

FAMILY LAW
Fall 2007
T/Th 9:00-10:25 – Room 321
Professor Joel Nichols

Required Text:

- Modern Family Law, 3d ed. (D. Kelly Weisberg & Susan Frelich Appleton eds.) (Aspen Publishers 2006).
- We will also review Minnesota Statutes periodically, but these are available on Westlaw, LEXIS, or other free sources.

Other Texts You May Wish To Consult:

- Homer H. Clark, Domestic Relations, 2d ed. (West 1988).
- Harry D. Krause & David D. Meyer, Family Law in a Nutshell, 5th ed. (West 2007).
- Walter Wadlington and Raymond C. O'Brien, Family Law in Perspective, 2d ed. (Foundation Press 2007).
- Robert Oliphant and Nancy ver Steegh, Family Law: Examples & Explanations, 2d ed. (Aspen 2007).

Office Hours and Contact Information: My office is Room 339, located on the third floor of the law school. My office phone is 651-962-4827 and my email address is joel.nichols@stthomas.edu; I check email and voice mail regularly.

Regular office hours: Monday 2:30-4:00
 Tuesday 3:00-4:00
 Thursday 3:00-4:30
 (Or by appointment.)

Classes: We meet in Room 321 on Tuesday and Thursday from 9:00-10:25. It is disruptive to your classmates if you are late for class, if you eat or drink loudly in class, or if you talk to your neighbors during class.

Please note that we will not meet during our regularly scheduled time on the following days: Tuesday, September 18; Thursday, October 25, and Thursday, November 15. In lieu of the October 25 class, there is an assignment listed below. I will distribute additional information shortly about any other necessary make-up class or supplemental assignment.

Grading: Your grade will be based upon the final examination at the end of the term. I reserve the right to adjust a student's final grade either up or down based on class participation and attendance (including tardiness) in unusual circumstances. Further, failure to submit any written assignment (including making a good-faith effort at the assignment) during the term will result in a reduction in the final overall grade.

BlackBoard: I will periodically post supplemental items and answer questions on BlackBoard.

Class Preparation and Attendance: I expect you to be present and prepared at each class session. If you are unprepared or absent, it hinders your ability to learn the material and diminishes the value of the class to the other students. Also, because attendance is expected, excessive absences may lead to consequences.

Computer Usage: A long paragraph follows, but the short of it is that computers are for taking notes in this class, not for other activities.

You may use your laptop computer during class for the purpose of taking notes or other purposes that are directly related to and supportive of your participation in class. The use of computers in class is a privilege, however, and not a right – and the privilege may be withdrawn if you do not use it responsibly. The use of a computer in class for activities or purposes unrelated to the course causes a significant distraction for other students and severely disrupts the ability of those students to participate fully in class. Therefore, any improper use of a computer during class (including, but not limited to, composing, sending, or reading emails; instant messaging; blogging; searching or browsing the Internet; playing games; and/or viewing movies) is prohibited.

Further, you may not use your computer or any other recording device to record any portion of this class without my express permission.

Disability Accommodation: Any student with a documented disability needing academic accommodations should discuss the matter within the first two weeks of the term with the University's Enhancement Program – Disability Services. You may contact that Center by phone (651-962-6315) or in person at the O'Shaughnessy Educational Center, room 119. More information is available on the web at <http://www.stthomas.edu/enhancementprog/>.

Reading Assignments: On the following page is the list of reading assignments for the first portion of the semester. We will generally cover one reading assignment per class, but some assignments may take more than one class period to cover. *If we do not cover a full assignment during a class period, you should review the remaining portion of that assignment and prepare the next assignment, unless I indicate otherwise.* All page references are the Weisberg/Appleton casebook, and statutory references are to Minnesota Statutes.

Reading Assignments
Family Law –Fall 2007
Prof. Nichols

1. Preface and Introduction (xxix-xxxiv), and Pages 1-20, 56-63
Right to Privacy
2. Pages 114-40 and §§ 517.01, 517.02, 519.11
Getting Married: Marriage Contracts and Premarital Controversies
3. Pages 140-60, 184-99 and §§ 517.03, 518.01, 518.02
Restrictions on Entrance to Marriage
4. Pages 160-84, 220-24, 227-28 and §§ 517.08, 517.09, 517.18, 518.03, 518.04, 518.05, 518.055
Same Sex Marriage, and “Informal Marriage”
5. Pages 229-250 and §§ 519.01 through 519.06
Being Married: Nature of Marriage, and Marital Roles
6. Pages 270-276, 288-290, 325-353 and §§ 518B.01 subs. 2, 3, 4, 5, 6, 7, 14, 15
Marital Roles; Domestic Violence
7. Pages 361-379, 383-395
Alternative Families: Con Law Limits, and Cohabitation
8. Pages 415-422, 426-432, 447-456
Unmarried Couples: Health and Family Benefits; Parents and Children’s Rights in Non-Marital Families
9. Pages 456-490 and §§ 257.52, 257.53, 257.54, 257.541, 257.55, 257.57, 257.60, 257.62, 257.63, 257.66, 257.75
Parents and Children’s Rights in Non-Marital Families (cont.); Introduction to Divorce

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In lieu of a reading assignment and holding class on October 25, you have the following assignment:

View the web-cast of the panel discussion below from the conference. (The panel will be held Thursday, Oct. 25 from 4:00-5:30.) The web-cast should be available shortly after the event. After viewing the speakers, prepare a 1-2 page double-spaced response in light of what you heard. (Due date: Friday, November 16, 5:00 PM. More instructions to follow later.)

*Emory University's Center for the Study of Law and Religion Silver Anniversary Conference: **The Future of Law, Religion, and Marriage***

- “Children’s Beliefs and Family Law” – Margaret F. Brinig, Fritz Duda Family Professor of Law, University of Notre Dame
- “Family Law and Christian Jurisprudence” – Don S. Browning, Alexander Campbell Professor of Ethics and the Social Sciences Emeritus, University of Chicago
- “Religion and the Moral Foundation of Family Law” – Carl E. Schneider, Chauncey Stillman Professor of Law & Professor of Internal Medicine, University of Michigan