COURSE SYLLABUS

UNIVERSITY OF BALTIMORE SCHOOL OF LAW
FAMILY LAW CERTIFICATE PROGRAM
FALL 2017

Course: Financial Foundations for Family Lawyers
LAWF 903.491

Instructor: Hadrian N. Hatfield
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Days/Time: Wednesdays, 6:15 P.M. to 9:00 P.M.

Location: Room assignments are available through MyUB.

Course Description:

This course is designed to provide an overview of the financial matters that lawyers confront in family law cases. The course will cover financial fundamentals, such as types of property and income; taxation; and the preparation of financial facts, such as valuation practices and the preparation of key documents, among other topics.

Course Materials:

Fader's Maryland Family Law (6th Edition); hypothetical fact pattern, financial documents, and cases to be provided through TWEN.

Student Learning Outcomes:

Students will learn the theoretical and practical aspects behind the approach courts take to determine property division and family support in divorce cases. Students will learn to analyze the assets, debts, income and expenses of a hypothetical family, the tax consequences of property transfers, alimony, and child support, and the ways these interrelate for settlement and litigation purposes. Students will learn how to review key financial documents to distill the essential information and how to present that information for negotiation and advocacy. Students will learn to identify hidden assets and income, what are some typical valuation problems, including valuing business interests, how to avoid negative tax consequences, how bankruptcy can affect a divorce case, and how to prepare for a settlement agreement and for a trial presentation, including presenting a client's case and critiquing the opposing party's case.

Grades:

33% – short answer/multiple choice class quizzes (weeks 1-3; 5 % total) and one-hour exam on theoretical material (approx. week 5); 33% - preparation and class presentation of financial forms used in court (approx. weeks 7 – 10); 33% – memo assignment on problem solving of issues in the financial divorce case (end of course).

Course Expectations:
American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

You are expected to complete all reading assignments before class and to participate consistently in class discussion to demonstrate that you have read and reflected on the issues raised in the assignment.

You will be expected to review financial documents and prepare form financial statements, and be prepared to defend these and critique others, including instructional samples.

Attendance:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

Course Website:

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

Computers:

Students may use laptop computers for class related purposes.

Class Cancellation:

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

Academic Integrity:

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

Title IX Sexual Misconduct and Nondiscrimination Policy:

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known,

learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: http://www.ubalt.edu/titleix.

Disability Policy:

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

ASSIGNMENTS

N.B: READING ASSIGNMENTS ARE FOR BEFORE EACH CLASS, AND ARE ESSENTIAL AT BEGINNING OF COURSE, INCLUDING WEEK 1; CLASS QUIZZES WILL BE GIVEN WORTH UP TO 5% OF GRADE.

DATE : 23 August 2017 **(Week 1)**
TOPIC: Overview; Marital Property
READING: Fader Chapter 13-1 through 13-5; hypothetical on TWEN; *Harper v. Harper*, 294 Md. 54, 448 A.2d 916 (1982); *Deering v. Deering*, 292 Md. 115, 437 A.2d 883 (1981); *Melrod v. Melrod*, 83 Md. App. 180, 574 A.2d 1 (1990).
KEY GOALS: Understanding the 3 stage process used by Maryland Courts to distribute assets; learn what is property; learn to distinguish marital from non-marital property; learn the factors and means for equitable disposition of marital property; apply these concepts to hypothetical.

DATE : 30 August 2017 **(Week 2)**
TOPIC: Assets and Debt; Financial Documents
READING: Fader Chapter 13-13; 13-17(h); 13-18 through 13-20; Financial documents to be provided through TWEN; *Dorsey v. Dorsey*, 301 Md. 312, 487 A.2d 1181 (1985); *Kline v. Kline*, 85 Md. App. 28, 581 A.2d 1300 (1990).
KEY GOALS: Understanding key concepts of gift, marital debt, *Crawford* credits, and bankruptcy, in the family law context; learn to identify, read, and analyze typical financial documents, including bank and credit card statements, real estate documents, business financial statements.

DATE : 6 September 2017 **(Week 3)**
TOPIC: Income and Expenses
READING: Fader Chapter 6-4(l); Financial documents to be provided through TWEN.
KEY GOALS: Understand concepts related to use and possession, the different types of income, how to analyze income documents, and how to judge family expenses, consequences, and solution options.

DATE : 13 September 2017 **(Week 4)**
TOPIC: Tax issues
READING: Financial documents to be provided through TWEN.
KEY GOALS: Learn to read basic tax returns for important information; understand tax issues related to property, alimony and child support.

DATE : 20 September 2017 **(Week 5)**
TOPIC: TEST (1 hour); Overview of Court Forms
READING: NONE
KEY GOALS: Introduction to the various forms used in trial of a financial divorce case.

DATE : 27 September 2017 **(Week 6)**
TOPIC: Sophisticated valuation practices

READING: Fader Chapter 13-12; *Grant v. Zich,*300 Md. 256, 477 A.2d 1163 (1984); *Bangs v. Bangs*, 59 Md. App. 350, 475 A.2d 1214 (1984)
KEY GOALS: Learn valuation methods and how to distinguish marital from non-marital components of real estate, retirement accounts, business interests, stock and other intangible property interests.

DATE : 4 October 2017 **(Week 7)**
TOPIC: Marital Property Forms
READING: Fader Chapter 13-6 through 13-10; *Freese v. Freese,* 89 Md. App. 144, 597 A.2d 1007 (1992); *Beck v. Beck*, 112 Md. App. 197, 684 A.2d 878 (1996);
KEY GOALS: Learn subtleties of completing the Joint Marital Property Statement and preparing a *Freese* summary through experiential practicum – preparing forms from hypothetical facts and documents previously provided and analyzed; classroom presentation and critique.

DATE : 11 October 2017 **(Week 8)**
TOPIC: Alimony Forms and Calculations
READING: Fader Chapter 12; *McAlear v. McAlear*, 298 Md. 320, 469 A.2d 1256 (1984); *Coviello v. Coviello*, 91 Md. App. 638, 605 A.2d 661 (1992); *Langston v. Langston*, 136 Md.App. 203, 764 A.2d 378 (2000); *Boemio v. Boemio*, 414 Md. 118, 994 A.2d 911 (2010).
KEY GOALS: Learn to use sources and forms to calculate and present alimony support issues through experiential practicum – preparing Financial Statement forms from hypothetical facts and documents previously provided and analyzed; classroom presentation and critique.

DATE : 18 October 2017 **(Week 9)**
TOPIC: Child Support Forms and Calculations
READING: Fader Chapter 6; *Petrini v. Petrini*, 336 Md. 453, 648 A.2d 1016 (1994); *Voishan v. Palma*, 327 Md. 318, 609 A.2d 319 (1992)
KEY GOALS: Learn to use sources and forms to calculate and present child support issues through experiential practicum – preparing Child Support Guidelines forms from hypothetical facts and documents previously provided and analyzed; classroom presentation and critique.

DATE : 25 October 2017 **(Week 10)**
TOPIC: Property, Alimony and Child Support at Trial
READING: J*ames v. James*, 96 Md. App. 439, 625 A.2d 381 (1993) ; *Doser v. Doser*, 106 Md. App. 329, 664 A.2d 453 (1995)
KEY GOALS: Understand how the financial concepts learned to date fit together in an equitable disposition, alimony and child support case through use of variations on course hypothetical.

DATE : 1 November 2017 **(Week 11)**
TOPIC: Introduction to Financial Problem Solving; Hidden Assets and Income, Dissipation, and other Weird Property Issues
READING: Fader Chapter 13-11; 13-15; 13-17(f), (i)-(v); *Unkle v. Unkle*, 305 Md. 587, 5050 A.2d 849 (1986); *Alston v. Alston*, 331 Md. 496, 629 A.2d 70 (1993)
KEY GOALS: Learn the definition, required elements, and arguments in making and defending a dissipation case; learn how to identify potential hidden assets and income; explore various arcane forms of property and rights in the divorce context.

DATE : 8 November 2017 **(Week 12)**
TOPIC: Stock Options, ESOP, Retirement Accounts; QDROs
READING: Fader Chapter 13-16; 13-17(g); *Green v. Green*, 64 Md.App. 122, 494 A.2d 721 (1985); *Otley v. Otley*, 147 Md. App. 540, 810 A.2d 1 (2002)
KEY GOALS: Learn the basic types of retirement benefits and typical problems and solutions for equitably dividing them, tax consequences and treatment.

DATE : 15 November 2017 **(Week 13)**
TOPIC: Business valuation issues
READING: Fader Chapter 13-14; 13-17(a)-(g); *Rosenberg v. Rosenberg*, 64 Md. App. 487, 497 A.2d 485 (1985*)*; *Randolph v. Randolph*, 67 Md. App. 577, 508 A.2d 996 (1986); *Prahinski v. Prahinski*, 321 Md. 227, 582 A.2d 784 (1990); *Hollander v. Hollander*, 80 Md. App. 156, 169, 597 A.2d 1012, 1019 (1991); *Speropulos v. Speropulos*, 97 Md. App. 613, 631 A.2d 514 (1993); *Strauss v. Strauss*, 101 Md. App. 490, 507, 647 A.2d 818, 827 (1994); *Skrabak v. Skrabak*, 108 Md. App. 633, 649, 673 A.2d 732, 740 (1996); *Innerbichler v. Innerbichler*, 132 Md.App. 207, 752 A.2d 291 (2000).
KEY GOALS: Understand the basic theory behind business valuations, the lawyer's role, and how to identify and satisfy the required elements of proof in the business valuation case.

DATE : 29 November 2017 **(Week 14)**
TOPIC: Advising and Negotiating the Financial Case
READING: Materials to be provided on TWEN
KEY GOALS: Gain an appreciation for the counseling role of the attorney in advising clients about the different aspects of their financial case, the strengths, weaknesses, and options, and the benefits of settlement, including risk reduction.