

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

**Prof. Robin Maril**

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

**Texts:** Required materials: Weisberg, Modern Family Law 7th Edition, Aspen Casebook Series (referenced as Casebook and/or CB within)

**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](mailto: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

Readings: CB 1-15 (*Griswold v. Connecticut*, *Eisenstadt v. Baird* and accompanying materials), Excerpt from *The Right Family* available on WISE.

#### 2. Privacy Continued

Readings: CB 18-31 (*Meyer v. Nebraska*, *Roe v. Wade* and accompanying notes), CB 43-49 (*Whole Woman's Health v. Hellerstedt*), and CB 64-67 (*Planned Parenthood of Southeastern Pennsylvania v. Casey*).

## 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

Readings: CB 128-140 (*Loving v. Virginia*, *Zablocki v. Redhail*, and accompanying notes), CB 143- 145 (*Turner v. Safley*), Additional Class 5 Readings on WISE.

#### **Week 4 1/31**

6. Marriage: Government as Gate Keeper

Readings: CB 149-157 (*Obergefell v. Hodges*), CB 169 Notes 1 and 2, CB 182-185 (*Collier v. Fox*), CB 187-189 Notes.

7. Marriage: Government as Gate Keeper

Readings: CB 191-194 (*Kirkpatrick v. District Court*), CB 197-204 (*Blair v. Blair, Carabetta v. Carabetta*, and accompanying notes), CB 210-215 (*Jennings v. Hurt* and accompanying notes), CB 217 Note ii.

#### **Week 5 2/7**

8. Marriage: The Common Law View

Readings: CB 223-229 (*McGuire v. McGuire* and accompanying notes), CB 232-234 Note: Constitutional Limits on Sex-Stereotyped Role Assignments, CB 243-246 (*Bradwell v. Illinois* and accompanying notes).

9. Marriage: Tort and Criminal Law Issues, Introduction to Nonmarital Issues

CB 291-308 (*Ammarell v. France, Epstein v. Epstein, State v. Gutierrez* and accompanying notes), CB 391-401 (*Marvin v. Marvin, Blumenthal v. Brewer*).

#### **Week 6 2/14**

10. Recognition of Nonmarital Relationships, Defining Family

Readings: CB 401- 408 (Notes and Questions, *Graves v. Estabrook*) CB 418-420 (*Braschi v. Stahl Associates Co.*), CB 374-387 (*U.S. Dept. of Agriculture v. Moreno; Moore v. City of East Cleveland* and accompanying notes).

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

Readings: CB 782-797 (*Adoptive Couple v. Baby Girl*, *McLaughlin v. Jones* and accompanying notes).

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

Readings: CB 473- 492 (*Brown v. Brown*, *Anderson v. Anderson*, *Reid v. Reid*, *In the Mater of Ross*, *Gerty v. Gerty*, and accompanying notes), CB 499-508 (*Bennington v. Bennington*; *Feltmeier v. Feltmeier* and accompanying notes), Additional Reading for Class 15 on WISE

**Week 9 3/7**

16. Divorce: No-Fault Continued

Readings: CB 508- 514 (Notes and *Boddie v. Connecticut*), CB 520-522 Notes, CB 525-526 (*Moses v. Moses*), CB 527-531 (*Florida Bar v. Dunagan* and accompanying notes), CB 534-538 (*Iowa Supreme Court Attorney Disciplinary Board v. Morrison* and accompanying notes).

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

Readings: CB 603-607 (*In Re Marriage of Roberts* and accompanying notes), CB 610-611 Notes, CB 611-616 (*Turner v. Turner* and accompanying notes), CB 617-620 (*McLeod v. Starnes* and accompanying notes) CB 621 – 627 (*Pohlmann v. Pohlman, Olmstead v. Ziegler* and accompanying material, CB 653-658 (*Miles v. Miles* and accompanying text).

19. Parental Disputes Concerning Child Custody

Readings: CB 659-683 (*Devine v. Devine, Palmore v. Sidoti, Sagar v. Sagar, In re Marriage of Black* and accompanying materials).

**Week 11 3/28**

20. Child Custody Continued

Readings: CB 684-691 (*Peters-Riemers v. Riemers* and notes), CB 691-693 (*Bell v. Bell*) CB 698-703 (*Hanke v. Hanke* and accompanying notes), CB 704-726 (*Turner v. Turner, Troxel v. Granville, In re C.A.C.* and accompanying notes).

21. Child Custody Continued

Readings: CB 684-691 (*Peters-Riemers v. Riemers* and notes), CB 691-693 (*Bell v. Bell*) CB 698-703 (*Hanke v. Hanke* and accompanying notes), CB 704-726 (*Turner v. Turner, Troxel v. Granville, In re C.A.C.* and accompanying notes).

**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

Guest Speaker

**Week 14 4/18**

**26. Review**