

Maxine Eichner
Curriculum Vitae

University of North Carolina School of Law
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PROFESSIONAL EXPERIENCE

Graham Kenan Distinguished Professor of Law, University of North Carolina School of Law (2016-present).

Reef C. Ivey II Professor of Law, University of North Carolina School of Law (2011-2016).

Professor of Law, University of North Carolina School of Law (2007-2011).

Associate Professor of Law, University of North Carolina School of Law (2003-07).

Attorney, Patterson, Harkavy & Lawrence, Raleigh, North Carolina (1992-1995). Specialized in litigation of civil rights, labor law, women's rights, and employment-related matters.

Law Clerk, Hon. Betty Fletcher, United States Court of Appeals for the Ninth Circuit (1990-1991).

Law Clerk, Hon. Louis F. Oberdorfer, United States District Court for the District of Columbia (1989-1990).

Fellow, Women's Law & Public Policy Program, Washington, D.C., (1988-1989). Co-authored amicus curiae brief in *Reproductive Health Services v. Webster*, 492 U.S. 490 (1989); litigated employment discrimination cases.

EDUCATION

Ph.D. University of North Carolina, Chapel Hill, Department of Political Science, 2006 (completed while on law school faculty)

J.D., Yale Law School, New Haven, Connecticut, 1985-1988 Articles
Editor, Yale Law Journal, 1987-1988

B.A., Yale College, New Haven, Connecticut, 1980-1984
Major Field: English Literature, May 1984
Magna cum laude; Distinction in the Major

PUBLICATIONS

Books

THE FREE-MARKET FAMILY: HOW THE MARKET CRUSHED THE AMERICAN DREAM (AND HOW IT CAN BE RESTORED) (Oxford University Press, 2020), winner of the 2021 PROSE Award for Best Work in Economics, winner of the 2022 Award for Best Book by UNC Law Faculty).

FAMILY LAW: CASES, TEXTS, AND PROBLEMS, 5th ed. (2010), (2014) (with I. Ellman, P. Kurtz, L. Weithorn, B. Bix, and K. Czapanskiy) (LexisNexis Press).

THE SUPPORTIVE STATE: FAMILIES, GOVERNMENT, AND AMERICA'S POLITICAL IDEALS (Oxford University Press, 2010) (paperback version, 2012).

Articles and Chapters

Munchausen Confusion: Ambiguous Definition and Faulty Reasoning in Child Abuse Pediatrics, co-authored with Eli H. Newberger, M.D., (under review in refereed medical journal).

The Helping Hand Strikes Again: Circular Reasoning and Sources of Bias in Medical Child Abuse Diagnoses and Intervention, co-authored with Eli H. Newberger, M.D., (under review in refereed medical journal).

Free-Market Family Policy and the New Parental Rights Laws, 101 *North Carolina Law Review* 1305 (symposium) (2023).

Covid-19 and the Perils of Free-Market Parenting: Why It Is Past Time for the United States to Install Government Supports for Families (invited symposium on the law of parents and parenting), 90 *Fordham Law Review* 2409 (2022).

When the Helping Hand Hurts: How "Medical Child Abuse" Charges are Undermining Parents' Constitutional Rights, JOURNAL OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS, 35 *Journal of the American Academy of Matrimonial Lawyers* 123 (invited symposium on constitutional rights) (2022).

The Road to Free-Market Family Policy, 1 *Journal of Law and Political Economy* 239 (2021).

The Free-Market Family: Liberalism, Families, and Government's Responsibility to Regulate the Market, in CARING FOR LIBERALISM: DEPENDENCY AND LIBERAL POLITICAL THEORY (Asha Bhandary & Amy Baehr eds., 2020).

The Privatized American Family, 93 NOTRE DAME L. REV. 213 (2018).

Bad Medicine: Parents, the State, and the Charge of "Medical Child Abuse," 50 U.C. DAVIS L. REV. 205 (2016).

Market-Cautious Feminism, 69 STUDIES IN LAW, POLITICS, AND SOCIETY 141 (2016) (refereed journal, special issue on feminist legal theory).

The Family, In Context (review essay on recent family law scholarship), 128 HARV. L. REV. 1980 (2015).

The Supportive State: Government, Dependency, and Responsibility for Caretaking, in CARE ETHICS AND POLITICAL THEORY (Maurice Hamington and Daniel Engster, eds.) (Oxford University Press, 2015).

State Support for Families in the United States, Routledge Handbook of Family Law and Policy (John Eekelaar, ed.) (Routledge Press, 2014).

The Family and the Market – Redux, 13 THEORETICAL INQUIRIES IN LAW 97 (2012).

Beyond Private Ordering: Families and the Supportive State, 23 J. AM. ACAD. MATRIM. LAW 305 (2010).

Families, Human Dignity, and State Support for Caretaking: Why the United States' Failure to Ameliorate the Work-Family Conflict is a Dereliction of the Government's Basic Responsibilities, 88 N.C. L. REV. 1593 (2010).

Feminism, Queer Theory, & Sexual Citizenship, in GENDER EQUALITY: DIMENSIONS OF WOMEN'S EQUAL CITIZENSHIP, (J. Grossman and L. McClain, eds.) (Cambridge Press 2009).

Marriage and the Elephant: The Liberal Democratic State's Regulation of Intimate Relationships Between Adults, 30 HARV. J.L. & GENDER 25 (2007).

Principles of the Law of Relationships Among Adults, 41 FAM. L. Q. 433 (2007) (symposium)
Civic Education and the Liberal Democratic Polity, 75 CIN. L. REV. 1339 (2007).

Dependency and the Liberal Polity: On Martha Fineman's The Autonomy Myth, 93 CAL. L. REV. 1285 (2005).

Children, Parents, and the State: Rethinking Relationships in the Child Welfare System, 12 VA. J. SOC. POL'Y & L. 448 (2005).

On Postmodern Feminist Legal Theory, 36 HARV. C.R.-C. L. L. REV. 1 (2001).

Square Peg in a Round Hole: Parenting Policies and Liberal Theory, 59 OHIO ST. L. J. 133 (1998).

Getting Women Work That Isn't Women's Work: Challenging Gender Biases in the Workplace Under Title VII, 97 YALE L. J. 1397 (1988) (note), reprinted in EQUAL EMPLOYMENT OPPORTUNITY: LABOR MARKET DISCRIMINATION AND PUBLIC POLICY (P. Burstein, ed. 1994).

Reports, Editorials, Blog Posts

Op Ed, The Hill, *Romney's Child Benefit Plan Would Support Children During the Pandemic—and After*, <https://thehill.com/blogs/congress-blog/politics/537617-romneys-child-benefit-plan-would-support-children-during-the> (Mar. 11, 2021).

The Pluralization of Families, chapter in the *International Panel on Social Progress*, co-lead author, available at <https://www.ipsp.org/download/chapter-17/>.

Op Ed, New York Times, *The New Child Abuse Panic* (July 11, 2015).

Point of View, News and Observer, *Safety Rationale for HB2 Defies Common Sense* (Apr. 26, 2016).

Point of View, News and Observer, *North Carolina Should Reject Proposed License to Discriminate* (Apr. 22, 2015).

Point of View, News and Observer, *Watch the Amendment's Language* (Sept. 22, 2011).

“Potential Legal Impact of the Proposed Marriage Amendment to the North Carolina Constitution,” coordinator and coauthor (distributed to members of the North Carolina General Assembly) (May 2011), (revised November 2011).

Blog posts, on *Concurring Opinions* (guest blogger, Feb. 2011, Aug. 2012), at <http://www.concurringopinions.com/archives/author/maxine-eichner>.

“The Employment Non-Discrimination Act: Requiring Fairness for All Employees Regardless of Sexual Orientation or Gender Identity,” American Constitution Society Issue Brief, <http://www.acslaw.org/files/ENDAbrief9-2-2010.pdf> (Sept. 2010).

ACADEMIC FELLOWSHIPS, HONORS, AND AWARDS

Community Awards

Recipient, Equality Champion, Equality NC (2011) (for work on LGBT rights).

Law School Faculty

Recipient, Van Hecke-Wettach Award (for best book by faculty member), UNC School of Law, May 2021.

Recipient, University of North Carolina Senior Faculty Research Leave (2016-17 academic year).

Recipient, Van Hecke-Wettach Award (for best book by faculty member), UNC School of Law, May 2012.

Recipient, Best Paper Award, Sexuality and Politics Section, American Political Science Association, (2010, for paper presented at 2009 APSA).

Recipient, Pro Bono Publico Award, Faculty Member of the Year (April 10, 2008).

University of North Carolina Women's Center Fellowship (spring 2007) (subsidy for course relief)

Graduate School

Miller Center Fellowship in Public Affairs, Miller Center of Public Affairs at the University of Virginia (2001-02) (subsidy for academic year)

James W. Prothro Award for Outstanding Research by a Graduate Student (1999)

Law School

Articles Editor, Yale Law Journal (1987-88)

Undergraduate

Magna cum laude

Distinction in the Major

SELECTED PROFESSIONAL ACTIVITIES

Report, Uniform Law Commission, Study Committee on Family Courts in the Pandemic (2020-21).

Lead Author, International Panel on Social Progress, chapter on families (2015-2018).

Advisory Committee, ALI, Restatement on the Law of Children (2015-).

Chair, selection committee for best paper award, Sexuality and Politics Section, American Political Science Association (2010-11).

Co-founder and co-organizer, Feminist Legal Theory Collaborative Research Network, Law and Society Association (June 2010-present) (the network now has more than 500 members, and sponsors a day of panels on feminist legal theory each year at the Law and Society Association annual meeting).

Reporter, Uniform Deployed Parents Custody and Visitation Act, National Conference of Commissioners on Uniform State Laws (2009-2012) (Act was promulgated by NCCUSL in July 2012, passed in six states as of now).

Co-founder and co-organizer, Emerging Family Law Scholar Annual Conference (June 2010, Kansas City; May 2009, Boulder, CO; May 2008, New York City) (although I no longer help organize the annual conference, the organization continues to thrive; the word “Emerging” was omitted from its title in 2014).

Co-organizer, Families and Globalization Law Review Symposium (Chapel Hill, North Carolina, October 2009).

Co-chair, Curriculum Review Committee, UNC School of Law (2008-10).

North Carolina Association of Women Attorneys, Chair, Judicial Endorsement Committee (1999-2004) (Member, 1999-present).

Selection Committee, Weil Lectures, University of North Carolina at Chapel Hill (2000, 2001).

Reviewer, *The Journal of Politics* (1998–2000).

SELECTED CONFERENCE PAPERS AND PRESENTATIONS

Law and Society Annual Meeting, Author Meets Reader Session on The Free-Market Family, By Zoom, May 2021.

“The Free-Market Family,” multiple presentations to law school classes and community groups by Zoom, 2020-21.

“The Free-Market Family,” presentation to Temple University Law Faculty, faculty workshop, Philadelphia, March 2020.

“The Free-Market Family,” plenary panel on book, ClassCrits Conference, Springfield, Massachusetts, October 2019.

“The Free-Market Family,” presentation to Washington University Economics Department, September 2019.

“The Free-Market Family,” presentation at Festival of Legal Learning, Chapel Hill, February 2019.

“The Privatized American Family,” presentation to the Gender Studies Program, University of Miami, Miami, November 2017.

Panel Participant, Moore Kinship Symposium, roundtable discussion, Fordham Law School, New York, October 2016.

“Market-Cautious Feminism,” panel presentation, American Political Science Association Annual Conference, Philadelphia, September 2016.

Roundtable Presentation, The Coming Era of Gender Inequality, Law and Society Annual Meeting, New Orleans, June 2016.

“Bad Medicine: Parents, the State, and the Charge of Medical Child Abuse,” paper presentation, Family Law Scholars and Teachers Conference, New Orleans, June 2016.

“Bad Medicine: The Charge of Medical Child Abuse,” Festival of Legal Learning, Chapel Hill, February 2016.

“The Marketized Family,” UNC Program in the Humanities, Chapel Hill, NC, December 2015.

“The Marketized Family,” presentation sponsored by UNC Sexuality Studies Program, Chapel Hill, NC, December 2015.

“Market-Cautious Feminism,” presentation at Feminism Now Conference (organized by graduate students), Chapel Hill, NC, November 2015.

“The Marketized Family,” presentation to Harvard Law School’s American Constitutional Society, Cambridge, MA, October 2015.

“The Medical Child Abuse Panic,” ABA Parent Representation Conference, Washington, D.C., July 2015.

“After Same-Sex Marriage,” plenary presentation, Workshop on Shifting Foundations of Family Law, AALS mid-year conference, Orlando, FL, June 2015.

Commencement address, UNC Department of Political Science, Chapel Hill, May 2015.

“The Marketized Family,” faculty workshop, George Washington School of Law, Washington, D.C., January 2015.

“Market-Cautious Feminism,” panel presentation, American Association of Law Schools Annual Meeting, Socioeconomics Section, January 2015.

“Democratizing Marriage,” panel presentation, Kinship Trouble: The Equality and Difference Debates program, cosponsored by Women’s Studies, Center for French & Francophone Studies, Duke University, Durham N.C., September 2014.

“The Marketized Family,” panel presentation, Policy History Conference, Cincinnati, Ohio, June 2014.

“Market-Cautious Feminism,” Law & Society Annual Meeting, Minneapolis, Minnesota, May 2014.

“The Supportive State, Families, and Markets,” panel presentation, Western Political Science Association Annual Meeting, Seattle, Washington, Apr. 17, 2014.

“The Marketized Family,” faculty workshop, Vanderbilt Law School, Nashville, Tennessee, January 2014.

Talk celebrating the publication of Mark Brandon’s book, STATES OF UNION, Vanderbilt Law School, sponsored by Vanderbilt Law School, Nashville, Tennessee, January 2014.

“Families and Inequality,” talk, AALS meeting, Socioeconomics Section, New York, January 2014.

“Marriage American Style: The Past and Future of a Changing Institution,” UNC Program in Humanities Seminar, Chapel Hill, North Carolina, November 2013.

“Changing Marriages in the Twenty-First Century: After the Recent US Supreme Court Rulings,” panel presentation, Georgia State University, sponsored by Jean Beer Institute for Ethics, Atlanta, Georgia, October 2013.

“The Supportive State: Families, Government, and America’s Political Ideals,” University of Richmond School of Law, (sponsored by National Center for Family Law), March 2012.

“The Law’s Changing Treatment of Nontraditional Families,” UNC School of Law Festival of Legal Learning, Chapel Hill, February 2012.

“The Legal Effects of North Carolina’s Proposed ‘Marriage Amendment’,” multiple presentations in multiple fora in North Carolina, September 2011- May 2012.

“Neoliberalism and U.S. Families,” American Political Science Association Annual Conference, Seattle, WA, September 2011.

“Feminism and Power,” Workshop on Women Rethinking Equality, AALS Midyear Conference, Washington, D.C., June 2011.

“Families/Government/Neoliberalism/Capitalism/Feminism (a paper in search of a title. . .),” Law and Society Association Annual Meeting, San Francisco, June 2011.

“The Supportive State: Families and the Role of Government,” UNC Festival of Legal Learning, Chapel Hill.

“U.S. Poverty and the Supportive State,” panel, sponsored by the UNC Center on Poverty, Work, and Opportunity, Chapel Hill, February 2011.

“The Supportive State: Families, Government, and the Work-Family Conflict,” Carolina HealthWork Consortium, Rizzo Center, Chapel Hill, February 2011.

“The Family and the Market – Redux,” Conference on Rights and Obligations in the Contemporary Family: Rethorizing Individualism, Families and the State, Tel Aviv University College of Law, Cegla Center for the Interdisciplinary Study of Law, Tel Aviv, Israel, December 2010.

“The Supportive State: Families, Government, and America’s Political Ideals,” The State of Things (local radio show), WUNC, Durham, N.C., November 2010.

“The Supportive State: Families, Government, and America’s Political Ideals,” UNC School of Law, October 2010.

“Women, Work, and Family: Prospects for Gender Equality in a Challenging Economy,” International Society of Family Law Annual Meeting, Kansas City, Kansas, June 2010.

“The Family and the Market Redux,” Emerging Family Law Scholars Conference, Kansas City, Kansas, June 2010.

“Response to Panelists,” Author Meets Reader Panel: The Supportive State, Law and Society Annual Meeting, Chicago, Illinois, May 2010.

“The Supportive State: Families, Government, and America’s Political Ideals,” Committee on Social Theory Lecture Series, University of Kentucky School of Law, Lexington, Kentucky, March 2010.

“Women, Work, and Family: Prospects for Gender Equality in a Challenging Economy,” UNC Association of Women Faculty and Professionals, Chapel Hill, North Carolina, March 2010.

“Families and the Market,” Family Law Section Presentation, American Association of Law Schools Annual Meeting, New Orleans, Louisiana, January 2010.

“The Supportive State: Families, Government, and America’s Political Ideals,” faculty workshop, UCLA School of Law, Los Angeles, California, November 2009.

“Families, Human Dignity, and State Support for Caretaking,” Families and Globalization, UNC Law Review Symposium, Chapel Hill, North Carolina, October 2009.

"Feminism, Queer Theory, and Sexual Citizenship," American Political Science Association Annual Meeting, Toronto, Canada, September 2009.

“Family Matters: Children, Parents, and the State,” Law and Society Annual Meeting, Denver, Colorado, May 2009.

"Feminism, Queer Theory, and Sexual Citizenship," Law and Society Annual Meeting, Denver, Colorado, May 2009.

“Reflections on the Hon. Betty Fletcher and Sex Equality,” Symposium in Honor of Betty Fletcher, University of Washington, Seattle, Washington, March 2009.

“The Status of Women in the Legal Profession,” UNC Women in Law, Chapel Hill, North Carolina, February 2009.

“Beyond Marriage: State Regulation of Relationships Between Adults,” Conference on Race, Class, Gender, and Ethnicity, University of North Carolina, Chapel Hill, North Carolina, February 2009.

“Family Matters,” D.C. Feminist Theory Reading Group, Washington, D.C., November 2008.

“Family Matters,” Faculty Colloquium, University of Baltimore School of Law, Baltimore, Maryland, November 2008.

“What We’ve Learned in the 2008 Presidential Election,” Panel Presentation to the UNC Board of Trustees, Chapel Hill, North Carolina, October 2008.

“Gender, Race, and the 2008 Presidential Election,” UNC Alumni Association, Chapel Hill, North Carolina, October 2008.

“The Status of Women in the Legal Profession,” North Carolina Association of Women Attorneys Annual Meeting, Asheville, North Carolina, October 2008.

“Family Matters and Children’s Education,” UNC Faculty Workshop, Chapel Hill, North Carolina, June 2008.

“The Supportive State, Children’s Education, and Public Schools,” Emerging Family Law Scholars Conference, New York, New York, June 2008.

Moderator, Women in the Legal Profession Symposium, UNC School of Law, Chapel Hill, March 2008.

“Spheres of Justice Redux: Theorizing Families and Economic Vulnerability in a Liberal Democracy,” Feminist Theory and Economic Vulnerability Workshop, Boulder, Colorado, March 2008.

“Families, the State, and the Public-Private Divide,” UNC Law Faculty Workshop, Chapel Hill, N.C., January 2008.

“Parenting and the Workplace: The Construction of Parenting Protections in United States Law,” Third Annual Symposium on Breastfeeding and Feminism, UNC, Chapel Hill, North Carolina, September, 2007.

“Children, Parents, and the Family-State Relationship,” at Exploring Key Concepts in Feminist Legal Theory: The Family, Feminist Legal Theory Workshop, Emory University, Atlanta, Georgia, September, 2007.

“Marriage and the Elephant: The Liberal Democratic State’s Regulation of Intimate Relationships between Adults,” International Society of Family Law, North American Regional Conference, Vancouver, B.C., June 2007.

“Family Matters: The Family-State Relationship and American Political Ideals,” Fellowship Presentation, Carolina Women’s Center, Chapel Hill, NC, April 2007.

“Same-Sex Marriage, Civil Unions, And Other Emerging Approaches To Same-Sex Relationships,” UNC Festival Of Legal Learning, Chapel Hill, February 2007

“Marriage and the Elephant: State Regulation of Relationships Among Adults,” Faculty Workshop, Florida State University School of Law, Tallahassee Florida, December 2006.

“Feminist Theory Meets Queer Theory,” Dimensions of Women’s Citizenship Conference, Hofstra School of Law, Hempstead, New York, November 2006.

“State Regulation of Caretaker-Dependent Relationships,” American Political Science Association Annual Meeting, Philadelphia, Pennsylvania, September 2006.

“Marriage and the Elephant: State Regulation of Relationships Among Adults,” Law and Society Association Annual Meeting, Baltimore, Maryland, July 2006.

“State Regulation of Relationships Among Adults,” Faculty Workshop at Wake Forest School of Law, Winston Salem, North Carolina, February 2006.

“Family Matters: Toward a Liberal Democratic Theory of the Relationship Between the Family and the State,” Annual Meeting of the American Political Science Association,” Boston, Massachusetts, September 2002.

“The Family and the State: Civic Education and the Liberal Polity,” Annual Meeting of the American Political Science Association, San Francisco, California, September 2001.

“Postmodern Legal Feminism,” Duke Women Law Students’ Association, March 2001.