

Nancy G. Maxwell
Professor of Law
Washburn University School of Law
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Degrees

Graduate

LL.M. in Law Teaching, 1979, Harvard University, Harvard Law School, Cambridge, MA
J.D., With Distinction, 1975, University of North Dakota, School of Law, Grand Forks, ND

Undergraduate

B.A., Cum Laude, Psychology, 1972, University of North Dakota, Grand Forks, ND 1969-1972
Moorhead State University, Moorhead, MN, 1968-1969

Other Training

Completed the Board of Directors course by the Washburn University Leadership Institute, Topeka, KS 2002
Trained as a Conflict Manager Trainer by the Community Board Program, Inc. of San Francisco, CA, 1989
Trained as a mediator in child custody and visitation disputes by the Center for Dispute Resolution of Denver, CO, 1986

Admissions to Practice

State of North Dakota - 1975
United States District Court for the District of North Dakota - 1975
United States Court of Appeals for the Eighth Circuit - 1975

Law Practice

Consultation, 1990-present
Consult with private practice attorneys handling cases involving same-gender couples or gay, lesbian, bisexual or transgendered clients

Private Practice, 1977-78

Maintained a limited law practice while teaching at the University of North Dakota, drafting wills, handling adoptions and consulting on family law issues

Supervising Attorney, 1977

Supervised students handling three juvenile cases in the Legal Aid Clinic, University of North Dakota, School of Law, Grand Forks, ND

Associate Attorney, 1975-77

Kessler and Anderson Law Offices, Grand Forks, ND

Duties involved the sole responsibility for case load, which included family law, criminal defense, probate, appeals, Title VII suits, civil rights, personal injury and individual income tax preparation

Scholarly Publications (Articles are available at <http://www.washburnlaw.edu/faculty/maxwell-nancy-pub.php>)

The Kansas Case of K.M.H.: US Law Concerning the Legal Status of Known Sperm Donors, 4 UTRECHT LAW REVIEW 135 (2008), also available at <http://www.utrechtlawreview.org/publish/articles/000073/article.pdf>

From Facebook to Folsom Prison Blues: How Banning Laptops in the Classroom Made Me a Better Law School Teacher, 14 RICHMOND J. L. & TECH. 4 (2007), also available at <http://law.richmond.edu/jolt/v14i2/article4.pdf>

The Psychological Consequences of Judicially-Imposed Closets in Child Custody and Visitation Disputes Involving Gay or Lesbian Parents, 13 WM. & MARY J. WOMEN & L. 305 (2006) with Richard Donner.

The Inadequacies in U.S. and Dutch Adoption Law to Establish Same-Sex Couples as Legal Parents: A Call for Recognizing Intentional Parenthood, 38 FAM. L. Q. 623 (2004) (Symposium on International Law Issue) with Caroline J. Forder.

Unification and Harmonization of Family Law Principles: The United States Experience, in PERSPECTIVES FOR THE UNIFICATION AND HARMONISATION OF FAMILY LAW IN EUROPE, 4 CEFL 249 (Katharina Boele-Woelki ed., 2003)

Opening Civil Marriage to Same-Gender Couples: A Netherlands-United States Comparison, 18 ARIZONA J. INT'L. & COMP L. 141 (2001). (This article has a more expanded case law analysis than an earlier version published in the Electronic Journal of Comparative Law at 4:3 *Electronic J. Comp. L.* (November 2000). (<http://law.kub.nl/ejcl/43/abs43-1.html>).

Reflections on Frieda van Vliet's "Side Exit to No Man's Land?": Taking the Side Exit in the United States, NEMESIS, 2001, nr. 1, p. 14.

Legal Protection for All the Children: Dutch-American Comparison of Lesbian and Gay Parent Adoptions, 17 ARIZONA J. INT'L & COMP. L. 309 (2000), earlier version published at 3:1 ELECTRONIC J. COMP. L. (August 1999) <http://law.kub.nl/ejcl> (with Mattijssen and C. Smith).

The Feminist Dilemma of Family Law Mediation, 4 INT'L REV. COMP. PUB. POL'Y 67 (1992).

Survey of Kansas Law: Family Law, 37 KAN. L. REV. 801 (1989).

Keeping the Family Out of Court: Court-Ordered Mediation of Custody Disputes Under the Kansas Statutes, 25 WASHBURN L.J. 203 (1986).

Survey of Kansas Law: Family Law, 32 KAN. L. REV. 543 (1984).

In the Best Interests of the Divided Family: An Analysis of the 1982 Amendments to the Kansas Divorce Code, 22 WASHBURN L.J. 177 (1983). (Article Capsule, 36 CALLAGHAN'S L. REV. DIGEST 21 (1987).)

Miscellaneous Scholarly Writings

Expert Affidavit submitted before the Canadian Supreme Court in *Reference re Same-Sex Marriage*, [2004] SCC 079.

COMPARATIVE U.S.-EUROPEAN FAMILY LAW, with Ian Sumner and Scott Curry (2003), (revised 2004).

Netherlands' Government Proposes Legislation to Allow Same-Gender Dutch Couples to Marry and Adopt Children, THE LIBERTY PRESS, June 1999, at 17.

Can Kansans Live Happily Ever After Without Common Law Marriage? THE CIRCUIT RIDER, Vol. 20, No. 3, (Summer 1981).

LEGAL STATUS OF THE HOMEMAKER IN NORTH DAKOTA, #052-003-00297-3, U.S. GOVERNMENT PRINTING OFFICE, WASHINGTON, D.C., (1976), commissioned by the Homemaker's Committee, National Commission on the Observance of International Woman's Year

Works Published by Washburn Service Area:

Family Law—Cases and Materials in Family Law; Family Law Statutory Supplement (2007-09, 2005, 1980-2001)

Family Law Issues—An International and Comparative Study; Statutory Supplement (1999, 1996)

Criminal Law—Supplemental Materials (1999-2008); Statutory Supplement (1980-08)

Family Law Seminar—Supplemental Materials (2007-08, 2005, 1991-92)

Criminal Law with Methods—Supplemental Materials (1986-98)

Juvenile Law—Statutory Supplement (1980-97)

Works Published by Topeka School System, USD 501

Kindergarten-Second Grade Conflict Resolution Curriculum (1989)

Third and Fourth Grade Conflict Resolution Curriculum (1989)

Legislative Drafting

Third-party visitation statute—Co-drafted with Professor Suzanne Carey McCallister, University of Kansas School of Law (2004—presented to the Kansas Judicial Council by the Family Law Advisory Committee June 2004—not adopted)

Supreme Court Rule 901, Mediation (Adopted by the Kansas Supreme Court, 1987)

Supreme Court Rule 901, Standards of Practice for Lawyer Mediators in Family Disputes—Family Law Advisory Committee Comments for the Kansas amendments to the ABA Standards of Practice for Lawyer Mediators in Family Disputes (Adopted by the Kansas Supreme Court, 1987)

Surrogate mother bill (1986—presented for discussion at the request of the Family Law Advisory Committee of the Kansas Judicial Council—not adopted)

Court-ordered mediation in child custody cases—Kan. Stat. Ann. § 23-601 through 607—Co-drafter with Matthew Lynch, Research Attorney and The Honorable Herbert Walton, Chair, Family Law Advisory Committee of the Judicial Council. (Adopted by the Kansas Legislature, 1985)

H.B. 2131, Bill and Comments—Amendments to the Kansas divorce code (Adopted by the Kansas Legislature, 1983)

Legislative Testimony--Kansas Legislature

Covenant marriage bill, Special Committee on Judiciary (1998)
Amendments to the Protection from Abuse Act, House Committee on the Judiciary (1998)
Juvenile Offender Code, Senate Committee on the Judiciary (1993)
Establishment of a statewide ADR Coordinator and funding, House Committee on the Judiciary (1991)
Use of mediation in the Juvenile Codes, Senate Committee on the Judiciary (1990)
Proposal for legislation authorizing and regulating court-ordered mediation of child custody disputes, House and Senate Committees on the Judiciary, (1985)
Amendments to the revised divorce code, House and Senate Committees on the Judiciary (1983)
Revised divorce code, Family Law Subcommittee of the House Committee on the Judiciary (1982)

Teaching Experience

Washburn University School of Law

Professor of Law, August 1984-present, Associate Professor of Law, August 1981-1984,
Assistant Professor of Law, August 1979-1984

Current Courses: Criminal Law (small section--includes examination writing techniques),
Family Law, Sexuality and the Law

Other Courses Taught: Alternative Dispute Resolution, Family Law Seminar, Feminist Legal
Theory, Law and Legal Systems, Juvenile Law, Legal Research and Writing, Legal
Methods, Criminal Procedure

Co-taught in the Washburn University School of Law Colloquia: Impact of Science and
Technology on the Law, 2008; Comparative Law: Human Rights, 2001;
Professionalism, 1996; Comparative Human Rights: Sexual Orientation, 1996;
Comparative Human Rights: Women, Lesbians and Gays, 1993; Critical Race Theory,
1993; Feminist Jurisprudence, 1990

Co-taught in the Washburn University School of Law Summer Study Abroad Program: Utrecht
University, the Netherlands: Special Issues in Comparative U.S.-European Family
Law, 2004; King's College, Hampstead Campus, London, England: Comparative U.S.-
European Family Law, 2003; Comparative U.S.-English Family Law 1999, 1996

University of North Dakota, School of Law, Grand Forks, ND

Visiting Assistant Professor of Law, 1977-78

Courses: Legal Methods, Juvenile Offender, Employment Relations, Trusts and Estates
Administration, Debtor-Creditor Law

Law School Miscellaneous Activities (1999-2009)

Advisory Board Member, Institute for Law Teaching and Learning (Washburn-Gonzaga), 2008-09

Director of Netherlands Programs, 2008-09

Director of International Legal Programs, 2005-08

Program Administrator--Washburn University Summer Law Program, Utrecht, the Netherlands, 2004
to present; London, England, 2003, Program Co-Director, London, England, 1999, 1996

Faculty Mentor for Associate Professor--Weekly meetings with junior faculty member to discuss
teaching techniques, lecture notes, attend and critique classes, review and critique video tapes
of classes, 2004-05; 1997-99

1L Small Group Advisor, 2002-03
Let's Talk (Teaching Discussion Group, Convener), 2001-02
Writers' Group, 2000-2006
Organized and hosted foreign visitors:
 International Family Law Lectures:
 Ian Curry-Sumner, Senior Researcher, Faculty of Law, Molengraaff Institute for Private Law, Utrecht University, The Netherlands, April, 2008
 Katharina Boele-Woekli, Professor and Chair of Comparative Law, Private International Law and Family Law, Faculty of Law, Molengraaff Institute for Private Law, Utrecht University, The Netherlands, August, 2003
 Ian Sumner, Faculty of Law, Molengraaff Institute for Private Law, University of Utrecht, The Netherlands, March/April 2004, March 2003
 Caroline Forder, Professor of European Family Law, Faculty of Law, University of Maastricht, The Netherlands, September-October, 2000
 European Community Legal Structures Lecture Series:
 Ubaldu De Vries, Faculty of Law, University of Utrecht, The Netherlands, April 2006
 Logan Property Lectures Series:
 Michael J. Kuckelman, Warden Triplett Grier, London, England, March 2004
 Professor Willem Groscheide and Michael Milo, Molengraaff Institute for Private Law, University of Utrecht, The Netherlands, March-April, 2000
Honor Code Student Committee Advisor, 1996-98

Professional Memberships

American Bar Association
Society of American Law Teachers (Washburn Contact Person)
National Lesbian and Gay Law Association
KC Legal
Kansas Bar Association
 Alternative Dispute Resolution Committee, 1985-94 (Chair, 1987-91)
Topeka Bar Association
 Alternative Dispute Resolution Committee, 1995-2000
Family Law Advisory Committee of the Kansas Judicial Council
Women Attorneys Association of Topeka
 Annual Meeting Program Planning Committee, 1995
Kansas Women Attorney Association
 Annual Meeting Program Planning Committee, 2001, 1998
North Dakota State Bar Association
Order of the Coif - Learned Society

University Committees

University Research Committee, 1981-2004

Law School Committees (1999-2009)

International Legal Programs Committee 2007-09 (Chair 2007-08)
Faculty Recruitment Committee, 2007-2009; 1999-2005 (Chair 2007-09; 2001-05)
Sabbatical Committee, 2007-08; 2005-06
Dean Search Committee, 2006-07 (Co-Chair)
Professional Development Committee, 2006-07
Centennial Celebration Planning Committee, 2002-04
Scholarship/Professional Development Committee, 2001-02
Skills Training Committee, 2001-02
Client Counseling Committee, 1981-2003 (Chair 1990-2002)
Foreign Programs Committee, 1999-2000
Ad Hoc Committees:
 Committee on Curriculum Reform, 2008-09
 Pre-tenure Review Standards Committee, 2004-05
 Legal Systems (Curriculum Integration) Committee, 1999 (Chair)
 Solomon Amendment Amelioration Committee, 1999 (Chair)

Community Service (1999-2009)

Conflict Resolution Committee of the Topeka Center for Peace and Justice, 1993-2002
 Liaison to the Board of Directors, 1996-97
Consultant and Facilitator, Kansas Humanities Council's "Stories at Work" Program (addresses legal ethics issues by using literature), 1998-2001
Co-chair, UND School of Law Class of 1975 Twenty-Fifth Reunion, 2000, Thirtieth Reunion, 2005
The Jerome Horton Foundation (addresses suicide prevention in youth and awards college scholarships)
 Board of Directors, 1998-2000
Metropolitan Community Church of Topeka, 1996-present
 Board of Directors, 2007-10 (Clerk), 2002-04 (Member at Large)
 Pastor Search Team, 2008-09
 Transition Team, 2008-09
 Stewardship Campaign, 2007, 2008 (Co-Chair)
 Nominating Committee, 2003, 2007
 Negotiation Team Member for Purchasing New Facilities, 2004-05 (Convener)
 Choir Member, Liturgist, Communion Server

CLE/Scholarly Presentations (1999-2009)

- 1/09 "Family Law, International Law, and Immigration Law," panelist at the Section on Sexual Orientation and Gender Identity Issues Program at the Annual Meeting of the Association of American Law Schools, San Diego, CA
- 6/08 "The Kansas Case of K.M.H.: U.S. Law Concerning the Legal Status of Known Sperm Donors," presented at the Expert Meeting "Current Debates in Family Law around the Globe," Utrecht Center for European Research into Family Law, Utrecht University, the Netherlands

- 4/08 "Conflict of Laws Issues in U.S. Jurisdictions that Legally Recognize Same-Sex Relationships," Washburn Law Faculty Professional Development Presentation (with Dr. Ian Curry-Sumner, Utrecht University, the Netherlands)
- 3/08 "Same-Sex Relationships in Comparative Perspective: The Laws of Europe, Canada, and the United States," panelist at the 2008 Edward M. Wise Memorial Symposium "Comparative Legal Approaches to Same-Sex Unions," Wayne State University Law School, Detroit, MI
- 1/08 "Attractions and Distractions: Students Use of Laptop Computers in the Classroom," presenting in a debate format at the Section on Teaching Methods Program at the Annual Meeting of the Association of American Law Schools, New York, NY
- 7/06 "Adoption and New Family Realities," panel member at the International Conference on LGBT Human Rights, Montreal, Canada
- 12/05 "Comparing Gay Parent Adoption Cases with Child Custody/Visitation Disputes" at "In the Interest of the Children: Gay & Lesbian Issues and Perspectives in Adoption, Custody and Foster Care" for the Washburn University Department of Social Work, Kansas Unity and Pride Alliance, and Metropolitan Community Church, Topeka
- 4/03 "Mentoring Programs for Law Faculty Members" for the first Annual Midwest Conference of Women in Legal Academics at the University of Missouri School of Law, Columbia, MO
- 12/02 "Unification and Harmonization of Family Law Principles: The United States Perspective" for the Commission on European Family Law Conference on Perspectives for Unification and Harmonisation of Family Law in Europe, Utrecht, The Netherlands
- 6/02 "Legal Recognition of Children's Relationships with Their Non-Biological Parents in Same-Gender Relationships: All-or-Nothing or Something in Between?" in the Adoption by Same-Sex Partners Program at Marriage, Partnerships and Parenting in the 21st Century, Turin, Italy (with Caroline Forder, Professor of European Family Law, Faculty of Law, University of Maastricht, The Netherlands)
- 10/01 "Opening Adoption to Same-Gender Couples: A Netherlands-United States Comparison" in the International Adoption Program of the International Bar Association Annual Meeting, Cancun, Mexico
- 10/01 "Opening Civil Marriage and Adoption to Same-Gender Couples: A Netherlands-United States Comparison" in the European Laws Update Workshop, National Lesbian and Gay Law Association Lavender Law Conference, Dallas, TX
- 6/01 "Common Law Marriage or Just 'Shacking Up?'" for the "Recent Developments in the Law" CLE, Washburn University School of Law
- 4/01 "Opening Marriage to Same-Gender Couples: A Netherlands-United States Comparison" for the Faculty Scholarship Forum, Washburn University School of Law
- 3/01 "Same Gender Civil Unions/Marriages—A Comparative Analysis" and "Same-Gender Co-Parent Adoptions" for Representing the Invisible CLE, Washburn University School of Law

- 11/00 "Third Party Custody and Visitation in Kansas: A Look at the 2000 Legislature and *Troxel*," for the Washburn University School of Law Sixteenth Annual Family Law Institute CLE
- 7/00 "Reading the Law: Feminist Jurisprudence and Legal Constructions of Family," CLE program (with Kim Dayton) for the Kansas Women Attorneys' Association and the Kansas Humanities Council, Lindsborg, KS
- 10/99 "Reading the Law: Family Law," CLE program for the Kansas Bar Association and the Kansas Humanities Council, Topeka, KS

Other Presentations (1999-2009)

- 11/08 "The Current Status of Legal Recognition of Same-Sex Relationships in the United States," Topeka-Lawrence Chapter of Parents and Friends of Lesbians and Gays (P-FLAG), Topeka, KS
- 10/08 "Educating Attorneys and Judges in the United States," Visiting Ukrainian Attorneys and Judges, Washburn University School of Law
- 10/08 "War Stories," Washburn Law Phi Alpha Delta
- 2/08 "From Facebook to Folsom Prison Blues: How Banning Laptops in the Classroom Made Me a Better Law School Teacher," Faculty Development Committee Program (presented to faculty and students) University of Missouri-Kansas City School of Law
- 3/07 "Living Diversity: Broaden the Spectrum" and "Sexual Orientation: 'The Knew Kid' on the Block," panel discussion, Second Annual Washburn Law Diversity Week
- 8/05 "Legal Education in the United States" for visiting Russian judges, Washburn University School of Law, Topeka
- 2/04 "Opening Marriage in the U.S. and the Netherlands: What are the Differences in Approaches?" Women's Legal Forum, Washburn University School of Law, Topeka
- 2/04 "The United States Experience: Unification and Harmonization of Family Law Principles" Scholarship Presentation, Washburn University School of Law
- 11/02 "Law as a Career Choice" for the Careers Class at Topeka High School, Topeka
- 4/02 "Rainbow Families" for the Big 12 Gay Conference, University of Kansas, Lawrence, KS
- 11/01 "'You've Come a Long Way, Baby'—The Progress of Women in the Legal Profession over the Last Twenty-five Years (If this Is Progress, Why Am I Still Being Called Baby?)" for the Women's Legal Forum, Washburn University School of Law
- 11/01 "Looking at a Career in Law?" for the Topeka High School Career Counseling Class, Topeka,KS
- 11/00 "Working with Oppressed Minorities—the Gay, Lesbian, Bi-Sexual, Transgendered Client " for the Master's of Social Work Human Behavior class, Washburn University

- 11/00 Interviewed by the Minneapolis Star Tribune about a Minnesota child custody case involving a biological mother, her lesbian ex-partner and the known sperm donor father, who were granted rights of access to the child
- 6/00 "Recent U.S. Developments in Joint Custody Law," Wiarda Institute, University of Utrecht, The Netherlands
- 3/00 "Working with Clients Who are Sexual Minorities" for the Bachelor of Social Work Human Behavior class, Washburn University
- 2/00 "Gay and Lesbian-Headed Households–A Look at an American Family," for the Adult Sunday School Class, Our Savior's Lutheran Church, Topeka, KS
- 10/99 "Recent Legal Developments Affecting Gay and Lesbian Relationships and Families" for P-FLAG (Parents and Friends of Lesbians and Gays) Lawrence-Topeka Chapter, Lawrence, KS
- 6/99 "Recent Developments in American Family Law" for the Association of Family Law Specialists (of the Netherlands), Utrecht, The Netherlands
- 4/99 "An Introduction to American Family Law" for the International Family Law Seminar class, Molengraaff Institute of Private Law, University of Utrecht, The Netherlands
- 4/99 "Adoption by Same-Sex Couples: Recent Developments in the US and the Netherlands" for the Molengraaff Institute for Private Law, University of Utrecht, The Netherlands
- 3/99 "Adoption and Marriage and Same-Sex Couples: An American and Dutch Comparison" for the Women's Legal Studies Department Faculty of Law, University of Utrecht, The Netherlands