FAMILY LAW (Winter 2019)

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<th>Topic</th>
<th>Assignments*</th>
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<td>I. Marriage, Family, and Privacy in Contemporary America</td>
<td>Preface, CB v-vii (stop at “Chapter authorship”); Summary of Contents, CB xvii-xix; CB 1-8 &amp; nn.2-4; CB 8-13 (stop at “Defining the Family”) (pre-assigned); CB 87-98 (the majority op.’s first two paras., Part II.A and B, and the majority op.’s last para. only)</td>
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<td>The American Family Today</td>
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<td>II. Practicing Contemporary Family Law</td>
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<td>A. The Status and Conditions of Family Law Practice</td>
<td>CB 57-64; U50</td>
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<td>B. Ethics in Contemporary Family Law Practice</td>
<td>CB 981-999 (stop at Barrett); 1003 nn.2, 3; 1003-1007</td>
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<td>C. The Relationship Between Ethics and Malpractice</td>
<td>CB 1007-1008</td>
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<td>D. Family Law Negotiation</td>
<td>CB 1009-1010 (stop at Mnookin &amp; Kornhauser)</td>
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* The casebook (CB) is Douglas E. Abrams et al., Contemporary Family Law (West Academic 4th ed. 2015). The supplement is Supplementary Materials on Family Law, which I will distribute by email attachment.

A few readings are in the “Summer 1918 Update” (U), prepared by the casebook’s co-authors. The Update is at https://system.na1.netsuite.com/CORE/media/media.nl?id=2848431&c=3668083&h=d028db7ad7630dce1797&_xt=pdf. You may download it if you wish.

Throughout the semester, I will also email the class news articles and other brief current affairs items, relating to the course’s subject matter, that I have noticed on various media websites. Emailing does not necessarily mean that I agree or disagree with the viewpoint expressed (if any), but only that the item seems interesting to family law students. Unless I specify otherwise, these email messages are optional reading only.

** Assigned reading will be discussed only briefly in class.
III. Entering Marriage

A. Introduction
   CB 65-66

B. Marriage Formalities
   CB 140-141 (Sec. 6, first two paras. only; omit Minn. and UMDA statutes); 142-146 (Notes and Questions 1-4, 6-8; omit Mich. statute in note 8)

C. Common-Law Marriage and the Putative Spouse Doctrine
   CB 146-157 (to the bottom of the page; 161-162 (Notes and Questions)

D. Substantive Requirements for Entry Into Marriage
   CB 66-67; 72-76 (majority opinion only); 80-81 nn.1-4; 87-103 (majority op. and Roberts dissent only); 108-109 nn.1-6; U 11 (New “Note 8”); CB 109-111; 125-126; 131-132 nn.3-6; 133, first para. of section 4; 135-138; 139-140; U 36-37

IV. Nonmarital Couples

CB 249-263; 279-280 (omit Notes and Questions); Skim 281-288 (omit Notes and Questions); Skim 289, last para. I will discuss these pages in class.

V. Social and Economic Rights and Obligations

A. Changing Views on the Legal, Social, and Economic Status of Women **
   CB 163-166 (incl. Notes); 169-174 (incl. Note and Question; stop at U.S. v. Va.)

B. Family Names
   CB 166-168 (omit Note); Lecture

C. Work and Family: Domestic and Economic Roles **
   CB 181-187 (stop at the full FMLA reg.); 192-194 (stop at Problem 3-2)

D. Interspousal Support Obligations
   CB 197-201 (omit Notes and Questions); 202-207 (incl. all Notes)

E. Medical Decisionmaking for One’s Spouse
   CB 224-228
VI. Divorce

A. Introduction; Divorce in Historical Context
   CB 501-507

B. Modern Grounds For Divorce
   CB 507-509

C. Fault-Based Divorce
   CB 509-510 (stop at Das); 514-516; 522-525 & nn.1-7; 526-528 (stop at Hightower); 530 (Collusion)

D. No-Fault Divorce
   CB 531-535 (omit all statutes; stop at “Living Separate and Apart”); 538-541 & nn. 1-4, 6; 541-544; 544-546 & nn.1-4; 547-552**; 564-566 (stop at Splawn); 569-571 (omit Md. statutes)

VII. Division of Marital Property at Dissolution

A. Property Regimes During Marriage and At Divorce
   CB 573-577

B. Property Regimes Governing Dissolution
   CB 577-578; 582-592 nn.1-4; 595-598; 600-611 (omit Notes and Questions)

C. What Distribution Is Equitable?
   CB 629; 635-640; 642-646; 649-650**; 654-655 nn.1-3**; 657-58 (omit Questions)

VIII. Alimony

A. Overview and History
   CB 661-666 (omit Notes and Questions)

B. Justifications For Alimony
   CB 668-671 (stop at “The ALI Approach”)
C. How Should Courts Award Alimony? CB 674-680 (omit NJ statute and Notes and Questions); 681-685 (omit Note and Questions)

D. The Form of Alimony CB 689-691

E. Enforcement of Alimony Awards CB 691-693**

F. Modification and Termination of Alimony CB 693-699 (stop at Mass. statute); 700-701

IX. Child Support

A. The Contemporary Landscape and Future Challenges CB 705-709 (including Note)

B. The Nature of the Child Support Obligation CB 709-714; 714-718**; 719-728

C. The Federalization of Child Support CB 728-730

D. The Operation of State Child Support Guidelines CB 730-745 (omit Ky. statutes); Skim Missouri Child Support Guidelines (Supp.)

E. Modification of Child Support Orders CB 745-757

F. Child Support Enforcement CB 758-768 (stop at Kohn); 779-780 nn.1-3

X. Child Custody

A. Introduction; Constitutional Considerations CB 783-799; 799-802 nn.1-4, 7

B. Evolution of Standards Governing Child Custody CB 802-810 (stop at Notes and Questions)

C. Factors in Determining Best Interests CB 821-831; DeLong (Supp. 119); 836-840 nn.1-3, 6-7; 840-846; 846-854; 854-862 nn.1-5; 863-868.

D. Joint Custody CB 877-882; 887-890 nn.1, 5-7; 891-893 (omit Arizona statute)
XI. Visitation and Post-Dissolution Custody Disputes

A. Introduction     CB 897-898 (stop at Nicita), 905-909 (stop at Elk Grove); U 52
B. Visitation       CB 914-927 (Troxel plurality op. only); 929-934
C. Modification of Custody or Visitation Orders CB 936-937 (stop at N.D. statute); 945-946; 955-958 nn.1-2, 4-7; 958-961 (stop at “Parents Who Kidnap. . . .”) **

XII. Private Ordering in Marriage and Divorce

A. Marriage – Contract or Status?     CB 1051-1057 (to end of Section 1)
B. Premarital Agreements     CB 1057-1059; DeLong (Supp. 119); 1072-1075 nn.1-3; 1091-1098**
C. Postnuptial Agreements     CB 1098-1100
D. Separation Agreements and Divorce Decrees     CB 1114; 1116-bottom of 1117

XIII. Alternative Dispute Resolution

A. Negotiation     CB 1009-1010 (review); 1010-1019 **
B. Mediation       CB 1019-1023 (stop before UPL); 1024-1026 (begin with # 5); 1027-1031
C. Arbitration     CB 1031-1034
D. Collaborative Family Law     CB 1039; 1049 **

[Note: It is sometimes difficult to predict how much material a course will cover by the end of the semester. In the interests of time in late April, we may trim or rearrange some of the later material, or we may add some new material. In either event, I will give ample notice.]
Course Information and Policies

Attendance Policy

Regular class attendance is required and expected. During each class session after the first week or so, I will circulate a sign-in sheet for students to initial their attendance at that session. Students who have not initialed the sheet will be deemed absent. Students have the responsibility to make certain their initials appear on the sign-in sheet by the end of the session.

You are permitted ten absences during the semester. If you have more than that number, you will be dropped from the course.

Beyond this requirement, I believe you are cheating yourself if absenteeism from any law school course, without compelling reason, even approaches ten sessions per semester.

Office Hours

As I will mention during the first class session, my "office hours" are whenever I am in the office, which is most of the time. I encourage students to bring their questions (about the course or otherwise) to me whenever I am here.

Notice to Students With Disabilities

The information contained in this syllabus, like other information I will distribute this semester, is available in alternative formats on request. If you have a disability and need accommodation, please privately notify Associate Dean David Mitchell or me as soon as possible.

To request academic accommodations (for example, a note taker), students must also register with Disability Services, AO38 Brady Commons, 882-4696. It is the campus office responsible for reviewing documentation provided by students requesting academic accommodations, and for accommodations planning in cooperation with students and instructors, as needed and consistent with course requirements. For other resources for students with disabilities, click on “Disability Resources” on the MU homepage.

Intellectual Pluralism

The School of Law community welcomes intellectual diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean or Director of the Office of Student Rights and Responsibilities (http://osrr.missouri.edu). Students will have the opportunity to
submit an anonymous evaluation of the instructor at the end of the course.

Learning Outcomes

Students will:

• learn core substantive family law doctrine and explore emerging policy debates;

• learn that contemporary families take a variety of forms, including marital and nonmarital relationships;

• learn that constitutional doctrine plays an increasingly important role in the practice of contemporary family law;

• learn the practical importance of cross-disciplinary collaborations with experts in fields such as psychology and accounting;

• be encouraged to use their family law knowledge to participate in bar association law revision initiatives, and in public dialog in newspapers, blogs, and other public forums throughout their careers;

• gain knowledge useful for answering family law questions on bar examinations.