

**WESTERN STATE UNIVERSITY
COLLEGE OF LAW**

**FAMILY LAW
Syllabus and Reading Assignments**

Course: Family Law 437A
Semester: Spring 2012
Days: Saturday
Times: 9:00a -12:30p
Revision: 12-14-2011

Professor: Fouste
Office: 714-549-3889
Facsimile: 866-378-2471
E-Mail: ned@fouste.com
Office Hours: By Appointment

COURSE OBJECTIVES:

This course surveys the law of family relations, including the law of marriage and annulment, divorce, legitimacy of children, custody and adoption. The course reviews the formation, maintenance, and dissolution of the family unit, including custody, support, and property rights involving spouses, partners and children. On completion of this course, the student will have a fundamental understanding of family law concepts.

TEXTBOOKS:

Required: FAMILY LAW CASES, MATERIALS & PROBLEMS (2nd Edition)
Swisher, Miller and Singer, LexisNexis ISBN #0820531286

Recommended: UNDERSTANDING FAMILY LAW (3rd Edition)
Gregory, Swisher and Wolff, LexisNexis ISBN #0820563374

PARTICIPATION, WRITING ASSIGNMENTS AND GRADING:

On completion of the course, the student will receive a numeric grade. Students will receive a "participation" grade, which will comprise 20% of the course grade; an "activities" grade, which will comprise not more than 30% of the course grade; and, a "final examination" grade, which will comprise not less than 50% of the course grade.

Participation: Students are expected to be prepared for each class meeting, to timely attend classes and other course activities (if any), to engage in appropriate class dialogue and discussion, and to prepare and timely present assigned discussion topics. Reading assignments must be completed prior to each class meeting. Students should be prepared to engage in meaningful discussion of legal concepts introduced in the reading assignments, class lectures and class discussions. From time to time, individual students will be assigned brief discussion topics for presentation at a class meeting. Students must timely perform necessary research on the discussion topic and be prepared to present the topic during class and to engage in discussion concerning the assigned topic. Tardiness, absences and lack of preparedness will adversely affect the student's participation grade.

Activities: From time to time during the semester, short writing assignments and/or quizzes may be assigned/administered. Each assignment/quiz will be individually scored, and the cumulative total of all scores will comprise the student's "activities" grade. Short writing assignments may consist of the preparation of Judicial Council forms, motions, agreements, briefs, and/or other writings relevant to the practice of family law. In writing assignments, students are expected to demonstrate an understanding of legal concepts introduced in the reading materials, class discussions and class lectures. Specific instructions and additional scoring/grading information will be provided when the writing assignments/quizzes are assigned/administered.

Examinations: At the conclusion of the semester, a comprehensive final examination will be administered during the final exams period. The final examination will consist of one or more essay questions. For purposes of the final examination, students will be expected to demonstrate an understanding of family law issues and legal principles by identifying issues, stating clearly and concisely relevant law, and applying relevant law to the facts presented through logical discussion and analysis of issues.

ATTENDANCE:

Students are subject to attendance and participation policies and procedures specified in the *Student Handbook*. Attendance is mandatory. Absence from three (3) class meetings will expose the student to academic discipline, and without further notice, may result in removal from the course. Students removed from the course for excessive absence will receive a course grade of “F” or “W” as determined by applicable academic policies and procedures. Excessive tardiness or unpreparedness will be deemed an absence. In addition to the foregoing, tardiness and absences will adversely affect the student’s participation grade.

Throughout the semester, assignments, notices, announcements and other communications will regularly be made via e-mail and/or through the online web course. As part of the attendance requirement, students are expected to regularly visit the online web course and to maintain and keep Professor Fouste informed of an active, current e-mail address.

APPOINTMENTS:

To schedule appointments and for all other communications, students are encouraged to contact Professor Fouste at ned@fouste.com. To schedule appointments or for other time-sensitive, urgent matters, students may contact Professor Fouste at 714-549-3889. Professor Fouste’s voicemail and e-mail are confidential and accessible only by Professor Fouste.

READING ASSIGNMENTS:

Except as otherwise noted, exclude “Notes” and “Problems” from readings. Topic dates noted may “shift” to accommodate discussions and other relevant course activities, but topics will be presented and discussed in the sequence set forth below.

WEEK	TOPIC	CASEBOOK
1	Introduction Marital Relationships Introduction Jurisdiction and Conflict of Laws Capacity to Marry	216 - 223 through Note (4) 1- 10 79 - 93 44, 46 - 53, 57 - 61, 63 - 76, 77 - 78, 80- 81
2	Promises and Premarital Gifts Prenuptial Agreements Marriages Other “Marriages”	1234 - 1238 1242-1246, 1248-1259 10 -12, 14 - 17, 39 - 43, 19 - 22, 26 - 30, 32 - 37
3	Marital Roles Property Rights Antenuptial/Transmutation Support Rights Children	105, 106 -110 119 - 122, 123 - 124 139 - 144 124, 127, 131 - 132 235 - 239, 309 -315 284 - 294, 297 - 301 317 - 326, 329 - 330
4	Marital Termination Proceedings Jurisdiction and Venue Grounds for Divorce	96 - 101, 768 - 772 772 - 779, 782 - 785 801 - 804, 809 - 818

5	Property Rights Community/Separate Property Characterization Issues Division Issues Tax Issues	870 - -872 872 - 875, 877 - 882 885 - 889, 893 - 894, 902 - 905, 906 - 907, 918 - 926, 895 - 900 876 - 877, 890 - 891, 930 - 938 1298 - 1301
6	Support Rights Jurisdiction Spousal Support/Alimony	797 - 799 953 - 956, 977 - 981, 954 - 966, 991 - 998
7	Child Support Support Tax Issues	1003 - 1004, 1010 - 1013 1016 - 1019, 1022 - 1050, 1053 - 1060, 1063 - 1068 1071 - 1074, 1077 - 1085 1289 - 1292
8	Children and Custody Jurisdiction Issues Factors to Consider	1091 - 1093 1193 - 1197, 1199 - 1209, 1212 - 1217, 1221 - 1228 1091 - 1097, 1103 - 1107, 1120 - 1123, 1125 - 1130
9	No Class (semester break)	
10	Miscellaneous Factors Concepts of Joint Custody Timeshare Issues (Visitation) Move Away Cases Mediation & Procedural Issues	1099 - 1101, 1112 - 1115 1133 - 1141, 1108 - 1111 1163 - 1168 1155 - 1157, 1175 - 1181 1184 - 1189
11	Contracts Between Spouses Marital Termination Agreement Ethical Issues for Attorneys	1231 - 1234 1263, 1264 - 1268, 1270 - 1281, 826 - 838, 840 - 843, 847 - 852
12	No Class	
13	Alternate Dispute Resolution Non-Marital Relationships "Marital" Relationship Domestic Partnerships	856 - 860, 864 - 868 189 - 200, 202 - 213 228 - 229
14	Paternity Issues Constitutional Paternity Issues Other Paternity Issues & Adoption Domestic Violence	331 - 332 334 - 346, 369 - 371 347 - 353 419 - 425, 426 - 433, 435 - 456
15	Review and Make-Up Materials	