

Nancy S. Erickson

Nancy S. Erickson (J.D. Brooklyn Law School, LL.M. Yale Law School, M.A. Forensic Psychology John Jay College of Criminal Justice) is an attorney in private practice who acts as a consultant to attorneys and mental health professionals on issues relating to law and psychology, particularly child custody evaluations, domestic violence, and the application of the Americans with Disabilities Act to litigants with hidden disabilities who need accommodations in court, such as domestic abuse survivors with PTSD. nancyserickson@gmail.com.

For over ten years, she was a professor of law, teaching Family Law, Sex Discrimination Law, Constitutional Law, Women's Legal History and other subjects at New York Law School, Cornell Law School, Ohio State U. College of Law, New York University, and Seton Hall Law School. For eight years she was a Senior Attorney at Legal Services for New York City, Brooklyn Branch, representing low income clients – primarily battered women – in divorce and other family cases. She has also been an attorney for the City of New York, a Legal Services attorney with the National Center on Women and Family Law (a federal Legal Services “back-up” program, no longer in existence due to funding cuts), and an attorney with two law firms. She has been honored for her pro bono work by the Brooklyn Bar Association and Network for Women's Services (now called Her Justice) and has lectured to judges, attorneys, psychologists, battered women, and other audiences.

She has written books and articles on family law, including domestic violence, child support, custody, marital property, attorneys for children, custody evaluations, and adoption. She is currently researching and writing on custody issues, especially custody evaluations, the use in custody courts by domestic violence perpetrators and their allies of bogus psychological theories such as Parental Alienation Syndrome, and custody cases involving LGBT parents and parents who are domestic abuse survivors.

Nancy Erickson's forensic psychology master's degree thesis was published in the ABA family law journal: Use of the MMPI-2 in Child Custody Evaluations Involving Battered Women: What Does Psychological Research Tell Us? 39 Family Law Quarterly 87 (Spring, 2005).

Her comprehensive article on parental alienation is Fighting False Allegations of Parental Alienation Raised as Defenses to Valid Claims of Abuse, 6 Family and Intimate Partner Violence Quarterly 35 (2013).

Her most recent article is Custody Battles Brought by Abusers Who Are Not Legal Parents of the Children: How Has Brooke S.B. Changed the Rules? 10 Family and Intimate Partner Violence Quarterly 7-35 (No. 3, Winter 2018).

She has been a member of the New York City chapter of NOW since 1969 and has been active in many other organizations working to improve the world for women and children.

Nancy Erickson has two wonderful daughters. One is the only teacher in a native Alaskan (Yup'ik) village and lives there with her young daughter. The other is a psychiatrist in New York City specializing in LGBTQ issues.

My Activism

The question posed to me is “What is the most important thing historians should know about my activism?”

Although I strongly believe that feminists must be involved on the level of feminist theory, I have always been concerned about and have always advocated for “ordinary” women – not just superstars and those who could break through the glass ceilings. I agree with Flo Kennedy that the ass-by-ass process of getting the rear ends of individual women out of the “wringer” is tiring and frustrating; however, all of us have to do it. We cannot sit in our towers – ivory or otherwise – while individual women’s lives are destroyed. Family law is one area in which there is not enough work to help each individual woman, especially battered women who are trying to protect their children.

Also, we must not stand back from holding high profile feminists, such as Robin Morgan and Gloria Steinem, accountable for their misdeeds. We must not allow them to be protected just because they are media favorites.

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PUBLICATIONS:

Custody Battles Brought by Abusers Who Are Not Legal Parents of the Children: How Has Brooke S.B. Changed the Rules? 10 FAM. & INTIMATE PARTNER VIOLENCE QUARTERLY 7-35 (No. 3, Winter 2018).

Perspectives on Law and Medicine Relating to Transgender People in the United States, with Peter W. Schroth, Laura Erickson-Schroth, Linda L. Foster & Alexis Burgess (Family Law Section by Nancy S. Erickson), 66 AM. J. COMPARATIVE L. Suppl 1, 91-126 (July 2018).

"Legal Issues Regarding Children," in MOTHERHOOD, MENTAL ILLNESS AND RECOVERY -- STORIES OF HOPE (Nikole Benders-Hadi & Mary E. Barber, Eds.). New York: Springer (2014).

"The Supreme Court's DOMA Case: What Did It Say and What Happens Now?" in TRANS BODIES, TRANS SELVES (Laura Erickson-Schroth, Ed. New York: Oxford University Press 2014).

Fighting False Allegations of Parental Alienation Raised as Defenses to Valid Claims of Abuse, 6 FAM. & INTIMATE PARTNER VIOLENCE Q.35 (2013).

"The Other One": Life as a Feminist/Female Law Professor, 1975-1987, in Symposium, Law Stories: Reflections of Women in Legal Education -- Stories from Four Decades of Section Chairs, 80 U MO KANSAS CITY SCHOOL OF LAW 683 (2012).

Doing Our Best for New York's Children: Custody Evaluations When Domestic Violence is Alleged, 23 NYS PSYCHOLOGIST 9-12 (No. 2, Fall, 2011) (with Chris O'Sullivan).

"Fighting False Allegations of Parental Alienation," in DOMESTIC VIOLENCE, ABUSE AND CHILD CUSTODY: LEGAL STRATEGIES AND POLICY ISSUES (Mo Hannah & Barry Goldstein, Eds.). Kingston, NJ: Civic Research Institute (2010).

Economic Abuse May be Recognized by New York Courts, 10 NY FAM. L. MONTHLY 1 (No. 1, Sept. 2008; Economic Abuse: a Form of Abuse that Needs More Scrutiny, 10 NY FAM. L. MONTHLY 3 (No. 2, Oct. 2008) (2-part article).

Confusion on the Role of Law Guardians: The Matrimonial Commission's Report and the Need for Change, 8 NY FAM. L. MONTHLY 1 (No. 6, Feb. 2007).

Problems with Custody Evaluations, 11 DOMESTIC VIOLENCE REP. 67(2006)

Book Review: "From Madness to Mutiny: Why Mothers Are Running From the Family Courts – And What Can Be Done About It," by Amy Neustein and Michael Leshner,

New York Law Journal, July 12, 2006, p. 1.

Evaluating the Handling of Domestic Violence Cases by Custody Evaluators, 10 DOMESTIC VIOLENCE REP. 49 (2005 (with Joan Zorza)).

Why Unilateral "No-Fault" Divorce Can Wait, 7 NY FAM. L. MONTHLY 1 (2005).

Use of the MMPI-2 in Child Custody Evaluations Involving Battered Women: What Does Psychological Research Tell Us?, 39 FAM. L. Q. 87 (Spring, 2005).

Child Custody Evaluators in Domestic Violence Cases, 6 NY FAM. L. MONTHLY 5 (January 2005).

Custody, Domestic Violence, and a Child's Preference, New York Law Journal April 24, 2003, page 4, col. 4. (with Judith Reichler).

The Role of the Law Guardian in a Custody Case Involving Domestic Violence, 27 FORDHAM URBAN L. J. 817 (2000).

Women and Family Law in 1994, 28 CLEARINGHOUSE REV. 1117 (Jan. 1995) (with Joan Zorza).

CHILD SUPPORT ORDERS AGAINST RECIPIENTS OF MEANS-TESTED PUBLIC BENEFITS (N.Y.: National Center on Women and Family Law, Inc., 1995).

Collection of Child Support Maintenance from Custodial Parents of Children in Foster Care: Is It Appropriate? 28 CLEARINGHOUSE REV. 34 (May 1994).

Annual Review of Family Law, 27 CLEARINGHOUSE REV. 1055 (Parts II and III) (Jan. 1994).

Child Support Guidelines: A Primer, 27 CLEARINGHOUSE REV. 734 (Nov. 1993).

Annual Review of Family Law, 26 CLEARINGHOUSE REV. 1223 (Jan. 1993).

Obtaining Adequate Support for Children: Preventing Downward Deviations from the Presumptive Guidelines Amount, 26 CLEARINGHOUSE REV. 530 (Sept. 1992).

Sexual Stereotypes in "Protective" Labor Legislation Cases, 16 CARDOZO LAW FORUM 13 (1992).

Entries on Reed v. Reed, Kahn v. Shevin, and Cal-Fed v. Guerra, in HISTORIC U.S. COURT CASES (New York: Garland, 1992).

CHILD SUPPORT MANUAL FOR LEGAL SERVICES ATTORNEYS AND ADVOCATES. (N.Y.: National Center on Women and Family Law, Inc., 1992) and 1993 UPDATE.

CHILD SUPPORT AND YOU: A HANDBOOK FOR LEGAL SERVICES CLIENTS. (N.Y.: National Center on Women and Family Law, Inc., 1992).

Chapter 10, "Child Support Proceedings in Family Court," in J. ZETT, M. EDMONDS, M. BUTTREY, & M. KAUFMAN, NEW YORK CIVIL PRACTICE: FAMILY COURT PROCEEDINGS (New York: Matthew Bender, 1991).

Battered Mothers of Battered Children, 1A CURRENT PERSPECTIVES IN PSYCHOLOGICAL, LEGAL & ETHICAL ISSUES 195 (1991).

Sex Bias Topics in the Criminal Law Course: A Survey of Criminal Law Teachers (with Mary Ann Lamanna), 24 MICHIGAN J. LAW REFORM 189 (1990).

Chapter 67, "Child Support," in J. ZETT, M. KAUFMAN, C. KRAUT, NEW YORK CIVIL PRACTICE: EQUITABLE DISTRIBUTION ACTIONS (New York: Matthew Bender 1990).

Final Report: "Sex Bias in the Teaching of Criminal Law," 42 RUTGERS L. REV. 309 (1990).

Working With the Child Support Standards Act: Something Old, Something New, Parts I & II, 1 NEW YORK DOMESTIC RELATIONS REPORTER (issues 11 & 12, Oct. & Nov. 1989)

Moors v. Hall: Unmarried Partner Gets Quantum Meruit Award for Value of Domestic Services, 1 NEW YORK DOMESTIC RELATIONS REPORTER 5 (Issue 1, Dec. 1988).

Muller v. Oregon Reconsidered: The Origins of a Sex-Based Doctrine of Liberty of Contract, 30 LABOR HISTORY 228 (1989).

The Parental Kidnapping Prevention Act: How Can Non-Marital Children be Protected? 18 GOLDEN GATE L. REV. 529 (1988).

Sex Bias in Law School Courses: Some Common Issues, 38 J.LEG. ED. 101 (March/June 1988).

Les "Women's Studies" en Droit aux Etats-Unis: un entretien avec deux professeurs de droit feministes, 57/58 ACTES 52 (Paris, 1986-87) (with Nadine Taub).

Legal Education: The Last Academic Bastion of Sex Discrimination? 10 NOVA L. REV. 457 (1986).

Review of Norma Basch, In the Eyes of the Law: Women, Marriage, and Property in Nineteenth Century New York, 29 AM. J. LEG. HIST. 87 (1985).

The Feminist Dilemma Over Unwed Parents' Custody Rights, 2 J. LAW & INEQUALITY 301 (1984).

Review of Guido Calabresi's A Common Law for the Age of Statutes, 28 N.Y.L.S. L. REV. 541 (1984).

Historical Background of "Protective" Labor Legislation: Muller v. Oregon, in WOMEN AND THE LAW: THE SOCIAL- HISTORICAL PERSPECTIVE (D. Kelly Weisberg, ed.) Cambridge, Mass.: Schenkman Publishing, 1982).

Preventing Foster Care Placement: Supportive Services in the Home, 19 J. FAM. L. 596-613 (1981).

Pregnancy Discrimination Update, 7 WOMEN'S RIGHTS L. RPTR. 17 (1981).

Equality Between the Sexes in the 1980's, 28 CLEVELAND ST. L. REV. 591 (1979).

Pregnancy Discrimination: An Analytical Approach, 5 WOMEN'S RIGHTS L. RPTR nos. 2-3 (combined issue, 1979).

Spousal Support Toward the Realization of Educational Goals: How the Law Can Ensure Reciprocity, 1978 WIS. L. REV. 47.

Kahn, Ballard, and Wiesenfeld: A New Equal Protection Test in "Reverse" Sex Discrimination Cases? 42 BROOKLYN L. REV. 1 (1975).

A WOMAN'S GUIDE TO MARRIAGE AND DIVORCE IN NEW YORK. New York: Women's Law Center, 1974; second printing with 1975 revision, 1975; third printing with 1978 additions, 1978; Supplement on the New York Divorce Reform Act, 1980.

Women and the Supreme Court, 41 BROOKLYN L. REV. 209 (1974).

LECTURES, TRAININGS (Selections of presentations)

Judicial Training for New York City Family Court Custody/Visitation/Domestic Violence Judges, September 26, 2006, at the State Judicial Institute, White Plains, NY.

Judicial Training, May, 2006, for Judges in the 9th Judicial District, at the State Judicial Institute, White Plains, NY

Presentation on "The Real Costs of Court Appointees," 2009 IVAT Conference (Institute on Violence, Abuse and Trauma), September 26, 2009, San Diego, CA.

Other recent lectures and trainings include presentations to attorneys at the Family Law Task Force of Legal Services for New York City (LSNY); the Lawyers Committee Against Domestic Violence; law students at CUNY Law School and Brooklyn Law School; Statewide Legal Services DV Task Force; the Battered Mothers Custody Conference, and psychology students at John Jay College of Criminal Justice.

MEMBERSHIPS

American Bar Association
New York State Bar Association
Lawyers Committee Against Domestic Violence (NYC)
Women's Bar Association
American Psychological Association
New York State Psychological Association (NYSPA)
Forensic Division, NYSPA (2009 Chair and 2010 Co-Chair, Child Custody Subcommittee),
The Leadership Council on Child Abuse and Interpersonal Violence (Advisory Board Member).

Nancy S. Erickson, (1945-) a feminist lawyer and legal educator, became a member of New York City NOW in 1969 and its treasurer in 1970. She was also a member of the NOW-NYC Education Committee headed by Kate Millett, and of the Legislative and Political Committee headed by Charlene Suneson. She worked with Ann Wallace of NOW and a coalition of organizations to achieve the passage of the ERA.

In 1973 she graduated from Brooklyn Law School, where she was cofounder of the first women law students association, Legal Action for Women (LAW). She wrote an article for the *Brooklyn Law Review* in 1971 on Phillips v Martin Marietta which, argued in December 1970, was the first U.S. Supreme Court case concerning sex discrimination brought under Title VII of the Civil Rights Act of 1964, and which established the principle that “sex plus” discrimination, such as discrimination against women who are mothers, is sex discrimination and prohibited under Title VII. She was the first woman to be editor-in-chief of the BLS law review (1972-1973).

She was a volunteer attorney at the Women’s Law Center in NYC, founded by attorney (then judge) Emily Jane Goodman, from 1973 (while studying for the NY State Bar exam) to 1975. There she answered calls from women with legal questions and wrote fact sheets for women on legal issues such as women’s names, family law, and credit, and *A Woman’s Guide to Marriage and Divorce in New York* (1974). Most callers to the WLC had family law problems, so she decided family law was the most important area of law for women.

While a law firm associate in 1973-74, Erickson also provided free legal assistance to New York Women Against Rape, and other non-profit women’s organizations. As a NYC law professor from 1975 to 1980, she co-founded Metropolitan Women Law Teachers Association, of which Ruth Bader Ginsburg was a member; chaired (1976-1977) the Association of American Law Schools Section on Women in Legal Education; co-founded the Society for the Study of Women in Legal History, and was one of the first law professors to teach Women and the Law, using Professor (later Justice) Ginsburg’s first casebook on the subject. She taught that course at New York Law School and at Cornell Law School (1975-1980) and later at Ohio State University College of Law and Seton Hall Law School in NJ. She was a volunteer attorney during the 1970’s for ACLU, writing briefs in sex discrimination cases, including Ludtke v Kuhn, in which women reporters sued to be able to interview male athletes after baseball games. She later wrote or assisted on the writing of briefs to the United States Supreme Court and the New York Court of Appeals on family law topics. After teaching, she practiced family law in New York from 1977 to the present.

In addition to her law degree from Brooklyn Law School (1973), Erickson earned an LL.M. from Yale Law School (1979) and a Masters degree in Forensic Psychology from John Jay College of Criminal Justice (2005). Her thesis, which demonstrated how the most commonly used personality test often misdiagnoses battered women, was published in an American Bar Association journal. She has written over 50 publications on family law, including domestic violence, child support, custody, marital property, attorneys for children, custody evaluations, LGBT family law issues, and adoption.