

Family Practice, Spring 2022

Contact Information

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COURSE INFORMATION

Course Format

This course is designed to give you practical experience in managing a dissolution case from the initial client interview through preparation for trial, including instruction on the filing of pleadings, discovery, negotiation, legal issues regarding custody, support and property, as well as other topics.

Each student will be assigned a client, either Husband or Wife, whom you will represent for the semester. Each student will also have the option of being assigned a lawyer from the community to act as your mentor should you choose to connect with that individual.

Mentors

If you request a mentor, the mentor assigned to you will be with you for the semester. This experience can be whatever you make it, but I encourage you to meet with your mentor for an amount of time that equates to one hour every two weeks over the course of the semester. The mentors have been asked to be available to assist you in any way that you believe will be helpful. They can assist with assignments. They are also very knowledgeable about all elements of the practice of law. Each mentor is a respected professional in the area of practice and wants to give you a true feeling for what it is like to be a family law attorney. They can provide you information about this area of the law, as well as what it is like to run a law practice in the Salem community.

The mentors have not been tasked with creating a structured agenda for your meetings, and instead have been asked to be available to support you in the course and provide you information on the practices of family law in general. For those occasions you choose to meet with your mentor, it is your responsibility to accomplish any goals you may have for the time you spend together, not your mentor's.

The mentors are all highly regarded in the community, and their time is valuable. Please respect their interaction with you by calling to schedule appointments and discussing with your mentor during your first meeting what his or her expectations are as far as communication. Some prefer email. Some prefer telephone calls. Ask your mentor's preference. Recognize that the mentors are very generous in providing you their (billable) time. Please do not abuse that generosity by missing

scheduled appointments or calling and emailing too frequently. **If you have trouble scheduling with or contacting your mentor, please see me as soon as possible so we can resolve the situation.**

You are not required to meet with your mentor, but I can convey to you that if you are interested in practicing family law or believe you will practice as an attorney locally, these are extremely good connections to make, and they have the added benefit of the ability to assist you with the course materials.

Required Materials

There is no text for the course. Your Course Schedule notes reading assignments, and is very clear as to the expectations for a particular class period. Some articles will be provided for your information only, such as if you wish to pursue this as a career and would like additional materials to assist you. Some articles are suggested skimming, meaning that you should review them prior to class to get a flavor for the topic, but you will not be held accountable to regurgitate material contained in the article during class discussion. On the occasions where I do ask you to **read** particular cases or statutes, it is because those items are a foundation for the entire topic or discussion that will occur in class; and in those instances I expect you to come to class prepared. You will be responsible for locating and reviewing the appropriate cases.

Your written assignments will consist primarily of preparing pleadings. You will be provided with form pleadings from which you can begin your work. These will be provided to you at the start of the semester. Additionally, each of your mentors will likely have their own preferred forms of the various documents you will be required to submit. You are welcome to use any material you choose and will not be marked down for adopting your mentor's pleadings, rather than the materials provided by the instructor. The materials provided by the instructor are simply to ensure that you have something to work with and will not be starting your pleadings from scratch.

If you would like to review additional materials for a particular topic discussed in class, or for use in your final Trial Memorandum legal argument, I commend to you the Oregon State Bar's CLE on Family Law, which is a three volume set and is located in your library. I would be glad to provide additional citations upon request.

Grading

There will be no final exam in this course, nor is this a traditional "paper class" in which you write one final project in lieu of an exam. Instead you will prepare actual legal proceedings similar to those that would be filed in a true domestic relations proceeding in Marion County.

The written assignments are not designed to be clerical; however, misuse of a "form" is a large area of malpractice for attorneys. Please do not simply adopt the form you are provided. Think through the facts of your case to determine which positions will most benefit your client and modify the form accordingly. I will look for that in determining an appropriate grade.

Two large writing assignments will be due at or near the end of class: the Proposed Judgment and the Trial Memorandum. These two documents represent the largest portion of your grade. Please

treat both, but especially the Trial Memorandum, as you would a “final paper.” Your Trial Memorandum should be a minimum of 10 pages including the fact and legal argument sections. The Memorandum should argue the issues of spousal support and all property division issues. **Do not argue child custody, parenting time, or child support. Assume those issues have been resolved by agreement, and the only remaining issues for the court to decide are property division and spousal support.**

Each student shall turn in the following assignments, with grading broken down as follows:

- 10% Petition (Mother Darling’s counsel) or Response (Father Darling’s counsel)
- 10% Temporary Motion and supporting Declaration (all)
- 10% Parenting Plan
- 20% Proposed Temporary Judgment and Proposed Temporary Order
- 20% Proposed Final Judgment
- 25% Trial Memorandum
- 5% Billing Statement

Assignments

Half of the class (assigned to represent Mother Darling) will file a Petition, Motion for Temporary Relief, and Supporting Declaration as their first assignment. The next week the second half of the class (assigned to represent Father Darling) will file a Response, Answer to Motion for Temporary Relief, and Supporting Declaration as their first assignment. Though you are representing a particular side, you will not exchange pleadings. Respondents will be given a model Petition and Motions for Temporary Relief prepared by me to which they should respond when preparing their “Response” assignment.

After the initial pleadings (Petition, Motion for Temporary Relief, and Supporting Affidavit for Mother Darling’s counsel; Response, Answer to Motion for Temporary Relief, and Supporting Affidavit for Father Darling’s counsel), the case will move forward to resolution of “Temporary Issues” by entry of a set of two **PROPOSED** temporary orders/judgment that each student will be required to turn in. Though in a real case you would be limited by the information presented in your initial pleadings, for purposes of this exercise, you may request any relief you feel is appropriate to ask for on behalf of your client for resolution of temporary matters. This is true even if what you ask for is different than the relief requested in your original documents. This allows each student to make changes and refine their position as we learn more throughout the semester. Please note that you are not allowed to “stipulate away” issues for these exercises (claiming that a particular issue like custody is not at issue), each pleading should address every possible issue unless the instructor as articulated otherwise. Additionally, the proposed forms of order/judgment are not stipulated agreements you have reached, they are exhibits you intend to submit to the judge at your hearing that outline exactly *what you are asking the court to order* after presentation of your evidence and testimony of your witnesses. They are *trial* documents, so select the correct form and prepare the document as if they would be submitting at hearing.

Please make sure when you submit assignment to me that you .pdf the document (rather than sending me it in word processing format) and that your name appears on the first page of EACH document

you submit. I would appreciate it if you would save your file with your name (last, first) then the name of the document. For example, if I turned in a Petition, I would save it as a .pdf titled “Saucy Lauren Petition.”

Time Outside of Class

In addition to your submission of written materials, each student is encouraged to attend any formal court proceeding that may be available to you, such as status conferences or trials, which are currently being held by remote methods such as telephone and WebEx. We have even done Zoom depositions, which may make access via your mentor more readily available. Please ask your mentor or me if you are interested and can make yourself available to observe. The timing of this will obviously be dependent on your mentor’s calendar, and recognize that schedules often change just before trial or deposition when a settlement is reached. At this point trials in Marion County are largely occurring by phone, which may All mentors will be available for students, so if your mentor has nothing scheduled that works with your time frame you can ask another mentor or I can assist you in coordinating with another mentor. Making sure you can find a trial or status conference is your responsibility, not your mentor’s.

Billing Records

One of the most critical aspects of being a family law attorney is keeping an accurate accounting of your time. Beginning with the second week of class, you will be required to keep track of all time spent on the course, in increments of .1 hours, as if you were billing for a case. Please provide the date, a description of your activity and the time you spent. This is not a fictional project, so do not add “phone conference with client,” or other such entries. Treat it as a log of your work on the class. Such as:

February 2, Appearance at trial of Smith vs. Smith, 1.2 hours

March 3, Office conference with mentor, 1.3 hours

March 30, work on Trial Memorandum legal section regarding spousal support, .8 hours

Each student is responsible for keeping time records and submitting an individual billing statement. There are no specific formatting requirements for billing statements. The statements will be turned in the last day of class. I recommend you keep them up to date as the class progresses rather than create them from memory at the end of the course.

The grade for the billing statement will be a combination of the statement itself and the time spent during the course.

Class Questions

The most effective way to communicate with me outside the class is by email. Please use my work email rather than the university email, as I rarely check the university account. You can also contact me by phone or schedule an appointment to meet with me by phone or video conference. I will do my best to be available and respond promptly to any questions or comments about the course.

I look forward to working with you.