**University of Baltimore School of Law**

**Post – J.D. Family law Certificate Program**

**Spring Semester 2020**

**Course**: **Craft Problem-Solving Family**

LAWF 900.491

**Instructor**: Joan F. Little

jlittle@ubalt.edu

443.257.5002

Individual Consultations are available on request by student.

**Days/Time:** Wednesdays/6:15 p.m. – 9:00 p.m.

35 contact hours

**Location:**  On Line Class

**Course Description**:

See Course descriptions appear on the University of Baltimore, Law School’s web site.

**Course Materials:**

Alex J. Hurder, Frank S. Bloch, Susan L. Brooks, and Susan L. Kay, *Clinical Anthology – Readings for Live-Client Clinics* (2nd edition), ISBN: 978–1-4224–8347-3

Keith Evans, *Common Sense Rules of Advocacy,* ISBN: 978-1-58733-185-5

**Assignments:**

All class assignments are listed in the syllabus and supplemented by materials on the course “TWEN” site. Students should check site regularly for updates.

**Student Learning Outcomes:**

* Learn to recognize advocacy opportunities for problem-solving in a diverse set of forums.
* Choose effective advocacy strategies for problem-solving.
* Actively explore efficacy of various advocacy strategies through exercises in class.
* Engage in analytical class discussions of advocacy strategies through exercises in class.
* Reflect on personal problem-solving strengths and weaknesses and advocacy strategies that enhance the student’s natural ability.

**Grades:**

|  |  |
| --- | --- |
| Class Exercises | 30% |
| Class preparation and participation | 10% |
| Final Class Exam | 60% |

**General 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.

Since this is an advocacy class, students are expected to complete all reading assignments and to consistently participate in class discussion in order to demonstrate that the student has read and reflected on the issues raised in the assignment.

**On Line Course Expectations:**

In order to successfully complete this course, students must adhere to the on line policies herein. Students are expected to attend each class by computer, in a quiet, undisturbed office or study space, except classes where in-person attendance is required by the instructor. Students may not attend by smart phone unless permission is granted in advance due to a special circumstance. Students are expected to have a computer with a camera and reliable connectivity (WIFI or other). During class, the student’s face must be facing the camera and visible and the audio must be functioning. Students are to participate in answering questions and making comments using the available technology for oral and written discussion.

If a power or internet outage occurs, students are expected to attempt to rejoin the class immediately. If the outage persists for more than 10 minutes, the student is to contact the instructor during class or as soon as possible and explain the circumstances. If the outage is with the instructor’s system, students are to make continuing attempts log on for 20 minutes or until the students receive a message from the instructor before exiting the class. Students that exit the class before that time will be considered absent for that class.

Classes may not be recorded by the student under any circumstances. Any and all rights to this course and its materials are solely owned by the University of Baltimore and/or the instructor and may not be copied or reproduced without appropriate permission. There may be instances where the instructor records the class, when that occurs, the instructor will give advance notice that the class is being recorded on the University of Baltimore’s recording system.

**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.

Note: Attendance in class is crucial, as this class will regularly include in-class exercises and discussion that require student participation. Attendance will be taking at the beginning of every class. Failure to participate in class exercises due to unexcused absenteeism will result in a lowering of a student’s grade.

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

**Course Web Site:**

This course has a “TWEN” page through Westlaw. This page includes the syllabus and updates of the syllabus, required supplemental readings, and other materials.

**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 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.

**The Craft of Problem-Solving in Family Law**

Class Schedule and Assignments

***Advocacy Opportunities in Client Representation***

**Week 1: Introduction and holistic approach for entire family**

* **Speaker**

**Week 2: The lawyer-client relationship**

* **Speaker**

Reading:

*Common Sense Rules of Advocacy* – pages 1-28, 147 - 153

*Clinical Anthology* –

* “Shooting Elephants, Serving Clients: An Essay on George Orwell and the Lawyer-Client Relationship” by Joseph Allegretti
* “Legal Fictions: Clinical Experiences, Lace Collars and Boundless Stories”, Nancy Cook
* “Client-Centered Counseling: Reappraisal and Refinement”, Robert Dinerstein
* “Negotiating the Lawyer-Client Relationship: A Search for Equality and Collaboration”, Alex J. Hurder
* “Translation as a Mode of Thought”, James B. White

Class Exercise: see in class handout

**Week 3: Story telling**

Reading:

*Common Sense Rules of Advocacy* – pages 29-41

*Clinical Anthology* –

* “Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Ms. G.”, Lucie White
* “Storytelling for Oppositionists and Others: A plea for Narrative”, Richard Delgado
* “A Theory-Practice Spiral: The Ethics of Feminism and Clinical Education”, Phyllis Goldfarb
* “Telling Stories and Stories About them”, Anthony G. Amsterdam

Class Exercise: posted on Twen

***Advocacy Opportunities in Negotiation and Litigation***

**Week 4: Strategies and tactics in negotiation and litigation**

Reading:

*Common Sense Rules of Advocacy* – pages 47 - 68

*Clinical Anthology* –

* “Getting to Yes, Negotiating Agreements Without Giving In”, Roger Fisher, William Ury, and Bruce Patton
* “When Winning Isn’t Everything, The Lawyer as a Problem-Solver”, Carrie Menkel-Meadow
* “Legal Representation and the Next Steps Toward Client Control: Attorney Malpractice and the Failure to Allow Litigation”, Robert F. Cochran

Class Exercise: posted on Twen

**Week 5: Specialized skills and tools unique to the field of Family Law**

Reading:

See TWEN: Family Case Law Readings

Class Exercise: posted on Twen

**Week 6: Specialized skills and tools unique to the field of Family Law**

* **Speaker**

Reading:

*Clinical Anthology* –

* “Lawyers and Legal Consciousness: Law Talk in the Divorce Lawyer’s Office”, Austin Sarat and William L.F. Felstiner

See TWEN: Family Case Law Readings

Guidelines for the Representation of Children in Family Law

Class Exercise: posted on Twen

**Week 7: Specialized skills and tools unique to the field of Family Law Divorce**

* **Speaker**

Reading: See TWEN: Family Case Law Readings

Guidelines for the Representation of Children in Family Law

Class Exercise: posted on Twen

**Week 8: Specialized skills and tools unique to the field of Family Law**

**Visit to the Family Division of the Circuit Court for Baltimore City**

**Please note:** This field trip is a *mandatory requirement* of this course. This date for the visit has been arranged by the Court, the instructor, and the students. The date of the visit will supplant one of the “Specialized skills and tools unique to the field of Family Law” sessions.

**Week 9: Specialized skills and tools unique to the field of Family Law Custody**

* **Speaker**

Reading: See TWEN: Family Case Law Readings

Guidelines for the Representation of Children in Family Law

Class Exercise: posted on Twen

**Week 10: Specialized skills and tools unique to the field of Juvenile Law**

Reading: See TWEN: Juvenile Case Law Readings

Guidelines for the Representation of Children in Juvenile Law

Guidelines for Representing Parents

Class Exercise: posted on Twen

**Week 11: Mediation**

* **Speaker**

Reading:

*Common Sense Rules of Advocacy* – pages 123 - 142

*Clinical Anthology* –

* “Preliminary Reflections on the Establishment of a Mediation Clinic”, James H. Stark
* “Diversity Issues in Mediation: Controlling Negative Cultural Myths”, Isabelle R. Gunning
* “The Art of Family Mediation”, Donald T. Saposnek

Class Exercise: posted on Twen

***Advocacy Opportunities in Speaking and Writing***

**Week 12: Speaking strategies**

Reading:

*Common Sense Rules of Advocacy* – pages 42 – 46, 69 – 82

*Clinical Anthology* –

* “A Tale of Two Clients: Thinking About Law As Language”, Clark D. Cunningham
* “Speaking Truth to Power: The Language of Client Rights Litigators”, Herbert Eastman

Class Exercise: posted on Twen

**Week 13: Writing strategies**

Reading:

*Common Sense Rules of Advocacy* – pages 123 - 142

See TWEN

Class Exercise: posted on Twen

***Advocacy Opportunities in Court Proceedings and Other Forums***

**Week 14: Alternatives to court: legislative, mediation, and other forums**

* **Speaker**

Reading:

*Common Sense Rules of Advocacy* – pages 83 – 122

*Clinical Anthology* –

* “Client Counseling , Mediation, and Alternatives Narratives of Dispute resolution”, Robert Rubinson

See TWEN

Class Exercise: posted on Twen

**Week 15: Appellate Practice**

* **Speaker**

Reading:

See TWEN

Class Exercise: posted on Twen

**Week 16: FINAL ORAL EXAM**

Final oral presentations by students with observation and critique

Due date for Written Exam - TBA

* Speaker – Timing of may vary based on the availability of the speaker.