

# COMMUNITY PROPERTY COURSE SYLLABUS

## INTRODUCTION AND COURSE DESCRIPTION

**Course: Community Property**

**Course Number: L115**

**Number of Units: 3**

**Website / contact information – <http://pages.sbcglobal.net/rcartier>**

**Term: 09-10 Academic Year (Spring 10)**

**Day and Time: Thursday. 1:30–4:30 p.m.**

**Instructor: Richard M. Cartier**

**Course Description:** This course is an overview of marital property systems. It covers the community property system in California – characterization of assets, rights to management and control, resolution of disputes involving community assets, creditors' rights, and distribution of the community property on death or dissolution.

## COURSE GOALS AND STUDENT LEARNING OUTCOMES

**Course Goals:** Through this course I intend to engage students in activities calculated to help students develop skills and attain proficiency in the following areas:

- I. Doctrinal Knowledge
  - A. Substantive and Procedural Law
  - B. Underlying Policy and Jurisprudence
  
- II. Critical Thinking
  - A. Statute and Case Analysis – comprehending and evaluating arguments, comparing and contrasting cases, synthesizing law
  - B. Problem Analysis – application of law to new factual contexts
  - C. Problem Solving – creative thinking, analogizing, recognizing policy objectives
  
- III. Professionalism
  
- IV. Practice Skills – Applicable to all students
  - A. Research proficiency – *not emphasized in this course*
  - B. Oral communication – *not emphasized in this course*
  - C. Written communication – *not emphasized in this course*
  
- V. Practice Skills -- Specializations
  - A. Pre-trial, Trial, Post-trial – *incidentally addressed*
  - B. Alternative Dispute Resolution, including negotiation, arbitration and mediation -- *addressed in relation to premarital agreements, transmutations, and marital settlement agreements.*

## **Student Learning Outcomes:**

1. Students will recite, orally and/or in writing, specific laws related to the course.
2. Students will identify and explain underlying public policy and jurisprudential concerns related to specific laws.
3. Students will demonstrate the ability to analyze cases and/or statutes.
4. Students will demonstrate the ability to apply the law to new factual contexts using the traditional IRAC format.
5. Students will devise and explain problem solving strategies to address specific legal and/or analytical problems.
6. Students will demonstrate the ability to communicate orally and/or in writing for various professional purposes.
7. Students will identify and explain appropriate professional responsibilities concerning matters of ethics, practice skills, and problem resolution skills.

**GRADING:** Interim Exam + Final Exam + Objective Exam / 3 = Final Course Grade

The interim exam is intended primarily to be a teaching tool rather than an evaluation tool. If final essay is higher than mid-term exam, the final essay grade will replace the interim exam score in the calculation. [If the interim exam score is wholly unacceptable, that score will count 10% of the final course grade and will not be replaced by any other number.]

Failing to sit for any regularly scheduled exam or failing to satisfy the SJCL attendance policy may result in an administrative withdrawal from this course.

Requests for exam accommodations are directed to the Law Coordinator

## **REQUIRED MATERIALS:**

Community Property in California, 5<sup>th</sup> Edition, Blumberg (Aspen)

**COURSE SCHEDULE**

Course: Community Property

Term: Spring 2010

Instructor: Cartier

DATE	ASSIGNMENT	TOPICS COVERED	OBJECTIVES
1/7/10	1-49	Introduction; Marital Property Systems; The History of Community Property in California	I A & B; II A
1/14	49-76 (77-90)	Interspousal Wealth Allocation in Context of Family Law	I A & B; II A, B & C
1/28	91-154	Contractual Modification: Premarital Agreements and Transmutations During Marriage	I A & B; II A, B & C; III; V B
2/4	155-197	Definitional and Tracing Issues: Community Property and Separate Property; Evidentiary Presumptions; Title Presumptions: Married Woman by a Writing	I A & B; II A & B
2/11	197-248	Title Presumptions: Jointly Held Property	I A & B; II A
2/25	249-293	Classification of Property: Commingled Funds; Apportionment of Business Profits; Credit Acquisitions	I A & B; II A & B
3/4	294-322	Apportionment of Ownership; Tort Recoveries and Insurance Proceeds; Business and Professional goodwill; Degrees and Licenses	I A & B; II A & B
3/11	322-413 685-699	Employment Benefits: Pensions, Disability, Severance Pay, Early Retirement Benefits; Insurance; Federal Preemption	I A & B; II A & B
3/18	Interim Exam		I A & B; II A, B & C
3/25	415-476	Management and Control of Community Property: Limits on Managerial Power; Creditors Rights	I A & B; II A
4/8	477-539	Inception and Termination of the Marital Community: Lawful Marriage; Putative Relationship; Nonmarital Partners	I A & B; II A; B & C
4/15	541-609	Property Distribution at Dissolution; Introduction to Quasi-Community Property	I A & B; II A; B & C; III; V A & B
4/22	611-699	Property Distribution at Death; Choice of Law at Dissolution and Death; Quasi-Community Property revisited	I A & B; II A; B & C; III; V A & B
4/29		Course Review	I A & B
<b>5/4</b>	<b>FINAL EXAM</b>	<b>TUESDAY at 1:30 p.m.</b>	I A & B; II A, B & C

\*\* The schedule and procedures for this course are subject to change in the event of extenuating circumstances. \*\*