

Western State College of Law at Westcliff University

Community Property

Fall Semester 2020

Class Days and Times:

Mondays, 6:15 p.m. – 8:15 p.m., Zoom Meetings

The first class is on August 24, 2020

Syllabus & Policies

Professor Jason A. Blonska

My Office Location: 17822 Seventeenth St., Ste. 407, Tustin CA 92780

E-mail: jason@blonska.com

Phone Number: (714) 565-7800

Office Hours: Appointments can be scheduled directly with me. Email me to set up an appointment.

Course Objectives:

1. To introduce students to the substantive legal rules that courts and legislatures have developed in identifying, valuing, managing, and distributing property acquired during marriage.
2. To enhance the student's analytical skills through the use of cases and problems.
3. To enhance the student's statutory interpretation skills through the use of various community property statutes.
4. To effectively understand community property principles so you can advise your future clients of their rights and responsibilities under California law. Even if you don't practice family law, many of your clients will be married, so this is important information to know. That's why community property is bar tested.

Required Texts:

Casebook: Grace Ganz Blumberg's Community Property in California, Aspen Law & Business (7th Edition). This is the 2016 casebook, but is the most current version we have available. From time to time, I will provide you with supplemental materials to cover the changes in statutory and case law since the book was published.

Attendance

Attendance is required for all classes. Any student with more than two (2) absences will be academically disenrolled from the course and will receive a grade of "W" or "F" on their transcript as provided under the applicable attendance policies in your Student Handbook. It is your responsibility to keep track of the number of your absences. Because this course is bar-tested, I cannot waive or excuse any absences.

Please be punctual. We will start class promptly at 6:15 p.m. If anyone is experiencing difficulties with the Zoom platform, you can email me at: jason@blonska.com and I will do my best to help rectify the situation.

Class Participation:

Class participation is required of all students. Class participation consists of being prepared when called upon, and having the textbook available to you. For each day's materials, I will call on students randomly and we will also have a program of pre-assigning some of the material.

Lexis Classroom

Our class will use the Lexis Classroom platform to share information, updates on assignments, and discussion about the material covered in class.

Methodology:

This course will use the case method of learning:

The case method. Your textbook also contains cases, notes and questions. You are responsible for reading and briefing all assigned material.

This course will also, in conjunction with the case method, use a collaborative approach to mastering the family law cases included in the textbook

Examinations and Grading:

All students will receive a numeric grade for the course. Course grades will be based upon a point system. Your grade will be based upon a final exam, which will be worth 90 points, and class participation/additional class assignments will be worth 10 points.

The final exam will be an untimed, open book, take home exam. Although untimed, it is designed such that it can be successfully answered within a two-hour period. 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 the California Bar. As we near the end of the summer session, we will discuss approaches to spotting issues and preparing for the final examination.

Reading Assignments and Preparation for Class:

We will cover the material in the following order. You should always be at least 60 pages ahead of where we left off from the last class to be considered prepared. The 60 pages are only a minimum and there will be times that we may go faster than 60 pages. You need to read the relevant statute sections listed within your assigned reading. For the first day of class, you will need to have read the first 60 pages assigned below (chapters 1 and 3). During each class session, we will discuss the cases covered in the material, and will also examine how the rules in each case apply to California's community property approach to marital dissolutions. In order to comprehend the material discussed in class, and also to make sure we cover everything during the summer semester, it is vital that you are prepared for class. It is expected that for each two hour class session, you will have spent a minimum of four hours preparing for class, reviewing the cases, outlining the material, and preparing answers for the notes and questions. For every hour in our class, you should be dedicating at a minimum two full hours of reading, preparation,

and self-study on the material we will be covering in the upcoming class. You should also prepare your own questions to ask your classmates and me regarding this material. Active participation in the class is essential to gain a command of this subject material.

The assigned reading will include:

Chapter 1 (pages 1 – 13 only)
Chapter 3
Chapter 4
Chapter 5
Chapter 6
Chapter 7 (starting at page 392)
Chapter 8
Chapter 9 (skipping pages 572 - to end of chapter)
Chapter 11 (starting at page 642)
Chapter 12

Zoom Classroom Format

The following is required of all students who are participating in this class, which will be conducted entirely over the Zoom platform:

- Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
- Arrive to class early and dressed as you would to attend an in-person class.
- Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
- Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.
- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
- If you have to miss a Zoom session, or arrive late or leave early, notify me in advance, as you would for an in-person class.
- If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify me so other accommodations can be explored.

- Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.
- Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify your professor in advance so you are not marked absent.
- Mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.
- Zoom has a number of tools available to you as a student: yes/no symbols, raise hand and thumb icons, share screen (with permission of the professor), chat windows, etc. Please familiarize yourself with those tools before class so that you can use them as requested by me.

The following guidelines and policies are attached and incorporated into this Syllabus:

1. ABA Standard 310 – preparation for class
2. Western State College of Law Programmatic Learning Outcomes (PLOs)
3. Disability Services Statement

ABA Standard 310

Please be aware that, on average, the expected work for law students is at least two hours of preparation for every one hour of class time. Therefore, it is estimated that, on average, the assigned reading and other classroom preparation should require six or more hours outside of class for each class session. Preparation is key for success in our class, as well as success as a lawyer.

Western State College of Law at Westcliff University – Programmatic Learning Outcomes

Western State College of Law at Westcliff University’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.

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 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 Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."