

Family Law

University of Florida Levin College of Law

Spring 2025

Law # 6710, Class # 23167, 3 Credits

Prof. Elizabeth Katz

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Office Hours: Fridays 3-4 PM in person & Thursdays 1:30-2:30 PM on Zoom by appointment (see details below about how to sign up). Additional times available by email appointment.

Class Meeting Time: Tuesdays & Fridays, 1:15 - 2:40 PM

Class Location: Holland Hall 285B

Course description. This course offers a survey of family law, including case law, statutory law, and the constitutional limitations on regulation of the family. Students will learn to analyze specific areas of legal regulation including requirements for marrying, legal privileges and obligations imposed by marriage, grounds for and financial consequences of dissolving marriages, intimate partner violence, the treatment of nonmarital and other nontraditional family relationships, child custody adjudication, child support obligations, and parentage.

Beyond undertaking such topical analysis, students will become conversant with theoretical and policy inquiries, such as (1) how law shapes family behaviors and vice versa; (2) how family law has developed over time; (3) what role the state should play in supporting families and incentivizing particular family forms and conduct; and (4) how law should navigate political, social, and religious conflicts regarding values.

Learning outcomes. By the end of the semester, you should be able to:

- Articulate the legal principles and policy concerns fundamental to family law and formulate arguments based on both.
- Analyze and critique legal frameworks regulating the family, including marriage, divorce, parentage, and custody.
- Identify state law variations in family law and explain how they impact the outcome of a family law dispute.
- Predict how a court will divide property, award spousal maintenance, resolve custody disputes, calculate child support, and structure visitation agreements.

Class readings. The required casebook is Douglas E. Abrams et al., *Contemporary Family Law* (6th ed.), ISBN 978-1642428605. Additional materials will be posted on Canvas.

Attendance. ABA standards require regular and punctual class attendance. Attendance is an essential function of legal education and a primary obligation of each student. Each student is allowed three unexcused absences. If a student exceeds three unexcused absences, their grade will be lowered by one-third of a letter grade (for example from B+ to B) for each additional absence. If a student exceeds six unexcused absences, they will be dropped from the course. All absences for religious holidays and illness are excused. Absences due to other serious and unavoidable situations, such as family emergencies, are also excused. Please do not attend class if you are ill.

Attendance will be tracked using this online "[pass form](#)." To register an absence (regardless of whether it is excused or unexcused), complete the form by 11:30 AM on the day the class is meeting. Failure to register an absence in advance will count as two absences unless there are severe extenuating circumstances. Do not email me about the absence unless there is a specific question or issue that we need to discuss.

It is your responsibility to keep track of how many times you have submitted the pass form, including whether the usage was for excused or unexcused absences.

Participation. All students should arrive prepared to participate in class discussions. Being prepared means completing and carefully considering the assigned materials.

During class, I will "cold call" students randomly (using a spreadsheet that generates a list of names) and take volunteers. I expect that everyone will speak multiple times throughout the semester. Learning in this class is a collaborative process. Each student's contributions will be valuable for our discussion. Each class member is entitled to respect and a presumption that their views are being offered in good faith.

Exceptions and modifications to the cold call policy:

- If you know in advance that you will be unprepared to participate in class, or that cold calling would be counterproductive to your learning for the specific topic or cases we are covering that day, complete this "[pass form](#)" by 11:30 AM on the day the class meets. You do not need to provide any explanation, though the form provides an optional space if you prefer to share additional information. Your completion of this form will ensure I do not use class time calling on students who are unavailable to participate. Do not email me about your use of the pass form unless there is a specific question or issue we need to discuss.
- If you realize when cold called that you are unexpectedly unable to participate, you may simply say "pass."
- If you find that being "on call" each class is counterproductive to your learning, please speak with me during office hours.

Some class sessions will include other types of engagement, such as polling and small group discussions. Everyone present is expected to participate in these alternative class formats, regardless of whether they submitted the pass form.

ABA out-of-class requirements. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each weekly class is approximately 3 hours in length, requiring at least 6 hours of preparation outside of class.

Office hours and communication. I hope to meet with all of you during office hours this semester. Office hours discussion topics can include course materials, family law issues in the news, career advice, clerkships, or whatever else you find interesting and productive. I will answer questions by email if they are short or related to class logistics. I will do my best to respond to all questions within one business day. Substantive course-related questions typically are best addressed in office hours.

Friday office hours are in person and open (drop in, no appointments).

Thursday office hours are on Zoom and by appointment only. To make an appointment for Thursday office hours, sign up on Canvas. For group appointments, one member of the group can sign up through Canvas to reserve the time. To sign up on Canvas, go to the “Calendar” page and select our course from the “Calendars” list on the right side of the screen. If you don’t see any office hours appointments, you will need to refresh the view. Select the box on the right side that says “Find Appointment” (if it says “Close,” select it and then choose “Find Appointment”). Available office hours should now appear on your calendar to select. Please be respectful of your classmates and cancel your appointment promptly if you are no longer able to attend.

If you cannot meet during my regular office hours, I would be glad to find an alternative time. Please email me and include several options when you are available to meet. Office hours appointments can be in person or on Zoom.

Grading. Your grade in this course will be based primarily on an in-class three-hour, limited open book examination at the end of the semester. The exam will be comprehensive—everything assigned for class or discussed during class may be tested. The exam may include essay, short answer, and multiple choice questions. The questions will be designed to test your understanding of legal rules and principles, as well as your ability to apply them in new contexts and to critically analyze legal problems. During the exam you will be permitted to use your casebook, any materials I post to Canvas (EXCEPT videos or recordings), and any notes and outlines prepared by you or with a substantial contribution by you. You may not use any other materials, such as the internet or commercial outlines and treatises. (You should download any permissible materials you store in the cloud prior to the exam.) I will share more information about the exam at appropriate points during the semester.

To compute your course grade, your final exam score may be adjusted for poor attendance (as described above) and/or based on your participation. Exceptional participation may result in increasing a borderline grade to the next level if the mandatory grading rules permit this adjustment (for example from B+ to A-). Your course grade may be lowered for poor attendance or participation by up to one full letter grade (for example from A to B). The

following conduct constitutes poor participation: (1) frequent or excessive lateness; (2) regular use of the pass form to opt out of cold calls (unless you've discussed an accommodation with me); (3) repeated failure to use the pass form when unavailable for cold calls; (4) failure to participate in alternative class formats, such as polling and small group discussions; (5) use of laptops or other electronic devices in a manner that distracts other students; and (6) uncivil, disrespectful, or insensitive commentary or behavior that chills classroom discussion.

Student Recordings of Class. Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

Universal UF Levin College of Law Policies. Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link:
<https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>

****See final page of this document for Family Law opportunities.****

Syllabus

The syllabus indicates the order in which we will cover the topics in this course. I may adjust the syllabus to accommodate our pace, incorporate relevant news items, or in response to unforeseen developments. I will inform you promptly of any changes. If we do not complete material on the designated day, you should expect that we will return to it the following class.

“CB” refers to our casebook, *Contemporary Family Law* (6th edition). Other materials are posted to Canvas and/or linked. For the CB readings, page ranges frequently will include Problems. Unless otherwise specified in the syllabus, we either will not review these Problems in class or I will allocate time in class to review a Problem before we discuss it. That said, the Problems provide useful opportunities for review. You should read any Notes and Questions in the assigned page range. We often will cover that material in class, and you will be accountable for it.

At several points during the semester (approximately five times), you will be responsible for researching the relevant law for a particular state. Students will select a state at random once the course roster is stable. You may be asked to share your research findings with the full class, in small groups, through Canvas discussions, or in other formats. Several of these points are included in the syllabus below, and a few more may be added throughout the semester depending on our pacing. I will provide more information during class.

Pre-Semester Tasks

- Read the syllabus
- So that I can get to know you better, complete this survey by January 10:
<https://forms.gle/b7DLCAhpHLDSV2eE8>

Introduction

1. Defining Family and Family Law (January 14)

- Family Forms and Family Law Purposes, CB 1-22
- Introduction to Family Law Practice, CB 56-61

2. The Development of Sexual and Relationship Freedom (January 17)

- Criminal Regulation: *Thomas v. State*; *Pace v. Alabama* and notes 1-3 & 6 (Canvas)
- Individual and Family Privacy, CB 33-56

Entering Marriage

3. Introduction & Marriage as a Fundamental Right (January 21)

- CB 67-70, 77-101
- Obergefell v. Hodges (Canvas)
- Cara Buckley, *Gay Couples, Choosing to Say "I Don't,"* New York Times, Oct. 25, 2013 (Canvas).
- Zack Beauchamp, *Could Clarence Thomas's Dobbs Concurrence Signal a Future Attack on LGBTQ Rights?*, Vox, June 24, 2022 (Canvas).

4. Eligibility to Marry (January 24)

- Bigamy/Polygamy, CB 155-174
- Incestuous Marriage, CB 174-181 (through note 3)
- Consent/Capacity, CB 193-200
- Annulment & Effects, CB 201-205

5. Marriage Formalities (January 28)

- License & Solemnization, CB 205-212
- Common Law Marriage, CB 213-217 (stop before B.), 218-243
- Putative Spouse Doctrine, CB 245-51
- Steven Kurutz, *Getting Married in the Metaverse*, New York Times, Dec. 8, 2021 (Read PDF on Canvas or listen to recorded version at: <https://www.nytimes.com/2021/12/08/fashion/metaverse-virtual-wedding.html>)

Family Rights, Obligations, and Protections

6. Coverture, Property, and Marital Obligations (January 31)

- Property Consequences & Marital Roles, CB 266-81
- Borelli v. Brousseau and notes (Canvas)
- Intra-Family Torts, CB 526-537
- Evidentiary Privileges, CB 289-293

7. Intimate Partner Violence (February 4)

- Introduction / Statistics, CB 481-492
- CPOs, CB 492-515
- Criminal Law, CB 515-520 (through Section 3)
- Andy Newman, *Barred from Her Own Home: How a Tool for Fighting Domestic Abuse Fails*, New York Times, June 17, 2021 (Canvas).
- Aya Gruber, *How Police Became the Go-to Response to Domestic Violence*, Slate, July 7, 2020 (Canvas).

Divorce

8. Introduction and Fault-Based Divorce (February 7)

- CB 553-594

9. No-Fault Divorce; Access to Divorce (February 11)

- No-Fault Divorce, CB 594-622
- Access to Divorce, CB 647-653
- ****Research divorce grounds / eligibility rules for your assigned state****

In the remainder of the semester, we will cover: Economics of Divorce, Alimony, Contracting for Dissolution, Nonmarital Partners Contract and Property Rights, Establishing Parenthood, Child Custody and Visitation, and Child Support.

**** On Wednesday March 5, 2025, class will meet as a lunch panel featuring family law practitioners. One regular Friday class will be cancelled.****

Family Law Opportunities

ABA Section of Family Law, Howard C. Schwab Essay Contest

- https://www.americanbar.org/groups/family_law/about/awards-initiatives/essay-contest/

Domenick L. Gabrielli National Family Law Moot Court Competition

- <https://www.albanylaw.edu/student-experience-support/domenick-l-gabrielli-national-family-law-moot-court-competition>

Family Law Section of the Florida Bar, Law School Stipends

- <https://www.floridabar.org/the-florida-bar-news/family-law-section-scholarships-available-for-january-marital-family-law-review-course/#:~:text=at%205%20p.m.-,The%20section%20is%20introducing%20a%20new%20initiative%20this%20year%2C%20awarding,travel%20expenses%20up%20to%20%243%2C500.>