

FAMILY LAW
Spring 2021
M 2-3:15 pm
Remote Instruction

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Office Hours: via zoom by appointment

Welcome to Online Learning

Online learning is new to most of us and it is new to most of legal education. I am overjoyed to be a part of this journey with you as a fellow learner and as a professor. I have designed this course carefully with experienced experts in technology and online learning to meet your needs. I've done so with a careful eye to the critiques of online learning (e.g. avoiding “busy work”), the pressures of modern law students (e.g., heavy workloads), and the reality that this is still new for all of us. I learned a great deal from the fall and have implemented your peers' feedback. I hope that you find this style of learning to be engaging, stimulating, and rewarding.

Let's set some expectations about what is to come. As you likely experienced last semester, you may find yourself working harder *throughout the semester* on this course. A typical law school class often involves only summative feedback in which you find out at the end how you did. That can be very frustrating for law students and it is in tension with sound learning theory. This course uses formative feedback. You will practice skills every week so that you know your areas for growth and have the opportunity to improve over time. The goal is not to have you do more work, but rather to have you accumulate knowledge over the course of the semester. As with most things, you will get out of the class what you put into it.

We are a team here. I welcome thoughtful feedback and will be soliciting it regularly. Please do not hesitate to reach out if you need some additional support or guidance.

Welcome to Family Law

Family law explores the legal regulation of the family and its members. Families are afforded special protection in the law, but family members also have duties and responsibilities to one another because of their family membership.

Family law is an expansive, multi-faceted, and dynamic area of the law to study, with the legal definition of a “family” evolving along with social norms and expectations. In addition to learning fundamentals of family law doctrine, this course also requires students to think critically about the roles that legal professionals—lawyers and judges—play in shaping families' lives.

Family law intersects with many other areas of law, including contract, property, tort, criminal, and constitutional law. This course will thus bring together doctrinal areas you have already studied, as well as introduce you to new topics.

Learning Objectives

At the end of this semester, you should be able to:

- Articulate the legal principles and policy concerns fundamental to family law and formulate arguments based on both.
- Analyze and critique legal frameworks regulating the family, including marriage, divorce, adoption, and custody.
- Deconstruct and apply statutory provisions regulating the family unit.
- Identify the state law variations in family law and explain how they impact the outcome of a family law dispute.
- Predict how a court will divide property, award spousal maintenance, resolve custody disputes, calculate child support, structure visitation agreements, and resolve jurisdictional disputes in family law cases.

Course Materials

- Abrams, Cahn, Ross, Meyer & McClain, Contemporary Family Law (5th ed.).
- Other materials, posted on Canvas in the module for the week it is assigned.

Class Structure

The course includes asynchronous and synchronous instruction. Each week, you will complete readings, watch videos and/or listen to podcasts, submit asynchronous assignments, and participate in synchronous zoom sessions.

Since we are meeting synchronously once a week, the videos and class assignments take the place of what would be our other weekly meeting. I have included time estimates for each asynchronous component. Please let me know I am underestimating the time for the assignments. If you find yourself spending *more than the equivalent of one class session* on this work (75 minutes), please contact me so I can adjust the workload.

Readings

Unless otherwise indicated, page numbers in your syllabus refer to the Abrams coursebook. Additional assigned readings are available on Canvas.

Videos/Podcasts/News Stories

The short videos/podcasts/news stories are meant to clarify and supplement the readings you complete. If you have any questions about the readings after watching the videos or listening to the recordings, please email me.

Class Assignments

You will be responsible for completing various assignments before we meet as a group, which include quizzes, hypos, blog and wiki entries, and other learning activities. These assignments are aimed at helping you synthesize and apply the material.

Assignments are typically due on **Sundays at 11:59pm** the day **before** our zoom meeting.

I will provide general feedback on the assignments either through canvas or during our synchronous sessions.

Zoom Sessions

We will meet once a week via zoom. During this time, I will answer any questions you have and then you will apply the material. You should complete the readings, watch the videos, and submit the class assignments **before** we meet via zoom.

Your camera should be turned ON throughout the entire class session absent exigent circumstances (e.g., Wi-Fi issues). If you have a compelling reason why your camera cannot be regularly turned on, please e-mail me to discuss. Please have your microphone muted unless you are speaking.

Please indicate if you have a question or comment by using the “raised hand” feature in Zoom or send a message in the chat feature. There are more students in this course than I can see on the screen at any given time, therefore if you actually raise your hand I may not see it.

I know that some of you are logging into class from locations that aren’t always private, quiet, or distraction-free. Pets and roommates might wander across the screen and small children might require your attention during class. Please know that I will treat these occurrences with good humor and flexibility. I ask that you show the same to your classmates and me.

I will be recording all of the zoom sessions and posting them on canvas. These recordings will be available for viewing only by students enrolled in the class and are not available for download. You may not record the sessions on your own. Please understand that technical problems or human error may prevent successful recording. Therefore, if you are unable to make it to a particular class, please be sure to ask a fellow classmate to take notes for you.

Synchronous class recordings may include events that happen before class officially begins or after it officially ends. Please do not discuss any confidential matters during these periods of time. You are welcome to set up a time or meet with me during office hours.

Grading

Your grade is comprised of three components: asynchronous class assignments (20%), attendance and participation in the zoom sessions (10%), and two assessments (70%).

Asynchronous Assignments

I will grade the asynchronous assignments on a P/F basis. To receive credit for an assignment, you must submit an answer of sufficient quality to receive a passing grade on an exam. Assignments turned in late, but within 24 hours of the deadline, will qualify for half credit. Assignments turned in more than 24-hours after they are due will not be accepted.

Each assignment is worth the same number of points as time I have indicated you should spend completing them. For example, a 15-minute assignment is worth 15 points, while a 30-minute assignment is worth 30 points.

Zoom Session Attendance

You will receive full credit for attending the zoom sessions so long as you 1. Attend the sessions, 2. On time, 3. Prepared to engage with your classmates, and 4. Do in fact engage with your classmates.

Three or more absences from the synchronous zoom sessions will result in a lowering of this portion of your grade.

Assessments

In lieu of a final exam, you will complete two graded assessments, which are due by the dates indicated on the syllabus. The assessments will be timed and open-book. They must be completed independently.

You will have several days before the assessment is due to log into canvas to take it, but canvas will start running a timer when you open the assessment. As a result, you may only start each assessment once. If you run into any technical problems, you must contact me **immediately**. Absent exigent circumstances, you will not be able to re-start the assessment.

You will not be able to take the assessment after the window has expired unless you have either (1) a reason for extending the deadline that would be acceptable in court and that you have discussed with me before the assessment window closes or (2) a bona fide emergency, in which case you should contact me as soon as possible to make arrangements for completing the assessment.

The first assessment is worth 30% of your final grade and the second is worth 40%.

Communication

I am happy to meet with you via zoom to answer your questions. Please email me to set up an appointment. I will also periodically announce formal office hours, which I hope you will attend so I can get to know you.

I am available by email and will respond as soon as possible. If you need to reach me urgently, please call or text me at (917) 545-6114.

Inclusion and Community

I am committed to making our classroom a safe and accessible space for all members of our community. If you need a reasonable accommodation for this course please make sure to contact the Wake Forest Learning Assistance Center (Reynolda Hall, 336-758-5929) or Student Health Services (Wellbeing Center/Reynolds Gym Ground floor, 336-758-5218). If you need an accommodation because English is not your native language, please contact Dean Huff (huffqb@wfu.edu) in the Law School Dean's Office.

We learn as whole people. To learn effectively you must have basic security: a roof over your head, a safe place to sleep, enough food to eat. If you're having trouble with any of those things, please talk with me or with Dean Huff. Together we can work to make sure those needs are met.

We are greatly advantaged in the class by the presence of our international students. Some of these international students have already graduated from law school in their home country and some have even practiced law. They might be here in our JD program or in our LLM program or even as an exchange student. In all cases, their perspectives are welcomed at all times in class and in group work, as are the diverse perspectives of our American students. Our class gains in richness as we gain in diversity and practice respect for each other.

This class will touch on issues about which you may have strong feelings, possibly based in personal experience, religious conviction, or political views. I ask that you engage with the material and your classmates with compassion and respect. I reserve the right to ask anyone who is incapable of doing so to leave the zoom session.

Schedule of Assignments

We will endeavor to stay on schedule, but the following is subject to change as the semester progresses.

Introduction	
<p>Week 1 <i>Introduction</i> <i>Defining Family</i></p>	<p>Part I Read: Syllabus Watch: Welcome to Family Law video Complete: Introductory Survey Due Jan 24 at 11:59pm Introductory FlipGrid Video Due Jan 24 at 11:59pm</p> <p>Part II Read: pp. 1-19 Watch: Families Living in Cars Video Complete: Families Living in Cars Assignment Due Jan 24 at 11:59pm</p> <p>Part III Attend zoom session on Jan. 25 at 2pm</p>
Marriage	
<p>Week 2 <i>Constitutional Framework</i></p>	<p>Part I Read: pp. 21-55 Watch: Family Privacy video Listen:</p>

	<p>Family Privacy Law Podcast excerpt Complete: Family Privacy Table Due Jan 31 at 11:59pm</p> <p>Part II Read: pp. 65-83, <i>Obergefell v. Hodges</i> Watch: Constitutional Right to Marry video Interracial Couples 50 Years After <i>Loving</i></p> <p>Part III Attend zoom session on Feb. 1 at 2pm</p>
<p>Week 3 <i>Marriage Requirements and Limitations</i></p>	<p>Part I Read: pp. 114-38 (skip Problems on pp. 129-30) Watch: Limitations on Marriage video Complete: Right to Marry Rule Synthesis Due Feb. 7 at 11:59pm</p> <p>Part II Read: pp. 139-162 Watch: Marriage Requirements video Complete: Void/voidable quiz Due Feb. 7 at 11:59pm Feedback Form Due Feb. 7 at 11:59pm</p> <p>Part III Attend zoom session on Feb. 8 at 2pm</p>
<p>Week 4 <i>Common Law Marriage and Marriage Alternatives Spousal Support</i></p>	<p>Part I Read: pp. 162-78, 291-303, <i>The Case Against Marriage</i> Watch: Common law marriage video</p> <p>Part II Read: pp. 204-12, 237-52 Watch: Spousal Support video Complete:</p>

	<p>Spousal Support Hypo Due Feb. 14 at 11:59pm Families During Covid-19 Blog Due Feb. 14 at 11:59pm</p> <p>Part III Attend zoom session on Feb. 15 at 2pm</p>
Parenthood	
<p>Week 5 <i>Establishing Parenthood and Parental Rights</i></p>	<p>Part I Read: pp. 305-33 Watch: Establishing parenthood video Complete: Defining Parenthood Assignment Due Feb. 21 at 11:59pm</p> <p>Part II Read: pp. 919-38 Watch: Non-marital parenthood video Listen: Same-Sex Spouses Turn to Adoption to Protect Parental Rights Complete: Parenthood Quiz Due Feb. 21 at 11:59pm</p> <p>Part III Attend zoom session on Feb. 22 at 2pm</p>
<p>Week 6 <i>ART and Adoption</i></p>	<p>Part I Read: pp. 339-357, <i>Cook v. Harding</i> Watch: Video on ART Baby M. and the Question of Surrogacy Complete: Surrogacy Contract Edits Due Feb. 28 at 11:59pm</p> <p>Part II Read: pp. 365-94, 405-09, <i>When Families Un-Adopt a Child</i> Watch: Video on Adoption Listen:</p>

	<p>Podcast (Unconditional Love) Complete: Feedback Form</p> <p>Part III Attend zoom session on Mar. 1 at 2pm</p>
<p>Week 7 <i>Review</i></p>	<p>Part I Watch: Video on Essay Exams Complete: Multiple Choice Questions Due Mar. 7 at 11:59pm Hypos Due Mar. 7 at 11:59pm</p> <p>Part II No class Mar. 8 at 2pm - optional office hours instead</p>
<p>Assessment #1 Due Mar. 14 at 11:59pm</p>	
<p>Divorce</p>	
<p>Week 8 <i>Bases for Divorce</i></p>	<p>Part I Read: pp. 491-525 Watch: Fault Based Divorce Video Complete: Fault Based Divorce Chart Due Mar. 14 at 11:59pm</p> <p>Part II Read: pp. 525-57 Watch: No-fault divorce video</p> <p>Part III Attend zoom session on Mar. 15 at 2pm</p>
<p>Week 9 <i>Division of Marital Property</i></p>	<p>Part I Read: pp. 561-92 Watch: Characterization of Assets video Complete: Characterization of Assets Hypos Due Mar. 21 at 11:59pm</p> <p>Part II Read:</p>

	<p>pp. 619-40, 1115-16</p> <p>Watch: Distribution of Property video</p> <p>Complete: Feedback Form</p> <p style="text-align: center;">Due Mar. 21 at 11:59pm</p> <p>Part III Attend zoom session on Mar. 22 at 2pm</p>
<p>Week 10 <i>Alimony</i></p>	<p>Part I Read: pp. 651-80</p> <p>Watch: Spousal Support video</p> <p>Listen: Spousal Support podcast</p> <p>Complete: Alimony Chart</p> <p style="text-align: center;">Due Mar. 28 at 11:59pm</p> <p>Part II Read: pp. 680-92, <i>Who Really Owns the Family Wage?</i></p> <p>Watch: Modifying alimony video</p> <p>Part III Attend zoom session on Mar. 29 at 2pm</p>
<p>Week 11 <i>Pre-Marital Agreements</i> <i>Non-Marital Support</i></p>	<p>Part I Read: pp. 1062-93</p> <p>Watch: Premarital Agreements video Why More Millennials are Signing Prenups</p> <p>Complete: Premarital Agreements Chart</p> <p style="text-align: center;">Due Apr. 4 at 11:59pm</p> <p>Premarital Agreements Bar Exam Question Due Apr. 4 at 11:59pm</p> <p>Part II Read: pp. 256-78</p> <p>Watch: Enforcing Cohabitation Agreements video</p> <p>Part III Attend zoom session on Apr. 5 at 2pm</p>

Child Support and Custody	
<p>Week 12 <i>Child Support</i></p>	<p>Part I Read: pp. 698-703, 708-16, 720-35 Watch: Child support video Listen: From Deadbeat to Dead Broke Complete: Perspectives on Child Support Blog Due Apr. 11 at 11:59pm</p> <p>Part II Read: pp. 735-59 Watch: Video on Child Support Modification</p> <p>Attend zoom session on Apr. 12 at 2pm</p>
<p>Week 13 <i>Child Custody</i></p>	<p>Part I Read: pp. 773-76, 793-803, 812-32 Watch: Child Custody Video Video on Child Custody Proceedings</p> <p>Part II Read: pp. 896-910, 939-951 Watch: Child Custody Modification Video Five Mistakes that People Make in Child Custody Cases Complete: Client Relocation Advice Due Apr. 18 at 11:59pm</p> <p>Part III Attend zoom session on Apr. 19 at 2 pm</p>
<p>Week 14 Review</p>	<p>Part I Complete: Multiple Choice Questions Due Apr. 25 at 11:59pm Hypos Due Apr. 25 at 11:59pm</p> <p>Part II No class on Apr. 26 at 2pm – optional office hours</p>

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Assessment #2 Due Apr. 30 at 11:59pm	
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