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**MASSACHUSETTS SCHOOL OF LAW at ANDOVER**

**FAMILY LAW - FALL 2023 SYLLABUS**

**INSTRUCTOR:**

**Atty. Jeanne E. Condurelli, Adjunct Professor**

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**Course Description:**

General Family Law is tested on the Multistate Essay Examination and Massachusetts also tests issues of Massachusetts’ Family Law on its online examination. Therefore, this course will be examining family law generally, as well as examining specific practice issues in Massachusetts.

**Requirements & Class Participation:**

Please e-mail Atty. Condurelli and acknowledge your participation in this class upon registration for the course.

The packet of reading materials for the Family Law On-Line course is available for electronic access on the Fall 2024 Family Law TWEN course and/or linked to the Fall 2024 Family Law TWEN Dropbox. The assigned readings that correspond to each section of the syllabus are largely contained in the “packet”, unless otherwise indicated herein. Pertinent audio and video recordings containing class materials may also be found on TWEN or in the 2024 Family Law TWEN Dropbox. An “Additional Cases List” is also available with this Syllabus on TWEN. This list will provide citations to other cases, mainly Massachusetts cases, that may be referenced by the instructor during the term. Students may find these cases on WESTLAW. However, students are not required to read or print each of these additional cases. The assigned cases appear here in the syllabus.

In addition to completing all assigned readings and tasks, students are required to take a weekly quiz at *Socrative.com* where the room is FAMILYLAWBOOTCAMP**.** The Socrative quizzes are only open for one week.

After you complete each section’s reading and listen to the class discussion each Monday, you should promptly take the Socrative quiz as the Socrative quiz will only be open from that class on Monday until midnight the following Sunday. When the next quiz is posted, previous quizzes are unavailable to take. Students will receive a zero for any quizzes not taken in a timely manner.

Additionally, additional assignments may be given on certain topics or procedures. These will also be posted on TWEN and/or in the Dropbox corresponding to that particular week or topic. They also may be handed out in class. These will be based on that section’s readings and/or assignments. Students must submit their responses to these assignments in writing on or before the due date posted or indicated in the assignment. Student submissions are expected to be thorough, well-written and well-reasoned. Legal analysis should be based on the principles addressed in the assignedreadings and class discussions.Students will not receive credit for late responses or submissions unless extenuating circumstances so warrant.

Please check your email religiously for TWEN notification of the posting of the weekly materials related to class discussions, and for other class information and updates.

Students are expected to attend class and be prepared to discuss assigned cases, statutes and materials.

**Grading Criteria:**

Your grade will be based upon your performance on the final examination, as well as on the weekly Socrative quiz scores. In addition, your final grade will take into consideration your work on any other assigned written problems, pleadings, and financial statements or worksheets that you have been asked to complete during the term.

**Preliminary Considerations:**

As you approach the materials and discussions in this course, think about the issues raised by the cases assigned and how you would deal with similar issues when you begin practicing law. Family law problems and the ethical and moral issues raised by these matters occur in abundance and are too often exhaustively litigated. For better or worse, it is an important practice area where skilled attorneys are desperately needed.

SECTION 1

8.21.2023 Family Law Overview (See TWEN Dropbox link to Course Materials) Families, Marriage, Divorce, and Children—The Basics

(See Dean Coyne’s Section 1 Video – Dropbox link to course materials)

What Is a Family?

*Braschi v. Stahl* (See Packet, Section 3)

*Penobscot v. Brewer* (See Packet, Section 3)

Marrying, Limitations, and State Law

*Loving v. Virginia, 388 US 1, 87 S.Ct. 1817 (1967)*

*Zablocki v. Redhail*, [434 U.S. 374, 384](https://casetext.com/case/zablocki-v-redhail#p384), [98 S.Ct. 673](https://casetext.com/case/zablocki-v-redhail),  (1978)

*Obergefell v. Hodges,*

*Singh v. Singh*

*~~Sanderson v. Tryon~~*

*Moe v. Dinkins*, 533 F. Supp 623 (S.D.N.Y. 1981)

*Bronson v. Swenson*

SECTION 2

8.28.2023 Marriage Validity, Annulment of Invalid Marriages and Non-Marriages

Common Law Marriages, Rights and Responsibility of Spouses

*~~Goodridge v. DPH~~*

*Lester*

*Johnston*

*In RE: Marriage of Oakley, 340 S.W. 3d 628 (2011)*

*In Re Estate of Love*

*McGuire*

*Southern N.H. Medical Center v. Hayes,* 992 A. 2d 596, (NH

Sup. Ct. 2010)

*Marvin* (see Packet Section 11)

9.04.2023 Labor Day – no school

SECTION 3

9.11.2023 Privileges, Family Privacy, Reproductive Choices and the Constitution

See Professor Coyne’s Summary on Spousal Testimonial Privilege (Section 3 link to Dropbox course materials)

*Trammel v. U.S. \**

*Griswold*

*Eisenstadt v. Baird*

*Planned Parenthood v. Casey*

*Ayotte v. Planned Parenthood*

*Dobbs v. Jackson Women’s Health Organization*

*Get Dobbs at:* [*https://www.supremecourt.gov/opinions/21pdf/19-1392\_6j37.pdf*](https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf)

*\* Discussion may also refer to:*  *Cavanaugh vs. Cavanaugh*, *490 Mass. 398 (2022)*

[*http://masscases.com/cases/sjc/490/490mass398.html*](http://masscases.com/cases/sjc/490/490mass398.html) *on confidential communications between spouses*

SECTION 4

9.18.2023 Domestic Violence Issues & Remedies

Abuse/Violence Defined/Battering and its effects

M.G.L. c. 209A

*Commonwealth v. Gordon*, 407 Mass 340 (1990)

*C.O. v. M.M.*

*Mitchell v. Mitchell*

*~~KJB v. CMB~~*

*~~People v. Humphrey~~*

*Giovine*

*Twyman*

Drafting Assignment – 209A Complaint for Protection from Abuse

SECTION 5

9.25.2023 Separation and Marital Dissolution— Grounds and Defenses for Divorce, Property Division and Alimony

*In the marriage of* *Dennis D. Kenik*

*Innerbichler*

*Ferguson*

*Postema*

*Elkus*

*Laing*

*Niroo*

*Siegel* (See Packet, Section 8)

SECTION 6

10.02.2023 Separation & Marital Dissolution continued

Marital Property, Alimony, and Child Support

*Hoffman*

*Massar*

*Schmidt*

*Clapp v. Clapp*

*In re Marriage of Bush*

*Solomon*

*Little*

Massachusetts Child Support Guidelines at: <https://www.mass.gov/info-details/probate-and-family-court-current-child-support-guidelines-worksheet-cjd-304>

10.09.2023 Indigenous People’s Day – No In-Person Classes

SECTION 7

10.16.2023 Custody Standards, Lifestyle, and the Impact of Domestic Violence

*Hollon*

*Jones*

*Kendall*

*McMillen*

*Garska*

*Squires*

*Young v. Hector*

*Custody of Vaughn*, 422 Mass. 590 (1996)

Assignment of Custody/Divorce/Domestic Abuse Hypothetical

SECTION 8

10.23.2023 Economic Issues and Entanglements

*Farmer*

Uniform Premarital Agreement Act

*Edwardson*

*DeMatteo*

*Austin II*

*In RE: Estate of Hollett, 834 A. 2d 348 (NH Sup. Ct. 2003)*

*~~Vaughn v. Lawrenceburg Power~~*

*Craven v. Ansin-Craven*, 457 Mass 283 (2010)

SECTION 9

10.30.2023 Jurisdiction, Sister State Recognition and Doctrine of Comity

*Sosna (See Packet, Section 5)*

*Kulko*

*US v. Bongiorno*

*Chaddick v. Monopoli*

*Thompson*

*Silverman*

*Vanderbilt*

*CSE v. Brenckle*

*Miller v. Miller*, 448 Mass 320 (2007)

*Yoder v. Yoder*, 330 A. 2d 825 (Conn. 1974)

SECTION 10

11.06.2023 Court Orders, Modification, Contempt and Relocation

*In re Marriage of Carney*

*Hassenstab*

*Palmore v. Sidotti*, (See Packet, Section 13)

*Wetch*

*Baures*

*Henderickson*

*D’Ascanio*

*Ainsworth*

*~~Edgar v. Edgar~~*

SECTION 11

11.13.2023 Rights and Responsibilities of unmarried parents, stepparents, and other third parties—paternity by blood or otherwise

*Lehr*

*Michael H. v. Gerald D.*

*Troxel v. Granville*

*Youmans v. Ramos*, 429 Mass 774 (1999)

*Kinnard*

*Simons*

*V.C. v. M.J.B.*

*Miller*

*Quinn v. Mouw-Quinn*

*Lalli (see Packet Section 8)*

SECTION 12

11.20.2023 Fitness, Parent, Child, and the State

*Kelley*

*~~NV Dept. of Health v. Hibbs~~*

*Knussman v. MD*

*State v. McNight*

*Curran v. Bosze*

\**Santosky v. Kramer*

*~~Chronister v. Brenneman~~*~~, 742 A.2d 190 (Penn. 1999)~~

*Commonwealth v. Dorvil,* 472 Mass 1 (2015)

“Dreamers” - M.G.L. Ch. 119 §39M

\*Refer to M.G.L. Ch. 210 §3 and

M.G.L. Ch. 119, §§51A, 51B, 24, 26,

39M

SECTION 13

11.27.2023 Ethical Issues in Domestic Relations Cases

*Jones*

*Aflalo*

*Schult*

*Wolf*

*Matter of Petrie*

SECTION 14

12.04.2023 Last Day of In-Person Classes

Adoption and Procreative Parents

Agency, private adoption, artificial insemination,

surrogacy and children born after divorce/death

*In re Marriage of Witbeck-Wiidhagen*

*K.M. v. E.G.*

*In Re C.K.G.*

*Vela v. Marywood*

*Adoption of CDM*

*J.B. v. M.B.*

*RR v. MH, 426 Mass. 501 (1998)*

Final Examination Discussion

SECTION 15 Recorded and Available Beginning November 13th

Alternatives to scorched earth pots and pans litigation

Alternative Dispute Resolution, Collaborative law, and Cost-Effective Settlement Strategies.

*Toni*

*Kelm*

*Crupi*

*Bixler v. Masterson/Scientology*

Uniform Collaborative Law Act Prefatory Note

Fam Law In-Person Syllabus Fall 2023- Aug 1