



WESTERN STATE COLLEGE OF LAW
AT ARGOSY UNIVERSITY

Family Law 437A
Spring 2015
Monday 3:15 – 6:15 p.m
Room 413
Office Hours:

Professor Monica M. Todd
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By Appointment – Email Prof. Todd

Course Objectives:

This course surveys substantive law and common procedures involved in California Family Law practice. Students will be introduced to common issues and procedures including conducting an initial client interview, initializing a dissolution of marriage action, preparation of mandatory financial disclosures, preparation of and institution of a discovery plan, preparation of interim and post-judgment orders for spousal support, child support, and child custody and visitation. Students will also learn the basic steps for finalize a divorce by default, or in uncontested / contested situations, and will be introduced to the steps for enforcing judicial orders and requesting attorney fees.

Students will learn multiple practical skills for Family Practice attorneys including factual investigation, preparation of cases, and legal drafting.

Textbooks:

Required: 2014 PRACTICE UNDER THE CALIFORNIA FAMILY CODE,
Continuing Education of the Bar

Supplemental Materials as provided

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 10% of the course grade; an “activities” grade, which will comprise 40% 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: Most classes will involve a “homework” component for students to complete documents that were reviewed and discussed in class. Unless otherwise notified, students may complete the homework assignments with a classmate and may consult practice guides as necessary, however, each student must have a copy of their individual work product to be kept in their course notebook/portfolio. Students are expected to demonstrate an understanding of legal concepts introduced in the reading materials, class discussions and class lectures. Student notebooks/portfolios will be collected at the end of the semester for grading and review by Professor Todd.

Students will be expected to come to the second class section with a large, three-ring binder by the second class session.

Students may be asked to present on special topics or cases throughout the semester as part of their activities grade.

Examinations: At the conclusion of the semester, a comprehensive final examination will be administered. The final examination will consist of multiple choice questions and 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 more than 15% of 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 Professor Todd’s Blackboard page on LexisNexis. As part of the attendance requirement, students are expected to enroll in and regularly visit the online web course and check email daily to stay apprised of class-related announcement and communication.

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. 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 or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

READING ASSIGNMENTS:

Except as otherwise noted all references are to the required textbook, cases available through Lexis and Westlaw electronic research programs, and supplemental materials. *Topic dates noted may "shift" to accommodate discussions and other relevant course activities.*

Class One: January 12, 2015 - Introduction to Course, Initial Client Interview, Dissolution, Legal Separation, and Annulments

Readings

Cases

Marriage of Greenway, 217 Cal. App. 4th 628 (2013)

Marriage of Jonston, 18 Cal. App. 4th 499 (1993)

Marriage of Ramirez, 165 Cal. App. 4th 751 (2008)

Marriage of Weintraub, 167 Cal. App. 3d 420 (1985)

Stepanek v. Stepanek, 193 Cal. App. 2d 760 (1961)

Ceja v. Rudolph & Sletten, Inc., 56 Cal. 4th 1113 (2013)

Davis v. Davis, 220 Cal. App. 4th 1109 (2013)

Textbook: Chapter 3 all, Chapter 10 (skim)

(Skip Section 3.34A – Terminating Domestic Partnership Without Court Action)

Skills

- Preparation, Filing and Service of Initial Dissolution documents

Class Two: January 26, 2015 - Property

Cases

TBA

Textbook: Chapter 5, 71- 171 (skim 111-127 and 135-142) (skip 153-162)

Skills

- Declaration of Disclosure - Schedule of Assets and Debts
- Business Valuation Report
- Home Appraisal

Class Three: February 2, 2015 - Discovery, Preparing a Discovery Plan, and Declarations of Disclosure

Case

Marriage of Feldman, 153 Cal. App. 4th 1470 (2007)

Textbook: Chapter 13

Skills

- Introduction to Common Discovery Pleadings
 - Interrogatories
 - Requests for Admissions
 - Demands to Produce Documents for Inspection
 - Depositions
 - Motion to Compel
- Preparation of Form Interrogatories
- Preparation of Income and Expense Declaration
- Preparation of Declaration of Disclosure Documents
 - Judicial Council forms and Income and Expense Declaration

Class Four: February 9, 2015 - Interim and Post-Judgment Orders: Spousal Support

Cases

TBD

Textbook: Chapter 6, 183-226

Skills

- Marital Standard of Living Worksheet
- xSpouse and Dissomaster reports
- RFO for Modification of Spousal Support
- Vocational Evaluation reports

Class Five: February 17, 2015 (Tuesday) - Interim and Post-Judgment Orders: Child Custody and Visitation I

Cases

TBD

Textbook: Chapter 7, 228-291

Skills:

- Custody and Parenting Plans
- Mediation Documents
- Custody Evaluation Report
- RFO for Modification of Child Custody and Visitation

Class Six: February 23, 2015 -- Interim and Post-Judgment Orders: Child Custody and Visitation II

Cases

Marriage of Stoker, 65 Cal. App. 3d 878 (1977)

Marriage of La Musga, 32 Cal. 4th 1072 (2004)

Montenegro v. Diaz, 26 Cal. 4th 249 (2001)

Mark T. v. Jamie Z., 194 Cal. App. 4th 1115 (2011)

Marriage of Williams, 88 Cal. App. 4th 808 (2001)

Marriage of Rosson, 178 Cal. App. 3d 1094 (1986)

Marriage of Burgess, 13 Cal. 4th 25 (1996)

Marriage of Mehlmauer, 60 Cal. App. 3d 104 (1976)

Textbook: None

Skills:

- Findings and Orders After Hearing (FOAH)
- Stipulation and Orders for Custody and Visitation

Class Seven: March 2, 2015 -- Interim and Post-Judgment Orders: Child Support

Cases

Marriage of Drapeau, 93 Cal. App. 4th 1086 (2001)

Marriage of Drake, 53 Cal. App. 4th 1139 (1997)

Jones v. Jones, 179 Cal. App. 3d 1011 (1986)

Marriage of Schopfer, 186 Cal. App. 4th 524 (2010)

Textbook: Chapter 8 (299-356)

Skills:

- *RFO – Child Support*
- *Child Support FOAH*
- *xSpouse and Dissomaster reports*

[NO CLASS MARCH 10, 2015 - SPRING BREAK]

Class Eight: March 23, 2015: Interim and Post-Judgment Orders: Attorney Fees and Costs

Cases

Alan S. v. Superior Court, 172 Cal. App. 4th 238 (2009)

Marriage of Hobdy, 123 Cal. App. 4th 360 (2004)

Marriage of Ward, 3 Cal. App. 4th 618 (1992)

Marriage of Green, 143 Cal. App. 4th 1312 (2006)

Textbook: Chapter 9

Skills:

- *Lis Pendens*
- *Family Law Attorney Real Property Lien (FLARPL)*
- *RFO Attorney Fees and Costs*
 - *Prepare Attorney Fee Declaration*

Class Nine: March 16, 2015 - Default, Uncontested Divorce, Bifurcation of Marital status

Cases:

Gregory v. Gregory, 92 Cal. App. 2d 343 (1949)

Marriage of Brennan, 124 Cal. App. 3d 598 (1981)

Klemm v. Sup. Ct., 75 Cal. App. 3d 893 (1977)

Textbook: Chapter 14

Skills:

- Appearance, Stipulations and Waivers Form
- Notice of Entry of Judgment
- Marital Settlement Agreements (MSA)
- Restoration of Name – FL-395

Class Ten: March 30, 2015 – Pretrial Procedures, Trial Preparation and Trial

Guest Speaker

Cases:

Marriage of James & Christine C., 158 Cal. App. 4th 1261 (2008)

Elkins v. Sup. Ct., 41 Cal. 4th 1337 (2007)

Marriage of Carlsson, 163 Cal. App. 4th 281 (2008)

Blumenthal v. Sup. Ct., 137 Cal. App. 4th 672 (2006)

Textbook: Chapters 15 and 16, Section 17.87-88

Skills:

- Judgment
- Notice of Withdrawal of Attorney of Record FL-960

Class Eleven: April 6, 2015 – Enforcement

Cases:

County of Shasta v. Smith, 38 Cal. App. 4th 329 (1995)

People v. Mozes, 192 Cal. App. 4th 1124 (2011)

U.S. v. Dann, 652 F3d 1160 (9th Cir 2011)

Textbook: Chapter 20

Skills:

- Wage Garnishment Forms
- Writ of Execution
- Abstract of Judgment

Class Twelve: April 13, 2015 - Parentage

Cases:

Elisa B. v. Sup. Ct., 37 Cal. 4th 108 (2005)

Marriage of Buzzanca, 61 Cal. App. 4th 1410 (1998)

Textbook: Chapter 8A

Skill: Prepare Voluntary Paternity Declaration

Class Thirteen: April 20, 2015 – Domestic Violence

Article and Cases:

Mahoney, Martha R., Legal Images of Battered Women: Redefining the Issue of Separation, 90 Mich. L. Rev. 1 (October 1991)

Marriage of Cauley, 138 Cal. App. 4th 1100 (2006)

Jacobs v. Fire Ins. Exchange, 227 Cal. App. 3d 584 (1991)

O’Kane v. Irvine, 47 Cal. App. 4th 207 (1996)

Textbook:

Chapter 11 with emphasis on those sections pertaining to the Domestic Violence Prevention Act and Ex Parte Motions; Section 5.76A; Sections 7.23 and 7.45; 20.44B (form)

Skills:

- Ex Parte Request for Temporary Restraining Orders
- Response to Request for TROs
- Contempt of DV Restraining Orders

Class Fourteen: April 27, 2015 - TBD