

# ACADEMIC COURSE SYLLABUS

(Version 1 Summer)

|   |  |
|---|--|
| <b>COURSE TITLE:</b>  | COMMUNITY PROPERTY 2014  |
| <b>COURSE NUMBER:</b>   | LAW R502   |
| <b>PROFESSOR:</b>   | Peter David Rubin, Esq.<br>Email: <a href="mailto:pdrubin@sonic.net">pdrubin@sonic.net</a><br>Telephone: (707) 528-7277  |
| <b>SCHEDULE:</b>  | Mondays - 6:00pm - 9:00pm, Room #104   |
| <b>UNITS:</b>   | 3  |
| <b>COURSE TYPE:</b>   | Required   |
| <b>PREREQUISITES:</b>   | Satisfactory completion of all first and second year courses.  |
| <b>COREQUISITES:</b>  | none   |
| <b>TEXT AND MATERIALS:</b>  | <b><i>Bird, Cases and Materials on California Community Property (10<sup>th</sup> Edition)</i></b> ISBN #978-0-314-26669-9.<br><b>NOTE:</b> It is not necessary to separately purchase a copy of the California Family Code. All of the necessary code sections will be found in the Course Materials.   |
| <b>COURSE DESCRIPTION:</b>  | Historical development of community property law; 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, bankruptcy, 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 by taking past exams essay questions, receiving instruction on Bar exam questions analyses and grading procedures, and enhancing the student's writing and analytical skills. (Form bar prep elective)</li> <li>● The course is intended to help prepare student's to competently represent clients.</li> </ul> |

|  |   |
|--|---|
| <p><b>FORMAT OVERVIEW / METHOD OF INSTRUCTION:</b><br/>(Description of how the course will be taught, including breakdown of lecture, practicum, etc.)</p> | <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 assigned for reading and address fact patterns not in the reading, but presented by the instructor.</li> <li>● Students should be prepared to brief all cases assigned.</li> </ul>  |
| <p><b>EXAMS:</b></p>   | <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 must have the prior written approval of the Dean.</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>  |
| <p><b>GRADING / ASSESSMENT CRITERIA:</b></p>   | <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:<br/> <u>Numerically graded classes:</u><br/> 90 - 100    A    Outstanding<br/> 80 - 89    B    Superior<br/> 70 - 19    C    Satisfactory<br/> 65 - 69    D    Unsatisfactory<br/> 64 and Below    Failing/No Credit</p> <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><br/> 95% Final Exam<br/> Up to 5% participation (Solely at the instructors discretion.)</p> |

|                     |   |
|---------------------|---|
| <b>ATTENDANCE:</b>  | Students must attend a <b>minimum of 11</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. 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>      | Pages 1-82 (except Souders and <i>Stewart v. Stewart</i> ), plus IRMO Facter (2013) 204 CA Ap 4 967; <i>Litke O'Farrell, LLC v. Tipton</i> (2012) 204 Cal.App.4th 1178; <i>Marriage of Barneson</i> (1999) 69 Cal.App.4th 583, and <i>Marriage of Holtemann</i> (2008) 166 Cal.App.4th 1166   |
| <b>Week 2:</b>      | Pages 83-141 (except <i>Horsman V. Maden</i> (p. 133) and <i>In re Marraige of Ashodian</i> ), plus <i>Marriage of of Perkal</i> (1988) 203 Cal.App.3d 1198, IRMO Davis (2013) 220 Cal.App.4th 1109   |
| <b>Week 3:</b>      | Pages 141-232, IRMO Burwell (2013)221 Cal.App.4th 1   |
| <b>Week 4:</b>      | Pages 232-318 (except <i>Coats v. Coats</i> , <i>Estate of Leslie</i> , <i>Grappo v. Conventry Financial Corporation</i> and <i>In re Marriage of Roesch</i> ), plus <i>Marriage of Guo and Sun</i> (2010) 186 Cal.App.4th 1491 and ; <i>Ceja vs Rudolph &amp; Slatten</i> 56 C4 1113 (2013)  |
| <b>Week 5:</b>      | Pages 319-374, plus <i>Marriage of Cohen</i> (1980) 105 Cal.App.3d 836, <i>Egelhoff v. Egelhoff</i> (2001) 532 U.S. 141, <i>Andochick v. Byrd</i> (2013) US 4 <sup>th</sup> Cir 12-1728, and <i>Marriage of Green</i> (1989) 213 Cal.App.3d 14  |
| <b>Week 6:</b>      | Pages 374-437 (except <i>Vieux v. Vieux</i> , <i>Gudelj v. Gudelj</i> , and <i>Bank of California v. Connolly</i> ), plus <i>Marriage of Marsden</i> (1982) 130 Cal.App.3d 426, <i>Raphael v. Bloomfield</i> (203) 113 Cal.App4th 617, and <i>Marriage of Sherman</i> (2005) 133 Cal.App.4th 795  |
| <b>Week 7:</b>      | Pages 437-487, plus <i>Marriage of Wright</i> (1983) 140 Cal.App.3d 342 <i>Marriage of Cornejo</i> (1996) 13 Cal.4th 381; IRMO Sonne 48 C4 1130 (2010); IRMO GREEN 56 C4th 1130 (2013)  |
| <b>Week 8:</b>      | Pages 487-521 and 747-754, plus <i>Marriage of Nelson</i> (1986) 177 Cal.App.3d 150   |
| <b>Week 9:</b>      | Page 522-583 (except <i>Marriage of Duffy</i> and <i>Wilcox v. Wilcox</i> ), plus <i>Marriage of Delaney</i> (2003) 111 Cal.App.4th 991; <i>In re Marriage of Feldman</i> (2007) 153 Cal.App.4th 1470; and <i>In re Marriage of Sorge</i> (2012) 202 Cal.App.4th 626, 649-659 only  |
| <b>Week 10:</b>     | Pages 583-641(except <i>Marriage of Braendle</i> ) Plus IRMO Turkanis 213 Cap 4 <sup>th</sup> , 332(2013) and <i>Marriage of Oropallo</i> (1998) 68 Cal.App.4th 997   |
| <b>Week 11:</b>     | Pages 642-689   |

|                               |  |
|-------------------------------|--|
| <b>Week 12:</b>               | Pages 689-729 (except <i>Marriage of Harrington</i> ), <b>plus International Revenue Code §§ 121 and 1041, <i>Marriage of Iredale and Cates</i> (2004) 121 Cal.App.4th 321, <i>Marriage of Braud</i> (1996) 45 Cal.App.4th 797, <i>Marriage of Dellaria &amp; Dellaria-Blickman</i> (2009) 172 Cal.App.4th 196</b> |
| <b>Week 13:</b>               | Page 729-762 (except pages 747-754) <b>plus <i>Marriage of Hokanson</i> (1998) 68 Cal.App.4th 987, <i>Marriage of Brewer &amp; Federici</i> (2001) 93 Cal.App.4th 1334 and <i>Marriage of Steiner and Hosseini</i> (2004) 117 Cal.App.4th 519</b>  |
| <b>Week 14:</b>               | 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.