

Western State College of Law at Westcliff University

Community Property

Fall Semester 2023

Class Days and Times:

Mondays, 6:30 p.m. – 8:30 p.m., on campus

The first class is on August 28, 2023

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 (8th Edition). This is a newer edition casebook. The prior versions will not work because several of the old statutes and caselaw is no longer valid.

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.

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.

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 100 points.

The final exam will be a closed-book, two hour, in-person exam. 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 semester, 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. 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 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
Chapter 3
Chapter 4
Chapter 5
Chapter 6
Chapter 7
Chapter 8
Chapter 9
Chapter 10
Chapter 11
Chapter 12

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 four 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

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