

Texas Marital Property
The University of Houston Law Center
Professor Randall B. Wilhite
Fall Semester 2026
Thursday 5:30 PM to 7:29 PM
Location: TBD
Course No. 5297-25765
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Course Overview

This course surveys Texas laws governing marital property issues and property-related rights arising from marriage relationships. It combines lectures with interactive class discussions to explore Texas community and separate property laws, including:

- Rights in property owned or claimed before and during marriage
- Characterization of property and income
- Management rights over marital property
- Liability of marital property
- Homestead laws
- Division and confirmation of marital property
- Valuation of assets and liabilities
- Claims affecting division and confirmation
- Reimbursement claims
- Limited discussion of tax issues in marital property

The course is designed to equip students with the knowledge and analytical skills to address complex marital property issues in legal practice.

Course Objectives and Learning Outcomes

By the end of this course, students will be able to:

1. **Understand and Apply Texas Marital Property Law:** Identify and distinguish between community and separate property under Texas law, applying statutory and case law principles to characterize property accurately.
2. **Analyze Property Rights:** Evaluate the rights of married couples in property owned before and during marriage, including management and liability issues.
3. **Navigate Property Division:** Articulate legal standards and strategies for dividing and confirming marital property in divorce or dissolution proceedings.
4. **Evaluate Claims and Valuation:** Assess reimbursement claims, valuation of assets and

liabilities, and other claims affecting property division.

5. **Consider Ethical Implications:** Identify and address ethical and professional considerations in marital property disputes, aligning with the Texas Lawyer's Creed.
6. **Develop Legal Analysis and Communication Skills:** Demonstrate proficiency in legal reasoning, problem-solving, and written and oral communication through class discussions and the final exam.

These objectives align with the UHLC's mission to foster critical legal analysis, ethical practice, and professional skills .

Prerequisites

This course is limited to second-year (2L) and third-year (3L) students. No additional prerequisites are required.

Required Reading and Materials

No textbook is required. Professor Wilhite will provide PDF-formatted reading materials electronically to each student, including:

- **PowerPoint Slides:** Provided for each class session.
- **Selected Statutes and Cases:** Excerpts from relevant Texas statutes and judicial opinions.
- **Classroom Lecture and Discussion Information:** Supplementary materials to guide discussions.

These materials are excerpts from published books, reprinted with permission from Thomson Reuters exclusively for this course. Students are expected to review assigned materials before each class to facilitate informed participation.

Note on Electronic Textbooks: Electronic textbooks are permitted for study purposes, but for the final exam, students must use paper-based materials, as the exam will be administered using EBB Client software in locked-down mode, which restricts access to electronic applications. Students with eBooks may print relevant sections for use during the exam.

Class Schedule and Chronology of Topics

This 2-credit-hour face-to-face course meets once per week for 14 weeks, with a final exam in the 15th week, satisfying ABA Standard 310 (50 minutes of instruction per credit hour per week, plus two hours of out-of-class work per credit hour). The following is a tentative schedule of topics, subject to minor adjustments announced via email or Canvas:

- **Week 1:** Introduction to Texas Marital Property Law; Community vs. Separate Property
- **Week 2:** Characterization of Property (Real, Personal, Income)
- **Week 3:** Property Owned Before Marriage
- **Week 4:** Property Acquired During Marriage
- **Week 5:** Management Rights Over Marital Property
- **Week 6:** Liability of Marital Property

- **Week 7:** Homestead Laws in Texas
- **Week 8:** Dividing Marital Property in Divorce
- **Week 9:** Confirming Separate Property
- **Week 10:** Valuing Assets and Liabilities
- **Week 11:** Reimbursement Claims
- **Week 12:** Claims Affecting Property Division
- **Week 13:** Tax Issues in Marital Property (Limited Discussion)
- **Week 14:** Review Session and Practical Applications
- **Week 15:** Final Exam (Date TBD by Law Center)

Reading assignments for each week will be provided via Canvas or email at least one week in advance.

Office Hours

Office hours can be scheduled via email (rwilhite@fullenweider.com) or text (713-240-5424) for in-person, phone, or virtual meetings (via Zoom). Students are encouraged to contact Professor Wilhite to discuss course material, assignments, or other class-related matters.

Modes of Assessment and Grading

Final Exam (100% of Grade): The course grade will be determined by a 2-hour final exam administered on a date set by the Law Center. The exam will consist of essay questions requiring a response that identifies legal issues, discusses alternatives, and proposes a solution with supporting analysis. The exam will be anonymous, administered via EBB Client software in locked-down mode, prohibiting access to electronic materials.

Grade Adjustment for Class Participation: Professor Wilhite reserves the right to raise (but not lower) a student's final grade by up to one-third of a letter grade (e.g., B to B+) for exemplary participation in class discussions on substantive legal issues. Exemplary participation includes consistent, thoughtful contributions that demonstrate preparation and engagement with course material. No specific rubric is provided, as adjustments are at the instructor's discretion based on observed engagement throughout the semester.

Grade Availability: Grades will be posted in the UH system upon release of Fall 2025 semester grades. Students may contact Professor Wilhite for preliminary grade information after the exam is graded.

Attendance Policy

The UHLC requires at least 80% attendance (see [Student Handbook, p. 5](#)). For this 2-hour weekly course over 14 weeks, students may miss no more than 4 class sessions (2 sessions = 1 absence, as each session is 1 hour). Exceeding this limit may result in notification to the Office of Student Affairs (OSA) and potential course withdrawal. Attendance will be recorded via a roll sheet distributed at the start of each class. Students must personally initial the roll sheet to confirm attendance. Failure to sign constitutes an absence.

If a student anticipates missing a class, late arrival, or early departure, they should notify Professor Wilhite in advance via email. Absences, even with notification, count toward the limit. Students nearing the absence limit must consult with Professor Wilhite to confirm their status. Attendance records maintained by the instructor are the definitive source for absence calculations. Corrections to the roll sheet (e.g., for a missed signature) must be requested via email within one class day.

Remote Presence: This is a face-to-face course, and students are expected to attend in person.

Class Preparation and Participation

Class sessions include lectures, discussions, and interactive multiple-choice questions answered via smartphone or laptop. Responses are anonymous, displayed to the class to spark discussion, and not graded. Students are expected to prepare by completing assigned readings and actively participate in discussions. Professor Wilhite will not call on students to discuss cases or hypotheticals, but will often present questions for the class and will use participation as a means for an upward (but never downward) grade adjustment.

Student Professionalism: Students must engage respectfully, using language appropriate for a courtroom setting, as per the Texas Lawyer's Creed . Disruptive behavior, such as tardiness, wearing attire that distracts (e.g., baseball caps), or non-course-related computer use, may be treated as a lack of preparation or constructive absence.

Use of Computers and Electronics: Computers are permitted for note-taking only. Internet surfing, messaging, or other non-course activities are prohibited. Electronic devices (e.g., phones, watches) must be silenced. Violations may be treated as a lack of preparation or disruption.

Honor Code

The UHLC Honor Code applies to all aspects of this course . Students are responsible for understanding and complying with the Honor Code. Enrollment in this course constitutes a pledge to adhere to the Honor Code and syllabus instructions. Questions about the Honor Code's application should be directed to Professor Wilhite.

Artificial Intelligence (AI) Policy

The use of generative AI (e.g., ChatGPT, Claude) is prohibited for all assessments in this course, including the final exam. Assessments include any work submitted to the instructor or presented in class, graded or ungraded. AI-generated work product will be treated as plagiarism under the UHLC Honor Code. Exceptions are permitted for:

- **Class Preparation:** AI may be used to create study aids (e.g., flashcards, summaries) if disclosed to the instructor upon request.
- **Proofreading:** AI may be used to check spelling, grammar, or clarity of student-drafted text, but not to generate substantive content.
- **Translation:** AI may be used for language translation.

Violations will be reported to the Office of Student Affairs for review under the Honor Code.

Disability Accommodations

Students requiring academic accommodations for a disability should contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) at <https://uh.edu/accessibility/>, (713) 743-5400, or jdcenter@Central.UH.EDU to register and arrange accommodations promptly.

Religious Observance

Students observing religious holidays that conflict with class sessions should notify Professor Wilhite in writing at the semester's start and arrange acceptable make-up work in advance.

Medical-Related Absences

Students with medical issues affecting attendance or assignments should contact Professor Wilhite to arrange modifications to deadlines or exams, following Law Center procedures.

Excused Absences for University Extracurricular Activities

Students participating in university-sanctioned extracurricular activities (e.g., moot court, athletics) should notify Professor Wilhite in advance to arrange make-up work for missed assignments or exams, per the Law Center's policy .

Mental Health and Wellness Resources

The University of Houston offers resources to support student mental health and wellness:

- **UH Counseling and Psychological Services (CAPS):** 24/7 support at (713) 743-5454 or uh.edu/caps. Offers counseling, group therapy, and workshops.
- **Crisis Support:** Call CAPS at (713) 743-5454 or the National Suicide and Crisis Lifeline at 988.
- **CoogsCARE and UH Go App:** Resources for student success and well-being.
- **Center for Student Advocacy and Community (CSAC):** Offers free groceries, clothing, and resource connections (uh.edu/csac, @uh_CSAC on Instagram).

Title IX/Sexual Misconduct

Professor Wilhite is a “responsible employee” under the UHS Sexual Misconduct Policy and must report incidents of sexual misconduct to the Title IX office. Confidential reporting options are available at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Women and Gender Resource Center

The WGRC provides a study space, snacks, and programs to support all students. Visit Student Center South, Room B12, Monday–Friday, 9 AM–5 PM.

Recording of Class

Students may not record or livestream class without Professor Wilhite's prior written consent. Students with disabilities requiring recording accommodations should contact the Dart Center. Instructor recordings, if provided, are for personal study only and may not be shared without

permission. Violations will be referred to the Dean of Students Office.

Syllabus Changes

Minor changes to the syllabus will be announced via email or Canvas as soon as possible. Major changes to assessment modes (e.g., changing the final exam format) will not occur after the semester begins.

Student Evaluations

Near the end of the semester, UH will open a web-based system for anonymous student evaluations of the instructor. Time will be provided in class for students to complete evaluations. Feedback is valued and has been used to improve the course.

Final Exam Resources

Sample final exams, evaluation criteria, or best-answer memos may be provided via Canvas, if available, to aid exam preparation .

Community and Wellness

This course fosters an inclusive learning environment where all students are treated with respect, regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, political affiliation, marital status, or other identities. Students experiencing challenges impacting performance should contact Professor Wilhite or the Office of Student Affairs for support.

ABA Standard 310 Equivalency

This 2-credit-hour course meets ABA Standard 310 by providing 100 minutes of weekly instruction (2 hours) over 14 weeks, plus a final exam in the 15th week. Students are expected to complete approximately 4 hours of out-of-class work per week (e.g., reading, preparing for discussions), totaling 56 hours over the semester, ensuring equivalency to the standard's requirements.

Additional Notes

- **S/U Election:** The Satisfactory/Unsatisfactory (pass/fail) option is not available for this course unless specified in the course listing.
- **Tutors:** If JD tutors are assigned, their names and contact information will be provided via Canvas. Tutors assist with understanding material but do not grade assessments.
- **Being Heard:** In the large classroom, students should speak loudly to ensure all classmates can follow discussions.