

SOUTHERN ILLINOIS UNIVERSITY
SCHOOL OF LAW

FAMILY LAW
Spring 2021

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ONLINE CLASS
T & Th 9:15am-10:30am

SYLLABUS

COURSE DESCRIPTION:

Family law is an interesting and ever-changing area of law governing the interrelationship between the state and the family. In this course, we will explore the impact of the law on the formation and dissolution of intimate partner relationships and parent-child relationships. Our focus will be on the practice of family law and the considerations practitioners must make in representing clients; however, we will also pay considerable attention to family law public policy. This semester, we will cover the process for marrying and we will examine alternative forms of legally recognized intimate partner relationships. We will also cover dissolution of these relationships, paying special attention to the topics of child custody, jurisdiction, child support, property division and property settlement agreements. In addition to these topics, we will discuss adoption and the use of assisted reproductive technologies.

STUDENT LEARNING OUTCOMES:

As a student in this class, you should expect to achieve the following learning outcomes throughout the semester:

- Students will be able to critically examine the Constitutionality of regulations regarding marriage; students will make critical and effective arguments regarding the meaning of these regulations and their constitutional validity, and confidently predict the outcome of a challenge to these regulations.
- Students will be able to identify relevant facts necessary to gather from a client seeking to establish or modify child custody or to establish parentage, including those related to jurisdiction. Students will be able to identify legal issues related to paternity and child custody disputes from a relevant fact pattern, make critical and effective arguments through application of statutory and case law, and determine the likely resolution of those issues in each fact pattern. Students will be able to critically evaluate sample parenting plan language and confidently predict the enforceability of the provided plans.

- Students will be able to identify relevant facts necessary to gather from a client seeking a divorce or an annulment, including those necessary to resolve jurisdictional considerations. Students will be able to identify legal issues related to divorce, including property division and economic support, from a relevant fact pattern, make critical and effective arguments through application of statutory and case law, and determine the proper resolution of these matters in the case.
- Students will be able to identify the legal issues raised by a fact pattern involving cohabitation agreements and premarital agreements, make critical arguments regarding the enforceability of such agreements and confidently predict whether a particular agreement will be enforced.
- Students will be able to identify proper techniques for interviewing child clients and will be able to articulate the various representational models used in representing child clients. Students will be able to evaluate interviewing techniques they observe in demonstrated child client interviews. Students will demonstrate proper techniques for interviewing child clients.
- Students will be able to identify and critique various interviewing and rapport building techniques used in representing adult clients in family law matters.
- Students will be able to identify potential ethical dilemmas common in family law practice and articulate strategies for avoiding or resolving these dilemmas.

REQUIRED TEXTS, UNIFORM CODES and ILLINOIS FAMILY CODE:

WORK OF THE FAMILY LAW by Oliphant & Ver Steegh (Wolters Kluwer 2020, 5th edition) (herein **casebook**).

I selected this casebook because it provides an opportunity to focus on the practice of family law. You should always read and be prepared to share your thoughts on the “Reflective Questions,” “Discussion Questions” and “Chapter Problems” in the casebook. You do not need to look up the referenced cases with these problems and you should not limit your thinking to the court’s analysis of the problem. Sometimes you will be asked to write out and submit your answers to these questions. I will specifically indicate when a written submission is required. While we will be using several of the “Preparation for Practice” exercises as a focus for class, you do not need to prepare these for class unless specifically instructed to do so.

QUESTIONS & ANSWERS: FAMILY LAW by Mark Strasser (Carolina Press 2018, 3rd edition) (herein **Q&A**).

This book will provide you with helpful multiple choice questions. This will let you “test” your understanding and help you prepare for our exam. We will cover some of these questions in class.

I have also assigned various sections of the Illinois Code for you to read and prepare for class.

Family law in Illinois has undergone some significant revision in recent years; we will focus on the current law in class. Finally, while we will examine Illinois law, we will explore trends in family law across the country. For the exam, you should be familiar with any Uniform Code we cover in addition to Illinois law; you should also be prepared to read and interpret statutes (drawing on information discussed in class) provided on the exam.

Finally, there will be additional reading materials and videos posted on TWEN (discussed below).

CLASS PREPARATION:

General Notes:

To supplement class, I will be using TWEN, a web-based platform hosted by Westlaw. This syllabus is posted on TWEN. Moreover, I will use TWEN to post other class materials. In addition to these posted materials, there is a Continuing Class Discussion page where you can post questions at any hour of the day (or night) and where others, including myself, can respond. **You must sign-up for the class TWEN page by the start of class. You are responsible for familiarizing yourself with the information posted and discussed on TWEN prior to the examination.**

You must register on TWEN to be able to access it, using your Westlaw password. To do so, go to: <http://lawschool.westlaw.com>. At the top of the page, there should be a blue bar, with “TWEN” as one of the options you can click on; click on TWEN. There should be further directions that can guide you through registration process. When you register, be sure to use whatever e-mail address you wish to be contacted at (you do not need to use your Southern Illinois University Law School account) because this is the address that I will use for any announcements.

Reading Assignments:

The first few weeks of reading assignments will be posted on TWEN prior to the start of the semester. I will post the reading schedule for each two-to-four-week period well in advance to provide time for you to prepare for class. This will ensure that if we need to spend extra time on a particular concept, we can do so without having to constantly adjust an already published reading schedule.

Students are required to carefully read assignments prior to attending class and work through the “Reflective Questions,” “Discussion Questions” and “Chapter Problems” in the casebook. Students are also required to work through any assigned questions and explanations from the Q&A book prior to class. Occasionally, I will assign supplemental reading material or study questions created by me that are intended to guide you through the assigned readings and get you thinking about the issues prior to class. The supplemental materials will be available at all times

on the TWEN website so that you can print them out at your leisure. Check for supplemental material under the heading “Class Materials” on TWEN.

CLASS ATTENDANCE AND PARTICIPATION:

Attendance Policy

Due to the challenges related to COVID-19 this class is offered in an entirely online format. We will be meeting in a synchronized online format via Zoom. The link for our class will be posted on TWEN. **There will be some videos that you will be asked to watch prior to our scheduled class meeting.** Even though this class is being offered in an online format, **active class participation is essential to your success.** You should not plan on taking **any** absences in this class unless you have an unforeseen or unavoidable conflict, such as illness. As such, attendance is mandatory (including any make-up classes related to any class cancellations) and you may miss no more than four (4) classes during the semester. In extraordinary situations, a student may make-up a missed class, so that the absence will not be counted against the total absences permitted; this determination will be addressed at my sole discretion on a case-by-case basis. Those exceeding the maximum number of absences will be subject to the ramifications described in the Law School’s attendance policy. *See* School of Law Rules III.5 (f)-(g).

If you become ill, or need to care for someone who is ill, or do not have childcare because of COVID-19, please contact Assistant Dean Judi Ray for assistance with appropriate accommodations.

To be marked present for class, you must (1) complete the entire assignment for that day by 9:15 am (CST); (2) attend on Zoom as specified in the Online Class Policies posted on TWEN; (3) participate in the class discussion and Zoom break-out rooms; (4) participate in any in-class quizzes or polls **and** (5) correctly answer the “attendance” question (based on our reading assignment) given via Socrative at the start of class. **If you miss more than five minutes of class for any reason (other than an approved accommodation), you will be counted as absent.** Repeated tardiness will also result in being marked absent.

Class Participation, Group Work and Class Polling Tool

You are also required to **actively participate** in class. When called on, be prepared to share your thoughts with the class (see Online Class Policies memo posted on TWEN). You are not expected to know every answer, but you are expected to demonstrate that you have given some consideration to the assigned materials.

For many of our classes, we will work in student groups in Zoom break-out rooms. I will let you select your student group members. These groups will provide you with an opportunity to collaborate with your peers and to think through the course material. While you are welcome to

work with your fellow group members outside of class, you are not required to do so. Additionally, your group members will not play a role in assessing your performance in this course. During class, you should contribute to the group discussion via Zoom break-out rooms and be prepared to share your thoughts with the class.

Finally, as part of class, we will be using an online polling program called Socrative. I will use Socrative to take attendance, administer quizzes and poll the class. **You must log on individually, using your name, every day.**

If a student is not prepared to discuss the assigned materials when called upon, fails to actively participate during the in-class group discussion, fails to submit Socrative responses, or fails to complete an assigned class exercise in a timely manner, the student will be marked as absent for that class.

OFFICE HOURS:

My scheduled office hours are on Fridays from 9-10am (unless there is a scheduling conflict); I will post a Zoom link on TWEN for office hours. **Because these are virtual office hours, please send me an email by 8:30am on Friday to let me know you plan to stop by the virtual office hour and your preferred time slot. This will allow me to ensure that I can coordinate multiple meetings.** We can also arrange a time for a phone conference or Zoom meeting at another time. Just email me to arrange a meeting.

COURSE WORK LOAD:

You might be interested to know that the ABA standards incorporate out of class work in the calculation of credit hours. Under the ABA standards, **you should expect to spend 150 minutes per week in class (2.5 hours), plus (a minimum of) six hours of study a week, for a total of 8.5 hours per week.**

PROFESOR AND STUDENT EXPECTATIONS:

As a law student, I expect that you will treat your time spent in class and preparing for class as a professional. You can expect the same from me. While the following list is not exhaustive, these guidelines will assist in the creation of a comfortable and productive learning environment throughout the semester.

You can expect me:

- To start and end class on time.
- To reply to e-mails within 24 hours on weekdays and 48 hours on weekends.
- To be available during my posted office hours (and to provide alternative office hours should any require rescheduling).

- To assign out of class work that adequately covers the material and meets the learning objectives of the course while adhering to the time expectations for a 3 credit course.
- To give an exam that accurately reflects the material covered in class and assigned in our readings.

I can expect you:

- To come to every class and to be on time.
- To be attentive and engaged in class.
- To refrain from using laptops, cell phones and other electronic devices during class **for anything other than class work.**
- To spend an adequate amount of time on the reading assignments each week, making an effort to understand the legal principles covered, generating answers to the questions stated in the syllabus and working through the problems in the book.
- To seek help when appropriate.

GRADING:

Your grade in this course will be calculated as follows:

- **15% Practice MEE questions**
 - We will have several MEE questions that are designed to reinforce the concepts we are learning in class and help you prepare to take the bar exam. These assignments are formative in nature and are designed to help you learn. You will receive full credit if your work product shows professional preparation (e.g., The work is submitted in a timely manner, is complete, and shows thoughtful deliberation and effort). More information about these assignments will be distributed in class.
- **15% Scored MEE question**
 - This MEE question will be due on **April 8, 2021**. This is a summative assignment and will be scored for accuracy and not simply for professional preparation. You will be required to re-write your answer until you have achieved a minimum level of competency to receive credit for this course. More information about this assignment will be distributed in class.
- **70% Comprehensive Final Exam**
 - The final exam will take place on the date designated by the Law School. More information about the exam will be distributed in class.

BAN ON COLLABORATION ON WRITTEN ASSIGNMENTS:

You are not allowed to obtain help from any other person (including any other student or professor) on **any** written assignment in this course. This ban on collaboration **includes obtaining written materials online from any source** (including publically posted materials that

are not specifically authorized in the assignment itself) and communicating with anyone other than Professor Upchurch about the assignment. If you violate the ban on collaboration policy, you can be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, please do not hesitate to contact me for clarification.

PLAGIARISM:

Plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

NOTICE OF RECORDING POLICIES:

For the benefit of students who are unable to attend a particular class due to an unavoidable circumstance, and for students who wish to review a particular class to better facilitate learning objectives, class sessions will be recorded via Zoom by Professor Upchurch and made available through a link on the class TWEN page. Because of the possibility of a technical malfunction, Professor Upchurch cannot guarantee the successful recording of every class. Students are free to make audio (not video) recordings of class lectures for their own purposes, but are not permitted to distribute that recording to other individuals inside or outside of class.

ATTACHMENTS:

This Syllabus incorporates by reference the Law School Syllabus Attachment, the Provost Syllabus Attachment, and the Online Class Policies posted on the course TWEN page.

FIRST ASSIGNMENT:

The first assignment will be available on the course TWEN page. Please sign up for the TWEN page at your earliest convenience.