

*George Mason University  
Antonin Scalia School of Law  
LAW 212-R03: Family Law  
Spring 2022*

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**COURSE INFORMATION:**

Class Time: M/W 8:10–9:35p.m.  
Classroom: Online via recurring Zoom link [to be provided]  
Credits: 3 credit hours

**INSTRUCTOR INFORMATION:**

Adjunct Prof: Elizabeth R. Kirk, J.D.  
Email: [to be provided]  
Office Hours: I am always willing to connect with you about the course, or any other matter. Email is the best way to contact me or to set an appointment for a Zoom conference or phone call. I will also make it a practice to keep the Zoom link open after class for a few moments to field questions or continue conversation.

**I. COURSE OVERVIEW.** The course is focused on the formation of families, marriage, marital dissolution and the division of marital assets, cohabitation, issues connected with children, and contemporary directions in the reform of family law.

**II. REQUIRED & RECOMMENDED TEXTS:**

- A. Krause, Elrod & Oldham, *Family Law: Cases, Comments and Questions* (West: 8<sup>th</sup> ed).
- B. Additional handouts (or links), whether required or recommended, may be posted on the TWEN course page from time to time.
- C. In order to be apprised of developments and contemporary conversations in the area of family law, I *recommend* that you subscribe to a legal listserv located at [http://lawprofessors.typepad.com/family\\_law/](http://lawprofessors.typepad.com/family_law/). At the top of the page, click on the link “subscribe.”
- D. If you have a particular interest in any particular topic or jurisdiction, I am happy to work with you to identify supplemental readings.

### **III. LEARNING OUTCOMES**

- A.** Knowledge and understanding of the substantive and procedural law: students will be expected to understand the fundamentals of American constitutional, statutory, and common law pertaining to the family (including the specific topics listed in the Course Schedule & Assignments). Students should also be aware of contemporary developments in family law.
- B.** Legal analysis/reasoning and problem-solving skills: in class and on the examination, students will be expected to use critical thinking skills, such as analogical, deductive, and inductive reasoning, to engage texts (such as cases or statutes), to study hypothetical and real-world problems, and to apply doctrinal law to theoretical cases.
- C.** Written and oral communication in the legal context: students will be expected to communicate clearly and thoughtfully during class discussion, with explicit reference to the text(s) under consideration. On the exam, students will be expected to write with clarity, demonstrating an adequate grasp of the relevant legal principles and serious and thoughtful engagement with the texts.
- D.** Exercise of proper professional and ethical responsibilities to clients and the legal system and other professional skills needed for competent and ethical participation as a member of the legal profession: students will be expected to pay particular attention to the role of the attorney in family law matters. Practice in this area involves private, intimate details of clients' personal lives, and a special sensitivity is required of attorneys who seek to practice in it. In addition to demonstrating an understanding of the relevant substantive law and ethical requirements, class discussion will provide an opportunity to display this sensitivity and professionalism. Moreover, the course will provide opportunities to discuss ways in which attorneys may contribute to the common good of the family through public service or public policy efforts.

### **IV. COURSE REQUIREMENTS:**

#### **A. Attendance and Participation**

- i. Regular, prepared, and punctual attendance is required. In the Zoom context, "punctual" means being camera-ready at the start time of class. I will open the Zoom meeting a few minutes early in order to give ample time to log in.
- ii. Students are expected to attend class having prepared to discuss the assigned readings and should have handy the text under consideration.
- iii. In recognition of the limitations of online platforms, active participation may be demonstrated in various ways, e.g., participating

in class discussion, responding when called upon, volunteering to answer questions posed, or participating in the discussion board on the TWEN course page (if applicable).

- iv. Attendance will be recorded. According to Academic Regulation 4–1.1, if a student “is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.” See <https://www.law.gmu.edu/academics/regulations>.

**B. Assignments.** Assigned readings (as detailed in the attached Course Schedule & Assignments, and as distributed additionally from time to time) must be completed before class.

**C. Examinations.**

- i. **Final Exam.** There will be a three-hour, cumulative open-book examination at the end of the semester. The exam will be administered remotely. More information will be provided later in the semester about what constitutes “open book” and what materials are permitted to consult during the exam.
- ii. **Exam Format.** The final exam may include a variety of assessment formats, including multiple-choice, short answer questions, hypothetical problems or fact patterns, or essay questions. I will provide more specific guidance about the format of the examinations in class.

**D. Grades.**

- i. **Assessment.** Subject to Section D(ii) below, your course grade will be based on the following assessment:

Final Exam	100%
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- ii. **Classroom Participation.** Demonstrating the importance of active, prepared participation (as described above), classroom performance may raise or lower a student’s grade for the course by a single increment adjustment. A single increment adjustment is a change from an A to an A-, from a B+ to an A- or B, etc.
- iii. **Mandatory Curve.** The final grade for this course will be calculated in accordance with the applicable provisions of the Academic Regulations, 4–5.7.

## V. **Additional Information**

### A. **Course Communication**

- i. Please check your GMU email regularly.
- ii. Students must register for the course TWEN page and check it regularly. I will post class materials on TWEN as well as any class updates or changes in assignments.

### B. **A Few Thoughts on Professional Zoom Participation:**

- i. Avoid visually disruptive behavior (e.g., moving around excessively, eating, using distracting backgrounds).
- ii. Stay muted but be ready to unmute quickly to participate in conversation.
- iii. Please keep your video on.
- iv. Don't multi-task – it's obvious! Turn off notifications or anything else that might distract you (and others).
- v. Rules adapted from [https://www.wsj.com/articles/seven-rules-of-zoom-meeting-etiquette-from-the-pros-11594551601?mod=djemwhatsnews&fbclid=IwAR22CNxCrQzVI5Hps8XZNS83QN7b-KxsEa3Ey3Qbk5csM\\_Qp8ZwyfqUgaYc](https://www.wsj.com/articles/seven-rules-of-zoom-meeting-etiquette-from-the-pros-11594551601?mod=djemwhatsnews&fbclid=IwAR22CNxCrQzVI5Hps8XZNS83QN7b-KxsEa3Ey3Qbk5csM_Qp8ZwyfqUgaYc)

**C. Recording Prohibited.** Academic Regulation 4–2.2 provides that unless “expressly permitted in writing by an instructor, no portion of a class session or an examination may be preserved by means of a recording device (such as an audio recording device or a camera).” If directed by Student Academic Affairs to record a class to accommodate a particular student, such recording is made for that student’s use only and may not be shared with anyone in or outside the class, and must be deleted after use.

**D. Accommodations.** Any student who requires accommodation under the Americans with Disability Act should contact the Records Office or Christine Malone, Assistant Dean, Student Academic Affairs.

**E. Honor Code.** The Honor Code applies to the conduct of law students from the time a student is admitted to the law school until graduation. You may access these rules on the law school’s website at [http://www.law.gmu.edu/academics/honor\\_code](http://www.law.gmu.edu/academics/honor_code).

**F. Modifications.** I reserve the right to modify this course and syllabus with appropriate and timely notice.

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**COURSE SCHEDULE & ASSIGNMENTS**

N.B. This schedule may be modified and supplemental readings may be assigned from time to time, with sufficient notice. Announcements in class about reading assignments supersede what is assigned here.

*“Skim” means you are recommended, but are not responsible, to read this material. I will cover it in class, and you are responsible on the exam only for the lecture material.*

<b>DATE</b>	<b>TOPIC</b>	<b>ASSIGNED READINGS</b>
Jan. 19	Introduction [to syllabus and class]	Krause, pp. 1-20; 29-35 (top of page); [skim pp. 20-28]
Jan. 24	Family Privacy	Krause pp. 46-79; [skim pp. 43-46]
Jan. 26	Privacy (cont'd); Regulation of Marriage	Krause pp. 79-88; 89-109
Jan. 31	Regulation of Marriage (cont'd)	Krause pp. 110-143
Feb. 2	Procedural Requirements for Marriage; Common Law Marriage	Krause pp. 143-165
Feb. 7	Marital Rights & Obligations; Property Rights	Krause pp. 180-208; [skim pp. 167-79]
Feb. 9	Marital Agreements	Krause pp. 215-52 (stop at after Note 10)
Feb. 14	Nonmarital Relationships	Krause pp. 213-14; 275-310; 321-22 (“Some Concluding Thoughts”)

Feb. 16	Abortion	Krause pp. 323-42; <a href="https://www.supremecourt.gov/qp/19-01392qp.pdf">https://www.supremecourt.gov/qp/19-01392qp.pdf</a> ; [read Summary of Argument in Petitioners' brief (located at <a href="https://www.supremecourt.gov/DocketPDF/19/19-1392/184703/20210722161332385_19-1392BriefForPetitioners.pdf">https://www.supremecourt.gov/DocketPDF/19/19-1392/184703/20210722161332385_19-1392BriefForPetitioners.pdf</a> ) and Respondents' brief (located at <a href="https://www.supremecourt.gov/DocketPDF/19/19-1392/192267/20210913143126849_19-1392bs.pdf">https://www.supremecourt.gov/DocketPDF/19/19-1392/192267/20210913143126849_19-1392bs.pdf</a> )]
Feb. 21	Paternity; The Unmarried Father	Krause pp. 342-81
Feb. 23	Adoption	Krause pp. 383-414; [ <i>skim pp. 414-424</i> ]
Feb. 28	Assisted Reproduction	Krause pp. 431-62
Mar. 2	Assisted Reproduction (cont'd)	Krause pp. 462-93
Mar. 7	Child, Parent & State	Krause pp. 495-545; D.C. Law 23-193. Minor Consent for Vaccinations Amendment Act of 2020 (located at <a href="https://code.dccouncil.us/dc/council/laws/23-193.html">https://code.dccouncil.us/dc/council/laws/23-193.html</a> )
Mar. 9	Child Abuse & Neglect; Termination of Parental Rights	Krause pp. 556-72; 579-92
Mar. 14 & 16	SPRING RECESS (NO CLASSES)	
Mar. 21	Divorce (History; Grounds; Alternatives)	Krause pp. 673-701; [ <i>skim pp. 701-17</i> ]
Mar. 23	Jurisdiction	Krause pp. 727-72 [read all; will discuss over two days]
Mar. 28	Jurisdiction (cont'd); Divorce (Custody)	Krause pp. 789-803; [ <i>skim pp. 803-815</i> ]
Mar. 30	Divorce (Custody, cont'd)	Krause pp. 815-41

Apr. 4	Visitation; Nonparents' Interests; Modification	Krause pp. 845-84
Apr. 6	Divorce (Property Division)	Krause pp. 885-929 [ <i>skim pp. 929-40</i> ]
Apr. 11	Divorce (Property Division, cont'd); Spousal Support	Krause pp. 940-65; 967-974 (stop at Problem 16-1)
April 13	Spousal Support, cont'd	Krause pp. 976-1000
April 18	Child Support	Krause pp. 1023-42; [ <i>skim pp. 1042-55</i> ]; 1055-66
April 20	Child Support, cont'd; Separation Agreements	Krause pp. 1067-88; 1093-1111; 1115-26
April 25	Modification of Support; Enforcement	Krause pp. 1127-28; 1157-93 [ <i>skim pp. 1202</i> ]