

**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>	Mondays - 6:00pm - 9:00pm, Room #104
<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>Carrillo, Cases and Materials on California Community Property (11<sup>th</sup> Edition)</i> ISBN #978-0-314-28372-6 and Access to the California Family Code. Purchase is not required.
<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, including breakdown of lecture,	<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,</li> </ul>

<p>practicum, etc.)</p>	<p>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>
<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 <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>
<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:  <u>Numerically graded classes:</u>  90 - 100      A      Outstanding  80 - 89        B      Superior  70 - 19        C      Satisfactory  65 - 69        D      Unsatisfactory  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>  95% Final Exam  Up to 5% participation (Solely at the instructor’s discretion.)</p>
<p><b>ATTENDANCE:</b></p>	<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. Make-up classes will be scheduled if needed. The attendance</p>

	requirement is determined by the school, not the instructor.
<b>ASSIGNMENTS:</b>	<b>Weekly assignments</b>
<b>Week 1:</b> (May 1)	Outline of the Class; Overview of the CA Community Property System: pp. 3-77
<b>Week 2:</b> (May 8)	Characterization of Property Community Property: pp. 81-156
<b>Week 3:</b> (May 15)	Characterization of Property Separate Property: pp 157-195
<b>Week 4:</b> (May 22)	Limits of the CA Community Property System Property Outside the System: pp. 197-252
<b>Week 5:</b> (May 29)	<b>Memorial Day Holiday</b>
<b>Week 6:</b> (June 5)	Limits of the CA Community Property System Persons Outside the System and Constitutional Limits: pp. 253-322
<b>Week 7:</b> (June 12)	Commingled Assets, Separate Property Reimbursement, <i>Moore/Marsden, Aufmuth:</i> pp. 323-375
<b>Week 8:</b> (June 19)	Separate Property Business: pp. 376-423 <i>Pereira/Van Camp</i>
<b>Week 9:</b> (June 26)	Management and Control of Community Property: pp. 427-476
<b>Week 10:</b> (July 3)	Transactions Between Spouses/Fiduciary Duties: pp. 477-526
<b>Week 11:</b> (July 10)	Division of Community Property at Dissolution: pp. 529-622
<b>Week 12:</b> (July 7)	Post-Dissolution Remedies/Importance of Disclosures pp.623-711
<b>Week 13:</b> (July 24)	Distribution of Community Property at Death pp. 713-789
<b>Week 14:</b> (July 31)	Review for Final
<b>Week 15: Exam date TBA</b>	Date will be published by Law School Office - be sure to check! Exam period runs 8/7-8/17/17

Syllabus subject to change.