UNIVERSITY OF BALTIMORE SCHOOL OF LAW
SUMMER 2017
SYLLABUS

Course: Family Law
Law 716
Section Number 512

Instructor: Professor Margaret E. Johnson
410-837-5779; majohnson@ubalt.edu
Office Hours: Tuesdays 9:00-9:30 p.m. or by appointment

Days/Time: Tuesdays and Thursdays 6:15- 9:00 p.m.

Location: As of 04/03/17 the room is AL 803, but this room is subject to change so please check the room assignment through MyUB at the beginning of the semester.

Course Description:

The processes of marriage, divorce, and annulment. Topics covered include support obligations in the family; intra-family litigation; separation agreements; premarital controversies (antenuptial agreements and contracts of marriage); illegitimate children; the legal position of married women; intra-family tort liability; child custody; adoption; alimony; property disposition; jurisdiction; and other problems relating to the child.

Course Materials:

1. Douglas E. Abrams, Naomi R. Cahn, Catherine J. Ross, David D. Meyer, and Linda C. McClain, Contemporary Family Law (4th Ed. LEG/West Academic 2015).

2. TWEN. Each student is required to register for the course's TWEN website.

All reading assignments are in the Contemporary Family Law casebook, except where supplemental reading is noted. We will make extensive use of the course TWEN site as well. Supplemental materials, such as Maryland statutes and cases, will be available on TWEN. Please make sure to check the TWEN site regularly for course materials.

Student Learning Outcomes:

1. Students will be able to explain the key concepts of family law, including antenuptial and post-nuptial agreements, paternity and parental rights, adoption, reproductive technologies, marriage, divorce grounds and property distribution, annulment, alimony, domestic violence, child custody, de facto parenthood and third party custody, and child support and analyze and synthesize those concepts, from case law, statutes and theory, and apply them to a variety of factual situations;

2. Students will be able to give examples of the state's role in constructing what is and is not a family;

3. Students will be able to critically analyze the law and legal systems;

4. Students draft a complaint for divorce and engage in negotiations relating to child custody, visitation and child support law;

5. Students will identify and evaluate the role of lawyers and clients in creating the law of families.

Grades:

You will be evaluated based on your performance on the final exam and the three experiential projects. If your class participation is of a consistently high quality, you may receive an increase in your final grade. If your class participation is of a consistently poor quality, you may receive a decrease in your final grade.

1. 70% of your final course grade will be based on a final in-class, open-book, three-hour exam. The exam will consist of long and short-answer essay questions. I will hold an optional review session for the final examination.

2. 30% of your grade will be based on three experiential learning projects:

(a) Project #1: A court observation of family law court, domestic violence court or a family law appeal and written memorandum (15%); and
(b) Project #2: The drafting of a divorce complaint (15%).

There are more instructions provided on TWEN about each of these projects. Each of the written portions of the projects needs to be submitted to me through the drop box on TWEN. **Submit your project assignments to the "Drop Box" on TWEN by each assignment's deadline. Project #1 (Court observation) is due no later than 5:00 p.m. on June 29, 2017. Project #2 (Divorce complaint) is due no later than June 29, 2017, at 5:00 p.m. Please note that I have canceled one class, on June 27, 2017, in consideration of the out-of-class time you will need to spend on the courtroom observation and the other project.**

Course Expectations:

Amount of out-of-class work
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.

Class assignments
Students are expected to complete the reading assignments from the text and supplemental materials, to attend each class on time, and to participate in class discussions of readings and problems. Bring to every class your text and access to supplemental material. Consistently active class participation, demonstrating that you have read and thought about the issues raised in the assignment, is expected.

Seating Chart, Class Discussion, Professionalism
I will distribute a seating chart on the first day of class. Please sign the chart in the place where you intend to sit all semester. Please sit in your seating chart place for each class. This will help me put your name and face together.

My goal for class discussion is for the class to benefit from everyone taking class preparation seriously. At the same time, I do not wish to cause participation anxiety. I will use a set of index cards with your name on them for randomly selecting students on which to call each class. This method of calling on students ensures that everyone has an opportunity to speak in class and share their thinking on family law, as well as be evaluated for participation. I understand that due to extenuating circumstances, you may not be able to be adequately prepared for a class, despite your best efforts. If that happens, please email me at least 30 minutes before that class and ask that I not call on you. I also expect and provide an opportunity for volunteering students to participate in the class discussion. As long as you have adequately prepared, I encourage you to take the risk of participating, even if you haven't always fully thought out your opinions or arguments, as well as to express opinions even (or especially) when they are not shared by others in the class.

Finally, please conduct yourself as a professional at all times in the classroom. Please be in your seat before class begins and throughout the class unless you have an exigent circumstance. Please turn off your cell phones, and please refrain from using your computer for anything other than taking notes or accessing the web for materials related to that day's class. My goal is to create a classroom that is conducive to learning for everyone.

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 and 2.5 classes for our summer course) 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. **The official record of your attendance is the class sign in sheet. You are eligible to sign in as attending the class if you are present and prepared to participate in class no later than 10 minutes after the start of class and stay for the entire class period.**

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 only.

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 states that its 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[1]

Class #	Date	Class Topic(s)	Reading Assignment	Other Assignment
	May 15			**Begin Project #1 at any time – it is due June 29 at 5 p.m.**
		SECTION 1 - WHAT IS A FAMILY?		
1	May 16	Definition and Legal Regulation of Family	pp. 1-21; Family Law Article § 1-201 (on TWEN)	Prepare Problem 1-2 for class (p. 21)
	May 16	Family Privacy	pp. 22-56	
		SECTION 2 - FAMILY FORMATION		
2	May 18	Premarital and Postnuptial Agreements	pp. 1053-1056, 1057-1062 (beginning with § 2), 1066-1072 (beginning with §B), 1092-1097, 1098-1100 (starting with § 3); Stewart v. Stewart (on TWEN)	Using the facts from Problem 16-1 for class (pp. 1090-91), prepare your response to this question: whether MD Court of Appeals should uphold the agreement under Maryland Law.
	May 18	Marriage	pp. 65-70, 72-80; 146-49 (Beginning with § 7); Family Law Article §§ 2-201, 2-202, 2-301, 2-401, 2-405, 2-406; Criminal Law Article §10-502 (on TWEN)	Please prepare the Common Law Marriage Problem (on TWEN)
3	May 23	Marriage (continued)	82-108	

[1] Professor Johnson reserves the right to change or modify this syllabus as required.

	May 23	Legal, Social, and Economic Rights and Obligations of Marriage (history, names, equal protection clause, work and family, FMLA, PDA, family responsibility discrimination, interspousal support obligations)	pp. 163-65, 166-68, 168-72, 172-180, 181-89, 193-194, 194-97, 197-205	Prepare problems 3-1 and 3-4
4	May 25	Nonmarital Families (cohabitation, domestic partnerships and civil unions)	pp. 252-263, 279-289; Porter v. Zuromski (on TWEN)	Prepare problem 4-3
	May 25	Establishing Parenthood: Marriage and Biology	295-317	
5	May 30	Establishing Parenthood: Statutory Approaches	Family Law Article §§ 5-1002, 5-1005, 5-1006, 5-1010, 5-1021, 5-1027, 5-1028, 5-1029, 5-1032, 5-1038; Estates and Trusts Article § § 1-206 and 1-208; and Conover v. Conover, 450 Md. 51-60 (2016) (on TWEN) and Ruth Padawer, *Who Knew I Was Not the Father* (on TWEN)	Prepare Problems 9-10, 9-11, and 9-14 on TWEN handout. Instead of applying Uniform Parentage Act (UPA) apply

				Maryland law.
	May 30	Establishing Parenthood: Adoption (including Race, Cultural, Religious and Sexual Orientation Identity)	pp. 359-60, 361-62, 367, 373-76, 388-96; Family Law Article §§ 5-3B-05, 5-3B-07, 5-3B-13, 5-3B-19, 5-3B-21, 5-3B-22, 5-3B-25, and 5-3B-32 (on TWEN);	
6	June 1	Establishing Parenthood: Artificial Reproductive Technologies	327-332, 335-48	
		SECTION 3 - FAMILY DISSOLUTION		
	June 1	Divorce Jurisdiction	1127-1128, 1129-1130, 1133-1143, 1146-1154; Courts and Judicial Proceedings §§ 6-103.1, 6-201, 6-202; Family Law Article § 7-101; Fletcher v. Fletcher (on TWEN)	Problems 7-1 through 7-5 on TWEN
7	June 6	Grounds for Divorce and Annulment	501-516, 526, 527-528 (skim), 530 (skim), 531-536 (skim); 564-566; Family Law Article §§ 7-101, 7-102, 7-103, 7-103.1, 7-104, 7-105; Criminal Law Article § 10-501	
	June 6	Property Distribution	pp. 573-78, 582-84, 591-95, 603-611, 632-635, 642-43, 646-49; Family Law Article §§ 8-201, 8-202, 8-203, 8-204, 8-205, 8-206, 8-207, 8-208, 8-209, 8-210 (on TWEN)	Prepare problems 4-1 and 4-2 (on TWEN) for class, analyzing the problems using the Maryland statutes
8	June 8	Alimony	pp. 661-71, 677-80, 681-86, 689-91, 693-701; MD Rules 9-202, 9-203(a); Family Law Article §§ 11-101, 11-103, 11-104, 11-105, 11-106, 11-107, 11-108, 11-111 (on TWEN)	Prepare Problem 10-2(1-4), analyzing the problems using the Maryland statutes

	June 8	Recap – Divorce, Annulment, Property, Alimony		1. Prepare RECAP problem (on TWEN) and come to class prepared to discuss your analysis. 2. You will conduct a group interview of a client in preparation for your divorce complaint drafting project **(Project #2) (see instructions on TWEN)**.
		SECTION 4 - DOMESTIC VIOLENCE		
9	June 13	Domestic Violence Civil Remedies	Read 415-19, 421 (Notes 1 and 2), 433-436; Family Law Article §§ 4-501, 4-504, 4-504.1, 4-505, 4-506, 4-506, 4-507, 4-508, 4-509, 9-101.1; Coburn v. Coburn (on TWEN)	Review and be prepared to discuss Recap Problem; Prepare Problem 7-3 for class as if the problem occurred in Maryland and analyze using Maryland statutes.
		SECTION 5 - FAMILY DISSOLUTION –PARENT-CHILD RELATIONSHIP		
	June 13	Custody Jurisdiction	783-86, 1160-1171; Family Law Article §§ 9.5-101, 9.5-109, 9.5-	Prepare problems 17-

			201, 9.5-202, 9.5-203, 9.5-204, 9.5-206, 9.5-207, 9.5-208, 9.5-209 (on TWEN)	3, 17-4, 17-5 for class
10	June 15	The Best Interest of the Child Standard	Skim 802-813. Read 822-828; 840-43; 846-50; 863-68; Family Law Article §§ 1-202, 9-101, 9-101.1, 9-103, Montgomery County v. Sanders (on TWEN)	
11	June 20	Joint custody, modification & relocation	877-82, 887-90, 936-37, 939-42, 945-55; Taylor v. Taylor and Family Law Article § 9-106 (on TWEN)	9-106
	June 20	Parents v. De Facto Parents and Parents v. Third Parties	786-802; Conover v. Conover (entire opinion) (on TWEN)	
12	June 22	Visitation (including right to visitation, denial of visitation, third party visitation, and de facto parents)	914-36; Family Law Article §§ 9-102, 9-105; Koshko v. Haining (on TWEN)	Prepare problem 13-1
	June 22	Establishing Child Support	705-14, 719-21, 726-27, 728-30, 731-33; Family Law Article §§12-201, 12-202, 12-203, 12-204; MD Rule 9-203; Goldberger v. Goldberger (on TWEN)	Print the Child Support Guidelines Worksheet included in the "Sec. 5 Family Dissolution-P-Ch Rltsp-Est. Ch. Supp." Folder on TWEN and bring it to class. You will need to download the worksheet in order to print it clearly.
13	**June 27**	**CLASS CANCELED IN LIEU OF PROJECT WORK**		

14	June 29	Child Support - Variation from guidelines, modification, enforcement and jurisdiction	733-53, 758-66; Family Law Article §§ 12-104, 10-113, 10-119, 10-119.3, 10-304, 10-308, 10-350 (on TWEN)	
	June 29	REVIEW CLASS FOR EXAM		No later than 8 a.m. on this day, submit to me by email any questions you would like answered during the review session. The review class will consist solely of my answers to these submitted questions.