

J. HERBIE DiFONZO

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CURRICULUM VITAE

SUMMARY

- 9/74 - 6/77** **Attended University of Virginia School of Law and Graduate School of Arts and Sciences;** received J.D. and M.A. in Legal History.
- 9/77 - 9/79** **Attorney General's Honors Law Graduate,** United States Department of Justice, Criminal Division, Washington, D.C.; practiced before the United States Supreme Court, the United States Circuit Courts of Appeals, and the District of Columbia Court of Appeals.
- 9/79 - 1/80** **Special Assistant United States Attorney for the Eastern District of Virginia;** conducted grand jury investigations, jury and non-jury trials, and appeals.
- 1/80 - 5/83** **Assistant United States Attorney for the District of Columbia;** conducted federal and local grand jury investigations, jury and non-jury trials, and appeals.
- 5/83 - 7/94** **Private Practice** in Washington, D.C., and Alexandria, Va.; trial and appellate litigation, including criminal defense, family law, and legal and medical malpractice.
- 9/91 - 8/93** **Attended University of Virginia Graduate School of Arts and Sciences;** received Ph.D. in Legal History.
- 7/94 - 8/94** **Professor, Edmund S. Muskie Graduate Law Fellowship Program,** The American University, Washington College of Law; developed curriculum and taught Muskie Graduate Law Fellows from the former Soviet Union an intensive introduction to LL.M. studies on common law jurisprudence and the American legal system.
- 8/94 - 6/95** **Visiting Assistant Professor of Law,** Illinois Institute of Technology, Chicago-Kent College of Law; taught Family Law and Legal Reasoning & Writing; guest lectured on topics in American and English Legal History.
- 7/95 - 8/01** **Associate Professor of Law and Director, Criminal Justice Clinic,** Hofstra University School of Law. I directed a live-client clinic in which law students represented clients in criminal cases in Queens and Nassau Counties. In addition to teaching a clinical seminar and co-teaching a

clinic practicum, I supervised the student lawyers both in and out of court and coordinated the work of a staff attorney. I also taught courses in Advanced Criminal Procedure and Comparative Law.

9/01 - present

Professor of Law, Hofstra University School of Law. I teach courses in family law (including family law with skills), civil procedure, juvenile justice, alternative dispute resolution, and comparative law.

- **Director, LL.M. in Family Law Program, 2005-2008**
- **Senior Associate Dean for Academic Affairs, 2010-2011**

EDUCATION

Ph.D., History, University of Virginia, Charlottesville, VA, 1993

J.D., University of Virginia, 1977

M.A., History, University of Virginia, 1977

B.S., Sociology/College Scholar, St. Joseph's College, Philadelphia, PA, 1974

AWARDS

Certificate of Appreciation for Outstanding Faculty Advisement [awarded by LALSA (Latino/a Law Student Association), Hofstra University Law School (Apr. 2010)]

LexisNexis Recognition for Leadership in Legal Education [jointly with Andrew Schepard] for transforming family law education; LexisNexis at American Association of American Law Schools Annual Conference, New Orleans, LA. (Dec. 2009)

Stanley Cohen Distinguished Research Award [jointly with Mary E. O'Connell] for "outstanding research and/or achievements in the field of family and divorce;" Association of Family and Conciliation Courts (June 2006)

Distinguished Faculty Lecturer, Hofstra University [presented lecture: *The Surprising Unreliability of DNA Evidence: A Tale of Bad Labs and Good Statutes of Limitations*] (Fall 2005)

Professor of the Year, awarded jointly by BLSA (Black Law Students Association) and LALSA (Latino/a Law Student Association), Hofstra University Law School (Apr. 2005)

Houston Law Review Professional Writing Award [awarded for *In Praise of Statutes of Limitations in Sex Offense Cases*, 41 HOUSTON L. REV. 1205 (2004)] (2005)

Peter E. Herman Prize for Literary Excellence [presented lecture: *Unbundling Marriage: Interpreting the Legal and Cultural Changes in Family Structure*] (2004)

Professor of the Year, awarded by LALSA (Latino/a Law Student Association), Hofstra University Law School (Apr. 2002)

PUBLICATIONS

[BOOKS]

INTIMATE ASSOCIATIONS: THE LAW AND CULTURE OF FAMILIES IN TWENTY-FIRST CENTURY AMERICA (with Ruth C. Stern) (University of Michigan Press, *in progress*)

BENEATH THE FAULT LINE: THE POPULAR AND LEGAL CULTURE OF DIVORCE IN TWENTIETH-CENTURY AMERICA (University Press of Virginia, 1997)

[ARTICLES & ESSAYS]

How Marriage Became Optional: Cohabitation, Gender, and the Emerging Functional Norms, 8 RUTGERS J. L. & PUB. POL'Y 521 (2011)

Hofstra's Family Law with Skills Course: Implementing FLER (The Family Law Education Reform Project) (with Andrew Schepard), 49 FAM. CT. REV. 685 (2011)

The Children of Baby M. (with Ruth C. Stern), 39 CAPITAL U. L. REV. 345 (2011)

Stopping for Death: Re-Framing Our Perspective on the End of Life (with Ruth C. Stern), 20 U. FLA. J. L. & PUB. POL'Y 387 (2010)

A Vision for Collaborative Practice: The Final Report of the Hofstra Collaborative Law Conference, 38 Hofstra L. Rev. 571 (2010)

From Dispute Resolution to Peacemaking: A Review of Collaborative Divorce Handbook: Helping Families without Going to Court by Forrest S. Mosten, 44 Fam. L.Q. 95 (2010)

The End of the Red Queen's Race: Medical Marijuana in the New Century (with Ruth C. Stern), 27 QUINNIPIAC L. REV. 673 (2009)

The Winding Road from Form to Function: A Brief History of Contemporary Marriage (with Ruth C. Stern), 21 J. AM. ACAD. MATRIM. LAW. 1 (2008)

Terminal Ambiguity: Law, Ethics and Policy in the Assisted Dying Debate (with Ruth C. Stern), 17 B.U. PUB. INT. L.J. 99 (2007)

Addicted to Fault: Why Divorce Reform Has Lagged in New York (with Ruth C. Stern), 27 PACE L. REV. 559 (2007)

Devil in a White Coat: The Temptation of Forensic Evidence in the Age of CSI (with Ruth C. Stern), 41

NEW ENGLAND L. REV. 503 (2007)

The Family Law Education Reform Project: Final Report (with Mary E. O'Connell), 44 FAM. CT. REV. 524 (2006)

The Crimes of Crime Labs, 34 HOFSTRA L. REV. 1 (2005)

In Praise of Statutes of Limitations in Sex Offense Cases, 41 HOUSTON L. REV. 1205 (2004)

Unbundling Marriage, 32 HOFSTRA L. REV. 31 (2003)

Legislating in the Shadow of Nature, 11 THE GOOD SOCIETY 84 (No. 3, 2002)

Toward a Unified Field Theory of the Family, 2001 BYU L. REV. 923

Parental Responsibility for Juvenile Crime, 80 OR. L. REV. 1 (2001)

Customized Marriage, 75 IND. L.J. 875 (2000)

Alternatives to Fault: Legislative and Judicial Experiments in Cultural Change, 34 IDAHO L. REV. 1 (1997)

Deprived of 'Fatal Liberty': The Rhetoric of Child Saving and the Reality of Juvenile Incarceration, 26 U. TOL. L. REV. 855 (1995)

No-Fault Marital Dissolution: The Bitter Triumph of Naked Divorce, 31 SAN DIEGO L. REV. 519 (1994)

Coercive Conciliation: Judge Paul W. Alexander and the Movement for Therapeutic Divorce, 25 U. TOL. L. REV. 535 (1994)

Paradox of Change: The English Background to the California Divorce Revolution, 2 LIN. L. REV. 31 (1994)

The Feminization of Divorce after World War I, 5 J. UNCONVENTIONAL HIST. 39 (1994)

[SHORTER PIECES]

The Family Law Education Reform Project (FLER) and Hofstra Law School's Family Law Curriculum (with Andrew Schepard), 2012 AALS Annual Meeting Workshop Proposals, [www.aals.org] (Jan. 2012)

Technology in Academic Success: Creating an Online Learning Community, THE LEARNING CURVE, [<http://www.aals.org/documents/sections/academicsupport/LearningCurveJan2011.pdf>] (JAN. 2011)

Divorce, 2 ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 45 (David S. Tanenhaus, ed., 2008)

The Family Law Education Reform Project Report: Draft for Comment (with Mary E. O'Connell), [www.hofstra.edu/pdf/law_FLER_report_101405.pdf] (Oct. 2005)

Divorce, THE ENCYCLOPEDIA OF NEW YORK STATE 463 (Robert Mandel and Peter Eisenstadt, eds., 2005)

The Family Law Education Reform Project: Genesis and Prospects, THE CENTER FOR CHILDREN, FAMILIES AND THE LAW NEWSLETTER (Spring/Summer 2005); HOFSTRA LAW REPORT (Spring 2005); AFCC [Association of Family and Conciliation Courts] NEWS (Winter 2005)

Family Law Education Reform Project, Initial Draft of Findings and Recommendations, (with Mary E. O'Connell), [www.hofstra.edu/PDF/law_familyreform_draftjan25.pdf] (Dec. 2004)

Juvenile Justice: Back to the Future?, 42 FAM. CT. REV. 673 (2004) (reviewing Gary S. Katzmann, ed., Securing Our Children's Future: New Approaches to Juvenile Justice and Youth Violence (2002))

Hofstra-AFCC Legal Education Forum in San Antonio, THE CENTER FOR CHILDREN, FAMILIES AND THE LAW NEWSLETTER (Fall 2004)

Let's Hope We Do Better in Iraq than We Did in Cuba, HISTORY NEWS NETWORK [<http://hnn.us/articles/1285.html>] (Mar. 3, 2003)

Customized Marriage or Pre-Nuptial Madness?, JURIST FORUM [<http://jurist.law.pitt.edu/forum/forumnew3.HTM>] (Mar. 20, 2000)

Book Review, Peggy Cooper Davis, Neglected Stories: The Constitution and Family Values, 42 AM. J. LEGAL HIST. 333 (1998)

The Politics of Policing, H-NET BOOK REVIEW SERIES [http://www.h-net.org/~shear/thread/h_law_review_difonzo_on_rousey_policing_the_southern_city.htm] (June 1997) (reviewing Dennis C. Rousey, Policing the Southern City: New Orleans, 1805-1889 (1997))

Who Gets Custody of the Family?, H-NET BOOK REVIEW SERIES [<http://www.h-net.org/reviews/showrev.php?id=530>] (August 1996) (reviewing Michael Grossberg, A Judgment for Solomon: The D'Hauteville Case and Legal Experience in Antebellum America (1996))

PROFESSIONAL & PUBLIC PRESENTATIONS

Parenthood in the Twenty-First Century: The Evolving Functional Norms, Conference of Asian Pacific American Law Faculty and Northeast People of Color Conference, "Exploring the American Family," Hofstra University, Hempstead, NY (Nov. 2011)

Family Law Education Reform and the Family Law Judiciary, National Council of Juvenile and Family

Court Judges, Annual Conference, New York, NY (July 2011)

The Problem of “Cultural Federalism” in Federal and State Regulation of Medical Marijuana,
American Bar Association, Health Law Section Teleconference, “Medical Marijuana: A Public Health Legal Conundrum?” (June 2011)

Changing Marijuana Laws in the United States, Day of Dialogue, Hofstra University, Hempstead, NY (Oct. 2010)

The Children of Baby M: Can Functional Norms Resolve Surrogacy’s Core Question?, Sixth Annual Wells Conference on Adoption Law, Capital University Law School, Columbus, Ohio (Mar. 2010)

Family Law Careers for Law Students, Association of Family and Conciliation Courts – New York Chapter, Annual Conference, New York, NY (Panel Chair and Presenter) (Dec. 2009)

Report Back from Working Groups and Closing Remarks, Conference on the Uniform Collaborative Law Act, Hofstra University, Hempstead, NY (Nov. 2009)

Putting FLER in the Curriculum: The Survey Family Law Skills Course, The Future of Family Law Education Conference, St. Paul, MN (June 2009)

The FLER Project: Genesis, History, Status, and Future of the Family Law Education Reform Movement, The Future of Family Law Education Conference, St. Paul, MN (June 2009)

Family Law Careers for Law Students, Association of Family and Conciliation Courts – New York Chapter, Annual Conference, New York, NY (Panel Chair and Presenter) (Nov. 2008)

Legal Dilemmas in Forensic Evidence, Forensic Science Partnership at the University of Rhode Island, Kingston, RI (Sep. 2008)

The Family Law Education Reform Project: Next Steps, Southeastern Association of Law Schools (SEALS) Conference, Palm Beach, FL (July 2008)

Contemporary Marriage and Other Ways to Establish Families: From the 1950s to the 21st Century,
The New Lawyer: Advanced Legal Practice in the 21st Century, Association of Family and Conciliation Courts, Annual Conference, Vancouver, Canada (May 2008)

Cross-Examination and Expert Testimony in Parenting Disputes, Association of Family and Conciliation Courts, Annual Conference, Vancouver, Canada (May 2008)

DNA Evidence, Forensics, and the “CSI Effect,” Artists & Lecturers Program, Farmingdale State College, Farmingdale, NY (Mar. 2008)

Family Law Education Reform and the Matrimonial Commission, Association of Family and Conciliation Courts – New York Chapter, Annual Conference, New York, NY (Dec. 2006)

The Critical Edge in Family Law Education Reform, Association for Conflict Resolution, Annual

Conference, Philadelphia, PA (Oct. 2006)

Questioning Forensic Evidence: The CSI Effect in Context, New England Law Review 2006
Symposium, The CSI Effect: The True Effect of Crime Scene Television on the Justice System,
Boston, MA (Oct. 2006)

***Alternatives to Practicing “Burnout Law,” Matrimonial Lawyers in Conflict: Avoiding Burnout—
Coping Mechanisms and Alternatives***, American Association of Matrimonial Lawyers, New
York Chapter Annual Retreat, Rhinebeck, NY (June 2006)

Burnout, Compassion Fatigue, and Vicarious Traumatization in Working with Families in Conflict,
Association of Family and Conciliation Courts, Annual Conference, Tampa, FL (June 2006)

Reforming Family Law Education, Association of Family and Conciliation Courts, Annual Conference,
Tampa, FL (June 2006)

Reforming Family Law Education: Integrating ADR Into the Curriculum, American Bar Association,
Section of Dispute Resolution Spring Conference, Atlanta, GA (Apr. 2006)

From Perry Mason to Ally McBeal: The Image of the Lawyer on Television, Hofstra University School
of Law, Program at the Museum of Television and Radio, New York, NY (Panelist) (Mar. 2006)

Cross-Over Youth Working Group, American Bar Association, Planning Conference for ABA Youth at
Risk Initiative, Hofstra University, Hempstead, NY (Facilitator) (Feb. 2006)

The Family Law Education Reform Project, Hofstra University School of Law, Spring 2006 Faculty
Workshop Series, Hempstead, NY (Jan. 2006)

The Surprising Unreliability of DNA Evidence: A Tale of Bad Labs and Good Statutes of Limitations,
Hofstra University Distinguished Faculty Lecture, Hempstead, NY (Oct. 2005)

Reforming Family Law Education, National Council of Juvenile and Family Court Judges, Forum on
Children and Families in Court, Cleveland, OH (Oct. 2005)

Family Law Education Reform Project Forum, Association of Family and Conciliation Courts, Annual
Conference, Seattle, WA (Co-Facilitator) (May 2005)

From Perry Mason to Ally McBeal: The Image of the Lawyer on Television, Hofstra University School
of Law, Program at the Museum of Television and Radio, New York, NY (Panelist) (Mar. 2005)

Family Law Education Reform Project: Snapshots of Our (Legal and Academic) Family, Family Law
Education Reform Project, Wingspread Conference, Racine, WI (Mar. 2005)

Family Law Education Reform Project: An Update, Family Law Education Reform Project, Workshop
of the American Association of Law Schools, Alternative Dispute Resolution and Juvenile &
Family Law Sections, San Francisco, CA (Jan. 2005)

Family Law Education Reform Project: Snapshots of Our Start, Family Law Education Reform Project, Co-Sponsored by Hofstra University and the Association of Family and Conciliation Courts, Hofstra University, Hempstead, NY (Nov. 2004)

Do Family Law and Family Courts Meet the Needs of 21st-Century Parents and Children?, Center for Children, Families and the Law, Hofstra University, Hempstead, NY (Co-Facilitator) (Nov. 2004)

Unbundling Marriage: Interpreting the Legal and Cultural Changes in Family Structure, Peter E. Herman Prize for Literary Excellence Lecture, Hofstra University, Hempstead, NY (Oct. 2004)

Family Law Education Forum, Association of Family and Conciliation Courts, Annual Conference, San Antonio, TX (Co-Facilitator) (May 2004)

Bundling & Unbundling Marital Rights and Obligations, The Constitutional Issues of Same Sex Marriages, Nassau Academy of Law, Mineola, NY (Apr. 2004)

Marriage and Divorce in America: Looking Backward and Forward, Alive at 11, United Methodist Church, Port Washington, NY (Mar. 2004)

Marriage, Democracy, and Families, Hofstra University School of Law. Hempstead, NY (Panel Chair and Commentator) (Mar. 2003)

Toward A Unified Field Theory of the Family: The Past and Future of the ALI Family Dissolution Principles, Symposium on the ALI's Family Dissolution Principles, Brigham Young University School of Law, Provo, UT (Feb. 2001)

Marriage, Courtship, and the State in Nineteenth-Century America, American Society for Legal History, Annual Meeting, Princeton, NJ (Panel Chair) (Oct. 2000)

The First, or Last, Hundred Years of the Juvenile Court, Social Science History Association, Annual Meeting, Chicago, IL (Nov. 1998)

Covenant Marriage and the Limits of Law, Working Group on Law, Culture & The Humanities, Georgetown University, Washington, DC (Mar. 1998)

The Unintended Consequences of Divorce Law Reform, Policy History Conference, Bowling Green State University, Bowling Green, OH (June 1997)

Religion and Prejudice in the House of Refuge Movement, Social Science History Association, Annual Meeting, New Orleans, LA (Oct. 1996)

SIGNIFICANT LITIGATION

[United States Supreme Court]

Roberts v. United States, 445 U.S. 552 (1980) [co-authored brief for the United States]

Perrin v. United States, 444 U.S. 37 (1979) [co-authored brief for the United States]

[Other Courts]

Amburn v. Amburn, 414 S.E.2d 844 (Va. App. 1992) [represented Appellant at trial and on appeal, authored appellate brief and presented oral argument before the Court of Appeals of Virginia]

United States v. Francois, 889 F.2d 1341 (4th Cir. 1989) [represented Defendant at trial and on appeal, authored appellate brief and presented oral argument before the U.S. Court of Appeals for the Fourth Circuit]

Gooding v. United States (*Gooding I*) 513 A.2d 1320 (D.C. 1986); Gooding v. United States (*Gooding II*) 529 A.2d 301 (D.C. 1987) (*en banc*) [authored briefs and presented oral argument for Appellant before the District of Columbia Court of Appeals]

United States v. Porter, 591 F.2d 1048 (5th Cir. 1979) [authored brief and presented oral argument for the United States before the U.S. Court of Appeals for the Fifth Circuit]

United States v. Hitchmon, 587 F.2d 1357 (5th Cir. 1979); *reversed*, 602 F.2d 689 (5th Cir. 1979) (*en banc*); *opinion on remand*, 609 F.2d 1098 (5th Cir. 1979) [authored briefs and presented oral argument for the United States before the U.S. Court of Appeals for the Fifth Circuit]

SELECTED INSTITUTIONAL AND COMMUNITY AFFILIATIONS

Family Court Review

Associate Editor and Member, Editorial Board, 2004-present

Hofstra University School of Law

Former Senior Associate Dean for Academic Affairs

Past Chair, Entry Level Appointments

Past Chair, Lateral Appointments

Past Chair and Founding Director, LL.M. Program in Family Law

Past Chair, Minority Students Committee

Member, Children, Families and the Law Fellowship Selection Committee (several years)

Faculty Advisor, Latin American Law Student Association, 1995-present

The Association of the Bar of the City of New York, Minority Fellowship Program Committee (several years)

Board of Directors, Community Legal Assistance Corporation, Hempstead, NY, 1995-2001

United Methodist Church, Port Washington, NY

Administrative Council, President, 2007-present

Board of Trustees, Member 2003-2005, President, 2005-2006
Mentoring Program, 2006, 2008, 2010
Staff-Parish Relations Committee, Member, 2002-2005
Outreach Commission, Chair, 1999-2001