



WESTERN STATE COLLEGE OF LAW  
AT ARGOSY UNIVERSITY

## Community Property Syllabus

Professor Monica Todd

[mmtodd@wsulaw.edu](mailto:mmtodd@wsulaw.edu)

Fall 2016

Office Hours: By Appointment

### **COURSE OBJECTIVES**

1. Development of substantive doctrinal knowledge of California Community Property ("CCP") law.
2. Development of practical skills via applied legal writing skills by drafting one or more CCP related pleadings.
3. Development of client sensitivity and cultural competency via discourse of case law through cultural lens such that students will develop the awareness that cultural issues may affect the relevance of facts and application of the law.
4. Development of student ability to identify factual and legal issues pertaining to CCP implicated by a fact pattern and to appropriately use cases and rules to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to a legal issue.
5. Develop interpersonal effectiveness via peer collaboration for in class and/or out of class activities.
6. To enhance the student's statutory interpretation skills through the use of various community property statutes.

### **Required Texts**

Grace Ganz Blumberg's Community Property in California, Aspen Law & Business (7th Edition).

### **Recommended Texts**

Charlotte K. Goldberg, California Community Property Examples & Explanations, Wolters Kluwer Law & Business (4th Edition)

### **PROFESSIONALISM**

In addition to the assignments noted on the syllabus, 10% of your final grade is based on Professionalism. This grade will be assigned in the sole discretion of the professor at the end of the semester based on the student's overall professionalism demonstrated in all aspects of the course. Professionalism is

distinct from compliance with the Honor Code. Professionalism includes, but is not limited to, the following:

- **Timely and good faith completion of assignments.**
- Regular and punctual class attendance
- Assignments which reflect thoroughness, diligence, and attention to detail
- Preparedness and constructive participation in class
- Courtesy, in class and in all communications

Conversely, points will be deducted for (but are not limited to) the following breaches of professionalism:

- Tardiness
- Absences
- Communicating in class with each other during lecture, etc. when such communication/chit chat does not involve the complete class; except when the class is engaged in directed group discussion
- Incomplete, late, or sloppy work, including failure to follow instructions
- Lack of preparation or participation in class
- Failure to show courtesy to the instructor and/or peers during class or in any communications
- Inappropriate attire, such as wearing hoods or sunglasses in class
- Inappropriate use of electronic devices, such as checking email, social networking sites, or the internet during class; or failing to turn off cell phone or utilizing cell phone during class

**Note that any form of videotaping, recording, or taking photos of any material from class is forbidden without the prior approval of your instructor.**

### **ATTENDANCE REQUIREMENT**

You should attend every class. WSCJ written policy states that students must attend at least 85% of all classes. For students whose class meets once per week, if you are absent for an entire, or substantially all, of a three hour class period, you will have accumulated two official absences. If, however, you are absent for only half of a three-hour class period or a significant portion thereof, you will accumulate just one absence.

### **DISABILITY SERVICES STATEMENT:**

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with

disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at [csheppard@wsulaw.edu](mailto:csheppard@wsulaw.edu) or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

### **STUDENT SAMPLES**

On occasion, I use anonymous samples of work from current or past students as examples. Please let me know in advance if you do not wish for your work to be considered as an example.

### **QUIZZES AND ASSIGNMENTS**

There will regularly be both in-class and outside-of-class assignments. You are expected to be prepared to discuss questions presented in the "Notes and Questions" following key topics during class, as well as to submit your written responses. From time to time there will also be outside quizzes. These activities will be worth 15% of the course grade. Moreover, failure to prepare responses to the "Notes and Questions" will also have a detrimental effect on the Professionalism component of the grade.

### **OUT OF CLASS PREPARATION**

You should expect to spend between 4-10 hours per week for out-of-class preparation. The expected out-of-class preparation time is not evenly distributed across every week of the semester; periods of more intense preparation are compensated for by less time required at other parts of the semester. Students should review the syllabus and plan accordingly, noting weeks with longer reading assignments, the due dates for the various graded and ungraded assignments, office conferences, and quizzes.

## **EXAMINATIONS AND GRADING**

All students will receive a numeric grade for the course. Course grades will be based upon a point system.

There will be a mid-term examination on that will be worth 25% of the course grade. This exam may consist of multiple-choice questions, an essay question and/or drafting a pleading.

The final exam will be worth 50% of the course grade. The exam will be a closed book exam, which means that you will not be able to bring anything into the exam except a pen, a regular calculator, and a ruler. The exam is intended to mock a bar exam question or questions. To prepare for your exam, you should review sample community property questions that have been on past California Bar Examinations.

## **COURSE WEB PAGE**

All students will be expected to enroll in the course web page on Lexis. Please check the course web page regularly for announcements and additional information such as handouts.

## **READING ASSIGNMENTS**

Our goal is to cover the material in our textbook as set forth below. You should always be at least 10 pages ahead of where we left off from the last class to be considered prepared. There may be times when we do not cover the entirety of the assigned reading or reading assignments will be modified as necessary. Nevertheless, you will be responsible for information contained within all reading assignments. Please read the relevant statute sections listed within your assigned reading.

*Please read through all "Notes and Questions" within your assigned reading and prepare responses to the questions highlighted below the reading assignments.*

### **September 21, 2016**

#### **Read:**

Chapter 1: Introduction, pages 1-30

Please prepare written responses for the following questions:

*Marriage of Wirth*: Notes & Questions 1-2

*Marriage of Painter*: Notes & Questions 1-4, 6

Chapter 2: History of Community Property in California

Chapter 3: Definitional and Tracing Issues, pages 67-73, 78-83 (Skip *Andrews*)

Please prepare written responses for the following questions:

*Estate of Clarke*: Notes & Questions 1-2

*Downer v. Bramet*: Notes & Questions 1-4

### **September 28, 2016**

#### Read:

Chapter 4: Evidentiary Presumptions in CA Community Property Law,  
pages 85-148

Please prepare written responses for the following questions:

*Lynam v. Vorneck & Fidelity v. Mahoney*:

Notes & Questions, page 95: 1, 2 (a)-(b), 8

Notes & Questions, page 111: 3, 5 (a)-(d)

Notes & Questions, page 146-147: 5(a)-(d)

### **October 5, 2016**

#### Read:

Chapter 4: Definitional and Tracing Issues: pages 148-150

Please prepare written responses for the following questions:

Notes & Questions, page 150: 1-3

Chapter 5: Variation of the Statutory Scheme, pages 151-191

Notes & Questions, page 158: 1-3, 5

Notes & Questions, page 161: 2, 3

Notes & Questions, page 168-169: 1

Notes & Questions, page 177: 1

Notes & Questions, page 182: 2, 4

Notes & Questions, page 187

Notes & Questions, page 191: 3

**October 12, 2016**

Chapter 5: Variation of the Statutory Scheme, pages 191-236

Please prepare written responses for the following questions:

Notes & Questions, page 194: 1

Notes & Questions, page 197: 4

Notes & Questions, page 199: 1

Notes & Questions, page 209-213: 1, 2, 4

**October 19, 2016**

*Mid-Term Examination worth 25% of grade*

Chapter 6: Property Classification: pages 237-267

Notes & Questions, page 239-240: 1-2

Notes & Questions, page 244-245: 1, 3

Problem, page 248

Notes & Questions, page 264-267: 1, 4, 5, 8

**October 26, 2016**

Chapter 6: Property Classification: pages 267-327

Notes & Questions, page 270-271: 1, 3, 4

Notes & Questions, page 275: 1, 2

Notes & Questions, page 285-286: 1, 4(a)-(d)

Notes & Questions, page 314: 2

Notes & Questions, page 320: 1, 2

Notes & Questions, page 325: 2

Notes & Questions, page 328: 1

**November 2, 2016**

Chapter 6: Property Classification: pages 328-385, Skip 387-391

Notes & Questions, page 334: 1

Notes & Questions, page 339: 1

Notes & Questions, page 343: 1, 3

Notes & Questions, page 356: 1, 2

Notes & Questions, page 375-376: 1, 2

Notes & Questions, page 381-3: 3, 5

**November 9, 2016**

Read:

Chapter 7: Management and Creditor's Rights: 391-446

Notes & Questions, page 423: 1, 4, 5

**November 16, 2016**

Read:

Chapter 8: Inception and Termination of Economic Community: pages, 447-513

**November 23, 2016**

Chapter 8: Inception and Termination of Economic Community: pages, 513-572

## **Argosy University**

### **Institutional Learning Outcomes:**

#### **1. Analytical Reasoning**

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems

#### **2. Effective Communication**

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation

#### **3. Information Competency**

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action

#### **4. Interpersonal Effectiveness**

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals

#### **5. Personal and Professional Integrity and Ethical Behavior**

Demonstrate a multi dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

#### **6. Professional Competence**

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession

## **Western State College of Law – Programmatic Learning Outcomes**

**Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:**

### **(1) Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

### **(2) Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

### **(3) Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

**(4) Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

**(5) Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

**(6) Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

**(7) Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

**(8) Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.