

MARYBETH HERALD
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EDUCATION

1977-1980 **J.D., HARVARD LAW SCHOOL, CAMBRIDGE, MASSACHUSETTS.**
cum laude

1973-1977 **B.A. MATHEMATICS**, with high honors
MICHIGAN STATE UNIVERSITY, E. LANSING, MICHIGAN

PROFESSIONAL EXPERIENCE

2002 - Present **PROFESSOR**
THOMAS JEFFERSON SCHOOL OF LAW, SAN DIEGO, CALIFORNIA

- Appointments Committee, 2002 – 2006, 2008 - 2012
- Admissions and Dismissal Committee - 1991- 2008, 2014-present
- Courses taught: Constitutional Law 1 and 2; Law and Psychology; Comparative Constitutional Law
- Teaching Awards, 1992-95, 1999, 2013- 2015
- Voted A "Top Academic," San Diego Transcript - 2006, 2008, 2009, 2011-12, 2014
- Neuroscience Boot Camp, University of Pennsylvania 2011
- Nice, France Summer Program: 2009, 2015

1991 - 2002 **ASSOCIATE DEAN AND ASSOCIATE PROFESSOR,**
THOMAS JEFFERSON SCHOOL OF LAW, SAN DIEGO, CALIFORNIA

- Appointed Associate Dean, May 1994
- Hired and supervised the adjunct faculty, scheduled courses, supervised Academics staff, and advised students
- Courses taught: Constitutional Law 1 and 2, Contracts 1 and 2
- Teaching Awards – 1992-1996, 1999
- Member, Tenure Committee, 1996-2002, 2012
- Chair, Academic Policy Committee, 1992-1994
- Vice Chair, Faculty, 1993-1997

1985 to 1991 **PARTNER, BERGSMA & HERALD, NORTHERN MARIANA ISLANDS**

- Founded and managed general practice law firm in the United States Commonwealth of the Northern Mariana Islands (NMI). (Before April 1990, firm was known as Fitzgerald, Herald & Bergsma.)
- Practiced involving trial and appellate work in constitutional law, commercial, labor, criminal, real property, election, trademark, and admiralty law.
- Counsel to Northern Marianas Retirement Fund, Marianas Public Land Corporation, and Northern Mariana Islands Law Revision Commission and Public Auditor.
- Represented clients before the United States District Court for the NMI, Ninth Circuit Court of Appeals and the NMI superior court. Principal counsel in all stages of litigation and dispute resolution.

1982 - 1985 **STAFF ATTORNEY, MICRONESIAN LEGAL SERVICE CORP., NMI**

- Staff attorney with trial, appellate and administrative practice including labor and consumer issues, land and war claims, family law, immigration, and government entitlements; counseled community groups; provided written and oral testimony on pending Commonwealth legislation.

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1981 - 1982

STAFF ATTORNEY, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, SAN FRANCISCO, CA

Judicial clerkship involving preparation of published opinions, dispositions, and bench memoranda.

PUBLICATIONS

Books

2014

YOUR BRAIN AND LAW SCHOOL: A CONTEXT AND PRACTICE BOOK (2014) (Carolina Academic Press)

Articles

2014

Getting Students Psyched: Using Psychological Principles to Encourage Participation in the Classroom, 15 Nev. L. J. 744 (2015)

2013

"I Mean To Succeed:" Clara Foltz and the Reinvention of Self, American Journal of Legal History (2013)(book review of Barbara Babcock, WOMAN LAWYER: THE TRIALS OF CLARA FOLTZ) (with Sandra Riersen)

2010

Situations, Frames and Stereotype: Cognitive Barriers on the Road to Nondiscrimination? 17 Michigan Journal of Gender & Law 39 (2010)

Beyond the Binary: What Can Feminists Learn From Intersex and Transgender Jurisprudence? 17 Michigan Journal of Gender & Law 13 (2010) (with Julie Greenberg and Mark Strasser).

2009

Explaining the Differences: Transgender Theories and Court Practice, in QUEER MOBILIZATIONS: LGBT ACTIVISTS CONFRONT THE LAW (Scott Barclay, Mary Bernstein, and Anna-Marie Marshall, eds.) (2009)

2007

Deceptive Appearances: Judges, Cognitive Bias, and Dress Codes, 41 U. S. F. L. Rev. 299 (2007)

2005

You Can't Take It With You: Constitutional Consequences of Interstate Identity Rulings, 80 WASHINGTON LAW REVIEW 285 (2005) (with Julie Greenberg)

Eyes Wide Shut. Erasing Women's Experience, From the Clinic to the Courtroom, 28 HARVARD JOURNAL OF LAW AND GENDER 285 (2005) (with Ellen Waldman)

Transgender Theory: Reprogramming Our Automated Settings, 28 THOMAS JEFFERSON L. REV. 167 (2005)

2004

A Bedroom of One's Own: Law and Sexual Privacy After Lawrence v. Texas, 16 YALE JOURNAL OF LAW AND FEMINISM 1 (2005)

2002

Until Life Support Do Us Part: A Spouse's Limited Ability to Terminate Life Support for an Incompetent Spouse With No Hope of Recovery, 24 T. Jefferson L. Rev. 207 (2002)

2001

Licensing Speech: The Case of Vanity Plates, 72. U. Colo. L. Rev. 595 (2001)

1998

Reversed, Vacated, and Split: The Supreme Court, the Ninth Circuit, and the Congress, 77 Or. L. Rev. 405 (1998)

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- 1998 *Closed Chambers and Closed Minds: Some Snapshots Taken Inside Supreme Court*, 103 Dick. L. Rev. 89 (1998) (book review of Edward Lazarus, *CLOSED CHAMBERS*)
- 1995 *Does the Constitution Follow the Flag Into the Territories or May it Be Separately Purchased and Sold?*, 22 Hastings Const. L. Q. 707 (1995)
- 1992 *The Northern Mariana Islands: A Change of Course Under Its Covenant With the United States*, 71 Or. L. Rev. 127 (1992)
- 1986-1990 Counsel, Law Revision Commission of the NMI
- Drafted legislation and codified three supplements to the code of laws of the NMI
 - NMI Law Revision Commission, *Commonwealth Code* (3 vols. 1990)
 - Designed digest, drafted headnotes, and published the NMI's first case reporter system
 - NMI Law Revision Commission, *Commonwealth Reporter* (2 vols. 1990)

SELECTED PRESENTATIONS

Teaching Psychology to Law Students, Psychology of Persuasion Conference, Wyoming Law School, Laramie, Wyoming (September 20, 2015)

Getting Students Psyched: Using Psychology to Make Law Students "Practice Ready."
Institute for Law Teaching and Learning, Gonzaga Law School, Spokane, Washington (June 16, 2015)

The Science of Credibility: Who Do We Believe and Why, National Association of Woman Judges, San Diego, California (October 17, 2014)

Supreme Court Preview 2014-15 Term, San Diego Chapter of the Federalist Society Constitution Day, California Western School of Law, San Diego, California (September 17, 2014)

Teaching Relational Competencies and Emotional Intelligence, Law and Psychology Conference, University of Nevada Law School, Las Vegas, Nevada, February 21, 2014.

Campaign Finance: The Past, the Present, and the Future, The Federalist Society, Thomas Jefferson School of Law, San Diego, California, November 14, 2013.

The Intersex (DSD) Movement: Developing Legal and Extra-Legal Strategies, Lavender Law Annual Conference, Washington DC, August 2012.

Constitutional Issues in the Health Care Act, American Constitution Society, Thomas Jefferson School of Law, San Diego, October 22, 2010.

Cognitive Bias and Judicial Decision Making, National Association of Administrative Law Judges, Annual Conference, Pepperdine Law School, Malibu Law School, October, 2010.

Panel on Current Constitutional Issues in Reproductive Justice, California Western School of Law, June 10, 2010.

My Body, My Bedroom: A Peek at the Privacy Doctrine from Contraception to Sex Toys, Law Students for Reproductive Justice, Thomas Jefferson School of Law, January, 2010.

Criminalization of Pregnancy, University of San Diego, San Diego, November 2009.

Revisiting Disability Frames, Lavender Law Conference, Brooklyn, NY, September, 2009.

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Whose Views Count in Discerning What is Just? Chair and Discussant, Law and Society Conference, Denver, Colorado, May, 2009

What Reproductive Choices Does the Constitution Protect? American Constitution Society, San Diego, CA, May, 2009.

Understanding Cognitive Bias in the Legal Profession, Elimination of Bias Guest Lecture, Minnesota Bar Association, Minneapolis, Minnesota, March 2009.

The Lessons Feminist Legal Theorists Can Learn from Intersex and Transgender Jurisprudence, Michigan Feminist Theory Conference, Ann Arbor, Michigan, February 2009.

Bias in the Courtroom: Beyond Intentional Discrimination, Lavender Law Annual Conference, San Francisco, CA, Sep 2008.

Family Law and Psychology, Nice Law School, Nice, France, July 2008.

Thinking Globally - Is it Possible?: A Psychological Perspective, Nice, France, July 2008.

Brain Science 101: Bringing the Delphic Oracle to Law School, Humanizing Legal Education, Topeka, Kansas (October 2007).

Bias: Theory and Practice, Lavender Law Annual Conference, Chicago, IL, Sept. 7, 2007.

A Therapeutic Approach to Law School, Therapeutic Jurisprudence Conference, San Juan, Puerto Rico, June 2008.

Bottled Happiness: Confronting Prescription Drug Advertising and the Desire to Believe International Association of Law and Mental Health, Padua, Italy (June 2007).

It's All in the Framing: Structuring Constitutional Law Claims to Advance LGBT Rights, Lavender Law Conference, Washington, DC (June 2006).

Constitutional Consequences: Transgender Marriage, Lavender Law Conference, San Diego, CA (October, 2005).

Don't Ask, Don't Tell? Balancing Medical Training and Patient Privacy, UCSD Medical School, San Diego, California, Tough Cases Series (June 2005).

Transglobal Transformation Through Transgender Theory, Fifth Annual Women and the Law Conference: The Global Impact of Feminist Legal Theory, San Diego, CA (Feb. 2005).

You Can't Take It With You: Constitutional Limitations on Interstate Identity Rulings, The Williams Project and UCLA Faculty Colloquium, CA (Oct. 2004).

Beyond Equality and Liberty: Full Faith and Credit and DOMA Applied to Same Sex Marriages and Sexual Identity, Law and Society Annual Meeting, Chicago, IL, (May 2004).

Minding the Gap: Linking Informed Consent Theory to Practice: Birth, Sex, and Death, Law and Society Annual Meeting, Pittsburgh, PA, (June 2003).

Other Noteworthy Activities

Blogger, "[Your Brain, Law School, and Law Practice](#)," Ms. JD, Writer in Residence 2016

An excerpt from the article, *A Bedroom of One's Own: Morality and Sexual Privacy After Lawrence v. Texas*,

16 YALE J L & FEMINISM 1, 15-26 (2004), is reprinted in the third edition of "Cases and Materials on Sexual Orientation and the Law" (West Publishing) (eds. Bill Rubenstein, Jane Schacter, and Carlos Ball).

Testified before the U.S. House of Representatives, Committee on Interior and Insular Affairs, Oversight Hearing Regarding Alien Labor in the Commonwealth of the Northern Mariana Islands, July 30, 1992.

ADMISSION TO PRACTICE

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| 1990 | United States Supreme Court |
| 1983 | Northern Mariana Islands Commonwealth Court (inactive) |
| 1981 | California (inactive) |

PROFESSIONAL ASSOCIATIONS

International Neuroethics Society, American Psychology-Law Society.
Executive Board, AALS Committee on Teaching Methods, 2016-