

WESTERN STATE UNIVERSITY COLLEGE OF LAW
Course Syllabus

Professor: Renato L. Izquieta

Contact Info: rizquieta@ivc.edu; 714-914-3626 cell

Course: Family Law 437A

Semester: Spring 2022

Days/Time: Monday- 6:40 pm – 9:50 pm

Office Hours: By Appointment – Email or Call Prof. Izquieta

- I. **REQUIRED TEXT.** The required text must be brought to all classes.

2020 PRACTICE UNDER THE CALIFORNIA FAMILY CODE, Continuing Education of the Bar. Supplemental cases and materials as provided.

- II. **COURSE COVERAGE & 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 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 finalizing a divorce by default, or uncontested/contested situations, and will be introduced to some of 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.

- III. **CLASSROOM PARTICIPATION.**

Legal education is a cooperative venture. You must be prepared to participate in each class. Consistent and outstanding contribution to class discussion can increase your grade. Please note, however, that there is a difference between being unprepared and being unable to answer a question. You will not be down-graded for venturing an incorrect answer. Nevertheless, "passing" or being demonstrably unprepared will decrease your final grade. Finally, coverage of reacting assignments is fluid (i.e., I will not always cover all the assigned material during the scheduled class periods). Often, I will carry over the assignments to the next week, particularly at the beginning of the semester. You will not be excused from being prepared because you might have read the material a week or two before and now claim that you "don't remember it."

V. **EXAMS AND GRADING:**

There will be a final examination in essay format and no mid-term.

V. **CLASS PARTICIPATION, ATTENDANCE & RULES:**

Class Preparation and Participation: Legal education is a cooperative venture, and this is especially critical in a small class such as ours. Therefore, each of you should be prepared to participate in class on a regular basis. If you are unprepared, **you will be deemed “absent” for that class session.**

In addition, to reading and briefing the cases in the assigned reading, the following are the various teaching and learning tools that will be implanted and used:

- *The case method:* The textbook contains cases, notes, and questions. Students are responsible for reading and briefing the case material in all assigned chapters.
 - *The statute method:* The reading contains statutes and examples. Students are responsible to read all assigned statutes and case examples for applicability to case studies presented in class.
 - *The problem method:* The textbook and class lecture may contain issues and questions and problems. Students are expected to prepare responses for class discussion.
 - *The application method:* Problems will be presented during class that will require application of fact patterns to specific rules.
1. Students are expected to complete the required reading and case questions/review problems.
 2. Students are expected to brief any required cases in the assigned reading.
 3. Students are expected to have brief written outlines for the case questions/review problems.
 4. Students are expected to orally brief the cases in the assigned reading when called upon.
 5. Students are expected to provide in-depth analysis of case questions/review problems within the week's assigned reading, including statutes.
 6. Students are expected to participate in all class discussions.

- **Class Preparation Time:**

Pursuant to ABA Standard 310, you are expected to devote at minimum two (2) hours of out of class time preparing for each hour of classroom instruction. The assigned readings and case book problems each week have been calibrated for you to achieve this minimum requirement.

This class meets for 3 hours per week, you will be expected to read and prepare outside of class for a minimum of 6 hours in the week leading to each class. Note: Class coverage of reading assignments is fluid. We may not always cover all the assigned material during the scheduled class periods. However, it's your responsibility to make sure you are prepared for each class. In addition, I may distribute additional reading and other materials for additional review and class discussion.

- **Attendance:**

1. A seating assignment will be created on the first day of class
2. Students must be in their assigned seat before the start of class.
3. Attendance will be taken every class.
4. Students must sign in.

- **Absences:**

1. If students incur more than 2 (two) absences, you will be withdrawn from the course and receive a failing grade, which is in accordance with the policies of Western State College of Law.
2. Unpreparedness will be marked as an absence for the class.
3. Late to class will be marked as an absence and must not sign in.
4. If you depart early, you will be marked as absent.

Note, that pursuant to WSCL's attendance policy, students cannot make up an absence by attending another professor's class.

- **Seating Chart:**

1. A seating charted will be created on the first-day of class.
2. If you wish to change your seat, please notify the professor to consider your request to make any appropriate changes.

- **Electronic Devices:**

1. *Computer Use:* Students may use a personal computer during class for note taking only. Students are prohibited from being on the internet, checking email, playing games, texting, assessing social media, instance messaging, or the like. If a student violates this rule, the professor reserves the right to prohibit compute use in the class for the student.
2. *Cell Phones:* Students are required to shut-off or silent cell phones before the class begins. Students are prohibited from using cell phones in class. However, if you a genuine emergency requiring you to monitor your cell phone, please inform me in advance for the use.
3. *Audio/Video Recording and Photography:* Taking or transmitting photographic images during class or recording transmitting audio or video of any portion of any lecture, comments, or remarks by the professor is prohibited advance written permission.
4. *Commercial Materials:* Students may not recite from commercial outlines, briefs, or other commercial study aids.

VI. EXAMS, PARTICIPATION AND GRADING:

Each student will receive a numeric grade based upon a final exam and class participation.

- **Final Exam (80%):** The final examination will consist of an essay(s) examination. The examination will require analysis of the law, statutes, and policy issues covered in the reading materials and class discussions. The exam will be open book and notes. You will be expected to precisely cite to and paraphrase applicable case law, statutes, rules and public policy in your answer.
- **Class Participation (20%):** Each student will be required to participate in class. Participation will consist of either the student briefing for cases in the assigned reading, providing an analysis and problem solving for the case questions/review problems, analyzing and applying rules and statutes, or providing an analysis on any question posed in class by the professor. The student's demeanor, professionalism, and how well they articulate the issues and their analysis will be factors considered in the grade for class participation.

VII. OFFICE HOURS:

Please contact me at rizquieta@ivc.edu or at 714-914-3626 to schedule an appointment.

VIII. 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 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.

IX. **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."

X. **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 1: January 24, 2022 – Introduction; Initial Client Interview; Dissolution, Legal Separation, Nullity; Prof. Responsibility; Psychological Aspects of Family Law.**

Textbook Readings: Chapters 1-2; 23 and 24 (Skim)

Cases

Obergefell v. Hodges, 135 S. Ct. 2584 (2015)

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

Marriage of Johnston, 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)

Family Code § 70

- **Class 2: January 31, 2022 – Jurisdiction; Dissolution, Legal Separation, and Annulments; Fee Waivers; Property; Client Interview; Fact Investigation; Preparation of cases for trial during pre-trial phase; Legal Drafting**

Textbook Readings: Chapters 3-5 (Skim)

Cases

Marriage of Epstein, 24 Cal. 3d. 76 (1979)

Marriage of Watts, 171 Cal. App. 3d 366 (1985)

- **Class 3: February 7, 2022 - Discovery, preparing a Discovery Plan, and Declarations of Disclosure**

Textbook Readings: Chapter 13 (Skim)

Cases

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

People v. Sanchez, 63 Cal. 4th 665 (2016)

- **Class 4: February 14, 2020 - Spousal Support**

Textbook Readings: Chapter 6 (Skim)

Cases

Marriage of Burlini, 143 Cal. App. 3d. 65 (1983)

Marriage of Gavron, 203 Cal. App. 3d 705 (1988)

Marriage of Khera & Sameer, 206 Cal. App. 4th 1467 (2012)

Marriage of MacManus, 182 Cal. App. 4th 330 (2010)

Marriage of Ostler-Smith, 223 Cal. App. 3d 33 (1990)

Marriage of Minkin, 11 Cal.App.5th 939 (2017)

Marriage of Reynolds, 63 Cal. App. 4th 1373 (1998)

Marriage of McLain, 7 Cal. App. 5th 262 (2017)

Marriage of Riddle, 125 Cal. App. 4th 1075 (2005)

Marriage of Winter, 7 Cal. App. 4th 1926 (1992)

Marriage of Wittgrove, 120 Cal. App. 4th 1317 (2004)

In re Marriage of Labass and Munsee, 56 Cal. App. 4th 1331 (1997)

- **Class 5: TUESDAY February 22, 2022 - Child Custody and Visitation**

Textbook Readings: Chapters 7 (Skim)

Cases

Troxel v. Granville, 530 U.S. 57 (2000)
Marriage of Carney, 24 Cal. 3d 725 (1979)
Deborah M. V. Sup. Ct., 128 Cal. App. 4th 1181 (2005)
Marriage of Kreiss, 122 Cal. App. 4th 1082 (2004)
Wainwright v. Sup. Ct., 84 Cal. App. 4th 262 (2000)

- **Class 6: February 28, 2022 - Child Support**

Textbook Readings: Chapter 8 (Skim)

Cases

Marriage of Birnbaum, 211 Cal. App. 3d 1508 (1989)
Burchard v. Garay, 42 Cal. 3d 531 (1986)
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)

- **Class 7: March 7, 2022 - Parentage**

Textbook Readings: Chapter 8A(Skim)

Cases

MLB v. SLJ, 519 U.S. 102 (1996)
Stanley v. Illinois, 405 U.S. 645 (1972)
Santoski v. Kramer, 455 U.S. 745 (1982)
Wisconsin v. Yoder, 406 U.S. 205 (1972)
Quilloin v. Walcott, 434 U.S. 246 (1978)
Elisa B. v. Sup. Ct., 37 Cal. 4th 108 (2005)
Marriage of Buzzanca, 61 Cal. App. 4th 1410 (1998)
Marriage of Shiffman, 28 Cal. 3d 640 (1980)
Michael H. v. Gerald D., 491 U.S. 110 (1989)
Steven W. v. Matthew S., 33 Cal. App. 4th 1108 (1995) C
California Family Code § 7822
California Probate Code §1516.5

- **Spring Break - No Class on March 14, 2022]**
- **Class 8: March 21, 2022: Pretrial Procedures, Trial Preparation and Trial**

Textbook Readings: Chapters 10, 11 and 15(Skim)

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)

- **Class 9: March 28, 2022: Post-Trial**

Textbook Readings: Chapters 16, 17, and 18(Skim)

Cases

Marriage of Alter, 171 Cal. App. 4th 718 (2009)
Anna M. v. Jeffrey E., 7 Cal. App. 5th 439 (2017)
Zablocki v. Redhail, 434 U.S. 374 (1978)
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)
Marriage of McHugh, 231 Cal. App. 4th 1238 (2014)
Marriage of Mosley, 165 Cal. App. 4th 1375 (2008)

- **Class 10: April 4, 2022 - Domestic Violence**

Textbook Readings: Chapter 11 (Skim)

Cases

Marriage of Nadkami, 173 Cal. App. 4th 1483 (2009)
Eneaji v. Ubboe, 229 Cal. App. 4th 1457 (2014)
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)
People v. Whitehurst, 9 Cal. App. 4th 1045 (2004)
Ritchie v. Konrad, 115 Cal. App. 4th 1275 (2004)
Marriage of Freitas, 209 Cal. App. 4th 1059 (2012)
Burquet v. Brumbaugh, 223 Cal. App. 4th 1140 (2014)
Phillips v. Campbell 2 Cal. App. 5th 844 (2016)
Hauck v. Riehl 224 Cal. App. 4th 695 (2014)
Celia v. Hugo H. 3 Cal. App. 5th 655
 California Penal Code Section 273.5
 California Family Code Section 3044

- **Class 11: April 12, 2022: Defaults, Uncontested Divorce, Bifurcation of Marital Status**

Textbook Readings: Chapter 14 (Skim)

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)

- **Class 12: April 19, 2022 – Enforcement, Modifications and Cross Over Issues**

Textbook Readings: Chapters 20, 21, 22, 26 (Skim)

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 F 3d 1160 (9th Cir 2011)
Coursey v. Super. Ct., 194 Cal. App. 3d 147 (1987)

- **Class 13: April 26, 2022 - Mediation**

Read: Please obtain from the website listed below:

- 2020 Court Statistics Report, see [2021-Court-Statistics-Report.pdf \(ca.gov\)](#)
- *Families Change*: <http://familieschange.ca.gov/>

- **Class 14: May 4, 2022 – Course Review**