FAMILY LAW (Fall 2019)

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<th>Topic</th>
<th>Assignments*</th>
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<tr>
<td>I. Marriage, Family, and Privacy in Contemporary America</td>
<td>The American Family Today</td>
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<td>Preface, CB v-vii (stop at “Chapter authorship”); Summary of Contents, CB xv-xvii; CB 1-3 (stop after first full para. on p. 3); 4-9; CB 9-11 (omit Notes and Questions; 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>II. Practicing Contemporary Family Law</td>
<td>A. The Status and Conditions of Family Law Practice</td>
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<td>CB 55-63</td>
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<td>B. Ethics in Contemporary Family Law Practice</td>
<td>CB 989-1005; 1009-1010 nn.2, 3; 1010-1013</td>
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<td>C. The Relationship Between Ethics and Malpractice</td>
<td>CB 1013-1014 **</td>
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<td>D. Family Law Negotiation</td>
<td>CB 1015-1017 (stop at Mnookin &amp; Kornhauser)</td>
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* The casebook (CB) is Douglas E. Abrams et al., Contemporary Family Law (West Academic 5th ed. 2019). We will also analyze relevant Missouri marriage and divorce statutes (in Supplementary Materials on Family Law, which I will distribute by email attachment.

From time to time, I will email class members news articles and other brief current affairs items, relating to the course’s subject matter, that I notice on 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 and may contribute further real-life context to our studies. Unless I specify otherwise, these email messages are optional reading.

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

A. Introduction
   CB 65-66

B. Marriage Formalities
   CB 156 (Sec. 7, first two paras. only; omit Minn. statute);
   157-161 (Notes and Questions 1-4, 6-8; omit Mich. statute in note 8)

C. Common-Law Marriage and the Putative Spouse Doctrine
   CB 162-173 (stop at Williams);
   177-178 (Notes and Questions)

D. Substantive Requirements for Entry Into Marriage
   CB 66-67; 73-77 (majority opinion only); 81-82 nn.1-5; 87-104
   (majority op. and Roberts dissent only); 108-114; CB 114-116; 130-
   132; 136-138 nn.3-6; 146, first para. of section 5; 148-151; 139-145 (omit
   N.Y. statute)

IV. Nonmarital Couples
   CB 253-262; 276-277; 288-290;
   Skim 291-300 (omit DB Agt.). 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 179-181 (incl. Notes); 184-189
   (incl. Notes and Questions; stop at Sessions)

B. Family Names
   CB 181-184 (omit Note); Lecture

C. Work and Family: Domestic and Economic Roles **
   CB 193-197 (stop at the full FMLA reg.); 200-201 (stop at Problem 3-2)

D. Interspousal Support Obligations
   CB 204-208 (omit Notes and Questions); 209-214 (incl. all Notes)

E. Medical Decisionmaking for One’s Spouse
   CB 231-234

VI. Divorce

A. Introduction; Divorce in
   CB 491-498
Historical Context

B. Contemporary Grounds For Divorce CB 498-501

C. Fault-Based Divorce CB 501-502 (stop at Das); 506-510 (omit Notes and Questions); 514-517 & nn.1-7; 518-519; 519-522 (skim; stop at Hightower); 524-525 (Collusion)

D. No-Fault Divorce CB 525-529 (omit all statutes; stop at “Living Separate and Apart”); 533-536; 536-538; 539-542 nn.1-4; Skim 543-557**; 152-156; 557-560 (omit Md. statutes)

VII. Division of Marital Property at Dissolution

A. Property Regimes During Marriage and At Divorce CB 561-565

B. Property Regimes Governing Dissolution CB 565-567; 570-581 & nn.1-4; 584-587; 589-601 (stop at Notes and Questions)


VIII. Alimony

A. Overview and History CB 651-656 (omit Note and Question)

B. Justifications For Alimony CB 658-661 (stop at “The ALI Approach”)

C. How Should Courts Award Alimony? CB 663-671 (omit N.J. statute and Notes and Questions); 672-675 (omit Note and Questions)
D. Enforcement of Alimony Awards CB 680-682**

E. Modification and Termination of Alimony CB 682-687 (stop at Mass. statute); 688-690

IX. Child Support

A. The Contemporary Landscape and Future Challenges CB 693-697

B. The Nature of the Child Support Obligation CB 698-703; 703-707**; 708-718

C. The Federalization of Child Support CB 718-720

D. The Operation of State Child Support Guidelines CB 720-735 (omit Ky. statutes); Skim Missouri Child Support Guidelines (Supp.)

E. Modification of Child Support Orders CB 735-747

F. Child Support Enforcement CB 748-759 (stop at Kohn); 769-770 nn.1-3 (stop at Cammett)

X. Child Custody

A. Introduction; Constitutional Considerations CB 773-789; 789-792 nn.1-4, 7

B. Evolution of Standards Governing Child Custody CB 793-801 (stop at Notes and Questions)

C. Factors in Determining Best Interests CB 812-821; DeLong (Supp. 119); 827-832 nn.1, 3, 4, 6, 7; 833-838; 838-847; 847-862 nn.1-5; 862-867

D. Joint Custody CB 876-881 (stop at Reevaluating); 886-889 nn.1, 5-7; 890-892 (omit Arizona statute) **

XI. Visitation and Post-Dissolution Custody Disputes

A. Introduction CB 895-896; 903-907 (omit note 3)
B. Visitation
   CB 911-923 (Troxel plurality op. only); 926-929

C. Modification of Custody or Visitation Orders
   CB 939-940 (stop at N.D. statute); 949-951; 961-966 (omit note 6); 966-968 **

XII. Private Ordering in Marriage and Divorce

A. Marriage – Contract or Status?
   CB 1057-1061

B. Premarital Agreements
   CB 1062-1063; Delong (Supp. 119); 1077-1078; 1095-1102 **

C. Postnuptial Agreements
   CB 1102-1104

D. Separation Agreements and Divorce Decrees
   CB 1115-1116; 1118-1120

XIII. Alternative Dispute Resolution

A. Negotiation
   CB 1015-1017 (review); 1017-1026 **

B. Mediation
   CB 1026-1031 (stop before UPL); 1031-1034 (begin with # 5); 1034-1038

C. Arbitration
   CB 1038-1041

D. Collaborative Family Law
   CB 1046; 1055-1056 **

[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 November, 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 Registrar Denise Boessen 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.

If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please let me know as soon as possible. If disability related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please establish an accommodation plan with the MU Disability Center, S5 Memorial Union, 573-882-4696, and then notify me of your eligibility for reasonable accommodations. For other MU resources for persons 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.

Academic Honesty

Academic integrity is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person’s work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The academic community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including failing the course for any violation, to disciplinary sanctions ranging from probation to expulsion. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, consult the course instructor.

Recording

University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in Section 200.015 of the Collected Rules and Regulations. In this class, students may not make audio or video recordings of course activity unless specifically permitted by the faculty member. However, the redistribution of audio or video recordings of statements or comments from the course to individuals who are not students in the course is prohibited without the express permission of the faculty member and of any students who are recorded. Students found to have violated this policy are subject to discipline in accordance with provisions of section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

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; and

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