# FAMILY LAW WITH SKILLS

## Course Schedule

Prof. Andrew Schepard and Prof. J. Herbie DiFonzo  
Fall 2016

**Note:** Be sure to read the Course Overview in conjunction with this Course Schedule

<table>
<thead>
<tr>
<th>DATE</th>
<th>TOPIC</th>
<th>PROFESSOR</th>
<th>ASSIGNMENT</th>
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</table>
| Tuesday 8/23/16 | Family Law: Past and Present                    | DiFonzo & Schepard | OV (Oliphant & Ver Steegh) 3-24 [Ch. 1]  
Read *Gay Custody Fights Redefine Legal Parenthood* [TWEN]  
Answer *Opening Day Questions* [TWEN]—bring answers to first class |
| Thursday 8/25/16 | Constitutionalizing Family Law                  | DiFonzo            | OV 25-71[Ch. 2]  
Mildred Loving Obituary [TWEN] |
| Tuesday 8/30/16 | The Divorce Process                             | DiFonzo            | OV 115-141, 146-152 [Ch. 4]  
Read McKinney's DRL § 170 (containing the seven New York divorce grounds)  
| Tuesday 8/30/16 | MEET THE MENTORS  
Introduction to professional responsibility and establishing a lawyer-client relationship.  
Panel Discussion:  
MEET THE LAWYERS  
Lawyers |
| Faculty Lounge 3rd Floor | OV 905-939 [Ch. 22]  
**Draft two questions related to today’s reading about professional responsibility for the attorneys. Please submit to Allie Faver by Monday 8/29/16 at 1pm.**  
Read John Lande & Forrest S. Mosten, “Family Lawyering: Past, Present, and Future” [on |
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Author</th>
<th>TWEN</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>Thursday 9/1/16</td>
<td>The Family Court and the Family Lawyer: History and Development</td>
<td>Schepard</td>
<td>TWEN</td>
<td>Read New York Law Journal articles and associated materials on unified family courts [on TWEN].</td>
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<tr>
<td>Tuesday 9/6/16</td>
<td>Child Custody and Parenting Plans</td>
<td>DiFonzo</td>
<td>OV</td>
<td>155-218 [Ch. 5]</td>
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<td>Read Gary Port, <em>The New Normal—Chapter Five</em>, April 26, 2016, at <a href="http://nydivorcefacts.com/2016/04/24/new-normal-chapter-five/">http://nydivorcefacts.com/2016/04/24/new-normal-chapter-five/</a> [Prepare to discuss: How did this family come to this point? What are the legal issues? What are the emotional issues, and how do they interact with the legal ones?]</td>
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<tr>
<td>Thursday 9/8/16</td>
<td>Parenting Time and Visitation</td>
<td>Schepard</td>
<td>OV</td>
<td>219-256 [Ch. 6]</td>
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<tr>
<td></td>
<td>Modifying Child Custody</td>
<td>Schepard</td>
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<td>257-304 [Ch. 7]</td>
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<tr>
<td>Tuesday 9/13/16</td>
<td>Establishing Child Support</td>
<td>DiFonzo</td>
<td>OV</td>
<td>307-354 [Ch. 8]</td>
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<td><em>Skim</em> Texas Family Code – Duty to Support [on TWEN]</td>
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<tr>
<td>Thursday 9/15/16</td>
<td>Modification and Enforcement of Child Support</td>
<td>DiFonzo</td>
<td>OV</td>
<td>355-386 [Ch. 9]</td>
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<td><em>Skim</em> Texas Family Code Modification of Support [on TWEN]</td>
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<tr>
<td>Tuesday 9/20/16</td>
<td>Division of Property at Divorce</td>
<td>Schepard</td>
<td>OV</td>
<td>465-522 [Ch. 12]</td>
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<tr>
<td>Thursday 9/22/16</td>
<td>Establishing Spousal Support</td>
<td>DiFonzo</td>
<td>OV</td>
<td>387-432 [Ch. 10, but <em>skim</em> the Riley, Scheur, and Dewbrew cases to leave time for New York material below]</td>
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</tbody>
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Review *Temporary Maintenance Tools*, at [http://nycourts.gov/divorce/Temporary_Maintenance.shtml](http://nycourts.gov/divorce/Temporary_Maintenance.shtml) [we will have an exercise based using these tools]

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<thead>
<tr>
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<tbody>
<tr>
<td>Tuesday</td>
<td>Modification of Spousal Support</td>
<td>DiFonzo</td>
<td>OV 433-462 [Ch. 11]</td>
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<tr>
<td>9/27/16</td>
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<tr>
<td>Thursday</td>
<td>ADR in Family Law</td>
<td>Schepard</td>
<td>OV 865-904 [Ch. 21]</td>
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<tr>
<td>9/29/16</td>
<td>Intimate Partner Violence</td>
<td>Schepard</td>
<td>OV 617-658 [Ch. 15]</td>
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<tr>
<td>Tuesday</td>
<td><strong>NO CLASS</strong></td>
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<tr>
<td>10/4/16</td>
<td>Rosh Hashanah</td>
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<tr>
<td>Thursday</td>
<td>Adoption</td>
<td>DiFonzo</td>
<td>OV 783-816 [Ch. 19]</td>
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<td>10/6/16</td>
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<tr>
<td>Tuesday</td>
<td>Establishing Parentage</td>
<td>DiFonzo</td>
<td>OV 743-782 [Ch. 18]</td>
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<tr>
<td>10/11/16</td>
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<tr>
<td>Thursday</td>
<td><strong>NO CLASS</strong></td>
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<tr>
<td>10/13/16</td>
<td>Both professors at conference in D.C.</td>
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Notes:
- **NO CLASS**
- Both professors at conference in D.C.
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<thead>
<tr>
<th>Date</th>
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<th>Textbook References</th>
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<tbody>
<tr>
<td>Tuesday 10/18/16</td>
<td>Alternative Reproduction SKILLS PREP Drafting a Surrogacy Contract Memo</td>
<td>DiFonzo</td>
<td>OV 817-862 [Ch. 20]</td>
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<tr>
<td></td>
<td>Review Surrogacy Contract Memo Materials [on TWEN]. Note that the Surrogacy Drafting Assignment is due Tuesday 11/1/16 by 5pm.</td>
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<tr>
<td>Thursday 10/20/16</td>
<td>Marriage Requirements Preparital and Postmarital Contracts</td>
<td>Schepard</td>
<td>OV 73-114 [Ch. 3]</td>
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<td>OV 523-568 [Ch. 13]</td>
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<td>Google and analyze (be prepared to discuss) at least 3 different sites for “prenuptial agreements” Based on your analysis, what should be contained in a “prenup”? What should not? When should the agreements you find be enforceable in court? Why?</td>
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<td>Tuesday 10/25/16</td>
<td>Student Panel Discussion on Family Court Observations</td>
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<td>Note: You will be notified if you were chosen as a panelist by Thursday 10/20/16</td>
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<tr>
<td>Thursday 10/27/16</td>
<td>Child Abuse</td>
<td>Schepard</td>
<td>OV 659-698 [Ch. 16]</td>
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<tr>
<td>Tuesday 11/1/16</td>
<td>Involuntary Termination of Parental Rights</td>
<td>Schepard</td>
<td>OV 699-740 [Ch. 17]</td>
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<tr>
<td>Thursday 11/3/16</td>
<td>SKILLS PREP: Client Counseling Negotiation Theory Mediation Advocacy</td>
<td>DiFonzo &amp; Schepard</td>
<td>On TWEN: Readings will be posted on each skill. You will be required to submit a counseling and negotiation plan with your partner by Thursday, 11/10/16 at 8:00 pm.</td>
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<tr>
<td>Tuesday 11/8/16</td>
<td>SKILLS PREP: Trial Skills: Direct &amp; Cross Examination</td>
<td>DiFonzo &amp; Schepard</td>
<td>On TWEN: Readings will be posted on each skill. You will be required to submit a draft of your outline for direct and cross examination and your opening and closing prepared with your partner by Thursday, 11/10/16 at 8:00 pm.</td>
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<tr>
<td>Thursday 11/10/16</td>
<td>No formal class meeting: prepare in groups for Skills Weekend</td>
<td></td>
<td>You will be conducting the mock trial Nov.11, and the counseling, mediation and negotiation on Nov. 12. We highly encourage you to use this time to meet with your group and prepare for these exercises. As noted above, you are going to have to submit plans for these exercises very</td>
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shortly before you undertake them. It is very important that you come completely prepared on that day.

You must have mastered the case file ahead of time, since you will not have time during the exercise to review it.

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<tr>
<th>Date</th>
<th>Time</th>
<th>Event Description</th>
<th>Tentative schedule</th>
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| Friday     | 11/11/16      | FLWS Client Trial Prep & Trials                        | Tentative schedule:
|            | 12:00Noon-3:00PM |                                         | 12:00-1:00 Trial prep of client in small group (with feedback) |
|            |               |                                                        | 1:00-1:15 Break                                          |
|            |               |                                                        | 1:15-3:00 Trial (Opening, Direct, Cross, Summation) (with feedback) |
| Saturday   | 11/12/16      | FLWS Client Counseling, Mediation Advocacy, Negotiation, and Parent Education | Tentative schedule:
<p>|            | 10:30AM-3:30PM |                                         | 10:30-11:30 Client counseling for mediation &amp; negotiation in small group (with feedback) |
|            |               |                                                        | 11:30-12:15 Working lunch (on your own)                   |
|            |               |                                                        | 12:15-1:15 One-half of the small groups mediate; the other half negotiates (both with feedback) |
|            |               |                                                        | 1:15-1:30 Break                                          |
|            |               |                                                        | 1:30-2:30 Mediation &amp; Negotiation teams switch           |
|            |               |                                                        | 2:30-3:30 Parent Education and Wrap-Up                   |
|            |               |                                                        | Note: self-evaluations of your performance in each exercise are due on Monday, 11-14-16 by 5:00 pm |
| Tuesday    | 11/15/16      | Cohabitation Outside of Marriage                       | Schepard 569-614 [Ch. 14]                                |
| Thursday   | 11/17/16      | The Constitution and the Parent-Child Relationship     | Schepard On TWEN:                                       |
| Tuesday    | 11/22/16      | Review Surrogacy Agreement                             | DiFonzo &amp; Schepard                                      |
| Thursday   | 11/24/16      | NO CLASS Happy Thanksgiving!                           | ---                                                     |
|            |               |                                                        | ---                                                     |
| Tuesday    |                | Jurisdiction in Family                                 | Schepard OV 141-146, 299-300                           |</p>
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<tr>
<td>11/29/16</td>
<td>Court Matters</td>
<td>Available on TWEN:</td>
<td>- DRL §230 &amp; CPLR §302B</td>
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<td>Thursday</td>
<td>Final Exam Q&amp;A</td>
<td>DiFonzo &amp; Schepard</td>
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<td>12/1/16</td>
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<tr>
<td>Friday</td>
<td>Final Exam Take-Home Period</td>
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<td>The final exam is a take-home exam for which you will have 24 hours.</td>
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<td>12/2/16 at</td>
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<td>You may download it beginning Friday, 12/2/16 at 9:00AM. You must</td>
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<td>9:00AM</td>
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<td>have submitted your completed exam no later than Monday, 12/12/16 at</td>
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<td>through</td>
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<td>12:00 Noon. We will provide further instructions before the end of</td>
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<td>Monday</td>
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<td>the semester.</td>
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<td>12/12/16 at</td>
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<td>12:00 Noon</td>
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