**Family Law LAW6710 4 credits**

Spring semester 2018

Tu9-9:50, W8-9:50 (with 10 minute break), Th9-9:50; room 355B

Professor Nancy Dowd, telephone 352-273-0930 email dowd@law.ufl.edu

Office hours Tuesday 11-12, or by appointment

**Course materials**:

Abrams, Cahn, Ross, Meyer and McClain, *Contemporary Family Law*, 4th edition, 2015 (West)

Materials posted on TWEN under Course Materials

Casebook supplement PDF (contains two supplements, please use both)

***Note: please read the supplement along with the casebook assigned pages. The supplement is virtually all notes and commentary with the exception of Pavan v Smith***

**Syllabus/Reading Assignments and Problems**

**Week 1: January 9, 10, 11**

1-64 plus *Meyer* and *Pierce* (on TWEN, under Course Materials) (introduction and constitutional law)

**Week 2: January 16, 17, 18**

65-140 (begin marriage)

**Week 3: January 23, 24, 25**

140-217 (marriage, begin soc/econ rights and responsibilities)

**Week 4: January 30, 31 February 1**

217-245 (soc/econ rights and responsibilities)

1051-1091 (begin prenups)

**Week 5: February 6, 7, 8**

1091-1110, 1114-25 (prenups)

PROBLEM 1: prenup negotiation February 7

249-81 (begin nonmarital couples)

**Week 6: February 13, 14, 15**

281-294 (nonmarital couples)

PROBLEM 2: cohabitation contract February 14

295-324, 326-342), substitute *Pavan v. Smith* in summer 2017 supplement after p. 324, in place of *Wendy G-M v. Erin G-M*) (begin parenthood)

**Week 7: February 20, 21, 22**

342-413 and *Baby Veronica* case, on TWEN, (parenthood, adoption)

705-45 (begin child support)

**Week 8: February 27, 28, March 1**

705-81 (child support)

PROBLEM 3: child support March 1

**SPRING BREAK**

**Week 9: March 13, 14, 15**

783-846 (begin child custody)

**Week 10: March 20, 21, 22**

846-914, 965-980 (child custody)

**Week 11: March 27, 28, 29**

915-961, 965-980 (child custody)

PROBLEM 4: child custody negotiation March 28

501-509 (begin dissolution of marriage)

**Week 12: April 3, 4, 5**

415-463 (domestic violence); guest speaker and facilitator Prof. Teresa Drake

PROBLEM 5: domestic violence, role play April 3 and 4

531-547 (dissolution of marriage)

**Week 13: April 10, 11, 12**

573-642 (property division)

**Week 14: April 17, 18, 19**

643-704 (alimony)

PROBLEM 6: financial issues negotiation April 18

**Exam period: April 26-May 9**

**CLASS POLICIES**

**Course points**

Court Observation                          5 points

Recent Development Memo           0-40 points

Divorce & Custody Memo              0-40 points

Problems 15 points

Total                                  100 points

**1.  TWEN**

 As soon as possible, please register as a course participant on TWEN via the Westlaw website (<http://lawschool.westlaw.com/twen>).  The course is listed under Professor Dowd on The West Education Network.

Student learning outcomes:

At the end of this course, students should be able to:

1. Understand the historical evolution and current status of family law at a constitutional, common law and statutory basis, with particular emphasis Florida statutes, with respect to marriage, divorce, adoption, nontraditional families, parenting, social and economic responsibilities within families
2. Understand the collaborative model of family law problem resolution as well as the traditional legal model of adverse parties.
3. Be familiar with leading policy issues relating to family and how those might be debated at the federal and state levels.
4. Be familiar with the application of family law through a series of exercises designed to apply family law in skills-oriented settings.
5. Be critical about the law’s application to families in a variety of legal settings not limited to traditional family law.

**2.  Problems (15 points)**

We will work on six problems during the semester, which you will find under a separate tab on TWEN.  We will review the substantive law and then use the Problem to apply what we have learned.  The goal of the Problems is not to identify a perfect solution or answer, but rather to insure critical and comprehensive analysis of the possibilities and that any proposal is well supported with law and analysis

To prepare your analysis of every problem you should:

Identify the ISSUES (legal and non-legal)

Construct ARGUMENTS regarding the issues (yours and anticipate the other side)

Propose a RESOLUTION (and why you think it’s the best solution to suggest to your

Client)

You will be randomly assigned a partner for the Problems, and two pairs will discuss the problems or negotiate with each other. Partners and small groups will be posted on TWEN once the add/drop period ends.

*Everyone must prepare the Problems and may be called on* or volunteer for class discussion.  Roughly four (4) groups will be asked to present their resolution of the Problem to start each Problem discussion.

*Every student should submit a 1-2 page summary of the issues, analysis and your proposed individual resolution* of all problems except the role play; for the role play, please submit your feedback on the exercise and the role that you were assigned to play. Your submission for each Problem is due in the TWEN dropbox *before class begins* *on the day the Problem is scheduled for discussion or negotiation. Exception: the feedback paper for the role play is due after the problem, by the beginning of our next scheduled class.*

Grading: each Problem submission will be graded High Pass, Pass, or Fail. You must pass all 6 Problems in order to receive these points. A single High Pass may be used to offset a Fail one time only.

You must also participate in class discussion at a minimum twice during the semester, and be absent no more than 4 times.

**3.  Court Observation (5 points)**

Each student must observe one session of family court proceedings and submit a brief report of the observation within 7 days of the observation.  You may observe a proceeding in an Alachua County family court or a court in your home jurisdiction.  You must follow the separate instructions provided on TWEN to arrange and complete the observation and the report. The instructions include the website for the court schedule in Alachua County.

*Please sign up for a week to do your observation, under the Sign Up Sheets on TWEN.*

Points will be awarded based on timely completion of the observation and submission of your report within 7 days of your observation to the TWEN Assignment Drop Box, identified only by TWEN ID number.  Suggested length 1-2 pages and not more than 4 pages, typed, double-spaced.

**4. Recent Development Memo (0-40 points)**

Each student will select a topic from a list of provided topics (or you may request a specific topic for approval), and will identify and research a recent development of their choice based on recent law review scholarship on that topic.

Sign up for a topic on TWEN on or before *February 1*.

*Submit a bibliography and have it approved on or before February 8*

*Due on or before 5 pm March 23.*

Further detailed instructions will be on TWEN.

Your paper must be double-spaced, and no longer than 5000 words, submitted to the Office of Student Affairs, who will send you submission instructions. The paper should include a word count. Please do not put your name on your paper. Your paper will be graded on scale of 0-40 points. The points roughly correspond as follows:  40-38 = A; 37-36 = A-; 35-33 = B+; 32-30= B; 29-27= B-; 26-22 = C+; 21-16 = C; 15-11 = D+; 6-10 = D

**5.  Divorce and Custody Memo (0-40 points).**

The second paper due for the class involves the application of family law relevant to divorce, financial issues, and custody relating to a detailed fact pattern within the framework of collaborative family law practice. This will be a one day take home exam on a date of your choosing during the exam period.

You will have from 8:30 am to 6:00 pm of one day to complete this paper during the exam period, **April 26-May 9**. You select the day, and pick up the problem on the day you select anytime after 8:30 am from Exam Soft, and must turn it in the same day on Exam Soft by 6:00 pm. See the tab on the TWEN site for additional detailed instructions. You will be limited to 3000 words, and may exceed that limit only to complete a sentence of reasonable length.

Graded on scale of 0-40 points. The points roughly correspond as follows:  40-38 = A; 37-36 = A-; 35-33 = B+; 32-30= B; 29-27= B-; 26-22 = C+; 21-16 = C; 15-11 = D+; 6-10 = D.

**6.  Class participation**

You must (1) have no more than 4 absences; (2) complete all Problems; (3) complete the courtroom observation; and (4) during the semester participate in class discussion at least twice.

You will be responsible for keeping track of your participation, and submitting a brief statement in the participation drop box (on TWEN). You may do so on the day you participate (so multiple submissions), or keep track on one document and submit it at the end of the semester.

**7.  Attendance**

You are responsible for signing the daily class attendance sheet circulated during each day of class. You are allowed 4 absences. Absences are neither excused nor unexcused, they simply are counted as an absence (unless the absence is due to a religious holiday).  Use allowable absences sparingly to avoid not having sufficient remaining when an emergency does arise, which could cause you to exceed the allowance and thus not earn class participation points.

If you are absent in excess of 4 classes, you will earn no Problem points.  If you are excessively absent, you may be dropped from the class, have a reduction in your grade, or fail the class.

If there are extraordinary and extenuating circumstances for excessive absences, or persistent lateness, notify Professor Dowd immediately.

**8. No laptops,** **class notetakers, and cell phones**

The research paper described in this Scientific American article presents some compelling evidence that students who take notes by hand consistently outperform those who take notes on a laptop and offers some insight (or confirmation of insights you may already have) as to why this is so.  <http://www.scientificamerican.com/article/a-learning-secret-don-t-take-notes-with-a-laptop>

We will have a designated notetaker for each class, who may use their laptop, and that person will distribute notes to the rest of the class via TWEN email to the entire class. Everyone else may take notes by hand. A signup sheet to be the notetaker will be available the first day of class.

Cell phones and any other electronic equipment should be turned off and not used during class.

9. Additional information

- Class preparation

It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

- Grading scale:

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| --- | --- |
| **Letter Grade** | **Point Equivalent** |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0 |

- Statement on requesting accommodation

Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the Dean Rachel Inman when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

- Statement on academic misconduct

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.