WORKING THROUGH A FAMILY LAW CASE FROM START TO FINISH

**University of Baltimore School of Law**

**Summer Semester 2018**

**Course**: WORKING THROUGH A FAMILY LAW CASE FROM START TO FINISH

LAW Course Number

Section ­LAWF 901.491

**Instructor**: Leslie G. Billman

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Individual consultations can be arranged based on mutual availability; please contact the instructor to make such arrangements

**Days/Time:** Tuesdays, 5:30 p.m. – 9:30 p.m; June 22, 29 & 30, 8:30 a.m. – 5 p.m.

**Location:**  Check the Law School class schedule for the room assignment.

**Course Description**:

CATALOG DESCRIPTION:

This course is designed to provide students with a detailed road map of the progression of a family law case. It will help family law practitioners to deepen their understanding of the important intersections that they and their client must cross at each phase of the case. The course will cover the progress of a family law case from first client contact, to key decision points, to preparing the case for settlement or trial. This hands-on, real-world course will give students a wide range of opportunities to learn and practice strategies for effectively managing the process. The heart of the course will be a semester-long, creative simulation of a family law case, which offers a real-world experience of the challenges and key intersections of a family law case. Each class will have a discussion component designed to introduce each sequential juncture of a case, followed by an activity component, during which students implement the newly introduced material by working with a client to move through the case. Students will work as part of a team representing a mock client in an ongoing divorce proceeding, commencing with intake through the trial.

**Course Materials:**

There is no mandatory textbook. Students will be referred by the instructor to recommended readings pertaining to topics of study.

**Student Learning Outcomes: Student learning outcomes include:**

-Understanding each step of a family law case in sequence

-Understanding how pleadings shape a case sequentially

-Understanding client management through the life of the case

-Gaining trial preparation skills and knowledge through discussion and use of forms

-Gaining trial presentation skills

-Learning to differentiate case details as to importance and overall relevance

**Grades:**

BASIS FOR GRADING: Class discussion/participation in student class activities 30%; Outside class projects 10%; Mock Trial participation and presentation 50%; Trial notebook assigned updates: 10%

**Course Expectations:**

American Bar Association Accreditation Standards 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 recommended reading assignments and to research information that bears on class topics. You should consistently participate in class discussion in order to demonstrate that you have reflected on the issues raised in the assignments/readings/class topics.

**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. **Because this course is compressed into a short session, as well as sequential and participatory, with skills building from class meeting to class meeting, absences will be to the detriment of the absent student, as well as his/her attorney team members. In the event of unavoidable absence, a student is required to notify the instructors to record the discussion part of the class, to review the recording prior to the next class meeting, and to then notify each attorney team member *outside of class time* to catch up to the team’s activity before the next class after the absence.**  A student who exceeds the maximum allowed absences (generally 2 class sessions) 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.

**Course Web Site:**

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 and/or ipads for class related purposes only; devices utilized for purposes unrelated to the class work will be confiscated and not returned to the student until the end of the class period.

**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 (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 the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another’s book or study materials without consent; unapproved multiple submissions; material misrepresentation of one’s academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. [Reference to School of Law Honor Code, https://law.ubalt.edu/academics/policiesandprocedures/honor\_code/index.cfm]

**Title IX Sexual Harassment and Sexual Misconduct Policy:**

The University of Baltimore’s Sexual Harassment and Sexual Misconduct policies are 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 via email at lmetzger@ubalt.edu.

**CLASS SCHEDULE**

1. **May 22**
   1. Client intake and interview
      1. Discussion
         1. What info do you need
            1. why
         2. Client intake forms
      2. Student Activity - conduct client interview/intake
         1. Disclosure of fact pattern to students through intake
      3. Discussion – Make an action plan
         1. Based on intake interview
            1. Whether to file
            2. What to file
            3. What not to file
         2. Financial Statements
            1. What’s required
            2. When it’s required
            3. How to prepare
            4. How to be realistic
            5. What to include
            6. What not to include

Each party produces draft financial statement to attys

* + 1. Activity - Students begin drafting complaint and finalizing financial statement
       1. By May 29 class:
          1. Complete and serve complaint and financial statements

Complaint

Financial statement – appropriately edit client draft

1. **May 29**
   1. Answer
      1. Discussion
         1. Purpose
         2. How to answer
         3. Forms
   2. Discovery
      1. Discussion –
         1. Initial discovery
            1. When to file
            2. Timing client responses

Instructions to client

Form letter

* + - * 1. Model discovery forms

Rules/Family Law

* + - * 1. Atty Forms

Interrogs

Informational

Cya

timing

Request for docs

Docs needed per issue

ID issues in case and docs required

timing

Request for admissions

When to use

Depos

When during case to note

When during case to conduct

How to conduct

* + 1. Activity - Students begin drafting –
       1. Service deadline for all discovery Friday June 1
       2. Instructor responses due by class period June 5

1. **June 5**
   1. Activity - Students finalize and produce to other side instructor discovery responses
   2. Discussion
      1. Scheduling conference
         1. What to take with you
         2. Services requests
            1. Custody evals
            2. Mediation
            3. *Pendente lite* hearing request

When to request

When not to request

* 1. Activity - Students attend mock scheduling conference
  2. Discussion: Utilizing discovery info for settlement
  3. Activity
     1. Students –
        1. each side prepares settlement position for each issue in the case and prepares settlement letter
           1. custody agreed joint 50/50
           2. c.s. guidelines
           3. alimony
           4. grounds
           5. monetary award
           6. attys fees
        2. Settlement letter to other side by start of class 6/12

1. **June 12**
   1. Discussion
      1. Instructors identify unresolved issues in case
   2. Discussion
      1. Use of Summaries
      2. Trial notebook
         1. How to organize
         2. What to include
      3. Other prep
         1. Open
         2. Close
         3. Research
         4. Witnesses
            1. Subpoenas

Students to issue party and witness subpoenas

* + - * 1. Interview witnesses
      1. Exhibits
      2. Proposed memo of points and authorities
      3. Proposed jmt of divorce
  1. Activity - Students begin setting up trial notebook

1. **June 19**
   1. Instructors both out;
   2. Activity: students work with substitute instructor to complete trial notebook
   3. Send to clients by June 22nd as pdf
2. **June 22**
   1. Full Day class
      1. Content to be announced/ may be used as catch-up day
3. **June 26**
   1. Discussion – trial prep
      1. Things to explain to client
         1. Client trial do’s
         2. Client trial don’ts
         3. Time limits
         4. Trial procedure
         5. Role of each party/witnesses
         6. Difference between direct and cross exam
         7. Expert witnesses
         8. Use of themes
         9. Pressure
         10. Last-minute agreements
         11. Review of trial outline
         12. Where to park
         13. Where to meet
      2. How to prepare witnesses
         1. Substantive areas of questioning
         2. Trial procedure
         3. Rule on Witnesses
         4. Hearsay and how to avoid it
         5. Subpoenas
         6. Parking
         7. Follow-up thank you letters
   2. Activity
      1. Students meet with client to prepare
   3. Before trial date June 29 and 30 Students prepare other witnesses
4. **June 29-30**
   1. Trial
5. **July 3**
   1. Last class
      1. Review and debrief mock trial
      2. Settlement agreements – the trial alternative
      3. Course evaluation