# Course Philosophy and Overview

Welcome to Family Law! I look forward to an engaging semester together. This is a rich, expansive, multi-faceted, and dynamic area of the law. It is changing rapidly and profoundly. It intersects with many other fields and provides great depth and breadth in job opportunities.

This course examines how families are constructed by and within legal and social institutions. We study how the federal and state constitutions both protect and confine family structures and activities; how marriages are entered into and structured vis-à-vis the state, how marriages are dissolved; alternative family structures; and children in the family unit, including the care and custody of children.

We will focus as a starting point on learning the doctrinal foundations of family law. Yet succeeding as a family law practitioner only *begins* with “black letter” law knowledge. It also includes reading and analyzing cases and statutes rigorously; contextualizing how family law interconnects with social norms; advocating in the executive, judicial, and legislative branches of government; careful factual development; and more. We will often be looking at cases and concepts holistically to place them in their social, legal, political, historical, and theoretical context. Our primary course goal is to prepare you for practice by generating the requisite substantive knowledge, skills, and tools to succeed as a family law practitioner.

Family law is an expansive topic and it is heavily state specific. It is not feasible or practical for us to cover all aspects of family law in this course. I have selected the topics on our syllabus carefully based on the subjects tested on the Maryland state bar examination, current developments in family law, and professional expectations in the field.

**Course Objectives**

By the completion of this course, you will be able to:

* Analyze the constitutional issues that arise from laws regulating the family and construct arguments defending and challenging state actions that raise constitutional questions;
* Deconstruct and apply statutory provisions regulating the family unit to advise clients predictively;
* Advise clients regarding possible grounds for divorce, defenses to divorce, and divorce pleading requirements;
* 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;
* Construct persuasive client narratives to achieve specific client goals;
* Critique and analyze current legal frameworks regulating the family using a legal lens grounded in social, economic, and policy considerations and recognizing the implications of the law across cultures, communities, and diverse family structures.

**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., externships and time management concerns), and the reality that this is still new for all of us. 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. You might find yourself working harder *throughout the semester* on this course. If you have grown accustomed to only reading when you think you are on call or only engaging in class when you are on call, you may find this format more work *during* the semester. In exchange, however, you will likely find yourself doing less cramming at the end of the semester. Staying on top of the material week-to-week will allow you to learn material over 7 weeks instead of mass consumption at the end. I have adjusted the grading rubric to reflect this allocation of work throughout the semester.

You will get out of the class what you put into it. 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 formativefeedback. You will practice skills every week so that you know your areas for growth and improvement *before* you get to the final exam. You will receive more feedback and individualized attention than a traditional format, so harness the feedback and set your sights on achieving excellence.

I offer three tips for success.

(1) You must stay on top of the material week to week. It builds from week to week and the grading windows close each week. After the week closes, no late assignments will be graded or scored. They will receive a zero. You may request extensions for deadlines to account for disruptions¸ but you must request an extension *before* the deadline passes.

(2) Be patient with technology and I will be understanding and patient as well. Most of the technology we will use is embedded directly in the Blackboard site. If you are a MAC user, use Chrome instead of Safari for better functionality.

(3) We are a team here. I welcome thoughtful feedback and will be soliciting it regularly. Reach out if you need some additional support or guidance.

# Course Readings

We will rely primarily on the textbook Modern Family Law (7th ed.) by Weisberg. A handful of supplemental readings will be provided via Blackboard. You can register for the site

[here](https://nam03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.blackboard.com%2Fcoursesites%2F%3Fsig%3DBimFz4w7CE3uDalEhzh8JTXHDK0%253D%26courseId%3D_638411_1%26timestamp%3D1589473698%26inviteId%3DBB%25253FBB_qw%252FnB3g77BVrLEfAoagPMvnAjiLIsHfn6UBV2MfKPxwtUG%25252B4ivX5IA%25253D%25253D&data=02%7C01%7Cjamie.abrams%40louisville.edu%7C58bbad56297b4a5d781808d7f83ae858%7Cdd246e4a54344e158ae391ad9797b209%7C0%7C0%7C637250804203741165&sdata=pQAcj11WTpPBiunXWOYXRVGI17EBRlyvysg8GNWz1BQ%3D&reserved=0). We will also use MD statutory excerpts. I have provided the statutory excerpts to you in digestible pieces by topic. Consider creating a comprehensive file as you read and annotate the individual provisions to prepare you for the open book exam.

# Course Assessment

Success in this course will require students to be both highly interactive and inquisitive. Your course grade will be based on performance on assignments (25%); participation in lawyering labs (10%); and a comprehensive final course examination (65%). Each of these grade components are outlined below.

Assignments:There are several types of assignments throughout the course. Each provides formative feedback to allow you to develop and grow before the assignments are heavily weighted.

* *Bar Exam Questions*: You will complete several practice bar exam questions under timed, closed book conditions. These questions are assessed under an IRAC rubric looking for precise rules, applications of rules to facts, and accurate legal conclusions. Harness the opportunity to achieve two objectives: mastering family law doctrine and practicing bar essay writing.
* *Integrated Learning Tools*: You will also participate in a variety of other graded tasks throughout the course using online learning tools in Blackboard.
	+ Discussion boards will prompt you to engage with your classmates on the material. We use these particularly for content that is heavily value-laden and policy-driven. This task values thoughtful communication, professionalism, and inter-personal skills – all skills that are critical to family law lawyering.
	+ Voice Thread and FlipGrid are tools that we will use most often for client counseling exercises. Imagine a client called with a question. What would you tell them, what context do they need, what tone is appropriate? Voice Thread allows you to respond to client inquiries collaboratively with your classmates building on each other’s responses. FlipGrid allows you to respond to a client inquiry individually like you would in a VoiceMail or live conversation.
	+ WIKI technology \strategies allow you to draft withyour classmates generating a work product together. Each of you will contribute a part to collectively produce a whole. This task values teamwork, communication, and task management – all skills that are critical to family law lawyering.
	+ Blogs allow you to state and defend a position thoughtfully. Think about a discussion board as a place where you share an inch of material and go a mile wide across a range of viewpoints. In contrast, a blog asks you to go a mile deep in defending one position an inch wide. This will develop your reasoning and persuasive writing skills.
	+ Learning Activities are modules that I have custom-built for you to practice applying the concepts of the unit. These are graded for completion only. These present a “no stakes” environment to try applying a concept without penalty. The modules will provide immediate feedback to you.
	+ Videos are recordings to preview or review the material in each unit. These are recorded for completion only.

Lawyering Labs: What is missing from a bar exam question alone is the client counseling component of lawyering. That is where lawyering labs come in. Each week you will participate in a Lawyering Lab. You will log on to Blackboard Collaborate Ultra using a video and microphone feed to participate visually and audibly. You will practice applying legal rules on behalf of a mock client. We will go over the format and expectations more in Week 1. You will receive a grade out of 10 points for each lab. Failure to participate in a lawyering lab will receive a 0. If you miss a lab, you are invited to complete the assignment for full credit independently for one of the Lawyering Lab assignments, but not for more than one. For approximately half of the labs, there is assigned reading. We will be *applying* the reading in the class, so be prepared to work with the reading, not to hear a lecture summarizing the material.

Final Exam: The final exam is a three-hour, timed exam. It will be an open book, take-home exam format.

* *Open book*. You are welcome to use any of your own course materials to complete the exam independently consistent with the Honor Code. You must not consult with classmates or others for any purpose of any sort. I do not answer any questions during the exam administration consistent with bar exam administration. I elect an open book exam for the purpose of achieving language precision, statutory accuracy, and high-quality legal analysis. If you rely on these materials sparingly as reference resources for precision and mastery, then you will find them useful. If you plan to *find* answers during the exam, you will have time troubles.
* *Take-home*. It is a take-home format in that it can be done from any place of your choosing from the last day of class to the last day of the exam period.

Successful performance on the exam will require you to identify legal issues clearly; thoughtfully and critically articulate and reason through to a conclusion for each identified issue; demonstrate a mastery of the substantive material covered in the course; and consider competing perspectives. The exam must also be written with an appropriate legal tone and professionalism.

**Course Resources and Support**

**Blackboard:** Find answers to common questions and help navigating Blackboard here: <https://help.blackboard.com/Learn/Student>.

A Note About Netiquette: Netiquette is a set of rules for professionalism online. Cyberspace can lure us all to forget that we are interacting with other real people with whom we will build our legal careers and professional identities. Here are some basic guidelines to follow:

* Manage your online presence carefully as part of developing your longstanding professional identity.
* Use good grammar and spelling and avoid using text messaging shortcuts.
* Be sensitive to the fact that your posts and messages will be read by a diverse audience with vastly different cultural, linguistic, political, and religious perspectives.
* You are invited to engage and disagree in thoughtful discussions about *the law*. Avoid any attacks on *people* or groups.
* Use good taste when composing your responses. Profanity, jokes, humor, or slang can be misunderstood or misinterpreted.
* Don’t use all capital letters when composing your responses as this is considered “shouting” on the Internet and is regarded as impolite or aggressive.
* Be respectful of others’ views and opinions. Avoid “flaming” (publicly attacking or insulting) them as this can be unprofessional and harmful to your professional identity.

# Communication

I am here to support you through a variety of mediums. Please choose your method of communication carefully using the following guidelines and expectations.

E-mail: I am available by email (jamie.abrams@louisville.edu) and will respond as quickly as possible. Consider using e-mail for questions that are personalized to *your* understanding of the material. Our class is structured around a law practice setting. E-mail using professional norms and practices that replicate a law practice setting.

## Text/Phone: Any questions that require quick intervention or support because you are actively working in the course platform, may be directed by phone or text (202-550-9017). If you text, please identify yourself even if you think I already know the sender. I do not save any contact information.

| **Week** | **Unit** | **Assignments and Readings****(complete in order)** | **Synchronous Sessions** |
| --- | --- | --- | --- |
| **Week 1: June 8** | I. Welcome to Family Law II. Constitutional Protections for the Family and its Members | * **Module 1: Introduction to Family Law**
* Watch Welcome to Family Law Video
* Submit an Introductory Voice Thread
* Read the Family Law Course Syllabus
* Participate in “What is a Family?” Discussion Board
* Watch Introduction to Constitutional Law Video
* **Module 2: State Regulation of the Family**
* Read MFL 102-104; 223-229
* Complete Kids Living in Cars Assignment
* Participate in "Is Marriage a Status or a Contract" Voice Thread
* Watch Week 1 Recap Video
* **Attend Lawyering Lab 1**
* Read MFL 18-21; 1-5; 7-9; n. 5 on pg. 9; 11-13; 24-31; 43-49
* OPTIONAL reading guide to focus preparation
 | *Lawyering Lab 1*: Monday 7:00 – 8:15 in Blackboard Lawyering Lab link:* Constitutional Law: Right to Privacy
 |
| **Week 2: June 15** | II. Constitutional Protections for the Family and its MembersIII. Entering a Valid Marriage and Dissolving a Marriage | * **Module 1: Entering a Valid Marriage**
* Read Overview: Substantive and Procedural Regulations on Marriage
* Read and Annotate[[1]](#footnote-1) MD Getting Married Statutory Provisions
* Contribute to Google Chart Comparing State Regulations Governing Access to Marriage
* Participate in Health and Financial Disclosures Discussion Board
* **Module 2:  Dissolving a Marriage**
* Read and Annotate MD Grounds for Divorce and Defenses Statutory Provisions
* Read MFL 473-502 and Complete "Grounds for Divorce and Defenses Chart" Assignment
* Participate in Divorce on Demand Law Reform Discussion Board
* Watch Grounds for Divorce Recap Video
* **Attend Lawyering Lab 2**
* Read MFL 87-94; 128-130; 133-137; 143-145; 149-157
* OPTIONAL reading guide to focus preparation
 | *Lawyering Lab 2*: Monday 7:00 – 8:15 in Blackboard Lawyering Lab link* Constitutional Law: Right to Marry
 |
| **Week 3: June 22** | IV. Property Distribution | * **Module 1:  Meet our Clients (complete by Lawyering Lab on Thursday)**
* Watch Client Intake Interviews with Sarah and Cody Videos
* Write Client Intake Memoranda for Sarah and Cody
* **Module 2:  Client Counseling**
* Read MFL 525-536
* Watch Client Counseling and Ethics Video
* Participate in Family Law Ethics Discussion Board
* **Module 3: How to Distribute Property**
* Read MFL 560-567
* Read and Annotate MD Property Distribution Statutory Provisions
* Watch Property Distribution Video
* Complete Equitable Distribution Activity
* Answer Equitable Distribution Practice Bar Exam Question
* **Attend Lawyering Lab 3**
* Complete Constitutional Law Practice Exam
 | *Lawyering Lab 3*:Monday 7:00 – 8:15in Blackboard Lawyering Lab link: * Constitutional Law Practice Exams

Sarah and Cody Grounds for Divorce Simulation |
| **Week 4: June 29** | IV. Property Distribution Advanced V. Prenuptial AgreementsVI. Spousal Support  | * **Module 1: Prenuptial Agreements**
* Watch Prenuptial Agreements Video
* Read MFL 113-125
* Complete Prenuptial Agreements Chart Assignment
* Answer Practice Bar Exam Question
* **Module 2: Alimony**
* Read MFL 568-578
* Watch Alimony Video
* Complete Alimony Chart Assignment
* Read and Annotate MD Alimony Statutory Provisions
* Participate in Alimony Voice Thread
* **Module 3: Family Support Jurisdiction**
* Read MFL 641-652
* Watch UIFSA video
* **Attend Lawyering Lab 4**
* Read MFL 586-605; 547-557
 | *Lawyering Lab 4*: Monday 7:00 – 8:15in Blackboard Lawyering Lab link:* Sarah and Cody Property Distribution Simulation

Property Distribution Advanced Concepts |
| **Week 5:** **July 6** | VII. Child Support | * **Module 1:  Mastering the Math**
* Watch Introduction to Child Support Video
* Read and Annotate MD Child Support Statutory Provisions
* Select a Stakeholder to Author a "Perspectives on Child Support" Blog
* Complete "How to Calculate Child Support" Activity
* **Module 2:  Analyzing and Critiquing Approaches to Child Support Calculations**
* Read MFL 611-627
* Complete "Perspectives on Child Support" Blog from Module 1
* Complete Child Support Client Counseling Assignment
* **Module 3: Child Support Enforcement**
* Read MFL 627-640
* Listen to NPR story "From Deadbeat to Dead Broke"
* Participate in group Wiki on state enforcement powers
* Respond to Child Support Voice Thread
* **Attend Lawyering Lab 5:**
* Complete Equitable Distribution Practice Problem
 | *Lawyering Lab 5*:Monday 7:00 – 8:15in Blackboard Lawyering Lab link:* Sarah and Cody Spousal Support Simulation
* Sarah and Cody Prenuptial Agreement Simulation

Equitable Distribution Practice Problem |
| **Week 6:** July 13 | VIII. Child CustodyIX. Parentage | * **Module 1:  Introduction to the Best Interest of the Child (BIOC) Standard**
* Read MFL 662-682
* Watch Child Custody Introduction Video
* Participate in "Best Interests of the Child" Discussion Board

 * **Module 2:  Applying the BIOC Standard**
* Read MFL 684-688; 691-796
* Read *Taylor v. Taylor*
* Complete Child Custody Approaches Assignment
* Watch Critiquing and Contextualizing the BIOC Standard Video
* Complete Child Custody Application Activity
* Advocate for Sarah or Cody in Child Custody Motion
* **Attend Lawyering Lab 6**
* Read MFL 433-463
 | *Lawyering Lab 6*:Monday 7:00 – 8:15in Blackboard Lawyering Lab link:* Sarah and Cody Child Support Calculation and Enforcement Simulation

Parentage  |
| **Week 7: July 20** | X. Child Custody Jurisdiction XI. Visitation | * **Module 1: Child Custody Modification**
* Read MFL 741-751
* Complete the Modification of Child Custody Orders Activity
* Advise Client in Child Custody Relocation Dispute
* **Module 2: Child Custody Jurisdiction**
* Read Jurisdiction Statutory Provisions
* Watch Child Custody Jurisdiction Video
* **Module 3: Visitation**
* Watch Introduction to Visitation Video
* Read MFL 699-726
* Read and Annotate Visitation Statutory Provisions
* Complete Parental Visitation Activity
* Complete Introduction to Third Party Visitation and Grandparents Rights Activity
* Advise Biological Mom in Custody Dispute
* Attend Lawyering Lab 7
 | *Lawyering Lab 7*:Monday 7:00 – 8:15in Blackboard Lawyering Lab link:Sarah and Cody Visitation Simulation |

**Appendix A – Policy Notifications**

**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/Clery Act Notification**

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.

**Accommodations**

If you are a student with a documented disability who requires an academic accommodation, please contact Karyn Schulz, Director, Center of Educational Access, Office of Disability and Access Services, as 410-837-4141 or KSchulz@ubalt.edu.

## Appendix B – Grading Guidance[[2]](#footnote-2)

**An ‘A’ exam** would make a supervising attorney (client) (the intended audience) feel confident about relying on your work with little or no corrections or interventions. A client would be pleased that you prepared her for all possible counter arguments and legal obstacles that the case would likely encounter. The reader would understand “what” the law is, “how” it applies to her case, and (where appropriate) “why” the law is what it is or why it is as uncertain as it is.

An ‘A’ exam will:

(a) be easy to read due to strong large-scale organization, clarity, and focus;

(b) have missed no major causes of action or misstated any major rules of law;

(c) have further analyzed the minor or more subtle legal issues in the fact pattern;

(d) connect fact and law seamlessly to reason to legal conclusions;

(e) be based on a close, accurate, and thorough reading of the facts;

(f) ground legal advice in a sophisticated understanding of how a family law case proceeds through the legal process.

**A ‘B’ exam** would make a favorable impression on the intended audience. It would communicate that you know the law and legal analysis well. A supervising attorney would enjoy watching your growth and would feel confident that, with guidance, you will be a very good attorney. The work product might require some “gap filling” to thoroughly address all issues, to refine the precise terminology, or to tighten the analytical structure. The intended audience would generally understand the law, the conclusions, and the legal advice with strong clarity.

A ‘B’ exam will:

(a) be similar to, but lack the thoroughness, power, or polish of an ‘A’ paper;

(b) have generally hit “the big issues” and stated the law accurately, but missed some of the minor nuances and complexities;

(c) be generally well-organized, but may require the reader to reread certain sentences or paragraphs before fully grasping the author’s point or may use excessive space to make minor points;

(d) state defensible legal conclusions, but further clarity may be necessary to understand the reasoning in all its contours;

(e) explain the “what” and “how” of the law, but may leave the client with further follow-up questions regarding why the result is as you suggest it is or why the other side might prevail.

**A ‘C’ exam** would leave the intended audience uneasy about relying unguardedly on your work or unclear on how you produced the work. Your intended audience might pick up some interesting points of law from the work, but would feel compelled to rethink the legal reasoning and/or closely research your legal rules. However, a supervising attorney would likely see sufficient promise in your work to motivate him or her to invest time and energy in supervising your future assignments more closely.

A ‘C’ exam may:

(a) present some good thoughts, but contain little organizational structure;

(b) fail to identify all relevant issues fairly raised by the facts;

(c) mis-state or omit important facts;

(d) mis-state some propositions of law relevant to the facts;

(e) rely upon legal doctrine whose relevance is not immediately apparent, or which is not relevant to the facts provided;

(f) fail to accurately or appropriately explain the meaning of the law discussed;

(g) present legal analyses which do not follow the logic of the legal doctrines learned in the course; or which are not internally coherent from beginning to end.

**A ‘D’ exam** would not be acceptable to a supervising attorney or to the client. It may provide a few cases or ideas from which they could begin on their own, but would be wholly undependable standing alone. A supervising attorney would need to rework the document or assign it to a different associate. Both a judge and a supervising attorney might question the reliability of future work.

A ‘D’ exam may:

(a) significantly misstate the facts, legal doctrine, or major issues;

(b) significantly fail to use the facts from the exam hypothetical or legal authorities within the argument, present significant conclusions with little or no support, or fail to include significant arguments or major legal issues;

(c) contain so many organizational or analytical errors as to inhibit the reader from following the writer’s thoughts.

**An ‘F’ exam** will show a fundamental lack of grasp of the legal doctrines studied in the course, and a failure to adequately apply those doctrines to the facts presented. An “F” represents the judgment of the professor that this student should re-take the course in order to show sufficient mastery of the subject to be allowed to continue to upper-division courses in the same area, or to sit for the bar exam.

In addition to the deficiencies of a “D” exam, an “F” exam may:

1. demonstrate consistent lack of knowledge of or mis-application of legal doctrine;
2. demonstrate a failure to closely read or understand the legal relevance of the facts;
3. exhibit poor organization, inconsistent legal analysis, and conclusions which do not follow from the premises of the argument;
4. spend significant time discussing issues not fairly raised by the facts.
1. This course ends with an open book final exam. Any statutes that are assigned reading are also the governing law for your final exam. I thus encourage you to download these statutory provisions documents, save them to your personal statutory supplement, and annotate them on your first read as an efficient strategy for both class preparation and exam readiness. Annotations might include highlighting key concepts or adding comments explaining provisions. I will not grade your annotations because they should align with your own study habits and styles, but I assign them because they replicate real lawyering skills in practice. [↑](#footnote-ref-1)
2. Adapted from a model provided by the University of North Carolina Center for Teaching and Learning and by Professor Ruth McKinney of the University of North Carolina School of Law and from Mary Beth Beazley at Ohio State Law School. [↑](#footnote-ref-2)