

**Family Law**  
**Spring 2019**  
Professor Fenton

Law 136A  
Room A110  
3 Credits

M., W.  
9:30am-10:50am

Course Materials

The required text for this course is Krause, Elrod, Oldham, Family Law: Cases, Comments, and Questions (8th ed., 2018) (ISBN:978-1-68328-451-2). Supplemental materials also will be distributed. A schedule for the semester is included at the end. You are responsible for all cases and materials assigned, regardless of whether each part of that assignment is specifically covered in class.

If your intention is to become a practitioner in the area of family law or if you just have an interest in a particular area, you may access Florida practice forms at: [http://www.flcourts.org/gen\\_public/family/forms\\_rules/index.shtml](http://www.flcourts.org/gen_public/family/forms_rules/index.shtml) . You might also consult <http://www.flcourts.org/> or <http://www.floridasupremecourt.org/>. Other states have similar databases if you intend to practice in a state other than Florida.

There will be an in-class participatory assignment which will constitute 25% of your grade and one out-of-class assignment which will constitute 10% of your grade. Materials in support of these assignments will be distributed at an appropriate time in the course.

Class Participation

Class attendance and class participation are mandatory. Students will be called on **randomly** in each class. Participation on one day will not shield you from participation on the next. All students are expected to be prepared to field questions, especially those concerning basic doctrine and "black letter" applications. In addition, students should focus on understanding the broader theoretical implications and policy issues underlying the "black letter" applications. You should expect to be called on more than once during the semester.

If you miss class for any reason, you must discuss your absence with me. You must not miss more than three classes for any reason. Barring extenuating circumstances, refusal to comport with these requirements may be harmful to your final grade. I retain the option of lowering your grade by as much as a half grade (no more) for poor class attendance or participation. I also have the option of raising your grade by as much as a half grade (no more) for excellent participation. In extreme cases, you may be removed from the course.

You should view class participation as an important part of your learning experience. Class is your opportunity to experiment with the materials before you are evaluated on them. Volunteered answers in class are always welcome. Family law is necessarily a policy-laden course; broad participation in class will assist you in grasping the intricacies of the potential policy issues and choices.

### Religious Holy Days

The University of Miami, although a secular institution, is determined to accommodate those students who wish to observe religious holy days. Classes missed due to observances of religious holy days will count as excused absences *only if* you provide written notice of your intended absence(s) to me no later than the end of the first three meetings of our class.

### Use of Personal Technology in the Classroom.

You are best served during class period if you focus on class discussions and lectures. Furthermore, the classroom environment must support learning for all students; technological devices may be distracting to individuals in the class and thus undermine that goal. Accordingly, in addition to other professional conduct and the corresponding courtesies, please refrain from text messaging; instant messaging; e-mail use; use of cell phones (disable them in class); or any other communication devices. Also refrain from displaying wallpaper, screen savers, or other material on your laptop screen reasonably expected to offend or distract your classmates. It should also be understood that games (electronic or otherwise) are inappropriate for the classroom. I will sanction any student who interferes with the general learning environment in the class. Such sanctions may include, but are not limited to, the loss of the privilege to use a laptop in my class, individually or collectively.

### Final Examination

There will be a final examination at the end of the semester. The final will consist of several parts and will cover both “black letter” issues and policy choices.

**If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact Disability Services at the Office of Disability Services for information about available opportunities, resources, and services: telephone number 305-284-9907; email address [disabilityservices@law.miami.edu](mailto:disabilityservices@law.miami.edu). You may also visit the Disability Services website at <https://www.law.miami.edu/students/student-accessibility-and-inclusion>.**

### Office Hours:

by appointment.

I keep my own calendar. You should e-mail me to find a mutually available time to meet. The time immediately following class generally is available on an open basis.

**You are also encouraged to ask basic questions via e-mail.**

### Contact Information

Rm: G374.

**E-Mail:** [zfenton@law.miami.edu](mailto:zfenton@law.miami.edu)

**Homepage:** <http://www.law.miami.edu/facadmin/faculty/zfenton.html>

**Family Law – Syllabus  
Spring 2019**

Mon., Jan., 14	Introduction – What is a Family?	pp. 1-19 pp.71-88; 110-130; 215-218
Wed., Jan., 16	Cont./ State Intervention/Privacy	pp. 43-71; 19-41
<b>Mon., Jan., 21</b>	<b>MLK Day</b>	
Wed., Jan., 23	Premarital Controversy Regulating	pp. 310-314 pp.89-101; 718-721
	Getting Married	pp.131-152
Mon., Jan., 28	Cont./	pp.152-165
Wed., Jan., 30	Not-married	pp.275-290 (pp.290-309, <i>opt.</i> )
Mon., Feb., 4	Divorce	pp. 673-717
Mon., Feb., 6	Cont./ Jurisdiction (Divorce)	pp.727-735
Mon., Feb., 11	Marital Property	pp.187(bottom)-194 (pp.194-202, <i>opt.</i> ) pp. 885-912
Wed., Feb., 13	Cont./	pp. 912-966
Mon., Feb., 18	Spousal Support	pp.967-1007 (pp.1008-1021, <i>opt.</i> )
Wed., Feb., 20	Child Custody	pp.789-874
Mon., Feb., 25	Cont./	pp.827-874
Wed., Feb., 27	Modification Jurisdiction (Custody)	pp.874-884 pp.753-772 (pp.773-788, <i>opt.</i> )
Mon., Mar., 4	Child Support	pp.1023-1052 pp.1055-1091

Wed., Mar., 6                      Cont./  
Jurisdiction (CS)                      pp.735-753

### **March 11- 15 Spring Break**

**Mon., Mar., 18**                      Antenuptial Ks                      pp. 218-256  
Post-nuptial Ks                      pp. 257-274  
**[Court Observation Due]**

Wed., Mar., 20                      The Lawyer's role                      pp.595-607; 613-622;  
630-658  
(pp. 607-613; 658-672, *opt.*)

Mon., Mar., 25                      Separation Agreements                      pp.1093-1126

Wed., Mar., 27                      Tax; Bankruptcy                      pp.1126-1156

Mon., Apr., 1                      **Negotiation Exercise**                      handouts; pp.622-629

Wed., Apr., 3                      **Negotiations Continued**

Mon., Apr., 8                      Paternity                      pp. 342-381

Wed., Apr., 10                      Child, Parent, State                      pp.495-553

**Mon., Apr., 15**                      Cont./                      pp. 553-594  
**[Negotiation Assignment Due]**

Wed., Apr., 17                      Adoption                      pp.383-406; 414-424  
(pp.406-414; 424-429, *opt.*)

Mon. Apr., 22                      Last Day -- Review