**Family Law**

Professor Olnek

Summer 2020

**Syllabus**

I’m looking forward to meeting you and teaching you this summer! Class will meet on Mondays and Wednesdays, from 1 p.m. to 3 p.m. except as otherwise noted on the schedule. We will meet via Zoom.  The meeting id is 928 9721 9699 and the meeting password is VLS Summer. You will be required to have your video turned on for the duration of the class period. For our first class, please arrive 10 minutes early so that we can work out any meeting bugs.

There is no class the week of June 28th which includes July 4th which falls on a Thursday this year. Therefore, we will not have class on Monday, June 29th or Wednesday, July 1.

**Course Description**

This course offers a survey of family law, including journal articles (both legal and psychological), case law and certain statutory laws. We will cover various topics such as the definition of family, constitutional limitations on the regulation of the family, marriage (formal and informal), limitations on marriage, divorce, the parent-child relationship, parenting time and custody issues, alimony (maintenance), property distribution, child support, dispute resolution systems, domestic violence and parental alienation.

**Objectives**

Students taking this course will (1) develop a working knowledge of substantive family law; (2) gain an understanding of the development of laws governing the family, the current and the future direction of family law; (3) perform legal analysis and competently communicate such analysis via written and oral communication; and (4) gain an appreciation of the day-to-day practice of family law and ethical issues facing family law attorneys and (5) identify the professional skills needed for competent representation of family law clients.

**Text**

Areen et al, Family Law: Cases and Materials, Concise 7th Edition. Students will also be responsible for obtaining other course materials through the TWEN site.

The syllabus and assignments are subject to change. I may add or update with new materials. I will also be arranging to have guest speakers come to class from time to time, so flexibility in scheduling is important and may result in additional changes to the syllabus.

**TWEN**

I use the TWEN course website, so you should view it as an important resource for course related announcements, supplemental readings, as well as additional course information. Please add yourself to TWEN prior to our first class. In addition, you will find optional readings and information about recent developments in family law relating to the subject matter examined in this course as well as opportunities related to family law.

**Attendance**

I consider class attendance and participation to be extremely important and I believe that not only your success, but the success or failure of our class will depend, in part, upon the preparation and participation of each student in the class.

Pursuant to Vermont Law School’s attendance policy, you are required to attend all classes except where religious observance, serious illness, personal emergency or a reason that is adequate in the judgment of the professor prevent attendance. If a student is absent from twenty (20%) of the regularly scheduled classes without adequate excuse, the student shall be automatically withdrawn from the course with a grade of F-Wd.

**Grades**

There will be three major methods of evaluation in this course. Class attendance and participation are required. Your class participation will be worth 15% of your grade. The second method of evaluation will be based upon a negotiation exercise that will be performed mostly out of class. The negotiation exercise will constitute 25% of your final grade. The final exam will constitute 60% of your grade and will be administered through TWEN.

**Office Hours**

My office hours will be on Thursdays between 9 a.m. and 12:00 p.m. on Teams, and other times by appointment. It is possible that things will come up for me and I may need to be on a call or other meeting, so if I am away from my desk during these hours, please just send me a chat message, and I will get back to you as soon as I can. You may also reach me by email me at molnek@vermontlaw.edu.

**Family Law Class Assignments**

**Class #1**: Wednesday, May 27

Read pp. 1-25 of the text (Please also start on the readings for class #2)

Describe your definition of "family" by completing this sentence and bringing it to class.  "A family"... (fill in the blank, one sentence only).

(You will have 2 options for the make-up class from Memorial Day: You can choose between Wednesday May 27 at 8:30 p.m. and Friday May 29 at 1:00 p.m.)

**Class #2**: Monday, June 1:

Restrictions on who may marry; Constitutionality of Marriage Restrictions

Read the: pp. 61-76 of the text.

pp. 92-110 – Obergefell

Traditional Restrictions on who may marry:

-incest, age, polygamy.

pp.111-120

State v. Sharon

Back v. Back

Levi-Strauss article

Margaret Mead article

**Class #3:** Wednesday, June 3:

Traditional Restrictions on who may marry:

-incest, age, polygamy (continued)

Read pp. 121-141 of the text:

In Re JMN

Collier v. Fox

Restrictions on procedure for marrying

141-152

Rappaport; Jones v. Perry

State of mind restrictions: 151-171

Lester, Johnston, Farr

**Class #4:** Monday, June 8:

Common Law Marriage = 160-171

Hargrave/Duval

Coon

Fault/defenses/no fault grounds for divorce

Text pp. 775-798; 807-816

Covenant Marriage: 850-52

**Class #5:** Wednesday, June 10:

Review divorce complaint on TWEN

Custody issues: Applying the Best Interest Standard

Text pp. 941-960

Custody issues: Child’s preference, Counsel for the child

Text pp. 974-1015

Skim Parenting Plan pp. 1015-1028

**Class #6:** Monday, June 15:

On Twen: Review article on joint parenting

In class: Review parenting plan/custody terms

Advanced custody issues: Parental Alienation

**Class #7:** Wednesday, June 17:

Divorce issues: Division of Property and Debt

Text pp. 1111-1133

Innerbichler, Holder

Text pp. 1152-1166

Polacheck, Tucker, Finan

**Class #8:** Monday, June 22:

Spousal Support (alimony)

Text, pp. 1166-1185, 1193-1198 (article)

Child Support, pp. 1208-1230

Child Support Guidelines and pertinent statutory provisions Title 15 VSA 656.

Answer question: What model of child support does Vermont follow?

**Class #9:** Wednesday, June 24:

Child Support, pp. 1237-1242, 1245-1246 (notes only), 1249-1251, 1267-1270.

Bargaining in the Shadow of the law, text pp. 1356-1362

Review negotiation materials posted on TWEN

Meet with your partner / Begin research

**No Class On Monday June 29th, or Wednesday July 1**

**Class #10:** Monday, July 6:

In class we will meet with “Amy” and “Jake”.

Continue to work with your partner and when you are ready, meet or schedule your meetings with opposing counsel.

**Class #11:** Wednesday, July 8:

No class – Use this class time to negotiate with opposing counsel

Negotiations will be due no later than Friday July 10 at 11:59 p.m. – Submit via TWEN

Points will be deducted for late submissions.

**Class #12:** Monday, July 13:

Review negotiations

ADR pp. 1407-1434

Read Susan Apel article on TWEN – Collaborative Law.

**Class #13:** Wednesday, July 15:

Assisted Reproductive Technologies

Read text pp. 665-692

Listen to RadioLab: link is on TWEN

ART and the unmarried partner’s parental status, pp. 713-729

Misplanted Embryos and article, pp. 748-753

**Class #14:** Monday, July 20:

Custody issues: Change in circumstances; Relocation

Text pp. 1040-1064

Third parties: Troxel/GP visitation: 448-457; 1064-1073

De Facto Parents; 1074-1085

**Class #15:** Wednesday, July 22:

Domestic Violence:

Read pp. 297-326

Read text pp. 327-362

Wynona Ward, Have Justice Will Travel – guest speaker

on domestic violence

**Class #16:** Monday, July 27:

Family Law Jurisdiction, Recognition and Choice of Law

Read Text pp. 1277-1314

Property, Spousal, and Child Support Jurisdiction

Text pp. 1314-1347

**Class #17:** Wednesday, July 29: LAST DAY OF CLASS

Pre-marital contracts: 1362-1394

**Final Exam**: TBD