CIVIL TRIAL PRACTICE
LAW 935 – SEC 2
SPRING 2022
TUESDAY
11:00 PM TO 12:40 PM

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

**OFFICE HOURS:**

**Phase One: On Blackboard only**
- Wednesday: 10:00 AM – 1:00 PM
- Thursday: 10:00 AM – 1:00 PM
- All Other Times by Appointment Only

**Phase Two: In-Person/Professor’s Office only**
- Wednesday: 10:00 AM – 1:00 PM
- Thursday: 10:00 AM – 1:00 PM
- All Other Times by Appointment Only
COURSE BOOKS – Bookstore-
      Joan Jenkins, *O’Connor’s Family Code 2022-22* (“TFC”)

READING MATERIALS
      *Holley v. Adams*, 544 S.W.2d 367 (Tex. 1976)
      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*
      *Gray v. Gray*, Divorce Petition

VIDEO(S)
   c. Video(s):

BLACKBOARD
All reading materials are on Blackboard. Videos can be found on Blackboard, except continuing legal
education videos which can be found on the Texasbar CLE website. All announcements will be posted on
Blackboard.
Texas Southern University (TSU) continues to prioritize the health and safety of its students, faculty, and staff while providing a pathway for progress for campus operations. The TSU COVID Prevention Center is vigilantly monitoring local, state, and federal health guidelines related to the COVID-19 pandemic. As the status of the COVID pandemic evolves, TSU will continue to adjust its response to slow the spread of the virus pending your Spring 2022 return. TSU will continue to use evidence-based practices, public health guidance, and increased surveillance to manage exposure and transmission on our campus. Below is an outline of what you can expect in the coming weeks:

- **Instruction will begin** in an online format for students on **Tuesday, January 18, 2022**, (except for students in the Thurgood Marshall School of Law, who start on January 10th), and **in-person instruction will resume January 24, 2022**.
- Residential Life & Housing will initiate move-in beginning January 14. All students who reside in Residential Life & Housing will be required to provide proof of a negative PCR test within 72 hours prior to moving in. For ease and convenience, the university’s testing center will be open to students at no cost.
- Employees will return to campus at reduced density with remote duties determined by the supervisor. Units are encouraged to develop a plan to reduce the density of employees in the office simultaneously. Please contact your supervisor if you have questions.
- The COVID testing center will continue to provide rigorous testing, contact tracing, and vaccination programs. Booster dosages are encouraged and our commitment to providing vaccination opportunities throughout the Spring semester will remain. All updates to the COVID guide and the testing and vaccination schedule can be found [here](#).
- Social distancing and double masking are strongly encouraged. Athletic and other campus events will involve additional safety precautions that include attendance limitations on indoor gatherings through the month of January.
- Students who contract the COVID-19 virus must report the information to the Associate Dean of Student Services--TMSL, Amy Ratra, and the Student Accessibility Services Office (SASO), by phone at (713) 313-4210 or by email at disabilityservices@tsu.edu
- Students who contract the COVID-19 virus will be required to quarantine under the advice of SASO. Such students are required to submit Release of Care documentation from a licensed health care professional to SASO and notify the Associate Dean of Student Services, Amu Ratra, before they return to the law school.
- **COVID-19 Testing** for TSU Students, Staff, and Faculty is open and the hours will be as follows:
  - COVID Testing for Students, Staff, and Faculty
  - Location: Gray Hall 235
  - Hours: 8:00 AM to 12 NOON
  - No appointment necessary.
- For more information on COVID Testing please visit TSU’s COVID Testing FAQs or if you tested offsite and need to report a positive test, please call the COVID Hotline at (713) 313-5099 or submit online by visiting TSU’s COVID Reporting form.
ADA Policy

The TMSL administrative process for student disability accommodation will be carried out by the TSU Student Accessibility Services Office (SASO). SASO specializes in accommodation services and will provide efficient and professional services to Thurgood Law students who may need accommodations. The following is the transition process for accommodation services:

A. Previously Approved Law Students  
   Law students who have been approved for accommodations in previous years by the Law School Student Affairs Office must complete the SASO Accommodation Request Form to request pre-approved accommodations for the Fall 2022 academic term. Students who have questions should contact SASO via email DisabilityServices@tsu.edu or phone at 713-313-4210. Accommodation Request Form link [http://www.tsu.edu/students-services/departments/disability-services/forms/student-accomodation-request-form.html](http://www.tsu.edu/students-services/departments/disability-services/forms/student-accomodation-request-form.html).

B. New Accommodation Requests  
   1. Students must have a diagnosed disability and authentic documentation to apply. Once the applicant's disability information is received, SASO will contact the student to schedule an Intake (virtual) appointment for the student to self-report any disability challenges/barriers associated with the condition that impacts their functioning abilities in the learning environment.  
   2. SASO will next determine the student's eligibility status and accommodation plan based on the disability, historical documentation, and self-reporting data. SASO will send a notification letter indicating the applicant's service status. The notification letter requires the applicant's signature. Upon receipt of the signed notification letter, SASO will forward a copy of the accommodation letter to the student, with instructions on how to complete the accommodation process.  
   3. Students must meet with their professor(s) to discuss how accommodations will be implemented. The student and professor(s) must sign the accommodation letter. The student will return a copy of the signed accommodation letter to SASO electronically.
Course Description
The Family Law Clinic operates simultaneously as a law office (practicum) and as a classroom. We practice law, representing real people with real family law problems, and educate future lawyers in the basic skills of their profession. We are a full-service family law firm, assisting low-income clients with divorce, custody issues, division of assets and liabilities, child support, paternity, and name changes. The classroom component is a 2 credit-hour skills course, designed to supplement the Civil Trial Clinic. The course is designed for advanced students, approaching the completion of their legal training. The course will assist the student in bridging the gap between law school and the practice of law by easing the transition from classroom to the courtroom.

Objective(s)
The objectives of the class are two-fold. First, it will provide the student with practical knowledge and practice techniques in the following areas: fact investigation, interviewing, counseling and negotiation. Second, students will gain an understanding of the specialty area of the practice of FAMILY LAW. Throughout the semester, there will be assignments—both in class and out of class. Some of these assignments will not receive a letter grade but will require your full participation. The course will focus specifically on developing practice skills and a rudimentary understanding of the Texas Family Law Code.

Class Sessions
Phase 1: Class sessions for Weeks 1 & 2 will be held virtual, via BLACKBOARD.
Phase 2: Class sessions for Weeks 3-9 &11-16 will be in-person in the Legal Clinic’s Conference Room, Room 100 until further notice.

Expectations
Students are expected to prepare for each class, by reading the assigned texts, participating in class discussions and in-class assignments, and timely submitting any papers required for this course. My expectation of you—as an advanced student—is that you begin to take control of your own development. Seek out challenging assignments, ask questions in class. Delve into the whats, hows, and whys of lawyering. And most importantly, develop and/or improve your skillset and grow into a provider of legal services.
STUDENT LEARNING OUTCOMES/GRADING

Student Learning Outcomes
After completion of the seminar, students learn:
1. Organization of facts using the legal elements model.
2. Procedural and emotional factors of client and witness interviews.
3. Appropriate family law pleading needed to pursue client’s goal.
4. Technique(s) of fact investigation.
5. Technique(s) of counseling a client.

GRADING

Your final grade in this course will be based upon a comprehensive final examination, two (2) practical exercises. For each practical exercise, you will reflect upon and answer the four questions below for purposes of the self-assessment. Self-Assessment Reflection is due at the same time as its corresponding exercise:
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.

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<thead>
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<th>Task</th>
<th>Weight</th>
<th>Due Date</th>
<th>Type of Assessment</th>
<th>Submission</th>
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<tbody>
<tr>
<td>Practical Exercise: Original Petition for Divorce &amp; other required</td>
<td>15%</td>
<td>02/01/22 By 9:00 AM CST</td>
<td>Formative</td>
<td>Via email Ms. Epps</td>
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<td>forms/documents &amp; Self-Assessment (Charles &amp; Diana)</td>
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<tr>
<td>Practical Exercise: Legal Model Organizing Facts (Common Law Marriage)</td>
<td>15%</td>
<td>02/22/22 By 9:00 AM CST</td>
<td>Formative</td>
<td>Via email Ms. Epps</td>
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<td>10%</td>
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<td>Summative</td>
<td>In-class</td>
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<td>Participation (In-Class Exercises, Class Discussion)</td>
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POLICIES AND PROCEDURES

1. **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 require 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.

2. **Class Preparation:** To maximize your learning experience, you should be prepared for each class. To that end, students should complete the reading and writing assignments in the syllabus no later than the date the assignments are due. 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. Please note that reading and other assignments are subject to change and sufficient notice will give in advance for any alterations to assignments.

3. **Attendance and Admittance.** Attendance is mandatory. There are no EXCUSED ABSENCES. 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 will be called each day: students who are present should so answer. The attendance sheet will be considered final; if you do not answer when your name is called, you will be marked and considered absent. NO LATE ADMITTANCE. NO EXCEPTIONS. Five (5) minutes after the start of class is the deadline for class admittance. Thus, if the class is scheduled to start at 1:00 p.m., there will be no admittance until 1:05 p.m. You will be counted absent. Late arrivals disrupt the class and any activity currently taking place.

4. **Electronic Devices & Internet Usage.** Please turn off or silence your cell phone and do not take it out during class. Many of you use laptops in class to take notes and review statutes and cases. Such use of your laptops is permitted, however, PLEASE REFRAIN from internet surfing during class. Random surfing (involving anything other than materials directly related to that day’s class) during class is not permitted; if you are discovered surfing during class, you will lose five (5) participation points for each infraction. Surfing during class is a distraction not only to you but also to everyone who can see your screen.

5. **Assessment.** This course is designed to help you acquire the knowledge and skills to handle family law cases. To help you, you will have practical assignments and exercises to practice those skills in addition to your exam and quizzes.
   5.1. Faculty Assessment. The Professor will review every assignment, quiz and exam with you and provide individualized critiques. The Professor will also provide critiques on any role play exercise conducted in class.
   5.2. Self-Assessment/Self-Reflection. You will engage in self-assessment and self-reflection. I will provide sample answers to quizzes, pleadings and responses to practical exercises. You should use these samples and answers to critique your own work and identify the areas where you need to gain a greater understanding.

6. **Late Assignments.** Failure to timely submit a legal pleading can have detrimental, irreversible, and sometimes fatal consequences. Thus, it is important to learn early in your legal education the importance of submitting assignments on time. Thus, I do not accept late assignment. Please turn in assignments on time to avoid a zero and serious damage to your grade.
7. **Cheating and Plagiarism.** Plagiarism or cheating in any form is strictly prohibited and will not be tolerated. All exams and quizzes are closed book. You may not consult any other person or rely on outside materials doing your exams and quizzes. You may not plagiarize any other written work, including, but not limited to, another student's writing, a sample, a document from a law firm, something you find on the internet, or any document filed with any court. Doing so is a violation of school policy, and the matter will be forwarded to the Dean and Honor Court for appropriate action. In addition, you will receive zero points for that assignment, exercise, quiz, or exam. You may receive an F in the course on this basis along, regardless of your appoints on other assignments, exercises, or quizzes.

8. **Gun Policy.** State law permits you to carry a concealed firearm on campus into areas that have not been designated as gun-free zones. My office and any space in which I work or meet with students is a fun-free zone; thus, it is unlawful to carry a firearm inside these spaces. Bringing a firearm into my office or any other designated gun-free zone on campus could lead to criminal charges and expulsion from this university. For a complete list of the fun-free areas on campus and rules governing campus carry at the university, please visit Texas Southern University’s website.

9. **On-Line Class Policies and Procedures** (if needed). If civil trial practice is held online for any reason, this online class policy will apply:

9.1 The same attendance and participation rules and expectations apply for virtual class sessions. The school requires Professors to take attendance for every class. You must have your video on during class the entire time to be counted present.

9.2 If you attend class off campus, you should be in a space with minimal distractions and interferences and be able to access your course materials. Silence notifications on your computer and phone. We must all do our best to maintain a professional environment.

9.3 When you join the Blackboard class, turn your video camera on but mute your microphone. Turn on your microphone only when you speak in class.

9.4 Treat the online class as a professional environment. Do not join Blackboard class while engaging in other activities, such as driving a car, taking a walk, or lying in bed.

9.5 You must be logged in and ready to go before class begins so that we can begin class on time.

9.10 If technical difficulties occur during class, please notify the Professor as soon as possible via email @thelma.harmon@tmslaw.tsu.edu Please rejoin Blackboard as soon as you are able.

10. **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 SCHEDULE

Class meets every Tuesday (T). This seminar is devoted to substantive and procedural law and skills training. References to: “Essential” means the textbook Essential Lawyering Skills; “Fam. Code” means the Texas Family Law Code; “Video” means video.

WEEK 1: JANUARY 11  INTRODUCTION TO FAMILY LAW CLINIC/ORIENTATION

TOPICS COVERED: Types of cases, Case Assignments, Clinic Procedures/Forms, Student timesheets/time codes, CLIO.

Practice in the Family Law Courts
Assignments:
[ ] Review the Family Law Manual on Blackboard
[ ] Review Legal Clinic Student Manual on Blackboard
[ ] Read/Complete/Sign the following documents & email to marilyn.epps@tmslaw.tsu.edu:
  * Non-disclosure Agreement, Student Oath
  * Class Schedule, Goals & Expectations
  * Student Manual Affidavit

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

IN-CLASS ACTIVITIES/DISCUSSION:
1. Student Forms: Student Expectations and Goals; Class Schedule; Student Oath;
   Student Code of Conduct and Confidentiality Statement
2. Case Management/Filing: CLIO; E-filing handout; Time Sheets; Time Codes
4. Clinic Forms: Family Law Questionnaire; Retainer Agreement, Client Code of Conduct
   Retainer Agreement; Financial Eligibility; Affidavit of Indigency (Pauper’s Oath)
   Class Syllabi; Student Oath;

WEEK 2: JANUARY 18  DRAFTING FAMILY LAW PLEADINGS

MARRIAGES, DIVORCE, FILING SUIT FOR DIVORCE

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


TEXAS RULES OF CIVIL PROCEDURE: §§ 103, 105, 106, 107, 109, 109A

READING MATERIALS: In the Matter of Marriage of Gray and Gray, Divorce Petition.
   Stephen J. Naylor, et al., Pleading in Family Law Cases

TEXTBOOK: N/A

WEEK 3: JANUARY 25: MARRIAGES, DIVORCE, FILING SUIT FOR DIVORCE

TOPICS COVERED: (a) Types of Marriages; (b) Grounds for Divorce; (c) Filing Suit: Pleadings, Citation, Waiver of Service, Return of Service (d) Jurisdiction of Texas Courts.


TEXAS RULES OF CIVIL PROCEDURE: §§ 103, 105, 106, 107, 109, 109A

TEXTBOOK: N/A
WEEK 4: FEBRUARY 1
SPECIAL APPOINTMENTS (AMICUS; ATTORNEY AD LITEM)
TOPICS COVERED: Amicus Attorney
FAMILY LAW CODE SECTIONS: 107.001(1); 107.003; 1007.004; 107.005; 107.006; 107.008; 107.009
TEXAS RULES OF CIVIL PROCEDURE: N/A
READING MATERIALS: House Fact Pattern
TEXTBOOK: N/A
IN-CLASS EXERCISE: The court has appointed Attorney Harmon as the amicus attorney for the children. You will be appointed to represent H or W. You are to prepare a memo to your Managing Partner containing the following:
• Summary of client’s goals, as you understand them
• Identification of any additional goals you think the client might or should have
• Identification of any concerns that you think the client should have
• Identification of two options and potential solutions that you believe the has
• Analyze the pros and cons of each option, including legal and non-legal ones, and potential consequences

WEEK 5: FEBRUARY 8
INTERVIEWING THE PROSPECTIVE CLIENT/WITNESSES
TOPICS COVERED: Interviewing Client (Child/Adult): Interviewing Witnesses. Amicus Attorney, and Review & Discuss House Assignment
FAMILY LAW CODE SECTIONS: Fam. Code §107.001(1)
TEXAS RULES OF CIVIL PROCEDURE: N/A
READING MATERIALS: “Child Interview Guide/Attorneys for Children”
TEXTBOOK: Ch. 8, Ch. 9
IN-CLASS EXERCISE: Interviewing Zara Smith
VIDEO: Interviewing the Child Client: https://youtu.be/OYLWkVHvgOM

WEEK 6: FEBRUARY 15
INVESTIGATING AND ORGANIZING FACTS
TOPICS COVERED: Investigating and Organizing Facts
FAMILY LAW CODE SECTIONS: N/A
TEXAS RULES OF CIVIL PROCEDURE: N/A
READING MATERIALS: N/A
TEXTBOOK: Essential Ch. 11 (Legal Elements Model of Organizing Facts); Ch. 16 (16.1-16.3.2) Persuasive Fact Analysis; Ch. 17 (Responding to Your Adversary’s Facts)
IN-CLASS EXERCISE: N/A
VIDEO: N/A

WEEK 7: FEBRUARY 22
BEST INTEREST OF THE CHILD; PRESUMPTIONS
TOPICS COVERED: (a) Best Interest of the Child; (b) Factors in Determining Best Interest \; Presumptions—Marriage; Conservatorship; SPO; Wage & Salary; Child/Medical Support; Child Support Guidelines; Paternity; Community Property
FAMILY LAW CODE SECTIONS: §§ 153.002, 263.307; §§ 1.01-1.02, 153.131, 153.191, 153.252, 154.068, 154.122, 154.064, 160.204, and 3.03
TEXAS RULES OF CIVIL PROCEDURE: N/A
TEXTBOOK: N/A
VIDEO: N/A
WEEK 8: MARCH 1  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
READING MATERIALS:  Jim Penn, et al., Characterization, Sections I-III; Yale Law Firm, PC, Texas Marital Property Law: Division of Marital Estate (Ulman)
TEXTBOOK: N/A
VIDEO: N/A

WEEK 9: MARCH 8  CONSERVATORSHIP
TOPICS COVERED: (a) Conservatorship, Possession and Access; (b) Rights and Duties; (c) Parent Appointed as SMC or JMC or Possessory: SPO and Child Under Three
TEXAS RULES OF CIVIL PROCEDURE: N/A
TEXTBOOK: N/A
READING MATERIALS: N/A
VIDEO: N/A

WEEK 10: MARCH 14-18  SPRING BREAK

WEEK 11: MARCH 22: PARENTAGE
TOPICS COVERED: (a) SAPCR; (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
TEXAS RULES OF CIVIL PROCEDURE: N/A
TEXTBOOK: N/A
VIDEO: N/A

WEEK 12: MARCH 29  CHILD SUPPORT
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
READING MATERIALS: Katherine Kinser, et al., Pursue nd Defend A Child Support Case
TEXTBOOK: N/A
VIDEO: N/A
WEEK 13: APRIL 5 COUNSELING
TOPICS COVERED: Counseling
FAMILY LAW CODE SECTIONS: N/A
TEXAS RULES OF CIVIL PROCEDURE: N/A
READING MATERIALS: N/A
TEXTBOOK: Chapters 18-22
VIDEO: TBD

WEEK 14: APRIL 12 NEGOTIATING
TOPICS COVERED: Negotiating, Assessing the Other
FAMILY LAW CODE SECTIONS: N/A
TEXAS RULES OF CIVIL PROCEDURE: N/A
READING MATERIALS: N/A
TEXTBOOK: Chapters 23-24
VIDEO: TBD

WEEK 15: APRIL 19 MULTICULTURAL LAWYERING
TOPICS COVERED: Culture; Stereotyping
FAMILY LAW CODE SECTIONS: N/A
TEXAS RULES OF CIVIL PROCEDURE: N/A
READING MATERIALS: N/A
TEXTBOOK: Ch. 6

WEEK 16: APRIL 26-- Last Day of Class
FINAL EXAM
CALENDAR SPRING SEMESTER 2022 (SEVENTY DAYS OF CLASSES)

First Day of Class: Monday, January 10, 2022
Last Day to ADD/DROP: Friday, January 14, 2022
M L K Holiday (NO CLASSES): Monday, January 17, 2022
Purge of all unpaid course: Monday, February 7, 2022
Mid Term Examinations: Monday – Friday, March 7–11, 2022
Spring Break: Monday – Friday, March 14-18, 2022
Last Day to Drop a Class: Monday, April 11, 2022
Good Friday (NO CLASSES): Friday, April 15, 2022
Last Day of Classes: Wednesday April 27, 2022
First Year Professors’ Grades Due: Wednesday April 27, 2022
Reading Period (NO CLASSES): Thurs – Sun, April 28 – May 1, 2022
Final Examinations: Monday-Friday, May 2 – May 13, 2022
Hooding Ceremony: Friday, May 13, 2022
Commencement: Saturday, May 14, 2022