Family Law, Spring 2022
Monday and Wednesday 1:40-3:10

Prof. Robin Maril
Email: rkmari@willamette.edu

Office Hours: Monday and Wednesday 3:30 - 4:30 (drop in), other days by appointment


Preparation & Participation: Each class I will assign certain students ahead of time to be “experts” on the day’s cases. In addition to these “experts,” I will cold call throughout the discussion. You are expected to read and think critically about the assigned material before each class. If you are unable to prepare for class, please email me 30 minutes prior to the start of class to avoid being called on. I understand that life happens. You may request 3 “passes” throughout the semester. In order to receive credit for this course, the ABA expects that you will be conducting at least 2 hours of out-of-class work for every hour of class time.

Learning Objectives: Students will learn the doctrinal rules applicable for each area of Family Law; be able to apply those rules to novel or unanticipated factual scenarios; and develop familiarity with basic practice skills relevant to a family law practice.

Attendance: All students are expected to comply with the law school’s attendance policy. Students are also expected to be on time for class; students who are regularly late to class (or regularly leave class early) may be reported to the Associate Dean for Student Affairs for appropriate action. Students should leave cameras on throughout the class. Please contact me directly if this is a concern. For technical issues before or during class please reach out to Kirsten Parsons directly.

Willamette Nondiscrimination Policy: Willamette University is a diverse community that provides equal opportunity in employment, activities, and its academic programs. The university shall not discriminate on the basis of race, color, religion, sex, national origin, marital status, veteran status, actual or perceived sexual orientation, gender identity, gender expression, or status with regard to pregnancy, disability or age. Willamette is firmly committed to adhere to the letter and spirit of all federal and state equal opportunity and civil rights laws.

Information for Students with Disabilities: Willamette Law is committed to making sure that everyone is able to participate fully in our courses. If you have particular
needs in order to access to this course, please contact Dean Mac Alpine or Sue Minder, Director of Accessible Education Services, at sminder@willamette.edu or 503-3706737.

**Final Exam:** The final exam will consist of several essay questions. In addition, students who volunteer and participate in the classroom discussion on a regular and helpful basis may receive a grade enhancement of one-third a grade at the discretion of the instructor.

**Week 1 1/10**

I. Constitutional Protection for Family Rights

   1. Course Overview and Introduction to Privacy


   2. Privacy Continued


**Week 2 1/17**

3. Privacy Continued

   Readings: CB 76-81 (*JD. v. Azar*), CB 85-87 Notes, CB 87-93, 95-98 (*Lawrence v. Texas* and accompanying notes), Additional Class 3 Readings on WISE.

**Week 3 1/24**

II. Family Formation and Recognition

4. Introduction to Marriage

   Readings: CB 102-104 (*2. The Marriage Contract*), CB 113-125 (*Simeone v. Simeone, In Re Marriage of Shanks* and accompanying notes), Additional Class 4 Readings on WISE.

5. Marriage: Government as Gate Keeper

Week 4 1/31

6. **Marriage: Government as Gate Keeper**


7. **Marriage: Government as Gate Keeper**


Week 5 2/7

8. **Marriage: The Common Law View**


Week 6 2/14

10. **Recognition of Nonmarital Relationships, Defining Family**


11. **Rights for Nontraditional Families**

    Readings: CB 444-461 (*Stanley v. Illinois, Michael H. v. Gerald D., Chatterjee v. King* and accompanying notes), Additional Reading for Class 11 on WISE.

Week 7 2/21

12. **Parentage: Adoption and Marital Presumption**
13. Parentage: Assisted Reproductive Technologies

Readings: CB 763-772 (In Re M.F. and accompanying notes), CB 803-813 (P.M. v. T.B. and accompanying notes through note 6), Skills Exercise Materials on WISE.

Week 8 2/28

14. Parentage: Termination of Rights and Adoption Through Foster Care

Readings: CB 829-836 (Santosky v. Kramer and accompanying note), CB 844-846 (In Re Adoption of M.S.), CB 848 Note: Intercountry Adoption.

III. Divorce and Relationship Dissolution

15. Divorce: Fault-Based, Introduction to No-Fault


Week 9 3/7

16. Divorce: No-Fault Continued


17. Divorce: Financial Impacts

Readings: CB 559-563 (Ferguson v. Ferguson and accompanying material), CB 565-567 Notes, CB 568-578 (Mani v. Mani and accompanying material) CB 580-583 (Wolfe v. Wolfe), CB 586-588 (Mennen v. Mennen), CB 592- 603 (Howard v. Howard, Bender v. Bender and accompanying notes).

Week 10 3/14

18. Divorce: Financial Impacts

19. Parental Disputes Concerning Child Custody


**Week 11 3/28**

20. Child Custody Continued


21. Child Custody Continued


**Week 12 4/4**

22. Divorce: Collaborative Law and Mediation

Readings: Class 22 Readings Available on WISE.

**IV. Family Violence, Trauma, and the Law**

23. Creating a Trauma-Informed Practice

Readings: Class 23 Readings Available on WISE.

**Week 13 4/11**

24. Intimate Partner Violence, Stalking

Readings: TBA

25. Building a Family Law Practice
26. Review