



FAMILY LAW SIMULATIONS

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FAMILY LAW SIMULATIONS – WEST BRIDGE TO PRACTICE SERIES

- Designed to address the four “Cs” of family law education highlighted in the 2006 FLER report.
 - Content
 - Context
 - Conduct
 - Competence
- Fact patterns and simulations include issues re: class, race, gender, age, and disability.
- Designed for interactive learning and team building.
 - Role plays require active listening and problem-solving.
 - Allow team break-outs and group assignments.

GOALS FOR EXPERIENTIAL LEARNING COURSE:

- Draft family law pleadings;
- Understand how to become a culturally competent lawyer;
- Learn related disciplines necessary for family law practice;
- Understand how to collect and analyze facts;
- Research law and analyze different family law scenarios;
- Understand ethical issues of family law practice;
- Counseling clients;
- Prepare for mediation; and
- Prepare for basic family law hearing.

ASSESSING STUDENT KNOWLEDGE VS. COMPREHENSION

- Family Law Drafting / Simulations /Practicum course
 - 50% or more of course geared toward simulation family law practice.
 - Drafting Assignment #3 – Drafting Interview Questions for client seeking divorce.
 - Simulation Assignment #1 - Interviewing client with draft questions.
 - Drafting Assignment #5 - Draft Petition for Divorce
- Traditional Family Law Course
 - Review grounds for divorce or jurisdictional issues
 - Review factual evidence necessary to prove a fault like infidelity
 - child custody matters (how grounds for divorce impact child custody)

RESEARCH THE LAW QUESTIONS

- Address choice of law/forum issues re: jurisdictional requirements and grounds for divorce (p. 4).
- Address 'race to the courthouse' problem and how to resolve it (p. 18)
- Address domicile and residency requirements for divorce in a particular state (p. 25).
- Explore alternatives for a client's response to divorce petition (p. 26).

DRAFTING ASSIGNMENT – INTERVIEW A CLIENT

Gabriella (30) and Sean (32) Smith live in New York and got married right after college at age 22 and 24, respectively. They both have high-powered jobs and decided at the beginning of their marriage not to have children in order to advance their careers and travel. Gabriella just made partner at her prestigious law firm, and Sean is a Vice-President at a large brokerage firm.

Gabriella has changed her mind about having children and would like to slow down her pace at work to have at least two children. Sean does not want to compromise his jetsetter lifestyle by having children. He and Gabriella are at a crossroads because Gabriella recognizes that her biological clock is ticking, and if she wants to have children, she needs to find someone else with whom to have them before she reaches a certain age. She has just placed a down payment from her annual bonus on a townhome in New Jersey in anticipation of the divorce. She has come to your family law practice in order to start divorce proceedings.

SIMULATIONS – INTERVIEWING CLIENT

- Ask one student to be the client – give student a fact sheet to read and use during the interview.
 - Allow for improvising if question asked does not have an answer on the fact sheet.
- Allow 2-3 students to interview the client. Typically they will should follow-up questions based upon client answers and the objective of the interview.
- Make sure the client asks questions of the attorneys – allows students to show what they know about the process of divorce.
 - Students learn that really explaining what you know to a layperson is different than knowing it in your head!

DRAFTING ASSIGNMENT – PETITION FOR DIVORCE

Brandon Scott is married to Adrienne, and they have been married for eight years. Adrienne is African-American and Brandon is Caucasian. They have two biological children, Joshua (6) and Ava (3). They have recently discussed separation because Brandon has been having an affair for the last two years with Lauren, who is Caucasian. Lauren is single and now pregnant, presumably with Brandon's child. This is the last straw for Adrienne, and she has come to you to discuss next steps for proceeding with the separation and divorce. Brandon is a systems administrator for a small start-up company. Adrienne is a pediatric nurse. They live in Dallas, Texas.

Client Interview Notes – p. 20 - 25

STUDENT ASSESSMENT

- Student should assess that:
 - Client interview notes are not sufficient – need to get more specific info re: what Adrienne can prove re: Brandon's infidelity.
 - In TX, there must be clear and convincing evidence that a spouse had actual sexual intercourse with another person.
 - More circumstantial evidence is needed.
 - Client can only get temporary alimony under certain conditions.
 - Questions re: how race might play into child custody situation. What role will Brandon's parents play re: caretaking when he has custody of children?
 - Did issues with Brandon's family play a role in demise of relationship?
 - Filing a no-fault divorce might be a quicker, less expensive route for client to obtain divorce.