

Family Law Practice and Drafting , Spring 2020
University of Houston Law Center
Professor Randall B. Wilhite

Course Syllabus

Professor

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Overview of Class

This course will cover national family law issues with an emphasis on the law of Texas. Classroom instruction will integrate legal foundations of family law with an emphasis on establishing academic and practical skills. Students will learn to draft essential pleadings, judgments and agreements pertaining to family law, and will also prepare and argue defined legal positions on various family law topics, relating both to marital property and children's issues. The class will be reasonably similar to the experience of a lawyer advising or representing a client and engaging in other lawyering tasks within a set of facts and circumstances devised by the professor, who will directly supervise all aspects of the classroom experience. Grading will include an assessment of the drafting, in-class legal arguments, contribution to class discussion and a final paper.

The class will cover marital and community property laws, specifically the rights married couples have in property accumulated while married, including characterizing all forms of property and income, management rights over marital property, liability of marital property, homestead laws, marital property exempt from creditors, dividing & confirming marital property, valuing assets & liabilities, establishing claims affecting division & confirmation, reimbursement claims and tax issues in marital property. The course will also cover marriage laws, jurisdiction, premarital and marital agreements and parent-child issues associated with divorce. The course will include an overview of the essential elements of an Original Petition for Divorce, Motion for Temporary Orders, Temporary Orders, basic discovery, a motion for summary judgment, an Agreement Incident to Divorce & Final Decree of Divorce.

Prerequisites

None, other than the course is limited to second and third year students.

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Class Schedule

This 3-hour class meets twice a week, on Mondays and Wednesdays from 9:00 a.m. to 10:30 a.m.

Final Paper

Grades will be determined by a grading of the document preparation, classroom presentations and a final paper. Professor Wilhite reserves the right to enhance (but not reduce) a student's grade for exemplary class participation in discussions about substantive legal issues being taught. The final paper will be comprised of a factual pattern of a divorcing family. Each student will answer 4 essay questions about the marital property and children's issues in the fact pattern on not more than 12 typed pages. The entire class, including the final paper, is open-book, open-notes, open-Westlaw (or Lexis) and open-Internet. The only prohibitions are that the student may not consult other individuals while answering of the 4 essay questions, which must be answered alone. 60% of the grade will be determined by the final paper; 40% of the grade will be determined by work done in the classroom throughout the semester.

Material to be Covered on the Final Project

The material to be covered on the Final Paper are:

Wilhite, Randall B. and Jenkins, Joan, *Texas Family Law Handbook* (O'Connors, 2019-20)
Wilhite, Randall B. and Jenkins, Joan, *Texas Family Code Plus* (O'Connors, 2019-20)
Wilhite, Randall B., *Texas Family Law Forms* (O'Connors, 2019-20); and
Classroom Lecture and Discussion Information.

Books

Each student registered for the course will be provided, at no charge, all books referenced above. These books are being provided to the class as a courtesy of Thompson Reuters and Professor Wilhite. Any student who receives the book, but later drops the class, must return the books to Professor Wilhite.

Class

Class will consist of lectures, class discussion and presentations of arguments about family law issues.