

Family Law Education Reform Project

William Mitchell Family Law Syllabus

OVERVIEW

This syllabus is for a statutory and skills based class. The class is intended to help students gain a basic familiarity with the law in this area, have an opportunity to think about the policies and philosophies which confront the legal profession and society in this area and also get a sense of what it is like to practice family law on a day to day basis.

EXPLANATION AND COMMENTS

The study of family law provides a unique opportunity to examine the interplay of societal change and the law. This course involves the study of controversial social, religious, racial, gender, political and economic issues. Students are encouraged to express differing views while remaining sensitive to the emotional and often personal nature of the topics discussed.

ABOUT THE AUTHOR

Andrea Niemi

Adjunct Professor, Attorney
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Professor Niemi has been in practice since 1982, and has a broad range of experience in family and juvenile law. She received her B.A. from Macalester College and her J.D. from William Mitchell College of Law. She limits her practice to alternative dispute resolution in family and juvenile law matters, including mediation, parenting consulting and parenting time expediting.

She has been named one of the top 40 Family and Alternative Dispute Resolution (ADR) Lawyers in Minnesota, Super Lawyer, and Minnesota Leading Attorney and has been named one of the Best Lawyers in America.

FAMILY LAW SYLLABUS FALL 2008

**Adjunct Professor Andrea Niemi
William Mitchell College of Law**

The study of family law provides a unique opportunity to examine the interplay of societal change and the law. This course involves the study of controversial social, religious, racial, gender, political and economic issues. Students are encouraged to express differing views while remaining sensitive to the emotional and often personal nature of the topics discussed.

Family Law encompasses many areas of law. This is a statutory and skills based class. I hope you gain a basic familiarity with the law in this area, have an opportunity to think about the policies and philosophies which confront us in this area and also get a sense of what it is like to practice family law on a day to day basis.

Class Materials and Resources

- Robert Oliphant & Nancy Ver Steegh, Work of the Family Lawyer, (2nd Edition Aspen Pub., 2008)
- Minnesota Family Law Statutes (Located on Westlaw, exact statutes required will be listed on the syllabus)
- Various enrichment materials posted on Blackboard or available on the internet.
- You are encouraged to bring laptops to class in order to consult primary source materials (statutes, court rules, etc.) on line when necessary

Questions and Concerns

I am available by email aniemi@nbilaw.com and by phone at my office at 612-333-2400. I would prefer to be contacted by email. I am also available by appointment, to meet with you in person. Contact me by email or by telephone to schedule a meeting. I am interested in your questions and feedback.

Grading

Your grade will be based on the following components

- **Kramer vs Kramer Study Guide**, Week 4 (5% pass/fail) **Due Date: Sept. 16, 2008**
- **Reflective Journals on interviews and ADR Counseling Session**, Weeks 3 & 10 (10 % pass/fail). **Due Dates: Interview Sept. 9, 2008; ADR Counseling Session, Oct. 28, 2008;** One of the more important outcomes of this class is your increased level of self-awareness as a family law practitioner. To encourage self-reflection, we ask that you prepare a short

essay (1-2 pages, 600 word maximum; typed, double-spaced, standard 1-inch margins) after the client interview, the client ADR counseling session addressing the most important insights or lessons you learned. What most surprised you? What most challenged you? What new ways of looking at the practice of law did you acquire? What insights about being a client did you gain?

- **Family Court Observation & Reflective Journal. (15% pass/fail) Due Date: Nov. 25, 2008**
At some time during the semester you must observe a family court proceeding. This can be in any county. Please note that Hennepin and Ramsey County have dedicated family courts, the other metro counties do not. It will be your task to figure out when a proceeding that you may observe is being held and where it is being held. Ideally you will observe about 2 hours of court. You will be asked to prepare a short essay (1-2 pages, 600 word maximum; typed, double-spaced, standard 1-inch margins) reflecting on what you learned from this observation. State when you observed court, where and what judicial officers you observed. What most surprised you? What problems did you encounter? What would it feel like to be a litigant in this situation? What new ways of looking at the practice of law did you acquire?
- **Summons and Petition (20%) Due Date Nov. 4, 2008** You will receive instructions for this in class in week 9.
- **Final Exam (50%)** More detail will be provided on the final exam in the near future.
- **Current Events** –You are encouraged to bring current events to the class' attention. Because the class is so large, you are asked to write a paragraph of no more than 250 words (typed, double spaced, standard 1-inch margins) regarding your news item, stating what the legal issues of interest are and why. These must be deposited in the Blackboard dropbox by Friday at 5 pm in order to be considered for the following week's class. Each week I will review these and randomly choose a person to lead a class discussion of no more than 10 minutes on their news item. You may receive a grade boost for relevant current events. This grade boost will be possible whether or not you are chosen to present your news item. If you submit a news item, you must be prepared to lead a class discussion on it.

Class Preparation and Participation

Please prepare for each class by reading and considering the assigned cases, statutes, and articles. Class time will be used to expand your understanding of the assignment, not reiterate it. You will be responsible for all of the assigned reading, even if something is not specifically discussed in class. This class will involve a number of guest lecturers who are practitioners with expertise in the area we are working on. There will also be a number of interactional small group exercises in class. If you miss a class you will miss these invaluable experiences. Please do your best to attend

all class sessions. A general outline of the reading assignments is attached. Because each class moves at a different pace, this syllabus may be changed as the course progresses.

Please participate in class discussions! You will learn more and you will enrich the experience of your classmates.

<u>Week</u>	<u>Topic and Date</u>	<u>Reading Assignments</u>	<u>Activities/Guest Speaker</u>	<u>Assignments Due</u>
1	Marriage, Divorce, Legal Separation and Annulment			
	8/26/2008	<ul style="list-style-type: none"> • Ch 1 - The Family Lawyer; Cultural Changes; and State Power to Regulate Marriage and Divorce • Ch. 5 Constitutionalizing the Marriage Relationship <ul style="list-style-type: none"> ◆ Minn. Stat. § 517.01 ◆ Minn. Stat. § 517.02 ◆ Minn. Stat. § 517.03 ◆ Minn. Stat. § 517.04 ◆ Minn. Stat. § 518.01 ◆ Minn. Stat. § 518.02 ◆ Minn. Stat. § 518.03 ◆ Minn. Stat. § 518.04 ◆ Minn. Stat. § 518.05 ◆ Minn. Stat. § 518.06 ◆ Minn. Stat. § 518.055 		
	8/27/08	<ul style="list-style-type: none"> ◆ Minn. Stat. § 518.02 ◆ Minn. Stat. § 518.03 ◆ Minn. Stat. § 518.04 ◆ Minn. Stat. § 518.05 ◆ Minn. Stat. § 518.06 ◆ Minn. Stat. § 518.055 		
2	Restructuring Parent-Parent-Child Relationships at Divorce			
	9/2/08	<ul style="list-style-type: none"> • Ch. 7. - Child Custody and Parenting Plans <ul style="list-style-type: none"> ◆ Minn. Stat. § 518.003 (3) ◆ Minn. Stat. § 518.17 ◆ Minn. Stat. § 518.175 ◆ Minn. Stat. § 518.1705 • Sample Parenting Plan-posted on Blackboard • Andrea K. Niemi, <i>Interviewing Clients</i>, Posted on Blackboard 		
	9/3/08		Skills Exercise: Initial Client Interview- Large Group Debrief	
3	Restructuring Parent-Parent-Child Relationships at Divorce (cont.)			
	9/9/2008 Parenting Time and Visitation	<ul style="list-style-type: none"> • Ch. 8 Parenting Time and Visitation <ul style="list-style-type: none"> ◆ Minn. Stat. § 518.175 	Movie -Kramer vs. Kramer	Reflective Journal re client interview

<u>Week</u>	<u>Topic and Date</u>	<u>Reading Assignments</u>	<u>Activities/Guest Speaker</u>	<u>Assignments Due</u>
	9/10/2008	◆ Minn. Stat. § 518.1752		
The Child's Voice / Modification				
4	9/16/2008 The Child's Voice	Skim the Uniform Representation of Children in Abuse, Neglect and Custody Proceedings Act (link on Blackboard) ◆ Minnesota Rules of Guardian Ad Litem Procedure ◆ Minn. Stat. § 518.165	Video & small group discussions	Kramer vs. Kramer Study Guide
	9/17/2008 Modification and Relocation	• Ch. 9 - Modification of Child Custody/Parenting Plans and Relocation ◆ Minn. Stat. § 518.18		
Third Party Custody/ Interstate Jurisdiction Issues				
5	9/23/2008 Third Party Custody	Minn. Stat. § 257C.01 ◆ Minn. Stat. § 257C.02 ◆ Minn. Stat. § 257C.03 ◆ Minn. Stat. § 257C.04 ◆ Minn. Stat. § 257C.05 ◆ Minn. Stat. § 257C.06 ◆ Minn. Stat. § 257C.07 ◆ Minn. Stat. § 257C.08	Guest Speaker: John Jerabek, Niemi Barr & Jerabek	
	9/24/2008 Jurisdiction Issues National & International	• Ch 10 Uniform Child Custody Jurisdiction and Enforcement Act ◆ Minn. Stat. Chap. 518D	Guest Speaker: Tom Tuft, Tuft & Arnold	
Financial Support Upon Divorce				
6	9/30/2008	• Ch. 11 Establishing Child Support ◆ Minn. Stat. § 518A.26 ◆ Minn. Stat. § 518A.27 ◆ Minn. Stat. § 518A.28 ◆ Minn. Stat. § 518A.29 ◆ Minn. Stat. § 518A.30 ◆ Minn. Stat. § 518A.31 ◆ Minn. Stat. § 518A.32	Complete Child Support Calculation	

<u>Week</u>	<u>Topic and Date</u>	<u>Reading Assignments</u>	<u>Activities/Guest Speaker</u>	<u>Assignments Due</u>
		<ul style="list-style-type: none"> ◆ Minn. Stat. § 518A.33 ◆ Minn. Stat. § 518A.34 ◆ Minn. Stat. § 518A.35 ◆ Minn. Stat. § 518A.36 ◆ Minn. Stat. § 518A.37 ◆ Minn. Stat. § 518A.38 ◆ Minn. Stat. § 518A.39 ◆ Minn. Stat. § 518A.40 ◆ Minn. Stat. § 518A.41 ◆ Minn. Stat. § 518A.42 ◆ Minn. Stat. § 518A.43 		
	10/1/2008			
7	Financial Support Upon Divorce (cont.)			
	10/7/2008 Establishing Alimony	Ch. 13 - Establishing Alimony <ul style="list-style-type: none"> ◆ Minn. Stat. § 518.003 (3a) ◆ Minn. Stat. § 518.552 • Ch. 14 - Modification of Alimony <ul style="list-style-type: none"> ◆ Minn. Stat. § 518A.39 		
	10/8/2008			
8	Financial Support Upon Divorce (cont.)			
	10/14/2008 Distribution of Property	• Ch. 15 - Division of Property <ul style="list-style-type: none"> ◆ Minn. Stat. § 518.003(3b) ◆ Minn. Stat. § 518.58 (1) ◆ Minn. Stat. § 518.58 1a) ◆ Minn. Stat. § 518.58 (2) 	Guest Speaker: Martin Swaden, Swaden Law Offices	
	10/15/2008			
9	The Dissolution Process in Minnesota; Conflict Resolution Methods; Parenting & Financial Experts			
	10/21/2008	•Ch. 25 - Mediation, Collaborative Law, Parenting Time Expediting, Parenting Coordination and Arbitration <ul style="list-style-type: none"> ◆ Minn. Stat. § 518.1751 ◆ Minn. Rules of Practice, ◆ Rule 114 Alternative Dispute Resolution and Appendix <ul style="list-style-type: none"> • Materials on Early Neutral Evaluation, Triage 		
	10/22/2008		<ul style="list-style-type: none"> ▪ Client ADR 	

<u>Week</u>	<u>Topic and Date</u>	<u>Reading Assignments</u>	<u>Activities/Guest Speaker</u>	<u>Assignments Due</u>
			Counseling Role Play <ul style="list-style-type: none"> ▪ Large group debrief 	
10	Pre-Marital, Post-Marital Contracts/Cohabitation			
	Pre and Post Marital Contracts 10/28/08	<ul style="list-style-type: none"> • Ch. 16 - Premarital Contracts <ul style="list-style-type: none"> ◆ Minn. Stat. § 519.11(1) ◆ Minn. Stat. § 519.11(5) 	Guest Speaker: Susan Rhode, Moss & Barnett	Reflective Journal re Client Counseling session
	10/29/08 Cohabitation outside of Marriage	<ul style="list-style-type: none"> • Ch. 17 - Cohabitation Outside of Marriage <ul style="list-style-type: none"> ◆ Minn. Stat. § 518.076 Minn. Stat. § 513.075 		
11	CHIPS and TPR			
	11/4/2008	<ul style="list-style-type: none"> • Ch. 19 Child Abuse <ul style="list-style-type: none"> ◆ Minn. Stat. § 609.06 ◆ Minn. Stat. § 260C.007(6) ◆ Minn. Stat. § 260C.165 ◆ Minn. Stat. § 260C.212 ◆ Minn. Stat. § 260C.213 ◆ Minn. Stat. § 626.556(3) • Ch.20- Termination of Parental Rights <ul style="list-style-type: none"> ◆ Minn. Stat. § 260C.301 ◆ Minn. Stat. § 260C.317 		
	11/5/2008			
12	Creation and Recognition of "New" Family Relationships			
	11/11/08 Parentage & Adoption	<ul style="list-style-type: none"> Ch. 22 - Parentage <ul style="list-style-type: none"> ◆ Minn. Stat. § 257.54 ◆ Minn. Stat. § 257.541 ◆ Minn. Stat. § 257.55 ◆ Minn. Stat. § 257.57 ◆ Minn. Stat. § 257.58 ◆ Minn. Stat. § 257.60 ◆ Minn. Stat. § 257.62 ◆ Minn. Stat. § 257.71 ◆ Minn. Stat. § 257.75 • Ch.23- Adoption 	Guest Speaker: John Jerabek, Niemi, Barr & Jerabek	Summons and Petition

<u>Week</u>	<u>Topic and Date</u>	<u>Reading Assignments</u>	<u>Activities/Guest Speaker</u>	<u>Assignments Due</u>
		<ul style="list-style-type: none"> ◆ Minn. Stat. § 257.74 ◆ Minn. Stat. § 259.24 ◆ Minn. Stat. § 259.25 ◆ Minn. Stat. § 259.29 ◆ Minn. Stat. § 259.41 ◆ Minn. Stat. § 259.52 ◆ Minn. Stat. § 259.58 ◆ Minn. Stat. § 259.59 ◆ Minn. Stat. § 259.89 		
	11/12/08 Alternative Reproduction	<ul style="list-style-type: none"> • Ch. 24 - Alternative Reproduction <ul style="list-style-type: none"> ◆ Minn. Stat. § 257.56 ◆ Minn. Stat. § 259.62 	Guest Speaker: Mark Fiddler	
13	Protection of Family Members			
	11/18/2008	<ul style="list-style-type: none"> • Ch 18 Domestic Violence <ul style="list-style-type: none"> ◆ Skim Minn. Stat. Ch. 518B 	Guest Speaker: Assoc. Dean Nancy Ver Steegh	
	11/19/2008			
14	Changing Role of the Family Lawyer			
	11/25/2008	<ul style="list-style-type: none"> • Ch. 26 Professional Responsibility 		Reflective Journal on family court observation
	11/26/2008			