

Assisted Reproductive Technologies: An Annotated Bibliography, 2013-2018

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This bibliography covers law review articles published, for the most part, after 2012. Articles for which the title is self-explanatory or that concern only a single case, state, or statute are cited, but not annotated.

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Access to ART

June Carbone & Naomi Cahn, *The Gender/Class Divide: Reproduction, Privilege, and the Workplace*, 8 FIU L. REV. 287 (2013) (examining how egg freezing poses issues for workplace equality).

Judith A. Hoechst & Sean C. Sobottka, *Roadblocks to Surrogacy*, FAM. ADVOC., Winter 2018, at 44 (noting that “cumulative costs for agency fees, in vitro fertilization (IVF), legal assistance, egg donor and surrogate compensation, medical costs, and other expenses rang[e] from \$70,000 to \$175,000”).

Gloria Y. Liu, Note, *A Call to Arms: The Department of Defense’s Egg Freezing Benefit Summons Increased Reporting Regulations*, 25 DUKE J. GENDER L. & POL’Y 129 (2017) (discussing cryopreservation of eggs now offered as a benefit to active duty troops and regulatory difficulties regarding clinics not reporting success rates).

Nicole M. Mattson, *On Ice: The Slippery Slope of Employer-Paid Egg Freezing*, 32 ABA J. LAB. & EMP. L. 255 (2017) (noting that several prominent employers have started to pay for employees to freeze their eggs and evaluating the benefits, as well as the risks (such as employment discrimination claims) of these programs).

Dorothy E. Roberts, *Why Baby Markets Aren’t Free*, 7 UC IRVINE L. REV. 611 (2017) (discussing the costs of the goods to create babies—eggs, sperm, and a gestational carrier—as well as the additional costs imposed by currents of race, gender, and disability discrimination that operate in the United States).

Mary Ziegler, *Abortion and the Constitutional Right (Not) to Procreate*, 48 U. RICH. L. REV. 1263 (2014) (examining the relationship between how courts have approached constitutional issues about abortion rights and how they should handle issues about access to assisted reproductive technologies).

Madeline Curtis, *Inconceivable: How Barriers to Infertility Treatment for Low-Income Women Amount to Reproductive Oppression*, 25 GEO. J. ON POVERTY L. & POL’Y 323 (2018).

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Ann C. McGinley, *Subsidized Egg Freezing in Employment: Autonomy, Coercion, or Discrimination?*, 20 *EMP. RTS. & EMP. POL'Y J.* 331 (2016).

Ali L. Nicolette, Note, *Empty Benefits: Employer-Sponsored Oocyte Cryopreservation and Potential for Employment Discrimination*, 27 *HASTINGS WOMEN'S L.J.* 341 (2016).

ART Agreements (*see also* Surrogacy)

Kaiponanea T. Matsumura, *Public Policing of Intimate Agreements*, 25 *YALE J.L. & FEMINISM* 159 (2013) (arguing that courts should not invoke public policy as a ground for avoiding enforcement of intimate agreements, and discussing agreements about use of assisted reproductive technologies as an example).

Deborah Zalesne, *The Intersection of Contract Law, Reproductive Technology, and the Market: Families in the Age of ART*, 51 *U. RICH. L. REV.* 419 (2017) (arguing in favor of a strong market freedom and ability to contract model to address disputes arising from ART).

Ashley Alenick, Note, *Pre-Embryo Custody Battles: How Pre-disposition Contracts Could Be the Winning Solution*, 38 *CARDOZO L. REV.* 1879 (2017).

Alicia J. Paller, Note, *A Chilling Experience: An Analysis of the Legal and Ethical Issues Surrounding Egg Freezing, and a Contractual Solution*, 99 *MINN. L. REV.* 1571 (2015).

Biology and Technology of Assisted Reproduction

Noah Baron & Jennifer Bazzell, *Assisted Reproductive Technologies*, 15 *GEO. J. GENDER & L.* 57 (2014) (providing overview of assisted reproductive technology procedures and the legal issues they raise).

Steve P. Calandrillo & Chryssa V. Deliganis, *In Vitro Fertilization and the Law: How Legal and Regulatory Neglect Compromised a Medical Breakthrough*, 57 *ARIZ. L. REV.* 311 (2015)

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(arguing for enhanced regulation of assisted reproductive technologies).

Dov Fox, *Selective Procreation in Public and Private Law*, 64 *UCLA L. REV. DISCOURSE* 294 (2016) (proposing a framework for thinking about ethical and legal issues relating to choosing genetic traits of children).

Richard B. Vaughn, Ann A. Kiessling & John Weltman, *Wishes Granted: The Science Behind HIV-Positive Dads and Their HIV-Negative Kids*, *ABA SciTECH LAW.*, Summer 2016, at 16 (explaining how assisted reproductive technology enables men with HIV to father genetically related children).

William C. Hudson, *Sperm Banking as a Strategy to Reduce Harms Associated with Advancing Paternal Age*, 70 *FOOD & DRUG L.J.* 573 (2015).

Amy B. Leiser, Note, *Parentage Disputes in the Age of Mitochondrial Replacement Therapy*, 104 *GEO. L.J.* 413 (2016).

Krista M. Pikus, *Life in Death: Addressing the Constitutionality of Banning the Removal of Life Support from Brain-Dead, Pregnant Patients*, 51 *GONZ. L. REV.* 417 (2016).

Andrea Preisler, *Assisted Reproductive Technology: The Dangers of an Unregulated Market and the Need for Reform*, 15 *DEPAUL J. HEALTH CARE L.* 213 (2013).

Sonya Laddon Rahders, "Natural Incubators": *Somatic Support as Reproductive Technology, and the Comparative Constitutional Implications on Cases of Maternal Brain Death in the U.S., Canada, and Ireland*, 27 *HASTINGS WOMEN'S L.J.* 29 (2016).

Stefanie L. Rokosz, *Assisted Reproductive Technologies: Advances in Medical Practice or Human Subject Research?*, 68 *FOOD & DRUG L.J.* 177 (2013).

Charles Thomas, Note, *Novel Assisted Reproductive Technologies and Procreative Liberty: Examining in Vitro Gametogenesis Relative to Currently Practiced Assisted Reproductive Procedures and Reproductive Cloning*, 26 *S. CAL. INTERDISC. L.J.* 623 (2017).

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Genetic Modifications

Bret D. Asbury, *Counseling After CRISPR*, 21 STAN. TECH. L. REV. 1 (2018) (explaining the Clustered Regularly Interspaced Short Palindromic Repeats (CRISPR) method of editing genomes to prevent various types of genetic abnormalities and exploring possible legal issues).

Myrisha S. Lewis, *How Subterranean Regulation Hinders Innovation in Assisted Reproductive Technology*, 39 CARDOZO L. REV. 1239 (2018) (exploring the Food & Drug Administration's regulation of assisted reproductive technologies that involve modifying genetic material).

Glenn Cohen, *Circumvention Medical Tourism and Cutting Edge Medicine: The Case of Mitochondrial Replacement Therapy*, 25 IND. J. GLOBAL LEGAL STUD. 439 (2018).

Jason Glanzer, *The Human Germline Modification Index: An International Risk Assessment for the Production of Genetically Modified Humans*, 9 CREIGHTON INT'L & COMP. L.J. 68 (2017).

Evita V. Grant, *FDA Regulation of Clinical Applications of CRISPR-CAS Gene-Editing Technology*, 71 FOOD & DRUG L.J. 608 (2016).

Girard Kelly, Comment, *Choosing the Genetics of Our Children: Options for Framing Public Policy*, 30 SANTA CLARA HIGH TECH. L.J. 303 (2014).

Gary E. Marchant, *Legal Risks and Liabilities of Human Gene Editing*, ABA SCITECH LAW., Fall 2016, at 26.

Tara R. Melillo, *Gene Editing and the Rise of Designer Babies*, 50 VAND. J. TRANSNAT'L L. 757 (2017).

Tandice Ossareh, Note, *Would You Like Blue Eyes with That? A Fundamental Right to Genetic Modification of Embryos*, 117 COLUM. L. REV. 729 (2017).

Jordan Paradise, *U.S. Regulatory Challenges for Gene Editing*, ABA SCITECH LAW., Fall 2016, at 10.

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Joshua D. Seitz, *Striking A Balance: Policy Considerations for Human Germline Modification*, 16 SANTA CLARA J. INT'L L. 60, 61 (2018).

Anna Zaret, *Editing Embryos: Considering Restrictions on Genetically Engineering Humans*, 67 HASTINGS L.J. 1805 (2016).

Child Support (See also Egg and Sperm Donation)

Susan Frelich Appleton, *Between the Binaries: Exploring the Legal Boundaries of Nonanonymous Sperm Donation*, 49 FAM. L.Q. 93 (2015) (discussing the resolution of various legal cases involving known sperm donors, including whether sperm donors can be held liable for child support).

Noah Geldberg, *Zygote Zeitgeist: Legal Complexities in the Expanding Practice of Embryo Donation*, 49 LOY. L.A. L. REV. 813 (2016) (arguing that contract law should govern issues relating to embryo donations).

Meldie Moore, *Senate Bill 115 Would Give Sperm Donors Standing to Petition for Paternity*, ORANGE CTY. LAW., Sept. 2013, at 38 (California).

Jeffrey A. Parness & Matthew Timko, *De Facto Parent and Nonparent Child Support Orders*, 67 AM. U. L. REV. 769 (2018).

Rebecca Rodriguez, *Beyond Dr. Frankenstein's Monster: Human Germline Editing and the Implications of Waiting to Regulate*, 38 N. ILL. U. L. REV. 585 (2018).

Children's Rights

Elizabeth Bartholet, *Intergenerational Justice for Children: Restructuring Adoption, Reproduction and Child Welfare Policy*, LAW & ETHICS HUM. RTS. 103 (2014) (arguing that children's interests should be given as much value as adults' interest in making decisions about issues including assisted reproductive technologies).

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Naomi Cahn, *Do Tell! The Rights of Donor-Conceived Offspring*, 42 HOFSTRA L. REV. 1077 (2014) (discussing whether donor-conceived children have a right to know they are donor-conceived or to know the identity of the donor, and arguing that greater weight should be given to children's rights).

Pamela Laufer-Ukeles, *The Lost Children: When the Right to Children Conflicts with the Rights of Children*, 8 LAW & ETHICS HUM. RIGHTS 219 (2014) (proposing that assisted reproductive technologies should be regulated in order to protect basic civil rights of children born via these technologies).

Lorena Solis, Comment, *The Voiceless Citizens: Surrogacy Contracts and the Rights of the Child*, 3 TEX. A&M L. REV. 417 (2015) (addressing issues such as inheritance rights when neither party to a surrogacy contract wants to keep the child).

Taylor R. Kramer, Note, *Where the Sidewalk Ends: An Update to the Kansas Assisted Reproductive Technology Statute to Give All Children Legal Rights to Their Parents*, 54 WASHBURN L.J. 329 (2015) (Kansas).

Marley McClean, Comment, *Children's Anatomy v. Children's Autonomy: A Precarious Balancing Act with Preimplantation Genetic Diagnosis and the Creation of "Savior Siblings,"* 43 PEPP. L. REV. 837 (2016).

Gabrielle C. Phillips, Comment, *Sieglein v. Schmidt: Securing the Legitimacy of All Children Created Through Assisted Reproductive Technology*, 76 MD. L. REV. 817 (2017) (Maryland).

Egg and Sperm Donation

Nancy Dowd, *Sperm, Testosterone, Masculinities and Fatherhood*, 13 NEV. L.J. 438 (2013) (applying masculinities analysis to issues about regulation of sperm donation).

Joshua K. Drysdale, Note, *Leave It to Beaver Meets Modern Family: An Analysis of L.F. v. Breit in the Context of the Changing Family*, 10 LIBERTY U. L. REV. 45 (2015) (analyzing a Virginia case about whether a man who donated his sperm to a woman with whom he was involved in a long-term relationship

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could pursue custody of the child conceived through ratification insemination after his relationship with the woman ended).

Deborah L. Forman, *Exploring the Boundaries of Families Created with Known Sperm Providers: Who's in and Who's out?*, 19 U. PA. J.L. & SOC. CHANGE 41 (2016) (urging the accommodation of a known sperm provider who wants to take an active role in the child's life, by recognition of multiple parent families).

Lauren Gill, Note, *Who's Your Daddy? Defining Paternity Rights in the Context of Free, Private Sperm Donation*, 54 WM. & MARY L. REV. 1715 (2013) (discussing paternity issues and other legal consequences raised by free, private sperm donation programs).

Joseph Gregorio, Comment, *Hatching a Plan Towards Comprehensive Regulations in Egg Donation*, 65 DEPAUL L. REV. 1283 (2016) (addressing federal regulations and the patchwork of state regulations regarding egg donation).

Yehezkel Margalit, *Artificial Insemination from Donor (AID) – From Status to Contract and Back Again?*, 21 B.U. J. SCI. & TECH. L. 69 (2015) (proposing an approach that combines contract principles with modern notions of status for determining parentage in the context of artificial insemination with sperm provided by a donor).

Maya Sabatello, *Disclosure of Gamete Donation in the United States*, 11 IND. HEALTH L. REV. 29 (2014) (evaluating arguments for the United States following international trends and eliminating the policy of gamete donors' anonymity).

Amber D. Abbasi, *The Curious Case of Trent Arsenault: Questioning FDA Regulatory Authority over Private Sperm Donation*, 22 ANNALS HEALTH L. 1 (2013).

Jacqueline M. Acker, *The Case for an Unregulated Private Sperm Donation Market*, 20 UCLA WOMEN'S L.J. 1 (2013).

Odette Marie Bendeck, *The "Progeny" of Florida's Reproductive Technology Statutes*, FLA. B.J., Feb. 2014, at 18 (Florida).

I. Glenn Cohen, *My Body, My Bank*, 93 TEX. L. REV. 953 (2013) (reviewing KARA W. SWANSON, *BANKING ON THE BODY: THE*

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MARKET IN BLOOD, MILK, AND SPERM IN MODERN AMERICA (2014)).

Kristen Joy Downey, Note, *You Are Not the Father! Parental Liabilities and Rights of Sperm Donors in Tennessee*, 47 U. MEM. L. REV. 597 (2016 (Tennessee)).

Katelin Eastman, Comment, “*Alimony for Your Eggs*”: *Fertility Compensation in Divorce Proceedings*, 42 PEPP. L. REV. 293 (2015).

Benjamin T. Forman, *Statutory Requirements for Artificial Insemination: A Sperm Donor’s Fight to Let Go of His Rights*, 9 PITT. J. ENV’T L. PUB. HEALTH L. 66 (2014).

Maria E. Garcia, *In with New Families, out with Bad Law: Determining the Rights of Known Sperm Donors Through Intent-Based Written Agreements*, 21 DUKE J. GENDER L. & POL’Y 197 (2013).

Amy Leah Holtz, Note, *Daddy or Donor? Uncertainty in California Law in the Wake of Jason P. v. Danielle S.*, 68 HASTINGS L.J. 869 (2017) (California).

Rebecca Johns, *Abolishing Anonymity: A Rights-Based Approach to Evaluating Anonymous Sperm Donation*, 20 UCLA WOMEN’S L.J. 111 (2013).

Susan M. Johns, Case Comment, *Constitutional Law: Biological Relationships and Intent v. Waiver in Establishing Protected Parental Rights D.M.T. v. T.M.H.*, 129 So. 3d 320 (Fla. 2013), 26 U. FLA. J.L. & PUB. POL’Y 91 (2015) (Florida).

Kimberly D. Krawiec, *Markets, Morals, and Limits in the Exchange of Human Eggs*, 13 GEO. J.L. & PUB. POL’Y 349 (2015).

Browne Lewis, “*You Belong to Me*”: *Unscrambling the Legal Ramifications of Recognizing a Property Right in Frozen Human Eggs*, 83 TENN. L. REV. 645 (2016).

Jennifer Nadraus, Note, *Dodging the Donor Daddy Drama: Creating a Model Statute for Determining Parental Status of Known Sperm Donors*, 53 FAM. CT. REV. 180 (2015).

Rachel Rose Ostrander, *Commodification of the Female Egg: Stem Cell Technology and the Future*, 7 BIOTECHNOLOGY & PHARMACEUTICAL L. REV. 69 (2014).

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Tatiana Elizabeth Posada, Note, *Whose Sperm Is It Anyways in the Wild, Wild West of the Fertility Industry?*, 34 GA. ST. U. L. REV. 847 (2018) (Georgia).

Jacob Radecki, Note, *The Scramble to Promote Egg Donation Through a More Protective Regulatory Regime*, 90 CHI.-KENT L. REV. 729 (2015).

Samantha C. Robbins, *Who's Your Daddy? The International Market for American Sperm*, 41 SYRACUSE J. INT'L L. & COM. 229 (2013).

Aliya Shain, Note, *A Veil of Anonymity: Preserving Anonymous Sperm Donation While Affording Children Access to Donor-Identifying Information*, 19 CUNY L. REV. 313 (2016).

Brittney N. Sharp, Note, *Comparing the Rights of Adoptees and Donor-Conceived Offspring in States Granting Access to Original Birth Certificates and Adoption Records: An Equal Protection Analysis*, 11 AVE MARIA L. REV. 515 (2013).

Danielle A. Vera, Note, *R-Egg-Ulation: A Call for Greater Regulation of the Big Business of Human Egg Harvesting*, 23 MICH. J. GENDER & L. 391 (2016).

Carol Louise Williamson, Note, *Poached Eggs: The Misclassification of Egg Donors as Independent Contractors and How Egg Donors Can Contribute to the Argument for a New Category of Worker—the Dependent Contractor*, 51 GA. L. REV. 327 (2016).

Embryo Disposition

Anna El-Zein, Note, *Embryo-Uh-Oh: An Alternative Approach to Frozen Embryo Disputes*, 82 MO. L. REV. 881, 884 (2017) (reviewing the three evaluative methods different state courts use regarding embryo disputes: “the balancing interests approach, the contractual approach, or the contemporaneous mutual assent approach”).

Michael T. Flannery, “*Rethinking*” *Embryo Disposition upon Divorce*, 29 J. CONTEMP. HEALTH L. & POL'Y 233 (2013) (urging state legislatures to enact statutes providing policies for disposition of embryos upon divorce).

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Deborah L. Forman, *Embryo Disposition, Divorce & Family Law Contracting: A Model for Enforceability*, 24 COLUM. J. GENDER & L. 378 (2013) (considering the circumstances under which embryo disposition agreements entered into by couples prior to divorces should be enforced).

Carinne Jaeger, Note, *Yours, Mine, or Ours: Resolving Frozen Embryo Disputes Through Genetics*, 40 SEATTLE U. L. REV. 1141 (2017) (proposing a new genetic framework to assist in resolution of establishing legal parentage for frozen embryo disputes).

Morgan DeAnn Shields, Note, *Which Came First the Cost or the Embryo? An Economic Argument for Disallowing Cryopreservation of Human Embryos*, 9 J.L. ECON. & POL'Y 685 (2013) (arguing that cryopreservation of human embryos should be banned because it creates economic waste).

Anthony Jose Sirven, Note, *Undue Process: A Father's Proprietary Interest in an Embryo and Its Clash with Casey*, 68 FLA. L. REV. 1469 (2016) (discussing how widespread use of assisted reproductive technology has led some courts to recognize a property interest in human embryos, which could give fathers a legal basis for objecting to an abortion of their unborn children).

Mark Strasser, *The New Frontier? IVF's Challenges for State Courts and Legislatures*, 17 SMU SCI. & TECH. L. REV. 1235 (2014) (discussing cases about couples with frozen embryos who end their relationship and cannot agree on whether or how the embryos should be used).

Sasha M. Swoveland, *Surrogacy and Insurance: The Call for Statutory Reform in Ohio*, 26 J.L. & HEALTH 143 (2013) (arguing that it is pregnancy discrimination for insurers to exclude coverage for surrogate mothers under insurance plans covering maternity services).

Chanel Vegh, *My Body, My Property, My Baby? The Extension of Property Rights to Sexual Reproductive Cells and Embryos*, 14 CARDOZO PUB. L. POL'Y & ETHICS J. 649 (2016) (arguing that "the extension of property rights to human reproductive cells is an inevitable progression in law" and urging legislatures to get ahead of this development with appropriate regulations).

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Alison P. Barbiero, Comment, *What to Expect Before You're Expecting: Clarifying Florida's Statute Governing Pre-Embryo Disposition Agreements and Divorce*, 40 NOVA L. REV. 257 (2016) (Florida).

Judith Daar, *Whose Embryo Is It Anyway? California Finally Takes a Stand*, ORANGE COUNTY LAW., May 2016, at 34 (California).

Michael D. Ellis, Note, *A Need for Clarity: Assisted Reproduction and Embryo Adoption in Texas*, 66 BAYLOR L. REV. 164 (2014) (Texas).

Alexandra Faver, Note, *Whose Embryo Is It Anyway?: The Need for a Federal Statute Enforcing Frozen Embryo Disposition Contracts*, 55 FAM. CT. REV. 633 (2017).

Cynthia E. Fruchtman, *Withdrawal of Cryopreserved Sperm, Eggs, and Embryos*, 48 FAMILY L.Q. 197 (2014).

Shirley Darby Howell, *The Frozen Embryo: Scholarly Theories, Case Law, and Proposed State Regulation*, 14 DEPAUL J. HEALTH CARE L. 407 (2013).

Alyssa Lechmanik, *The Battle over the Embryo: How West Virginia Should Legally Define the Embryo and Regulate Embryo Adoption*, 116 W. VA. L. REV. 701 (2013) (West Virginia).

Sarah Holman Loy, Comment, *Responding to Reber: The Disposition of Pre-Embryos Following Divorce in Pennsylvania*, 122 PENN ST. L. REV. 545 (2018) (Pennsylvania).

Meagan R. Marold, *Ice, Ice, Baby! The Division of Frozen Embryos at the Time of Divorce*, 25 HASTINGS WOMEN'S L.J. 179 (2014).

Marina Merjan, *Rethinking the "Force" Behind "Forced Procreation": The Case for Giving Women Exclusive Decisional Authority over Their Cryopreserved Pre-Embryos*, 64 DEPAUL L. REV. 737 (2015).

Valerie A. Mock, Comment, *Getting the Cold Shoulder: Determining the Legal Status of Abandoned IVF Embryos and the Subsequent Unfair Obligations of IVF Clinics in North Carolina*, 52 WAKE FOREST L. REV. 241 (2017) (North Carolina).

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Paige Chamberlain Ornduff, *Who Gets the Bun That Doesn't Make It to the Oven? The Rights to Pre-Embryos for Individuals in Same-Sex Relationships*, 8 CHARLESTON L. REV. 557 (2014).

Anna Stolley Persky, *Deep Freeze: Contentious Battles Between Couples over Preserved Embryos Raise Legal and Ethical Dilemmas*, ABA J., June 2016, at 46.

Christina L. Preville, Note, *Collaborative Law in Pennsylvania and the Frozen Embryo Debate*, 8 PITT. J. ENV'T'L PUB. HEALTH L. 80 (2013) (Pennsylvania).

Beth E. Roxland & Arthur Caplan, *Should Unclaimed Frozen Embryos Be Considered Abandoned Property and Donated to Stem Cell Research?*, 21 B.U. J. SCI. & TECH. L. 108 (2015).

Cori Schreider, Comment, *Cryopreserved Embryo Disputes: Weighing Interests Regarding Genetic Parenthood*, 20 J. HEALTH CARE L. & POL'Y 75 (2017).

Erica Steinmiller-Perdomo, Note, *Is Personhood the Answer to Resolve Frozen Pre-Embryo Disputes?*, 43 FLA. ST. U. L. REV. 315 (2015) (Florida).

Amanda West, *Reproductive Freedom or Forced Procreation: An Analysis of Minnesota Statutory Law Dealing with Parentage of Frozen Embryos After Divorce*, 34 HAMLINE J. PUB. L. & POL'Y 259 (2013) (Minnesota).

Alyssa Yoshida, Note, *The Modern Legal Status of Frozen Embryos*, 68 HASTINGS L.J. 711 (2017).

Estates, Trusts, and Inheritance

Kristine S. Knaplund, *Assisted Reproductive Technology: The Legal Issues*, PROB. & PROP., Mar./Apr. 2014, at 48 (outlining issues that assisted reproductive technologies raise for estate planners).

Elise N. McQuain, Note, *Inheritance of Frozen Reproductive Material*, 40 OHIO N.U. L. REV. 301 (2013) (arguing that people depositing reproductive material for cryopreservation should be required to execute a death clause document clearly stating what should happen if depositor dies while the material is in storage).

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Judith Daar, *Multi-Party Parenting in Genetics and Law: A View from Succession*, 49 *FAM. L.Q.* 71 (2015).

Anne Hood Gibson & Mamin J. Michaels, *Determining Heirship in the World of Modern Reproduction*, 40 *EST. PLAN.* 29 (2013).

Kristine S. Knaplund, “Adoptions Shall Not Be Recognized”: *The Unintended Consequences for Dynasty Trusts*, 7 *UC IRVINE L. REV.* 545 (2017).

Danaya C. Wright, *Inheritance Equity: Reforming the Inheritance Penalties Facing Children in Nontraditional Families*, 25 *CORNELL J.L. & PUB. POL’Y* 1 (2015).

Posthumous Conception

Arianne Renan Barzilay, *You’re on Your Own, Baby: Reflections on Capato’s Legacy*, 46 *IND. L. REV.* 557 (2013) (discussing the U.S. Supreme Court’s decision in *Astrue v. Capato* and how it relied on a primarily male-dominated hetero family model).

Katie Christian, Comment, “It’s Not My Fault!”: *Inequality Among Posthumously Conceived Children and Why Limiting the Degree of Benefits to Innocent Babies Is a “No-No!”*, 36 *MISS. C. L. REV.* 194, 195 (2017) (examining the “smorgasbord of state laws” regarding posthumously conceived children in light of the U.S. Supreme Court’s decision in *Astrue v. Capato* in which the Court upheld the denial of Social Security benefits to children conceived after their biological father’s death).

Jeffrey W. Sheehan, Note, *Late Fathers’ Later Children: Reconceiving the Limits of Survivor’s Benefits in Response to Death-Defying Reproductive Technology*, 15 *VAND. J. ENT. & TECH. L.* 983 (2013) (suggesting changes to rules governing eligibility for social insurance benefits as reproductive technology makes it possible for a child to be born long after the death of one or both genetic parents).

Ellen Trachman & William E. Trachman, *The Walking Dead: Reproductive Rights for the Dead*, 3 *SAVANNAH L. REV.* 91 (2016) (exploring cases of families making post-mortem requests for egg and sperm retrieval from a decedent).

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Nathan Rick Allred, Note, *The Uncertain Rights of the Unknown Child: Federal Uniformity to Social Security Survivors Benefits for the Posthumously Conceived Child After Astrue v. Capato*, 66 OKLA. L. REV. 195 (2013).

Nicole M. Barnard, Note, *Astrue v. Capato: Relegating Posthumously Conceived Children to Second-Class Citizens*, 72 MD. L. REV. 1039 (2013).

Alyssia J. Bryant, *Death, Sperm Heists, and Test Tube Babies: Support for Measures to Prevent Social Security Abuse, Conserve Government Funds, and Protect Families*, 56 HOW. L.J. 917 (2013).

Andrew Chironna, Case Comment, *Astrue v. Capato: Implications for Posthumously Conceived Children*, 21 DIGEST, NAT'L ITALIAN A.B.A. L.J. 71 (2013).

Wendy S. Goffe, *Postmortem Conception Quandary: When Must an Heir Be Here?*, EST. PLAN., July 2013, at 17.

Courtney Hannon, Comment, *Astrue v. Capato: Forcing a Shoe that Doesn't Fit*, 16 J. HEALTH CARE L. & POL'Y 403 (2013).

Emilee K. Lawson Hatch, *Life After Death Preparing for Posthumously Conceived Heirs*, N.Y. ST. B.J., May 2018, at 36 (New York).

Elizabeth A. Hohenstein, Comment, *The Supreme Court's Chevron Deference Misstep on Posthumously Conceived Children and Their Entitlements to Survivor Benefits*, 25 GEO. MASON U. CIV. RTS. L.J. 379 (2015).

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Alycia Kennedy, Note, *Social Security Survivor Benefits: Why Congress Must Create a Uniform Standard of Eligibility for Posthumously Conceived Children*, 54 B.C. L. REV. 821 (2013).

Catherine Kim, *Posthumously Conceived Children and Their Social Security Benefits Based on State Intestacy Law: How Astrue v. Capato Changes Future Social Security Benefits as Technology Advances*, 46 LOY. L.A. L. REV. 1141 (2013).

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