

FAMILY LAW PRACTICE ONE SYLLABUS

Spring 2013

Thursdays, 4:40 to 6:30

Room 204

2/7/2012, 2/14/2012, 2/21/2012, 2/28/2012, 3/7/2012, 3/14/2012, 3/28/2012

Anne Flottman – 852-6094 email: abflottman@woodlamping.com

Lisa Gorrasi – 946-9007 email: lmgorrasi@cms.hamilton-co.org

This class does not have an assigned textbook. You will be responsible for reading any material listed on this syllabus and/or posted on TWEN for each class and being prepared for discussion.

The assignment for each class should have been completed when you come to the class.

No final exam. You will be graded based on attendance, class participation and submission of acceptable drafting assignments.

1. **2/7/2012** Introductions – Professors and class members
 - A. Overview of Domestic Relations Practice in Ohio
 - DR is a state-specific and county-specific practice
 - Importance of adherence to Local Rules and local customs
 - Review of Hamilton, Warren, Butler and Clermont County's websites
 - B. DR is a litigation practice
 - What does this mean?
 - What doesn't this mean?
 - Other critical classes to take while in law school
 - Other skills needed besides litigation skills
 - Distribution of case facts for drafting assignments
 - C. What types of firms have DR attorneys or who practices DR law?
 - Solo practice
 - Large, mid-size and small firms
 - Beginners
 - Dabblers
 - D. DR is pleadings/mandated forms specific
 - Each court requires specific forms and not all forms are created equally.

Assignment: Review the above websites, familiarize yourself with the local rules and available forms on each court's website.

Consultation with Potential Client and What Happens Next

- A. Free or paid consultation?
- B. Where do I start?
- C. What information should I ask the client to bring to meeting?
- D. Do I ask the questions or do I allow the client to tell me "the story"?

- E. Am I taking notes?
- F. How to discuss fees/retainer agreements?
- G. Selling yourself to the client?
- H. Giving of advice - options
- I. Managing expectations – client control – answering emails and phone calls
 - Panel Discussion: Maggie Nestheide of Beth I. Silverman & Assoc. LLC; Sarah Sanderson Bextermueller of Barbara J. Howard Co., LPA; and Shawn Evans of White, Getgey and Meyer Co. LPA
 - The answers to: how to get a family law position; how to interview clients; what has shocked me in my first few years of practice, etc.....

2. 2/14/2012 Terminations of Marriages (the bread & butter of practice)

- A. Divorce – define and discuss
 - ORC §3105.01 and 3105.17
- B. Annulment – define and discuss
 - ORC §3105.31
- C. Legal Separation – define and discuss
 - ORC §3105.17
- D. Dissolution – define and discuss
 - ORC §3105.61

Assignment: Read the above cited sections, ORC § 3105.171 (look for before and after effective date of 3/22/2013) and 3105.18

3. 2/21/2012 Filing the Complaint or Petition

- A. Dissolution forms and process
- B. Divorce forms and process
- C. Where and when do you file?
- D. How do you obtain service, can service be waived?
- E. Requesting a Temporary Order – Civ.R.75N
 - Guest Speaker: Administrative Magistrate William Murphy

Assignment: Review the Hamilton County website for required forms for the filing of a Dissolution, Divorce and requesting temporary orders. Review the Ohio Supreme Court's website for Uniform Domestic Relations Forms. Read Civ.R. 75(N).

4. 2/28/2012 Parental Allocation Resolutions & Disputes

- A. What are the options?
 - Shared Parenting
 - Residential Parent and Legal Custodian
 - Standard Parenting Order
 - Supervised Visitation
 - Companionship or Visitation rights
 - Grandparent Visitation

- B. What is Early Intervention Mediation?
- C. What is Early Neutral Evaluation?
- C. What is a Parenting Investigation?
- E. How does the court decide? What is the standard?
- F. Custody Trial – how to handle – is this the best method?
 - In-camera interview of child
 - Guardian ad litem reports
 - Testimony of both parents
 - Psychological Reports
 - Other witnesses
- G. Post-Decree parenting motions
 - Guest Speaker: Magistrate Tina Ernst

Assignment: Read ORC §3109.04

- 5. 3/7/2012** Property Division & Disputes – Post Decree Motions
- A. Discussion of the Metz Decision
 - B. How to determine marital versus separate property
 - C. How to calculate value of assets and allocate debts
 - D. Business valuations
 - E. Appraisals
 - F. What is equity?
 - G. Post decree property motions – the on and on of a case.....
 - Guest Professor: Daniel Smith, Wood and Lamping
 - Guest Speakers: Gregory L. Adams of Croswell & Adams and James Moskowitz of Moskowitz & Moskowitz

Assignment: Read ORC § 3105.171, and Metz v. Metz

- 6. 3/14/2012** Child Support and Spousal Support
- A. Child Support calculation is formula driven except income under \$ 6,600 or greater than \$ 150,000
 - B. Deviation from amount resulting from schedule and worksheet
 - C. Ways to modify current child support obligation – court versus administrative order modification via CSEA
 - D. CSEA Administrative establishment of a child support order
 - E. Health Insurance – Cash Medical Order
 - F. Remedy for Non-Payment of Child Support Obligation – Show Cause/Contempt Actions
 - G. How is a spousal support order set?
 - H. What factors?
 - I. Is there a formula? New Legislation discussion
 - Guest Speakers: Patrick Southern of Hamilton County CSEA and Adrienne Roach of Keating, Muething and Klekamp

Assignment: Read identified portions of §3119.01 and ORC §3105.18

7. **3/28/2012** Officer of the Court – what does this mean?
- A. How to present yourself before the court
 - B. Importance of professionalism – proper appearance, meeting deadlines, securing continuances, withdrawing from representation, etc.
 - C. Is this client really worth your reputation?
 - D. How to lose your law license or NOT!
 - Guest Speaker: Magistrate Rosalind Florez

Assignment: Submit prepared Dissolution and Divorce documents pursuant to statute and Hamilton County Local Rules.