

**John Marshall Law School
DOMESTIC RELATIONS
Spring Semester 2015
Randall M. Kessler, Esq.
Thad F. Woody, Esq.
Adjunct Professors**

COURSE SYLLABUS

Randall M. Kessler, Esq.
Kessler, & Solomiany, LLC
101 Marietta Street
Centennial Tower, Suite 3500
Atlanta, Georgia 30303
Telephone: 404.688.8810
rkessler@ksfamilylaw.com

Thad F. Woody, Esq.
Kessler & Solomiany, LLC
101 Marietta Street
Centennial Tower, Suite 3500
Atlanta, Georgia 30303
Telephone: 404.688.8810
twoody@ksfamilylaw.com

Course Objective:

To provide students with a basic understanding of how family law has developed, particularly in Georgia, as well as how it is practiced. The course will develop chronologically from basic generalities surrounding divorce and family law and continuing on into family law issues that spring out of marriage and children with a significant focus on divorce, custody, child support, alimony, pre-marital contracts and compliance with and, the modification of, support and custody orders.

Class Dates:

Domestic Relations classes are held each Tuesday, from 6:15 p.m. until 9:30 p.m in Room 201.

Final exam: TBD

Text:

Family Law: Cases, Comments, and Questions, Seventh Edition, by Harry D. Krause, Linda D. Elrod, Thomas Oldham, by Thomson West, ISBN 9780314280251.

Georgia Divorce, Alimony and Child Custody, 2010-2011 Edition, by Dan E. McConaughy, by Thomson West (available via Westlaw at database “gadivorce”)

Grading:

Students are expected to actively participate in class. Pursuant to Academic Code, Section 504, “Examination Process”, Classroom Performance will be taken into account, with the opportunity for a “grade adjustment”.

Assignments:

Reading Questions may be assigned for homework. We will use hypothetical situations to formulate class discussion. There may be handouts distributed for hypotheticals.

There may be classroom assignments (in fact patterns/hypotheticals, drafting court filings) to assist in opportunities for grade adjustment, per above.

Please Note: Class Lectures subject to change based on availability of guest lecturers.

Credit Opportunity:

Credit opportunities may arise throughout the semester and will be announced in class.

Class Etiquette

The Class is usually full, and therefore, it is imperative that you, as a law student, behave accordingly in class. While we allow computers in the classroom, they are allowed for the purpose of taking notes, not for searching the internet, Facebook, or otherwise.

Tardiness and Absentee Policy:

PLEASE READ CAREFULLY AS WE HAVE NO ABILITY TO EXCUSE ABSENCES, OR OTHERWISE CREDIT YOU. ADDITIONALLY, YOU ARE IN LAW SCHOOL, AND IT IS YOUR RESPONSIBILITY TO SIGN THE ATTENDANCE SHEET EVERY CLASS, AND TO KEEP UP WITH YOUR ABSENCES - - DO NOT ASK US TO PROVIDE YOU THIS INFORMATION.

The class attendance policy of John Marshall Law School applies, and can be found in Section 601 of the Academic Code contained in your Student Handbook. Therefore, all students should arrive promptly at 6:15 p.m. and are required to remain until dismissed. Late arrivals will count against class participation. Since class meetings are limited, it is imperative that students make a commitment to attend all class meetings. Students who miss more than two (2) classes, may not sit for the final exam and will receive a “W/F” in the course. No distinction is made between excused and unexcused absences.

Assignments and materials to be covered (i.e., casebook chapters in FLCCQ and pages):

Class 1, January 13

Chapter 1, American Family Law: Definitions, Policy and Trends, pages 1-42

Chapter 13, Jurisdiction over Family Disputes, pages 720-780

Georgia Divorce, Alimony and Child Custody: §§ 6.1-6.10

Class 2, January 20

Chapter 3, The Regulation of Marriage, pages 90-161

Common Law Marriage

Georgia Divorce, Alimony and Child Custody: § 1:1-1:15

Chapter 4, Marital Rights & Obligations: Gains and Losses, pages 162-209

Class 3, January 27

Chapter 12, Divorce and Divorce Substitutes, pages 673-719

Separate Maintenance Actions

Georgia Divorce, Alimony and Child Custody: §§ 3.1-3.3; 4.1-4.7; 5.1-5.11

Chapter 18, Separation Agreements, pages 1072-1106

Georgia Divorce, Alimony and Child Custody § 2.24

Class 4, February 3

Alimony, Chapter 16, Spousal Support, 951-1005

O.C.G.A. Section 19-6-1, et. Seq.

Georgia Divorce, Alimony and Child Custody: §§ 11.1-11.12

Class 5, February 10

Chapter 14, Child Custody on Divorce, pages 781-877

Legal Standards: Initial Determinations v. Modifications

Georgia Divorce, Alimony and Child Custody Actions Available to Contest: §§ 18.1-18.8; 19.1-19.8

Jurisdictional Disputes UCCJEA-Custody §§ 25:46-25:62

Class 6, February 17

UCCJEA (con't)

Chapter 17, Child Support, pages 1006-1071

O.C.G.A. Section 19-6-15

Georgia Divorce, Alimony and Child Custody: §§ 11.13-11:31

Class 7, February 24

Chapter 5, Marital Agreements, pages 210-263

Read *Scherer v. Scherer*, 249 Ga. 635 (1982); *Mallen v. Mallen*, 280 Ga. 43 (2005); *Corbett v. Corbett*, 280 Ga. 369 (2006); *Blige v. Blige*, 283 Ga. 65 (2008)

Georgia Divorce, Alimony and Child Custody: § 2.24

Chapter 6, Nonmarital Relationships-Rights and Obligations, pages 264-315

Class 8, March 3

Chapter 15, Property Division at Divorce, pages 878-950

For GA Law, Read *Thomas v. Thomas*, 259 Ga. 73 (1989); *Lerch v. Lerch*, 278 Ga. 885 (2005)

Georgia Divorce, Alimony and Child Custody, Division of Property: §§ 12.1-12:9

Class 9, March 10

Chapter 20, Modification and Enforcement of Support Awards, pages 1137-1184

O.C. G.A. Sections 19-6-19, 19-9-1, et. Seq.

Georgia Divorce, Alimony and Child Custody: §§ 16.1-16.11

Enforcement of Court Orders

Enforcement, Attachment, Contempt or other Collection Methods

Georgia Divorce, Alimony and Child Custody: §§ 14.1-14.37

Spring Break Holiday- No Class March 17

Class 10, March 24

Georgia Divorce, Alimony and Child Custody, Rights to Child: §§ 24:1-24:19

Class 11, March 31

The concept of “Family Courts”

Read the rules for the Fulton County Family Division located at www.fultonfamilydivision.com

Chapter 10, Child, Parent, And State: Rights and Obligations, pages 490-591

Chapter 2, Family Privacy: When Should the State Intervene, pages 43-89

Class 12, April 7

Practical Family Law

Chapter 11, The Lawyer’s Role in Family Disputes, pages 592-672

Consulting the Client, Confidentiality and Conflict Avoidance-same pages

Georgia Divorce, Alimony and Child Custody: §§ 28.10, 28.2, 28.11, 28.7, 28.10, 28.8, 28.9

Initial interview, setting fees, retainer, unavailability of contingency fees

When does attorney-client relationship begin?

Ethical Considerations

ABA Model Code State Bar of Georgia

Class 13, April 14

Chapter 11, The Lawyer’s Role in Family Disputes, pages 592-672

Mediation & Arbitration

Georgia Divorce, Alimony and Child Custody: §§ 29.1-29.4

Class 14, April 21

Chapter 19, Legal Consequences of Child Support, Property Division and Alimony Distinguished:

Taxation and Bankruptcy, pages 1107-1136

Re-read assignment for Class 1 (Policy and Trends)

Review