

Western State College of Law at Westcliff University
Community Property
Fall 2023

Tuesdays 4:00 p.m. – 6:00 p.m.,
The first class is on Tuesday, August 29, 2023
Syllabus & Policies
Professor Andrew McKeown, CFLS

Professor Contact Information:

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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 prepare students for bar examination essays in the field of community property through exposure and practice with prior tested subjects.

Required Text:

Casebook: Grace Ganz Blumberg's Community Property in California, Aspen Law & Business (8th Edition, 2021) [ISBN: 9781543804409].

Students should also have access to the California Family Code either online or in print.

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, so don't ask my secretary, the Records Office or me how many absences you have. Because this course is bar-tested, I will not waive or excuse any absences.

The courts, employers, clients and I expect punctuality. Students who arrive after class has begun will be responsible for the oral presentation of that day's lesson. If you are both tardy and unprepared, you will be dismissed from class and your dismissal will count as an absence.

Class Participation:

Class participation is required of all students. Your preparation and participation is necessary to advance the discussion. Class participation consists of being prepared when called upon, and

bringing the casebook to class. I will call on students randomly throughout the semester to brief cases, answer questions, answer hypotheticals, etc.

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:

- Class Participation: Maximum of 10 points;
- Course / Bar Preparation Outline: Maximum of 15 points;
- Final Examination: Maximum of 75 points.

The final examination will be a closed book, in person essay examination to be conducted at a date to be determined during the final examination period. All topics covered in course will be fair game for final examination and students are expected to be prepared for essay examination covering any and/or all issues derived from Chapters 3-12 in the course book.

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

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."

Schedule:

Class 1 - Tuesday, August 29, 2023:

- Assigned Reading: Chapters 3-4
- Family Code § 760, 770, 803, 2581, 2640
- Evidence Code § 500, 600, 601, 604, 605, 606
 - Skip Andrews v. Andrews;
 - Skip notes after Andrews
 - Notes beginning page 138: Skip Notes 1, 2, 5

Class 2 - Tuesday, September 5, 2023:

- Assigned Reading: Chapters 3-4
- See above re sections to skip.

Class 3 - Tuesday, September 12, 2023:

- Assigned Reading: Chapter 5
- Family Code §§ 1610 - 1615, 852
- Skip notes after Dawley
- Skip notes after Noghrey (155-157)

Class 4 - Tuesday, September 19, 2023:

- Assigned Reading: Chapter 6
 - Skip notes after See
 - Skip notes after Mix
 - Skip 243-248 article
 - Skip notes after Gilmore

Class 5 - Tuesday, September 26, 2023:

- Assigned Reading: Chapter 6

Class 6 - Tuesday, October 3, 2023:

- Assigned Reading: Chapter 6

Class 7 - Tuesday, October 10, 2023:

- Assigned Reading: Chapter 7

Class 8 - Tuesday, October 17, 2023:

- Assigned Reading: Chapter 8

Class 9 - Tuesday, October 24, 2023:

- Assigned Reading: Chapter 9

Class 10 - Tuesday, October 31, 2023:

- Assigned Reading: Chapter 10

Class 11 - Tuesday, November 7, 2023:

- Assigned Reading: Chapter 11

Class 12 - Tuesday, November 14, 2023:

- Assigned Reading: Chapter 12

Class 13 - Tuesday, November 21, 2023:

- Course Review
- Essay Review of Fall 2022 and Summer 2023 Community Property Examination

Class 14 - Tuesday, November 28, 2023:

- Review of Moore and Marsden
- Review of Pereira and Van Camp
- Review of Hug and Nelson