipating event relieving the alienated parent from paying child support).

Richard A. Warshak, *Family Bridges: Using Insights From Social Science to Reconnect Parents and Alienated Children*, 48 Fam. Ct. Rev. 48 (2010) (delineating when and under what conditions different treatment methods, such as reunification, residential treatment, and environmental modification, tend to work, and describing the experimental program “Family Bridges” workshops).


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**Paternity and Fathering**

Browne Lewis, *Two Fathers, One Dad: Allocating the Paternal Obligations Between the Men Involved in the Artificial Insemination Process*, 13 Lewis & Clark L. Rev. 949 (2009) (proposing that both husbands and sperm donors should be considered financially responsible fathers to advance financial stability for children conceived through artificial insemination).

many states’ safe haven and adoption schemes do not provide adequate procedural protections for biological fathers).


Judith S. Wallerstein & Julia S. Lewis, Divorced Fathers and Their Adult Offspring: Report From a Twenty-Five Year Longitudinal Study, 42 FAM. L.Q. 695 (2009) (examining factors after divorce that are correlated with fathers maintaining or losing connections with their children).


Brittany King, Recent Development, Kamp v. Department of Human Services: A Presumed Parent, Who Asserts a Paternity Defense for the First Time in a Post-Divorce Proceeding, Must


Margaret Ryznar, Two to Tango, One in Limbo: A Comparative Analysis of Fathers’ Rights in Infant Adoptions, 47 DUQ. L. REV. 89 (2009).


Pets and Animal Companions


Casey Chapman, Comment, Not Your Coffee Table: An Evaluation of Companion Animals as Personal Property, 38 CAP. U. L. REV. 187 (2009) (suggesting guidelines for awarding damages when pets are killed that go beyond the considerations of pets as property, including components for emotional distress, burial, and the costs of obtaining and training a new pet).

David Favre, Living Property: A New Status for Animals Within the Legal System, 93 MARQ. L. REV. 1021 (2010) (urging the recognition of a new jurisprudential category for some more senti-
ent non-human animals that would be accompanied by rights to adequate food and to be free from pain).


Christopher D. Seps, Note, *Animal Law Evolution: Treating Pets as Persons in Tort and Custody Disputes*, 2010 U. Ill. L. Rev. 1339 (arguing for a rule that treats pets not as property but as persons only in tort and custody cases to recognize the emotional bond owners form with their pets).

Heidi Stroh, *Puppy Love: Providing for the Legal Protection of Animals When Their Owners Get Divorced*, 2 J. Animal L. & Ethics 231 (2007) (maintaining that if courts treat pets like property in custody disputes, this will not promote the welfare of the animal and urging a modified “best interests” test that considers such things as the owners’ wishes, the animal’s physical and mental health, any “documented preference exhibited by the animal,” and “the prior and anticipated physical care and treatment of the animal”).
Diane Sullivan & Holly Vietzke, *An Animal Is Not an iPod*, 4 J. ANIMAL L. 41 (2008) (noting that the property classification of pets prevents courts from awarding visitation rights and results in a failure to appropriately compensate when emotional bonds are broken; mentioning that twenty cities and one state, Rhode Island, have passed legislation denominating pet owners as guardians).


T. Christopher Wharton, Note, *Fighting Like Cats and Dogs: The Rising Number of Custody Battles Over the Family Pet*, 10 J.L. & FAM. STUD. 433 (2008) (addressing several cases that have decided pet custody cases by using a best interests test—and noting that one of the cases involved animal behaviorist expert testimony).

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Eric Kotloff, Note, *All Dogs Go to Heaven . . . or Divorce Court: New Jersey Un“Leashes” a Subjective Value Consideration to Re-


Psychological Assessments and Impairments


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Douglas Mossman & Amanda N. Shoemaker, *Incompetence to Maintain a Divorce Action: When Breaking Up Is Odd to Do*, 84 St. John’s L. Rev. 117 (2010) (urging courts to recognize incompetence as a defense in divorce, to comprehend situations where one of the spouses has a severe psychiatric impairment).

Deirdre Smith, *The Disordered and Discredited Plaintiff: Psychiatric Evidence in Civil Litigation*, 31 Cardozo L. Rev. 749 (2010) (reviewing the use of psychiatric evidence introduced to show injuries, impeach credibility, and explain reasons for a party’s actions, and arguing that judges need to exercise discretion to exclude psychiatric evidence more often than they currently do, because the admission of this evidence tends to be hugely prejudicial).

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**Relocation**


Linda D. Elrod, *National and International Momentum Builds for More Child Focus in Relocation Disputes*, 44 FAM. L.Q. 341 (2010) (examining the wide variety in state law approaches to relocation decisions, assessing children’s and parents’ constitutional rights, and reviewing efforts toward creating a uniform standard, such as the American Academy of Matrimonial Lawyers’ *Model Act on Relocation* and the American Law Institute’s *Principles of the Law of Family Dissolution*).


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Same Sex Marriage, Divorce, Relationships, and Families

Divorce


Colleen McNichols Ramais, Note, *‘Til Death Do You Part . . . And This Time We Mean It: Denial of Access to Divorce for Same-Sex Couples*, 2010 U. Ill. L. Rev. 1013.


**Elder Law**


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Marriage

Andrew Koppelman, DOMA, Romer, and Rationality, 58 Drake L. Rev. 923 (2010) (discussing federal equal protection challenges to DOMA, based on the argument that it is lacking even a rational basis because it is premised purely on animosity toward an unpopular group).


Hillel Y. Levin, Resolving Interstate Conflicts Over Same-Sex Non-Marriage, 63 Fla. L. Rev. 47 (2011) (evaluating various state approaches when a same-sex couple marries in one state and then moves to a state that does not recognize their marriage).


Mark P. Strasser, DOMA and the Constitution, 58 Drake L. Rev. 1011 (2010) (evaluating due process, equal protection right to travel, full faith and credit and other challenges to DOMA).

Erez Aloni, Incrementalism, Civil Unions, and the Possibility of Predicting Legal Recognition of Same-Sex Marriage, 18 Duke J. Gender L. & Pol’y 105 (2010).


**Parenting**


Kathy T. Graham, *Same-Sex Couples: Their Rights as Parents, and Their Children’s Rights as Children*, 48 Santa Clara L. Rev. 999 (2008) (covering various ways states have recognized LGBT parents’ rights (through adoption, partnership laws, and psychological or de facto parent concepts) and urging recognition of children’s rights in continued parent-child relationships).

Courtney G. Joslin, *Interstate Recognition of Parentage in a Time of Disharmony: Same-Sex Parent Families and Beyond*, 70 Ohio St. L.J. 563 (2009) (maintaining that initial state decisions about parental status should be accorded full faith and credit in other states).


Robin Fretwell Wilson, *A Matter of Conviction: Moral Clashes Over Same-Sex Adoption*, 22 BYU J. PUB. L. 475 (2008) (exploring refusals of private adoption agencies to allow same sex parents to adopt and considering whether state conscience clauses offer an appropriate way to balance competing interests).


**Social Media and Technology**


Steven C. Bennett, *Civil Discovery of Social Networking Information*, 39 Sw. L. Rev. 413 (2010) (explaining the law regarding discovery requests to individuals and hosting companies for information on social networking sites).

Steven C. Bennett, *Ethics of Lawyer Social Networking*, 73 Alb. L. Rev. 113 (2009) (addressing limits on attorney advertising and solicitation through social media, as well as rules about honesty, competence, and disclosure of confidential information).

Sheila Blackford, *Avoiding Pitfalls in the Kingdoms of Facebook, LinkedIn and Twitter*, 70 Or. St. B. Bull. 36 (June 2010) (explaining privacy settings on social networking sites).


and concerns about the unintended formation of attorney-client relationships).


Abigail S. Crouse & Michael C. Flom, *Social Media for Lawyers*, 67 Bench & B. Minn. 16 (Nov. 2010) (noting that in 2009, three-quarters of all lawyers belonged to a social networking site and that the ABA Journal Blawg Directory lists more than 6,500 blogs, and discussing problems of confidentiality and inadvertent formation of attorney-client relationships).


Christopher B. Hopkins, *Internet Social Networking Sites for Lawyers*, 28 Trial Advoc. Q. 12 (Spring 2009) (comparing social media sites such as MySpace, Facebook, Classmates, and explaining how to use the web to research prospective jurors quickly during jury selection).


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Angela O’Brien, Comment, Are Attorneys and Judges One Tweet, Blog or Friend Request Away From Facing a Disciplinary Committee?, 11 Loy. J. Pub. Int. L. 511 (2010) (examining potential ethical violations stemming from the use of social media, including confidentiality, ex parte communications, advertising, and extrajudicial statements problems).


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