

FAMILY LAW PRACTICE LAB
Fall 2017

Alternating Mondays, 12:45-2:00, Oakes 007
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This simulation-based course is designed to complement the Family Law doctrinal course taught by Professor Apel – it’s a chance for you to draft documents, argue motions, and learn from guest speakers through the lens of your family law coursework. The main goal of the course is develop real-world skills that apply not only to family law litigation practice, but to general practice as well. In each two-hour workshop, you will receive immediate feedback and support on your work. Keep in mind that you are signing up for a profession that demands lifelong learning—they don’t call it ‘law practice’ for nothing—so a little humility and patience will go a long way as we work together to learn new skills.

This course carries one-credit and will only meet on the following dates: 9/11, 9/25, 10/16, 10/30, 11/13, 12/4. If you know in advance that one or more of these dates will not work for you, we must part ways for now. **UNLESS A STUDENT HAS AN EMERGENCY OR SERIOUS ILLNESS WITH VERIFICATION, ATTENDANCE IS MANDATORY. Failure to attend class without a verified excuse could result in a failing grade or ‘Incomplete’ designation on your transcript.**

COURSE OBJECTIVES

- Develop litigation skills: drafting, client relations, strategy, motion practice, oral argument, practice management/organization
- Formulate working knowledge of basic Vermont family law and procedure
- Explore ethical and technical challenges that arise in family law litigation
- Develop awareness of unique client needs (such as domestic violence history) and how to respond competently and compassionately

MATERIALS

The new generation of lawyers “Google” stuff all day, (hopefully taking care to evaluate the accuracy of the sources they encounter,) and therefore, so will we. We will also take advantage of your Westlaw and Lexis subscriptions. (Some paper versions of many of the materials we use also appear in your Family Law course pack.) I recommend taking some time at the beginning of the semester to set up a system for organizing links, which might include setting up bookmarks on your web browser and/or creating a research folder for this course in Westlaw: <https://www.youtube.com/watch?v=6Y5GArdRtl4>. Having quick access to your materials will allow you to maximize your free time in class and minimize the amount of time you spend on your assignments outside of class.

EXPECTATIONS (HOW TO GET A GOOD GRADE)

As a law student, receiving a grade based on your ability to do “real lawyer” work when you are not yet a “real lawyer” might feel like a trap. Quality learning requires taking risks and experimenting, which can feel especially dangerous when a grade is on the line. Therefore, your work will be evaluated first and foremost based on the effort that is apparent from the page (or oral argument), viewed through the lens of a hypothetical Senior Partner at our hypothetical law firm and/or the lens of a hypothetical client who is paying you \$175 per hour for your work.

- Taking ten extra minutes to proofread or asking a friend to proofread is an easy way to demonstrate that you took the assignment (i.e. the hypothetical client’s life-changing legal problem) seriously and made an effort. Typos and grammar are key! We will experiment with voice and tone, but continue to keep in mind all those good lessons on clarity from your legal writing courses. Don’t try to “sound like a lawyer” without first considering why and to what end.
- Get the law right! Because this course is focused on skill-building, citing the law that’s on-point should not be challenging.
- Try! With such a small group, participation and attitude will be apparent. Additionally, because taking risks is hard, you are also welcome to submit a separate document (one page only) “showing your work” by describing any difficult decisions you encountered and weren’t sure about, with an explanation as to how you reached your final decision. I will give at least partial credit for well-reasoned, but technically wrong attempts at good-quality work.

SYLLABUS

Class #1 (9/11) “I need a divorce.”

Preparation: Sign up for our TWEN page: Family Law Practice Lab. Locate and review the following: Vermont Family Rule 4; the Vermont statute governing subject matter jurisdiction for divorce (including residency requirements); and the Vermont statute governing subject matter jurisdiction over child custody matters (Vermont’s UCCJEA—please focus on Sections 1071 and 1061).

Class work:

- Introduction
- Representation of Robert Sanford – sample engagement letter
- Preparing and Filing a Divorce Complaint. **Be prepared to make a recommendation re: where**
- Draft all pleadings and accompanying documents and papers
- Draft cover letter to client explaining that papers have been filed, where, and why. Explain plaintiff versus defendant in divorce.
- **ASSIGNMENT: All pleadings, accompanying documents, and client letter are due in hard copy no later than 12 p.m. on Wednesday, Sept. 20th.**

Class #2 (9/25) “What about my kids?”

Preparation: Locate and review the Vermont statutes governing child custody determinations.

Class work:

- Review Sandford pleadings
- Draft motion with affidavit and memorandum of law
- **ASSIGNMENT: Motions with affidavit and memorandum of law are due in hard copy no later than 12:00 pm on Friday, Oct. 6th.**

Class #3 (10/16) “Meet me back in chambers for the weather report.”

Preparation: Take some time over Fall Break to practice good self-care: take a hike, call a friend, make music, draw, play with kids – whatever makes your heart sing.

Class work:

- Review motions

- Motion hearing/Chambers meetings

Class #4 (10/30) “It’s only fair…”

Preparation: Locate and review the 2017 Vermont law amending Vermont statute governing spousal support.

Class work:

- Debrief motion hearing
- **ASSIGNMENT: To Be Announced**

Class #5 (11/13) “It’s not that bad.”

Preparation: This session will address issues of interpersonal violence. Given the national statistics on the prevalence of domestic violence and sexual abuse, it is inevitable that one, if not several, of you have personal experiences arising from this cultural/social/public health disaster. If you are among this cohort in any way, please know that you will not be put on the spot—we’ll be learning from guest speaker(s). In preparation for this class, everyone, regardless of past experience, should pause to consider how you will come to class ready to learn and how you can contribute to a learning environment that honors all of our unique experiences. You are also invited, but not required, to send me an email if there’s anything you’d like me to aware of in advance or if you have any questions or concerns.

Class work:

- Guest Speakers
- Relief From Abuse Orders

Class #6 (12/4) Putting it all together

Preparation: Reflect on the following questions and come to class prepared to discuss the following: 1) What are your greatest areas of growth this semester, both in this course and in law school generally? 2) What have you learned in this course about where you need to grow? 3) Are you more or less interested in the practice and/or study of family law and why?

Class work:

- Wrap-up discussion
- Guest speaker TBA