#### **BARBARA ANN ATWOOD**

Mary Anne Richey Professor of Law Emerita James E. Rogers College of Law The University of Arizona P.O. Box 210176 Tucson, AZ 85721-0176 520-621-1912

batwood@email.arizona.edu

**EDUCATION:** J.D., University of Arizona College of Law 1976

Graduation with Highest Distinction

Order of the Coif

B.A., Mary Baldwin College 1969 Graduation with Honors

#### **ACADEMIC EMPLOYMENT:**

James E. Rogers College of Law

Professor Emerita 2011-present
Mary Anne Richey Professor of Law 1998-2010
Professor of Law 1986-98

Associate Dean 1989-91 Acting Associate Dean 1988-89

University of Houston Law Center 1981-86

Assistant Professor of Law

University of Arizona College of Law 1980-81

Visiting Associate Professor

#### **COURSES TAUGHT:**

Family Law Civil Procedure

Child Welfare and Custody Disputes over American Indian

Children

Transnational Family Law—collaborative format

Adoption Law (Seminar) Federal Jurisdiction

Complex Litigation (Seminar)

Conflict of Laws

Civil Rights Litigation Gender and the Law

Representation of Children

### OTHER PROFESSIONAL EXPERIENCE:

Judge Pro Tem, Tohono O'odham Nation	2013 – present
Trial Attorney Honors Program, Civil Rights Division U.S. Department of Justice	1978 – 79
Law Clerk Hon. Mary Anne Richey United States District Court for District of Arizona Tucson, Arizona	1976 – 78

**BAR MEMBERSHIP**: Arizona Supreme Court 1976 – present

University of Arizona Alumni Association

United States District Court for District of Arizona 1976

### **AWARDS AND RECOGNITIONS:**

Extraordinary Faculty Award	2011
John Strong Teaching Award and SBA Teacher Of the Year	2011
Leslie F. and Patricia Bell Faculty Service Award	2010
Arizona Women Lawyers Association Alice Truman Award	2009
Arizona Women Lawyers Association Sarah Sorin Award	2004
University of Arizona Graduate College Graduate and Professional Education Teaching and Mentoring Award	2004
Arthur W. Andrews Distinguished Mentor and Teacher Award	2004
Fellow, American Bar Foundation	2002
Robert N. Endries Distinguished Lecturer, Syracuse University College of Law	2002

Leslie F. and Patricia Bell Faculty Service Award	2001
Distinguished Alumnus Award University of Arizona College of Law	1998
YWCA Women on the Move Award	1998
Soroptimists Women Helping Women Award	1998

#### **GRANTS:**

ABA Child Custody and Adoption Pro Bono
Project Grant (with Professor Paul Bennett
and Hon. Sara Simmons, presiding Family Court
Judge, Pima County Superior Court, Tucson, AZ)

2007
Study Grant, Arizona Humanities Council
1992-93

#### **PUBLICATIONS:**

#### Books, book chapters

Marital Contracts and the Changing Meaning of Marriage, in Solidarities Between Generations (Proceedings of 14<sup>th</sup> World Congress of International Society of Family Law) (Bruylant 2013)

CHILDREN, TRIBES, AND STATES: ADOPTION AND CUSTODY CONFLICTS OVER AMERICAN INDIAN CHILDREN (Carolina Academic Press 2010)

Child Protection in a Pluralist Society, in The International Survey of Family Law 491 (Atkins ed., 2009)

*Child Custody*, in THE CHILD: AN ENCYCLOPEDIC COMPANION 232 (University of Chicago Press 2009)

A COURTROOM OF HER OWN: THE LIFE AND WORK OF JUDGE MARY ANNE RICHEY (Carolina Academic Press 1998)

#### Articles

Response to Professor Berger's In the Name of the Child: Race, Gender and Economics in Adoptive Couple v. Baby Girl, 67 Fla. L. Rev. F. 1 (2015)

Hard Cases, Muddled Law: Deciphering the Baby Veronica Case, 93 B.U. L. Rev. Annex 3 (2013)

A New Uniform Law for Premarital and Marital Agreements, 46 Fam. L. Q. 313 (2012) (with Brian Bix)

*Marital Contracts and the Meaning of Marriage*, 54 Ariz. L. Rev. 11 (2012)

Representing Children Who Can't or Won't Direct Counsel: Best Interests Lawyering or No Lawyer at All? 53 Ariz. L. Rev. 381 (2011)

Achieving Permanency for American Indian Children: Lessons from Tribal Traditions, 37 Capital U. L. Rev. 239 (2008)

The New Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act: Bridging the Divide between Pragmatism and Idealism, 42 Fam. L. Q. 63 (2008)

The Voice of the Indian Child: Enriching the Indian Child Welfare Act Through Children's Participation, 50 Ariz. L. Rev. 127 (2008), reprinted on request in 2009 Minnesota Family Law Journal

Franchir les limites de la salle de clase: une experience de droit compare en droit de la famille, 24 Canadian Journal of Family Law 65 (2008) (with Graciela Jasa Silvereira, Nicole La Violette, & Tom Oldham)

Comment on Warshack: The Approximation Rule as a Work in Progress, 1 Child Development Journal126 (2007)

Crossing Borders in the Classroom: A Comparative Law Experiment in Family Law, 55 J. Legal Ed.542 (2005) (with Graciela Jasa Silveira, Nicole LaViolette, & Tom Oldham)

Representing Children: The Ongoing Search for Clear and Workable Standards, 19 J. Amer. Acad. Matrim. Lawyers 183 (2005), reprinted in SINGER & MURPHY, RESOLVING FAMILY CONFLICTS (Ashgate 2008)

The Child's Voice in Custody Litigation: An Empirical Study and Suggestions for Reform, 45 Ariz. L. Rev. 629 (2003) (Symposium Issue)

Introduction to Symposium Issue, Youth, Voice and Power: Multidisciplinary Perspectives, 5 Ariz. L. Rev. 559 (2003) (with Professor Paul Bennett)

Flashpoints under the Indian Child Welfare Act: Toward a New Understanding of State Court Resistance, 51 Emory L. J. 101 (2002)

*Tribal Jurisprudence and Cultural Meanings of the Family*, 79 Neb. L. Rev. 401 (2000)

*Identity and Assimilation:* Changing Definitions of Tribal Power Over Children, 83 Minn. L. Rev. 927 (1999)

Single Parents, Separation of Powers, and States' Rights: The Availability of Section 1983 Suits by Parents Against State Child Support Agency, 1996 WL 728912 (West's Legal News)

Ten Years Later: Lingering Concerns About the Uniform Premarital Agreement Act, 19 J. of Leg. 127 (1993)

Preliminary Assessment of Gender Implications of Federal Indian Law Jurisdiction, Working Paper, Ninth Circuit Gender Bias Task Force (1992)

Book Review of Jacobs, SILENT REVOLUTION: THE TRANSFORMATION OF DIVORCE LAW IN THE UNITED STATES (1988), American Political Science Review (March 1991).

Child Custody Jurisdiction and Territoriality, 52 Ohio State L.J. 369 (1991)

Fighting over Indian Children: The Uses and Abuses of Jurisdictional Ambiguity, 36 UCLA L. Rev. 1051 (1989)

Bias on the Basis of Gender, Race and Ethnicity in the Civil Justice System, Arizona Town Hall, 131 (1988)

Marital Property and Spousal Maintenance, Arizona Women's Town Hall 1-36 (1988)

The Choice-of-Law Dilemma in Mass Tort Litigation: Kicking Around, Erie, Klaxon, and Van Dusen, 19 Conn. L. Rev. 9 (1986)

*Issues in Federal-State Relations Under the Federal Arbitration Act*, 37 Fla. L. Rev. 61 (1985).

Domestic Relations Cases in Federal Court: Toward a Principled Exercise of Jurisdiction, 35 Hast. L.J. 571-628 (1984)

State Court Judgments in Federal Litigation: Mapping the Contours of Full Faith and Credit, 58 Ind. L.J. 59 (1983)

Multimember Districting and Equal Protection: When Do They Conflict?, Arizona Bar Journal, Feb. 1977, at 34

#### **OTHER WRITINGS:**

Same Sex Marriage Lessons, Op-Ed, Arizona Republic, March 2013 (with Toni M. Massaro)

*The Uniform Premarital and Marital Agreements Act*, Trusts & Estates (Sept. 2012) (with Turney P. Berry)

Dean Toni M. Massaro: A Tribute, 51 Ariz. L. Rev. 267 (2009)

The Uniform Law Commission: Its Continuing Relevance, 45 Arizona Attorney 30 (April 2009)

Preserve Domestic Partner Benefits, Arizona Daily Star, Guest Opinion, February 2009

Marriage Proposal Not Clear Cut, Arizona Daily Star, Guest Opinion, August 2006

Charles Ares: Mentor, Colleague, Friend, 35 Ariz. L. Rev 17 (1993)

Breaking Bounds: A Brief Reflection on Mary Anne Richey, Ariz. Law Record 8, Fall 1992

A Very Good Year, Ariz. Law Record 4-5, Fall 1989

Supreme Court Decision Upholds Nation's Highest Ideals, Arizona Daily Star, Guest Opinion, June 1989

## PRO BONO LITIGATION & LEGISLATIVE TESTIMONY

Adoptive Couple v. Baby Girl (U.S. 2013) (No. 12-399) (coauthor of ACLU Brief as Amicus Curiae in support of Respondent)

Hollingsworth v. Perry (U.S. 2013) (No. 12-144) (participation as Amicus Curiae on behalf of Law Professors in support of Respondents)

Egan v. Fridllund-Horne, 211 P.3d 1213 (Ariz. Ct. App. 2009) (Amicus Curiae on petition for review) (addressing rights of de facto parents under Arizona law)

Arizona Daily Star v. Pima County Juvenile Court (Ariz. App. 1998) (unpublished opinion) (consultant on amicus brief on behalf of College of Law Child Advocacy Clinic) (holding that case file in dependency proceeding is subject to public disclosure under certain circumstances)

*Alegria v. Redcherries*, 812 P.2d 1085 (Ariz. App. 1991) (lead counsel) (holding that state court must recognize and enforce tribal custody decree from Northern Cheyenne Tribe)

Testimony before Domestic Relations Committee of Arizona State Legislature regarding Proposed Preference for Shared Parenting in Arizona Law, 2004

## PUBLIC AND PROFESSIONAL SERVICE:

#### **National**

Commissioner, National Conference of Commissioners on Uniform State Laws	2006 – present
Chair, Uniform Premarital and Marital Agreements Drafting Committee	2011-13
Chair, Family Law Arbitration Act Drafting Committee	2013 – present
Chair, Joint Editorial Board on Uniform Family Law	2015 – present
Member, Academic Advisory Committee to ABA Standing Committee on Federal Judicial Improvements	2007-09
Reporter, Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act, National Conference of Commissioners on Uniform State Laws	2004-07
Chair, Subcommittee on Indian Law on Gender Bias Task Force of the U.S. Court of Appeals for the Ninth Circuit	1991-92
AALS Family and Juvenile Law Section Chair Executive Committee Vice-Chair	1988 1989-90 1987
State and Local	

Board Member, William E. Morris Institute for Justice

2013 – present

Board Member, Arizona Association of Family and Conciliation Courts (President 2012)	2009 – present
Member, American Academy of Matrimonial Lawyers Scholarship Committee	2002 – present
Chair, Mary Anne Richey Scholarship Committee, Arizona Women Lawyers Association	1990 – present
Ad Hoc Judge Pro Tem, Pascua Yaqui Court of Appeals	2011
Member, Pima County Bar Task Force on Proposed Changes to Attorney Discipline System	2010
Member, Arizona Supreme Court Task Force on Admission on Motion Course	2009
Member, Arizona Supreme Court Disciplinary Commission (Chair 2006)	2001 – 07
Chair, John Hawkins Professionalism Award Committee, Pima County Bar Association	1999 – 2010
Member, United States Magistrate Judge Selection Committee for District of Arizona	1997
Member, U.S. District Court Gender Equality Task Force for District of Arizona (Chair, Fact-Gathering Subcommittee)	1992 – 97
Consultant, Office of Legal Advisor, U.S. State Dept.	1989
Steering Committee, Pima County Gender and Justice Task Force	1987 – 90
BAR-BRI Lecturer Arizona Community Property	1987 – 88
Regional Legal Advisor, Reporters' Committee for Freedom of the Press	1984
Member, AALS Library Committee	1983 – 84

# SELECTED PRESENTATIONS:

From Status to Contract and Back Again Midyear Workshop	
AALS Family Law Section Orlando, FL	2015
The New BIA Guidelines and Proposed Regulations Arizona Supreme Court Tribal State Forum Chandler, AZ	2015
A Reflection on the Voting Rights Act 50 <sup>th</sup> Anniversary of Civil Rights Act United States District Court for District of Arizona Tucson, AZ	2014
The Meaning of Good Cause in Section 1915 of ICWA National Indian Child Welfare Association Webinar	2014
Thorn v. Thorn, Family Law Seminar Arizona State Bar Convention Tucson, AZ	2014
The Baby Veronica Case and the Structure of ICWA Feminist and Family Law Seminar New England College of Law (by Skype)	2013
The Same-Sex Marriage Cases: Implications and Predictions Arizona State Bar Advanced Family Law Program Tucson, AZ	2013
Personal History and Professional Identity 32 <sup>nd</sup> Annual Sedona Conference, AzAFCC Sedona, AZ	2013
The Uniform Premarital and Marital Agreements Act Arizona State Bar/AAML Advanced Family Law Seminar Scottsdale, AZ	2013
New Uniform Laws Affecting Family Law Arizona State Bar Advanced Family Law Seminar Tucson, AZ	2012

Representing Children Who Can't or Won't Direct Counsel 31 <sup>st</sup> Annual Sedona Conference, AzAFCC Sedona, AZ	2012
Marital Agreements and the Changing Meaning of Marriage 14 <sup>th</sup> World Congress, International Society of Family Law Lyon, France	2011
Overview of Indian Child Welfare Act Indian Law Section Arizona State Bar Annual Convention Tucson, AZ	2011
An Introduction to ICWA Dependency 101 Arizona Supreme Court Phoenix, AZ	2011
When Reunification is Not an Option Connecting Legacies Conference Arizona Supreme Court Scottsdale, AZ	2011
Children, Tribes, and States Indigenous Peoples Law and Policy Spring Author's Series Michigan State University School of Law	2011
The Indian Child Welfare Act after 30 Years Indigenous Peoples Law and Policy Program Speaker Series University of Arizona	2011
Representing Children Who Can't or Won't Direct Counsel Ted Schneyer Ethics Symposium University of Arizona	2011
Building Bridges Across Cultural Divides 2010 Dependency 101 Judges Training Arizona Supreme Court Phoenix, Arizona	2010
Deconstructing Ballot Initiatives: The Arizona Experience Society of American Law Teachers Conference University of Denver School of Law	_010
Denver, Colorado	2010

Representing Native Children in ICWA Proceedings: Challenges and Possibilities,	
Oregon Child Advocacy Conference, University of Oregon Eugene, Oregon	2010
Listening to Children at Divorce, AFCC Annual Conference Sedona, Arizona	2010
Debating a 50/50 Custody Presumption, AFCC Annual Conference, Sedona, Arizona	2010
The Attorney Discipline Process, Pima County Bar Association CLE, Tucson, Arizona	2009
The American Indian Child and the Meanings of Permanency, 4th Annual Wells Conference on Adoption Law, Capital University Law School, Columbus, Ohio	2008
Commentator, ICWA and Custodial Requests by Third Parties, Second Annual Conference of Southwestern Indian Law Clinics Albuquerque, New Mexico	2008
Child Advocacy for the 21 <sup>st</sup> Century, Conference for Tenth Year Anniversary of Child Advocacy Clinic, University of Arizona James E. Rogers College of Law	2007
The Voice of the Indian Child: Enhancing the Indian Child Welfare Act Through Children's Participation, North American Regional Conference, International Family Law Society, Vancouver, British Columbia	2007
The New Uniform Representation of Children Act, Family and Juvenile Law Section, AALS Annual Meeting, Washington, D.C.	2007
Tribal Children's Courts Native American Law Students Association Regional Conference, ASU Law School, Tempe, AZ	2007
The Uniform Representation of Children Act and the New Arizona Rules of Family Court Procedure Pima County Juvenile Court, Tucson, AZ	2007
Ethical Dilemmas Facing Family Lawyers, Arizona Conference, Association for Family and Conciliation Courts, Sedona, AZ	2007

Sex Discrimination in Employment: The Class Action Remedy, Association of Women Faculty, Tucson, AZ	2007
Supreme Court Review: The Guantanamo Cases James E. Rogers College of Law, Tucson, AZ	2006
Bar Complaint Blues, Pima County Bar CLE Program Tucson, AZ	2006
The Adolescent Brain Legal Implications Annual Brain Science Conference College of Medicine, University of Arizona Tucson, AZ	2006
Reimagining the Indian Child Welfare Act Through the Convention on the Rights of the Child, 4 <sup>th</sup> World Congress on Rights of the Child, Cape Town, South Africa	2005
The NCCUSL Project on Child Representation, World Conference of International Society of Family Law, Salt Lake City, Utah	2005
The Child's Voice in Custody Litigation: Policy Questions, Plenary Session, at Arizona Conference of Association of Family and Conciliation Courts, Sedona, Arizona	2004
Therapeutic Jurisprudence and American Family Law: A Skeptic's Misgivings, at North American Regional Conference of International Family Law Society, Eugene, Oregon	2003
Teaching Preclusion Doctrines through the Use of Tribal Court Judgments, at AALS Mid-Year Conference on Civil Procedure, New York, New York	2003
The Child's Voice in Custody Litigation: What Judges Actually Do, at Arizona Conference of Association of Family and Conciliation Courts, Sedona, Arizona	2003
Parental Consent Laws and National Politics, at 30 <sup>th</sup> Anniversary of Roe v. Wade, Presentation Sponsored by League of Women Voters, University of Arizona College of Law, Tucson, Arizona	2003

The Child's Voice in Custody Dispute Resolution Conference on Youth, Voice & Power: Multidisciplinary Perspectives, sponsored by James E. Rogers College of Law and Rogers Program on Law, Philosophy, and Social Science, Tucson, Arizona	2002
Women in Legal Education: Progress and Challenges, Committee on Women and Minorities in the Legal Profession, Arizona State Bar Annual Convention Tucson, Arizona	2002
Flashpoints Under the Indian Child Welfare Act, Robert N. Endries Distinguished Faculty Workshop, Syracuse University College of Law	2002
Domestic Violence Reform in the United States, North American Consortium on Legal Education, San Antonio, Texas	2001
An Arizona and National Perspective on Domestic Violence Reform, Maricopa County Bar Association, Phoenix, AZ	2001
The Indian Child Welfare Act and State Court Resistance, International Family Law Society, North American Regional Conference, Kingston, Ontario	2001
Feminist Discord in Family Law, The Future of Women's Studies Conference, University of Arizona, Tucson, AZ	2000
Tribal Court Jurisprudence and the Construction of Culture, Arizona State Judges Annual Conference, Tucson, AZ	2000
Medical Decision Making for Children, Medicine, Humanities, and Ethics Annual Conference, University of Arizona Medical School, Tucson, AZ	2000
Tribal Court, State Court, Federal Court: A Jurisdictional Puzzle, Federal Bar Association, Tucson, AZ	2000
The UCCJEA and Its Potential Application to Indian Tribes, Annual Tribal-State Judges Forum, Phoenix, Arizona	1999

The Persistence of Gender Bias in Child Custody Adjudication Family Law Section, Arizona State Bar Convention Phoenix, Arizona	1999
Writing a Woman's Life, Woman's Studies Advisory Committee Salon Series, Tucson, Arizona	1999
Identity and Assimilation in the Enforcement of Tribal Custody Decrees, Law and Society Annual Meeting, Breckenridge, Colorado	1998
Evolution, Religion, and Public Education, Department of Evolutionary Biology, University of Arizona, Tucson, Arizona	1996
Medical Decision-making for Children, University of Arizona Graduate Education Seminar, Tucson, Arizona	1995
The Best Interests of Children and the ICWA, Annual Conference of Arizona, Tucson, Arizona	1994
The History of the ICWA, Symposium on the Indian Child Welfare Act, Co-sponsored by the U. of A. Office of Indian Affairs and Pima County Bar Association, Tucson, Arizona	1994
Balancing Personal and Professional Lives, AALS Conference on Faculty in Law School Administration, Washington, D.C.	1994
Issues in Adoption Law, Community Legal Forum, Public Access Television, Tucson, Arizona	1994
Gender and Judging, Arizona Women Lawyers, Tucson, Arizona	1993
Mary Anne Richey - Gender and Judging, Women's Studies Advisory Council Reception for University of Arizona Women Faculty, Tucson, Arizona	1992
Premarital Agreements for the 1990's, Pima County Bar Association, Tucson, Arizona	1991

Indian Child Custody - Balancing Interests of Child and Tribe, Women's Studies Advisory Council Salon Series, Tucson, Arizona	1989
Overview of the American Civil Justice System, Arizona-Sonoran Bar Association, Tucson, Arizona	1989
The Webster Case in Perspective, Reproductive Rights Forum, Tucson, Arizona	1989
Balancing Work and Family in the Academy, Way Up Conference for Women in Higher Education, Phoenix, Arizona	1989
Sex Discrimination Against Women Professionals, Hearings on Working Women, Tucson Women's Commission, Tucson, Arizona	1988
Women in Academia, Far West Regional Conference on Women and the Law, Tucson, Arizona	1988
The ERA: Why It Failed and Whether It Matters, Tucson Executive Women's Council, Tucson, Arizona	1987
Bork and the Constitution, Public Radio KUAT Morning Line, Tucson, Arizona	1987
Homosexuality and the Social Construct of Gender, Panelist, UA-Arizona Daily Star Bicentennial Program, Tucson, Arizona	1987
Family Law and Federal Jurisdiction, Family and Juvenile Law Section, AALS Annual Meeting, Washington, D.C.	1986

# INSTITUTIONAL SERVICE:

## **University of Arizona**

University General Counsel Search Committee	2009
External Advisory Committee for Institute on Children,	
Youth, and Families, College of Agriculture	2007 - 2011
University Fees Committee	2004 - 2007
Dean's Five-Year Review Committee	2003
Sunset Review, Institute for Children, Youth and	
Families, College of Agriculture	2003
University General Counsel Search Committee	1998
University Promotion and Tenure Committee	1997-2000
College of Law Dean Search Committee	1987-89,
	1994-95, 1999
Provost Search Committee	1992
Arizona Women Faculty Executive Committee	1991-92
AWF Committee on Parenting Policies	1989-92,
Chair 1991-92	
Provost's Committee on University Mission Statement	1990

## James E. Rogers College of Law

Chair, College of Law Lifetime Achievement Committee	2012 – present
Secretary-Treasurer, McCormick Society	2011 – present
Member, Ad Hoc Named Professorship Committee	2014
Member, Dean's Advisory Committee	2009-10
Chair, Ad Hoc Named Professorships Committee	2008
Faculty Status Committee	1986 - 2009
·	(intermittent
	years)
	Chair: 1996-
	97, 2000-01,
	2003-04, 2009
Faculty Personnel Committee	1990-91,
•	1993-95,
	1997-98,
	2005-07
Faculty Retreat Committee	2006
Co-chair, "Youth, Voice and Power" Conference	
Planning Committee	2001-02
Faculty Peer Review Committee	1988, 1996,
•	2001, 2003
	2001, 2005

Dean's Advisory Committee	1988-89,
•	1991-92,
	1994-95,
	2000-01, 2003
Faculty Curriculum Committee	1990-92,
·	1993-95,
	2002-03
Writing Instructor Hiring Committee	2002-2007
Ad Hoc Bylaws Committee	2000-01
Admissions Committee	1998-99
Chair, Clinical Professor Search Committee	1998
Member, Child Advocacy Clinic Advisory Board	1996
Visiting Scholar's Committee	1991-92
Chair, Honor Council	1988-91
Self-Study Committee	1989-90
Faculty-Student Relations Comm.	1989-90
Ad Hoc Academic Policies Committee	1986-87
Advisor, Law Women's Association	1990 – present
Advisor, Law Students for Reproductive Justice	2008 – present
Advisor, Family and Juvenile Law Association	2012 – present
on Law Center	
Faculty Senate	1984-86

## **University of Houston Law Center**

Faculty Senate	1984-86
Steering Committee, Environmental Law Project	1985-86
Coif Committee	1985
Faculty Hiring Committee	1982-83,
-	1985-86