CIVIL TRIAL PRACTICE
LAW 932 – SEC 4
FALL 2020
T/TH
11:20 PM TO 12:20 PM

ONLINE: BLACKBOARD
COLLABORATE ULTRA

THELMA L. HARMON
ASSOCIATE PROFESSOR

“BEING UNPREPARED
IS
PREPARATION FOR FAILURE”
The Professor

NAME: Thelma L. Harmon, Associate Professor
TELEPHONE: 713.313.1144
EMAIL: thelma.harmon@tmslaw.tsu.edu
LOCATION: Suite 100K

VIRTUAL OFFICE HOURS:
Sessions using BLACKBOARD.
Monday: 10:00 AM – 1:00 PM
Wednesday: 10:00 AM – 1:00 PM
All Other Times by Appointment Only

Course Books & Materials
Required:
Joan Jenkins, *O’Connor’s Family Code 2019* (“TFC”)

Supplemental Reading:
*Holley v. Adams*, 544 S.W.2d 367 (Tex. 1976)
Cheryl L. Alsandor, “Preparing for Mediation: Memos, Checklists, and Essential Documents”;
Jonathan J. Bates, “Rule 11 Agreements, MSAs, and ISAs-What You Can And Cannot Do.”
Angela P. England, *The Uniform Parentage Act: Will the Real Parents Stand Up*
Robert Hazeltine-Shedo, “Proving the Best Interest of a Child,”
Katherine Kinser, et al., *Pursue And Defend A Child Support Case*
Emily Miskel, *SAPCR Overview: Presumptions, Burdens, Statutes, and Case Law*
Stephen J. Naylor, et al., *Pleading in Family Law Cases*
Jim Penn et al., *Characterization*
Yale Law Firm, PC, *Texas Marital Property Law*
Mark P. Blenden, *Service of Process and Default Judgments*


Course Description
This course introduces the student to the fundamental concepts of family law. The covered topics include divorce, property characterization and division, child custody and support, and establishing the parent-child relationship. The course integrates substantive law instruction with the development of critical skills required to represent clients effectively with family law problems.

Course Objective
The objective of this course is to introduce students to Texas’ laws regulating familial relations and provide an overview of divorce law, property division, custody, and support. This course focuses on the “best interest of the child standard, the characterization, and division of marital property, calculating child support, and client interviewing.
Student Learning Outcomes/Assessments
SLO #1: Students will be able to explain the key concepts of family law, including, paternity and parental rights, marriage, divorce grounds and property distribution, child custody, and child support.
SLO #2: Students will be able to analyze and synthesize those concepts listed in SLO #1, from case law, statutes and theory, and apply them to a variety of factual situations; Characterize and divide marital property under Texas law.
SLO #3: Students will have a basic understanding of the course of legal proceedings and procedural issues relating to a typical divorce or suit involving children.

Assignments, Etc.
1. Assigned readings (see above)

2. Discussion Board Forums - You are required to read the assigned reading and participate in all Discussion Boards to earn the full points. Two discussion topics will be established for class You must participate two ways. One, you must comment on the topic/questions provided for discussion. The thread must be 300–400 words and demonstrate course-related knowledge. Each thread must include at least 1 reference to the textbook/course material.
   Two, in addition to the thread, the student is required to reply to 2 other classmates’ threads. Each reply must be at least 200–400 words and contain at least 1 reference from the textbook/course material. More information about Discussion Boards will be provided in Blackboard.

3. Quizzes - Quizzes will cover the assigned readings for the module/week in which it is assigned. The quiz will have a 30-minute time limit.

4. Assignments -
   a. Assignment 1 – I will provide a set of facts regarding the alleged common law marriage of a couple in Texas. Teams will submit a written assignment explaining what advice you would give to your client involving an alleged common-law marriage. I will assign a team to represent the alleged Husband and the alleged Wife. This assignment will be due as set forth in the “Assignment Due Dates Chart” below. During class, I will ask each team to answer some specific questions regarding the effect of establishing/not establishing common law marriage. I will also ask you to explore the effects on these legal consequences if the couple moved to a jurisdiction that doesn’t recognize common law marriage.

   b. Assignment 2 -- I will provide a set of facts regarding the financial situation of a married couple. I will have one team do an initial client interview in class and then ask each team shortly thereafter to submit a written memo to me and to report orally in class regarding the advice they would provide the client. We will do this exercise at about the same time as our discussions of property distribution and spousal support.

   c. Assignment 3 – I will provide a fact pattern regarding the question of parenthood, specifically the presumed father status. The class will participate in a legislative debate regarding a proposed bill to change Texas law by repealing Tex. Fam. Code §160.607 in any situation where the child at issue is 18 months-old or more and has a relationship with the father. Each participating team will provide a written memo beforehand regarding its position on this bill.
d. Assignment 4 -- I will provide a set of “stipulated” facts and some disputed facts regarding a proposed parental relocation which is taking place in Texas. One team each shall represent the mother and the father and submit a brief supporting its client’s position. We will then have a brief oral argument before a panel of judges (remaining students) who will have read the briefs and will question the attorneys. The judge team will prepare and submit their proposed ruling and reasons in writing, which will be announced in class. This will all occur at about the time we discuss the material on modification.

5. **Self-Assessment Reflection**
For each Assignment, you will reflect upon and answer the following four questions:
1. What I Liked Best About The Exercise.
2. What I Liked Least About The Exercise.
3. What I Learned From The Exercise.
4. Skills I have Acquired After Completing The Exercise.

**WEIGHT VALUES/DUE DATES**

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<thead>
<tr>
<th>ASSIGNMENT</th>
<th>Weight</th>
<th>Due Date</th>
<th>Assessment Description</th>
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<td>Assignment 1 &amp; Self-Assessment Reflection</td>
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<td>09/07/2020</td>
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<td>Assignment 2 &amp; Self-Assessment Reflection</td>
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<tr>
<td>Quiz 2</td>
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**Final Grade** | **Final Score**  
A                  | ≥ 90%       
B                  | ≥ 80%       
C                  | ≥ 70%       
D                  | ≥ 60%       
F                  | < 60%       

**NOTE:** ASSIGNMENTS MUST BE SUBMITTED TO MS. MARILYN EPPS VIA EMAIL. DO NOT SUBMIT AN ELECTRONIC COPY TO THE PROFESSOR. ABSOLUTELY NO EXCEPTION(S).
POLICIES AND PROCEDURES

1. Online Classroom Etiquette: Students are expected to conduct themselves with professionalism at all times. Appropriate professional etiquette is expected in all communications with other classmates, instructors and external professionals and personnel who have a professional relationship with TMSL. Professionalism and classroom etiquette requires student attentiveness and engagement. It is unprofessional to utilize computers, tablets and smartphones in class for purposes that are not directly related to the current class topic and presentation. For online classes students should abide by the same principles as they self-regulate their own professional conduct during Zoom Meeting course discussions. Behavior and written or verbal exchanges that are disrespectful, harassing, or otherwise professionally inappropriate are not acceptable. Students need to treat classroom engagements in a similar manner as they would engage with colleagues in a professional environment. Students engaged in coursework via video teleconference must dress appropriately and should seek to have the most professional setting and background as possible with minimal visual and noise distraction. It is expected that while in class and on microphone/camera that professional behavior is maintained at all times.

2. Assignments and Quizzes: The supervising attorney will provide students with model answers to the assignments and quizzes.

3. Preparation: Students are to be prepared for each class. To be prepared, a student must: (1) read all assigned Family Law Code sections, cases, sections/chapters in the textbook, handouts, and articles, and (2) prepare and timely turn in assignments.

4. Attendance for Synchronous Classes: Even though students are learning from a distance and not present on campus, students are still required to log into the course through BLACKBOARD. Log-in at the start of each class mandatory. ANY STUDENT WHO LOGS FAILS TO LOG IN WITHIN THE FIRST 10 MINUTES OF CLASS, WILL BE MARKED ABSENT (10-Minute Rule), unless caused by a technical difficulty beyond the student’s control and the student notifies the professor or the administrative assistant before the elapse of the first 10 minutes of class. According to Article III.9 of the Student Rules and Regulations, if a student misses more than the allotted number of classes under the said article, the student’s grade may be reduced. Attendance is automatically taken by BLACKBOARD each class day. Except as provided above, the attendance sheet will be considered final.

TMSL is committed to providing a reliable online course system to all users. However, in the event of any unexpected server outage or any unusual technical difficulty which prevents students from completing a time sensitive assessment activity, the instructor will extend the time windows and provide an appropriate accommodation based on the situation. Students should immediately report any problems to the professor or Ms. Epps, Administrative Assistance at (713) 313-7275 or marilyn.epps@tmslaw.tsu.edu instructor and contact the IT Service Center at 713-313-4357 or itservicecenter@tsu.edu.
5. **ADA Policy**: The Law School will make reasonable accommodations to individuals with documented disabilities. Such accommodations will not be provided, however, if they fundamentally alter the nature of the program or if they would be unduly burdensome either financially or administratively. The term “disability” is defined by the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008, and Section 504 of the Rehabilitation Act of 1973. These federal acts mandate equal opportunities for qualified persons with disabilities in all public facilities, programs, activities, services, and benefits derived from them. In order to receive accommodations, a student must have a documented mental or physical disability that substantially limits a significant life activity. Some examples of major life activities that would impact learning are: seeing, hearing, concentrating, communicating, reading, and writing. Reasonable accommodations are recommended based on the application review process and supporting documentation. For more information about the accommodation process, please contact the Office of Assistant Dean for Student Development.

6. **Not a Contract**: This syllabus is NOT a contract and is subject to change. Changes will be announced in class with as much warning as possible.
Class meets every Tuesday (T) and Thursday (TH). This seminar is devoted to both instruction in substantive and procedural law and skills training. References to “Handouts,” “E/L,” “Fam. Code” and italicized titles to articles are required reading assignments. This schedule is subject to change due to court dates.

**Week 1: August 11 & 13**
(T) Forms: Class Schedule; Expectations, and Goals; Student Oath, NDA
Resources: ProDoc, E-filing, CLIO
Family Law Courts: Policies & Procedures COVID-19; Cheat Sheet

(TH) What is a Family? Why do Families Matter? What is the Relationship between Families and the Law?

**Week 2: August 18 & 20**
(T) Fact Investigation
TOPICS COVERED: (a) Fact Investigation—Interviewing Client and Witness

FAMILY LAW CODE SECTIONS: N/A
TEXAS RULES OF CIVIL PROCEDURE: N/A
CLE ARTICLES: N/A

TEXTBOOK: E/L Ch. 8 (Interviewing Client); E/L Ch.9 (Interviewing Witness); (Discovery);
Investigating the Facts: E/L Ch. 16 (Informal Discovery); Legal Elements Model of Organizing Facts, E/L Ch. 11.

(TH) Guest Speaker – Court Protocol,

**Week 3: September 1 & 3**
(T) Marriages, Divorce, Filing Suit for Divorce
TOPICS COVERED: (a) Types of Marriages; (b) Grounds for Divorce; (c) Filing Suit: Pleadings, Caption, Citation, Waiver of Service, Return of Service(d) Jurisdiction of Texas Courts.


TEXAS RULES OF CIVIL PROCEDURE: §§ 103, 105, 106, 107, 109, 109A
CLE ARTICLES: Stephen J. Naylor, et al., “Pleading in Family Law Cases,” Sections III A-B; Section VII.

TEXTBOOK: N/A
ASSIGNMENT DUE DATE: Assignment 1 & Self-Assessment Reflection due 9/7/2020

**Week 4: September 8 & 10**
(T) Fact Investigation
TOPICS COVERED: (a) Fact Investigation—Interviewing Client and Witness

FAMILY LAW CODE SECTIONS: N/A
TEXAS RULES OF CIVIL PROCEDURE: N/A
CLE ARTICLES: N/A

TEXTBOOK: E/L Ch. 8 (Interviewing Client); E/L Ch.9 (Interviewing Witness); (Discovery);
Investigating the Facts: E/L Ch. 16 (Informal Discovery); Legal Elements Model of Organizing Facts, E/L Ch. 11.

(TH) In-Class Exercise: Organizing Facts Chart Exercise
Week 5: September 15 & 17
(T/TH) Economic Consequences of Divorce
TOPICS COVERED: (a) Marital Estate; (b) Characterization of Property, (c) Division of Property, (d) Claim for Reimbursement
FAMILY LAW CODE SECTIONS: §§3.001-3.003; 3.402; 4.001; §§7.001, 7.003
TEXAS RULES OF CIVIL PROCEDURE: N/A
CLE ARTICLES: Jim Penn, et al., Characterization, Sections I-III; Yale Law Firm, PC, Texas Marital Property Law
TEXTBOOK: N/A
ASSIGNMENT DUE DATE: Assignment 2 & Self-Assessment Reflection due September 21, 2020

Week 6: September 22 & 24
(T/TH) Conservatorship, Presumptions
TOPICS COVERED: (a) Conservatorship, Possession and Access; (b) Rights and Duties; (c) Parent Appointed as SMC or JMC or Possessory: Standard Possession Order and Child Under Three
TEXAS RULES OF CIVIL PROCEDURE: N/A
CLE ARTICLES: Emily Miskel, “SAPCR Overview: Presumptions, Burdens, Statutes, and Case Law;” Sec. 2. A-D & Appendix A
TEXTBOOK: N/A

Week 7: September 29 & October 1
(T/TH) Parentage
TOPICS COVERED: (a) Suit Affecting the Parent-Child Relationship; (b) Establishment of Parent-Child Relationship; (c) Types of Fathers; (d) Time Limitation for Child with Presumed Father; Child with Presumed, Acknowledged or Adjudicated Father Disproved by Genetic Testing Only
TEXAS RULES OF CIVIL PROCEDURE: N/A
ASSIGNMENT DUE: Assignment 3 due on October 5, 2020

Week 8: October 6 & 8
(T/TH) Child Support, Presumptions
TOPICS COVERED: (a) Child Support; (b) Computing Child Support; (c) Medical Support, (d) Dental Support (d) Withholding from Child Support
FAMILY LAW CODE SECTIONS: §§ 154.00, 154.002; §§ 154.061(a), 154.062, 154.125(b), 154.129; 154.181, 154.1815; 158.002
TEXAS RULES OF CIVIL PROCEDURE: N/A
TEXTBOOK: N/A
(TH) Quiz 1 – Child Support Calculations
Week 9: October 13 & 15
(T/TH) Family Mediation:
TOPICS COVERED: Family mediation
FAMILY LAW CODE SECTIONS: § 6.602; § 153.071
TEXAS RULES OF CIVIL PROCEDURE: N/A
CLE ARTICLES: Cheryl L. Alsandor, “Preparing for Mediation: Memos, Checklists, and Essential Documents”; Jonathan J. Bates, “Rule 11 Agreements, MSAs, and ISAs-What You Can And Cannot Do.”
TEXTBOOK: N/A

Week 10: October 20 & 22
(T/TH) Best Interest of the Child
TOPICS COVERED: (a) Best Interest of the Child; (b) Factors in Determining Best Interest
FAMILY LAW CODE SECTIONS: §§ 153.002, 263.307
TEXAS RULES OF CIVIL PROCEDURE: N/A
ARTICLE: Robert Hazeltine-Shedo, “Proving the Best Interest of a Child,” Sections I, II & III
TEXTBOOK: Southwest Reporter--Holley v. Adams, 544 S.W.2d 367 (Tex. 1976)
IN-CLASS EXERCISE: Jack and Nellie Fact Pattern Exercise

Week 11: October 27 & 29
(T) TRIAL WEEK
(TH) ASSIGNMENT 4 – ORAL ARGUMENTS
ASSIGNMENT DUE: November 3, 2020

Week 12: November 3 -- Last Day Of Class
(T) TOPICS COVERED: Practicing Family Law
FAMILY LAW CODE SECTIONS: N/A
TEXAS RULES OF CIVIL PROCEDURE: N/A
ARTICLES: N/A
TEXTBOOK: N/A
QUIZ 2: Cumulative