

## A SYMPOSIUM PRESENTED BY

### The Louisiana Law Review

#### THE SPEAKERS INCLUDE:

Professor Andrea B. Carroll  
Louisiana State University Law Center

Professor Marsha Garrison  
Brooklyn Law School

Professor Charlotte K. Goldberg  
Loyola Law School, Los Angeles

Professor Dian Tooley-Knoblett  
Loyola University College of Law, New Orleans

The Honorable Margaret Dee McGarity  
U.S. Bankruptcy Judge, Eastern District of Wisconsin

Professor J. Thomas Oldham  
University of Houston

Professor James R. Ratner  
University of Arizona College of Law

Sally Brown Richardson  
Skadden, Arps, Slate, Meagher & Flom, LLP

Associate Professor Terry L. Turnipseed  
Syracuse University College of Law

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## The Future of Community Property: Is the Regime Still Viable in the 21st Century?

April 1, 2011      LSU Law Center

The community property regime has been lauded as one of the greatest achievements of the civil law, providing women with financial equality in marriage that had not before existed. Nine American states use the regime, necessarily rejecting the common law separate property scheme, and abroad, the community property regime is the preferred method of treating property acquired by spouses. But has the utility of the community property concept run its course? The adoption of doctrines requiring equitable division of property on divorce at common law has arguably brought gender equality to separate property states, such that the community property regime no longer provides for equity lacking elsewhere. And the advance creditors achieve in debt collection from spouses in community property states suggests that it is no longer the spouses that the community property regime serves. This Symposium will explore the modern functions of the community regime, analyzing the regime's consequences at divorce, death, and bankruptcy. With these consequences in mind, the Symposium will pose the following question: Is the regime worth saving or is it an institution that should be recognized as outdated and perhaps discarded by all states?

**REGISTER TODAY**

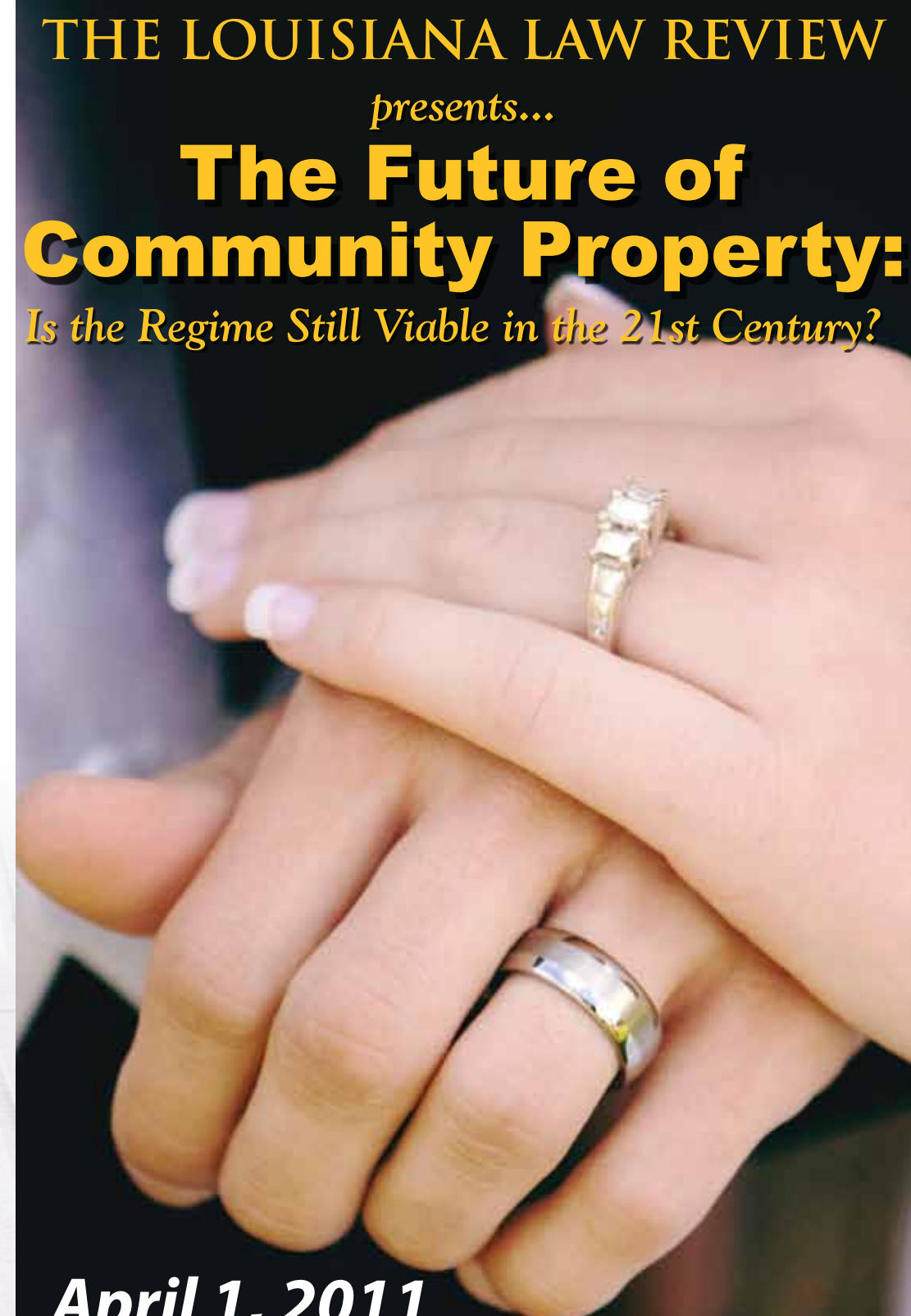
**April 1, 2011**

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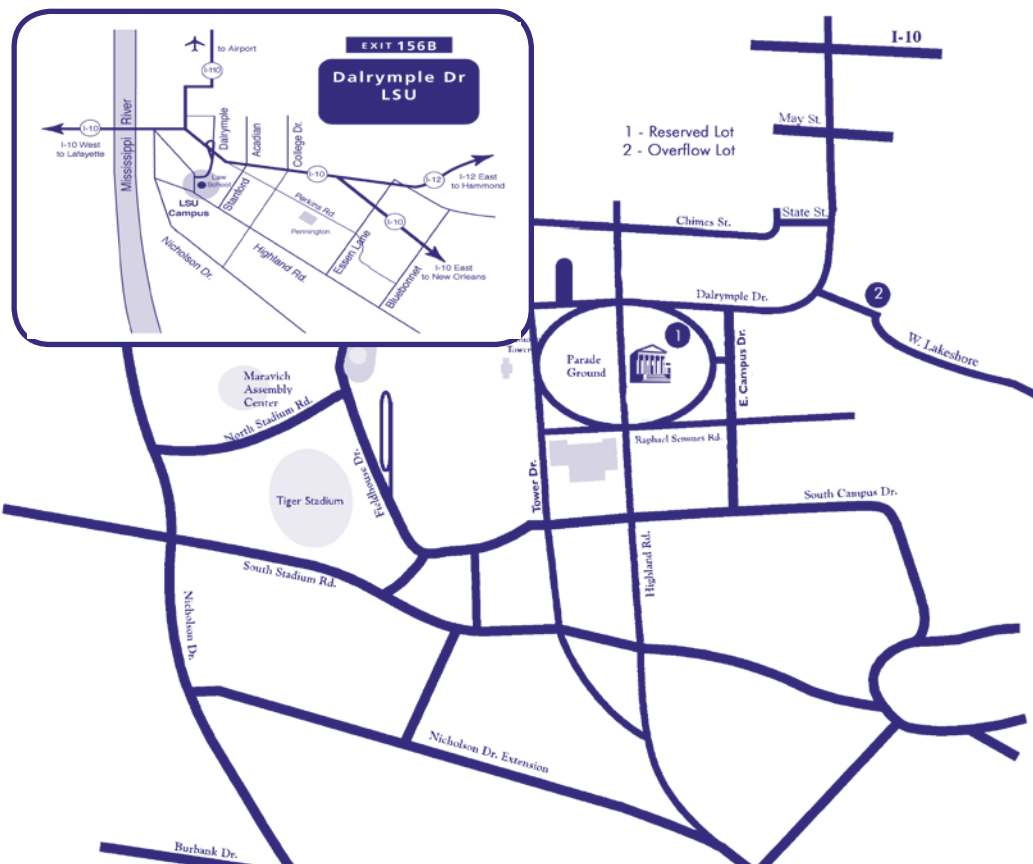


# THE LOUISIANA LAW REVIEW

presents...

## The Future of Community Property:

*Is the Regime Still Viable in the 21st Century?*



# The Future of Community Property

## Is the Regime Still Viable in the 21st Century?

Friday, April 1, 2011

**7:45-8:30 a.m. Registration and Continental Breakfast (provided)**

**8:30-8:45 a.m. Opening Remarks**

Professor Andrea B. Carroll  
C.E. Laborde, Jr. Professor of Law  
LSU Law Center

**8:45-9:30 a.m. Opting In, Opting Out: Autonomy in Community Property States**

Charlotte K. Goldberg  
Professor of Law  
Loyola Law School, Los Angeles

**9:30-10:15 a.m. Distribution of Community Assets and Liabilities at Divorce: Equitable Doesn't Equal Equal**

James R. Ratner  
Professor of Law  
University of Arizona College of Law

**10:15-10:25 a.m. Break**

**10:25-11:10 a.m. What's Fair in Divorce Property Distribution? Cross-National Perspectives**

Marsha Garrison  
Suzanne J. & Norman Miles Professor of Law  
Brooklyn Law School

**11:10-11:55 a.m. How Community Property Jurisdictions Can Avoid Being Lost in Cyber-space**

Sally Brown Richardson  
Skadden, Arps, Slate, Meagher & Flom, LLP  
Washington, D.C.

**11:55 a.m.-1:10 p.m. Lunch**

**1:10-1:55 p.m. Should Separate Property Gradually Become Community Property as the Marriage Continues?**

J. Thomas Oldham  
John Freeman Professor of Law  
University of Houston

**1:55-2:40 p.m. Family Law and Bankruptcy**

The Honorable Margaret Dee McGarity  
United States Bankruptcy Judge  
Eastern District of Wisconsin

**2:40-2:50 p.m. Break**

**2:50-3:35 p.m. Community Property v. The Elective Share**

Terry L. Turnipseed  
Associate Professor  
Syracuse University College of Law

**3:35-4:30 p.m. Panel Discussion: Is the Community Property Regime Still Viable in the 21st Century?**

Andrea B. Carroll  
C.E. Laborde, Jr. Professor of Law - Louisiana State University Law Center

Professor Carroll teaches and writes about the civil law, both in the context of substantive areas such as property law, family law, and community property, and in the broader context of its interaction with common law systems. Before joining the LSU Law Center faculty in 2003, she earned a B.S. in Finance from LSU, magna cum laude, and a J.D. from LSU Law Center, where she was a member of Law Review and the Order of the Coif. Following law school, she clerked for The Honorable W. Eugene Davis of the U.S. Court of Appeals for the Fifth Circuit, and practiced law at the law firm of Baker Botts in Dallas, Texas. Professor Carroll has had a law review article published in 2006, 2007, 2008, 2009, and two articles in 2010. She is also the author of *Louisiana Civil Jury Instruction Companion Handbook* (Thomson West 2007-2009). And she is the editor of the Family Law Prof Blog on the Law Professor Blogs Network. She led Louisiana's 2009 legislative reform on reimbursement in the community property context and is currently working toward a revision of Louisiana legislation on child relocation.

Marsha Garrison  
Suzanne J. & Norman Miles Professor of Law - Brooklyn Law School

Marsha Garrison is an expert on law and policy relating to families, children, and reproductive technology. Her research and writing spans a broad range of topics, including marriage, cohabitation, parentage determination, the economics of divorce, and child welfare decision making. Much of her research is interdisciplinary, applying social science and economic data to legal policy issues. She also conducted widely cited empirical analyses of judicial decision-making of divorce and the impact of changes in New York's divorce laws. Professor Garrison has co-authored two widely used casebooks: *Family Law: Cases, Comments, and Questions* (6th ed. 2007) and *Law and Bioethics: Individual Autonomy and Social Regulation* (2d ed. 2009). Her scholarship has been published in a variety of books and leading law journals. Professor Garrison is the Secretary-General of the International Society of Family Law.

Charlotte K. Goldberg  
Professor of Law - Loyola Law School, Los Angeles

Charlotte Goldberg is a professor at Loyola Law School, Los Angeles, where she has taught since 1981. She teaches courses in family law, marital property, and civil procedure. Professor Goldberg is the author of *California Community Property: Examples & Explanations* (3d ed. 2010), as well as numerous law review articles on family law and community property. She received her J.D. in 1978 from the Georgetown University Law Center. While at Georgetown, Professor Goldberg taught Legal Research and Writing as a teaching fellow. She spent her third year of law school at the University of Manitoba, where she was editor-in-chief of the *Manitoba Law Journal*. Prior to joining the Loyola faculty in 1981, Goldberg was an instructor at the University of Manitoba Faculty of Law.

The Honorable Margaret Dee McGarity  
U.S. Bankruptcy Judge - Eastern District of Wisconsin

Margaret Dee McGarity has been a United States Bankruptcy Judge for the Eastern District of Wisconsin since 1987, having been appointed for a second fourteen year term in 2001. She served as Chief Judge from 2003 to 2010. Judge McGarity is a frequent lecturer on various marital property and bankruptcy related topics, especially on the interrelationships between family law and the Bankruptcy Code. She is a co-author of *Marital Property Law in Wisconsin*, published by the State Bar of Wisconsin, and a co-author of *Collier Family Law and the Bankruptcy Code*, published by Matthew Bender/LexisNexis. She is also the author of numerous articles dealing with the practical aspects of bankruptcy practice and is a fellow of the American College of Bankruptcy.

J. Thomas Oldham  
John Freeman Professor of Law - University of Houston

Professor Oldham teaches courses in family law and community property. He is the author of *Divorce, Separation and the Distribution of Property*, and co-author (with Professor Garrison, among others) of a family law textbook published by West. Professor Oldham is a member of the Board of Editors of the *Family Law Quarterly*.

James R. Ratner  
Professor of Law - James E. Rogers University of Arizona College of Law

Professor Jamie Ratner has taught marital property courses, as well as antitrust, contracts, and administrative law at the University of Arizona College of Law for "too many years." In 1980 he received his J.D. from University of California (Boalt Hall School of Law) and an M.A. in economics from the University of California. Prior to teaching at Arizona, Prof. Ratner spent five years as a prosecutor at the Antitrust Division of the U.S. Department of Justice. His marital property publications include the analysis of joint tenancy with right of survivorship property held by married couples in community property jurisdictions, the analysis of child support and other premarital debts in community property jurisdictions, and the analysis of the nature of creditor and debtor windfalls resulting from divorce in community property jurisdictions.

Sally Brown Richardson  
Associate - Skadden, Arps, Slate, Meagher & Flom, LLP

Sally Brown Richardson is currently an Associate at Skadden, Arps, Slate, Meagher & Flom in the Energy Regulation and Litigation practice group. She received her Bachelor's degree from Georgetown University in political economy, and law degree from the LSU Law Center, where she graduated summa cum laude and Order of the Coif, and served as the Executive Senior Editor for the *Louisiana Law Review*. Before attending law school, Sally worked for five years on Capitol Hill for U.S. Senator Mary Landrieu, originally working as the Legislative Correspondent for health, education, welfare, and women and children's issues, and then as the Senator's Deputy Communications Director. Following law school, she clerked for the Honorable W. Eugene Davis of the U.S. Fifth Circuit Court of Appeals. Sally has published multiple articles in the area of property and community property law. Her current scholarship examines long-standing property and community property doctrines through a comparative and technological lens, and questions whether such doctrines promote the efficient real and personal property use in today's world.

Dian Tooley-Knoblett  
Jones Walker Distinguished Professor of Law - Loyola University College of Law, New Orleans

Professor Tooley-Knoblett served as an executive editor of the *Louisiana Law Review*. From 1980-1981, she clerked for Chief Justice John Dixon of the Louisiana Supreme Court, and from 1981-1984, she served as an attorney in the legal department of Shell Oil Company. Professor Tooley-Knoblett's career with Loyola University New Orleans College of Law began in 1984. Her areas of expertise are community property, mineral law, and property.

Terry L. Turnipseed  
Associate Professor - Syracuse University College of Law

Professor Turnipseed has written in the areas of eminent domain, sexuality and the law, spousal property rights upon death, trust fiduciary law, transfer taxation, and the separation of church and state. He teaches courses in eminent domain, estate planning, wills and trusts, estate and gift taxation, first-year property, and nuclear engineering. Professor Turnipseed has an LL.M. in Tax, cum laude, and a J.D. from Georgetown University and two graduate degrees from MIT where he was a National Science Foundation Fellow. He received a bachelor's degree in Nuclear Engineering, summa cum laude, from Mississippi State University where he was a Harry S. Truman Memorial Scholar and was recently designated as a Distinguished Engineering Fellow.

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**April 1, 2011**

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## FREE REGISTRATION AND CLE CREDIT

**Lunch will be available at no charge, however, pre-registration is required.  
The deadline to pre-register is March 25.**

**LOCATION LSU Law Center, McKernan Law Auditorium  
1 East Campus Drive  
Baton Rouge, LA 70803**

**TIME 8:30 a.m.**

**For more information contact Vickie Landry, 225/578-1683**