

## ACADEMIC COURSE SYLLABUS

<b>COURSE TITLE:</b>	<b>COMMUNITY PROPERTY</b>
<b>COURSE NUMBER:</b>	<i>LAW R502</i>
<b>PROFESSOR:</b>	Shelly J. Averill Email: sjaverill@comcast.net Telephone: (707) 477-7026
<b>SCHEDULE:</b>	Tuesdays - 6:00pm - 9:00pm, Room #211
<b>UNITS:</b>	3
<b>COURSE TYPE:</b>	Required
<b>PREREQUISITES:</b>	Completion of second-year required course work.
<b>COREQUISITES:</b>	none
<b>TEXT AND MATERIALS:</b>	<i>Bird, Cases and Materials on California Community Property (10<sup>th</sup> Edition)</i> ISBN #978-0-314-26669-9. and Purchase a copy of the California Family Code. <i>California Family Code</i> (current version) Reuters Example: 978-0314669353
<b>COURSE DESCRIPTION:</b>	Jurisdictional issues; classification of marital property, community or separate; valuation of community property including business and goodwill; management of marital property; liability for marital and individual debts; division of community property on dissolution or death; problems posed by unmarried, cohabiting couples.
<b>COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES:</b> (Description of what students will be expected to know and be able to do at the end of the course. What skills or knowledge will be gained by the end of the course.)	<ul style="list-style-type: none"> <li>• To give the student a working knowledge of California Community Property Law, including but not limited to the following: identification and characterization of marital property and debts; valuation of community property assets; division of marital assets and debts upon dissolution of marriage; management and control of community property; special issues concerning non-marital cohabitation, real estate, business assets, deferred compensation, and tax consequences of community property division.</li> <li>• Students must demonstrate they possess a minimum level of knowledge to pass a CA State Bar Examination question involving the subject matter of Community Property.</li> <li>• Assist student in developing skills required to pass the CA Bar Examination; receive instruction on Bar exam questions and grading procedures, and enhancing the student's writing and analytical skills.</li> </ul>
<b>FORMAT OVERVIEW / METHOD OF INSTRUCTION:</b> (Description of how the course will be taught,	<ul style="list-style-type: none"> <li>• Course material will be presented in a lecture-discussion and Socratic method format.</li> <li>• Students should be prepared to discuss all reading materials, appropriately discuss the cases and statutes that have been</li> </ul>

including breakdown of lecture, practicum, etc.)	<p>assigned for reading and address fact patterns not in the reading, but presented by the instructor.</p> <ul style="list-style-type: none"> <li>• Students should be prepared to brief all cases assigned.</li> <li>• Students should expect to spend a <u>minimum</u> of two hours/per hour of instruction time on assigned readings and briefing cases. For example, a 3-hour class would require at least 6 hours of outside preparation time per week.</li> </ul>															
<b>EXAMS:</b>	<p>Exams begin promptly at 6:00 p.m. Take-home exams and papers must be submitted to the Law School office by 6:00 p.m. on the due date, unless otherwise noted. All students must take examinations as scheduled. It is recognized. That in special circumstances and due to emergencies, it may be necessary to schedule delayed examinations. An emergency is defined as a serious illness or injury to the student or a member of his or her immediate family. Special circumstances are defined as other situations that, in the opinion of the Dean, are sufficient to warrant delay in taking examinations. <b>Any student taking delayed examinations <u>must have the prior written approval of the Dean.</u></b> No examination may be taken <u>prior</u> to the day of the regularly scheduled examination. If delayed examinations are approved by the dean, <u>a fee of \$75 will be charged for each such exam taken.</u> Failure to complete an exam is not sufficient reason for a late or retake exam.</p>															
<b>GRADING / ASSESSMENT CRITERIA:</b>	<p>A student must receive no less than sixty-five percent of all points possible, once all calculations have been made, to receive credit for this course.</p> <p>Empire College uses the following grading system:  <u>Numerically graded classes:</u></p> <table border="0"> <tr> <td>90 - 100</td> <td>A</td> <td>Outstanding</td> </tr> <tr> <td>80 - 89</td> <td>B</td> <td>Superior</td> </tr> <tr> <td>70 - 69</td> <td>C</td> <td>Satisfactory</td> </tr> <tr> <td>65 - 64</td> <td>D</td> <td>Unsatisfactory</td> </tr> <tr> <td>64 and Below</td> <td></td> <td>Failing/No Credit</td> </tr> </table> <p>Only numeric grades in Required courses are used to calculate grade point average.</p> <p>The grade will be based on the results of the final examination, with up to five points added as appropriate for classroom participation. Classroom participation includes being prepared to brief cases when called upon, and making concise, cogent contributions to class discussion. Participation points are entirely at the instructor's discretion and may or may not be awarded.</p> <p><u>Grading Breakdown:</u></p> <p>95% Final Exam  Up to 5% participation (Solely at the instructor's discretion.)</p>	90 - 100	A	Outstanding	80 - 89	B	Superior	70 - 69	C	Satisfactory	65 - 64	D	Unsatisfactory	64 and Below		Failing/No Credit
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<b>ATTENDANCE:</b>	<p>Students must attend a <b><u>minimum of 11</u></b> of the class sessions during the semester. Roll will be taken at each class. Regular and punctual attendance is essential for the successful completion of law school.</p>															

	Make-up classes will be scheduled if needed. The attendance requirement is determined by the school, not the instructor.
<b>ASSIGNMENTS:</b>	<b>Weekly assignments</b>
<b>Week 1:</b> (September 1)	Outline of the Class; Development of Community Property System: pp. 1-33
<b>Week 2:</b> (September 8)	Contractual Modifications: Premarital Agreements, Transmutations: pp. 34-94
<b>Week 3:</b> (September 15)	Classifications and Presumptions: pp. 95-159
<b>Week 4:</b> (September 22)	Property within the System: pp. 160-207
<b>Week 5:</b> (September 29)	Persons within the System: pp. 207-291
<b>Week 6:</b> (October 6)	Retroactivity and Constitutional Limitations: pp. 291-336
<b>Week 7:</b> (October 13)	Special Problems ( <i>See; Mix-Murphy and Pereira/Van Camp</i> ): pp. 338-373
<b>Week 8:</b> (October 20)	Special Problems Continued (Installment/credit acquisitions; Improvements) pp. 373-427
<b>Week 9:</b> (October 27)	Special Problems Continued (PI Awards, Employment Benefits, Disability Benefits) pp. 428-521
<b>Week 10:</b> (November 3)	Spousal Management Rights and Duties (Management, Fiduciary Duties, recapture and reimbursement) pp. 522-609
<b>Week 11:</b> (November 10)	Creditors' Rights pp. 610-641
<b>Week 12:</b> (November 17)	Overview of Community Property Dissolution (by agreement, court order, remedies for fraud/mistake/concealment/omission): pp. 642-762
<b>Week 13:</b> (November 24)	Distribution of Community Property at Death pp. 763-799
<b>Week 14:</b> (December 1)	Review for Final
<b>Week 15: Exam date TBA</b>	Date will be published by Law School Office - be sure to check!

Syllabus subject to change.