COURSE DESCRIPTION

An examination of all aspects of community property, including what constitutes community property as distinguished from separate property, how it may be acquired, managed, encumbered, and disposed of, and the problems of conflict of laws encountered in transactions with common-law jurisdictions. The course compares the law of all nine community property states.

GOALS

My goal for this course is to help you acquire a solid understanding of community property law, including Washington Community Property law. In order to enhance your critical understanding of how Washington has resolved (or failed to resolve) the various issues that arise in a community property regime we will look at cases and statutes from the other community property for comparison. My hope is that with this comparative approach you will emerge from the course with a foundation for dealing with community property questions wherever they arise.

CASEBOOK & OTHER REQUIRED MATERIAL

The principal text for this course consist of a new casebook by Charlotte Goldberg of Loyola Law School entitled simply “Community Property.”

There will be also be supplemental materials assigned and a hotlinked Table of Contents to these materials (and quite a bit more) is posted on the TWEN website. The hotlinks are to WestlawNext. So you will need to sign on to WestlawNext to access them that way. You are, of course, free to access the cases and statutes in any other way you like.

WEBPAGES:

There are actually two webpages for this course. The primary webpage is on TWEN. The TWEN website should be easy for you to find if you have had other courses with TWEN websites, but the url that I have is http://lawschool.westlaw.com/manage/homepage.aspx?courseid=35452. This is where I will post electronic copies of this document, the Syllabus, the hotlinked Table of Contents for the Supplement, and related materials. This is also where I will post any powerpoints that I use during class. And I will maintain there a “forum” for you to post questions, comments and interesting CP related news items or cases you run across.

There is, however, also a course page on the law school server at the following url:
The reason for this second website is that this is where podcasts for every class will automatically be posted. Podcasts will only be posted on the law school server website and will not be available on the UW Server website. Do not rely on the law school server website for any other course information. I have asked for all of our classes to be podcast, in case you miss a class or want to review what was said.

I recommend that you try to access the websites early in the quarter. While the material on the website is either supplemental or available in other formats, students often find the website most helpful when studying for the exam and it’s more convenient to identify any access problems while classes are still in session.

**EVALUATION**

Your course grade will be based on two components. First, there will be the usual three hour essay question exam scheduled during the spring quarter exam period, which will constitute 90% of your grade. The second component, which will constitute the remaining 10% of your grade, is class participation. I plan to keep a record of attendance and of those who participate during class with questions and comments. (On this, see more below.) I also plan to give participation credit to those who post questions, replies and/or comments on the course electronic Forum or links to CP related items that are “in the news.” Obviously 10% will not have a huge impact on anyone’s grade, but it may make a difference if you are on the cusp of one of the gradations that are allowed.

**ATTENDANCE**

In general, regular class attendance is required. I will keep a record of attendance. I don't expect perfect attendance, but if you disappear from class for a significant number of days, I may invoke the class attendance policy, which is triggered when you attend “fewer than 80 percent of class session” by the mid-point of the course. See http://www.law.washington.edu/Students/Academics/Attendance.aspx

If you have a personal emergency that requires extended absences from class, please let me know.

**EXAM INFORMATION**

The exam will be open-book, and will be a three hour essay exam. You may use computers to take the exam, but you will be required to use the Exam4 software in the “open mode” if using a computer to take the exam. In “open mode” you will be able to access other items on your hard drive, but not the internet. In addition to the Goldberg casebook (GCCP), you are free to make an electronic copy of any of the materials hotlinked in the course supplement and any other materials referenced during the course. This will allow you to consult these materials during study, class and on the exam.
CALENDAR

We have 16 scheduled classes of 90 minutes each. Tuesdays and Thursdays from 1:30-3:00 pm. The length of class is dictated by the shortened compressed quarter. I will give reading assignments that seem to me appropriate for a class period this long. You should expect more reading than for an ordinary 50 minute class.

NOTE: We will be using as the primary casebook for the course a new casebook by Charlotte Goldberg (Loyola Law School) entitled Community Property. It is referred to in the syllabus below simply as “GCP.” There will be some supplemental materials assigned and they will be referenced in the syllabus by case name, statute reference or other appropriate name. A hotlinked Table of Contents to these supplemental materials (and quite a bit more) is posted on the TWEN website. The hotlinks are to WestlawNext. So you will need to sign on to WestlawNext to access them that way. You are, of course, free to access the cases and statutes in any other way you like. The TWEN website should be easy for you to find, but the url that I have is http://lawschool.westlaw.com/manage/homepage.aspx?courseid=35452. Podcasts for the class, however, will be found on the Law School Server at https://courses.law.washington.edu/AndrewsT/A521a_Sp14/private/media/default.aspx. Items prefaced on the syllabus by “cf” are recommended but not required reading.

<table>
<thead>
<tr>
<th>ASSIGN.</th>
<th>TOPIC</th>
<th>READINGS</th>
</tr>
</thead>
</table>
| 1 | A. BASIC CONCEPTS AND UNDERLYING POLICIES | GCP (Ch. 1) 1-9  
Warburton v. White  
RCW 26.16.010-.030  
Idaho Code 32-906  
Yesler v. Hochstettler Snippet (WA)  
Fid & Cas. Co of NY v. Mahoney (CA)  
Borghi, Estate of (WA) |
| 2 | B. THE NECESSARY RELATIONSHIP | RCW 26.04.010-.070  
RCW 26.60.030 (both versions)  
GCP (Ch. 2) 30-35  
Cf. Gallagher’s Estate (WA)  
GCP 441, 487-89  
GCP 59-68  
Olver v. Fowler |

1 Assignment numbers are estimates of how many classes the material will take. But they are only estimates.
2 This and other supplemental cases may be found in the hotlinked Table of Contents behind the Tab “Supplement” on the Course Website. I have also tried to save them all in my WestlawNext Folder entitled “Spring 2014 Supplement” which I have shared with you all as part of my CP WestlawNext folders.
3 The relevant provisions of the Revised Washington Code & statutes from other states may be found in the hotlinked Table of Statutes behind the Tab “Supplement” on the Course Website.
4 If you go to the hotlinked TOC you will find hotlinks for Idaho statutes. Click on the first of these and it will lead you to Idaho Code 32-906.
5 “Snippets” are brief excerpts from cases and are referenced as snippets because you need not read the rest of the case. I have saved them in my WestlawNext Folder entitled “Spring 2014 Supplement” which I have shared with you all as part of my CP WestlawNext folders. You will recognized them as items surrounded by quotation marks in the WestlawNext folder.
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>References</th>
</tr>
</thead>
</table>
| 5 | 5. SEPARATE AND APART | GCP (Ch. 13) 491-500, 502-06, 509-11  
RCW 26.16.140  
CAL. FAM. CODE 771  
| 3 | 3. VOLUNTARY MODIFICATION  
1. PRENUPTIAL AGREEMENTS | GCP (Ch. 3) 69-70, 75-79, 83-106  
GCP 119-24, 129-32  
RCW 19.36.010 |
| 4 | 2. TRANSMUTATION DURING MARRIAGE | GCP (Ch. 7) 239-77  
RCW 26.09.070  
RCW 26.16.050, .100, .120  
Johnson v. Dar Denne  
Cf. Gardner v. Gardner, 190 Wis. 2d 216 (Ct. App. 1994) |
| 5 | 3. SURVIVORSHIP CP & JT | GCP (Ch. 5) 163-203 BUT OMIT BUOL & SWINK)  
RCW 64.28.040 & RCW 26.16.120.  
RCW 11.02.091  
RCW 30.22.090-.100  
Lyon v. Lyon (WA)  
| 6 | D. MANAGEMENT | GCP (Ch. 6) 279-94 & 320-24  
Nichols Hill Bank v. McCool (WA)  
Munson v. Haye (WA)  
Probs 8.1 & 8.22)  
RCW 26.16.030  
RCW 48.18.440 |
| 7 | E. CREDITORS | GCP (Ch. 10) 371-403  
Diafos, In re (WA)  
RCW 26.16.200 & .205 |
| 8 | F. DIVORCE  
NB: The reading assignment to the right needs to be slimmed down. Please remind me. | GCP (Ch. 1) 10-20 & (Ch. 14) 513-35, 540-41, 546-48, (Ch. 8) 294-95, 321 (Probs 8.3 & 8.4) & 324-325; (Ch 6) 203-205 & 235-38  
GCP 619  
Cf. GCP (Ch. 6) 205-35  
Cf. Steinmann (WIS) |
| 9 | G. DEATH | GCP (Ch. 15) 549-87 |
| 10 | H. CHARACTERIZATION  
1. COMMINGLING & BANK ACCOUNTS | GCP (Ch. 4) 133-62  
Duncan v. U.S. (TX Fed Ct) |
| 11 | 2. RETIREMENT PLANS | “Background Information on Deferred Compensation” (Course Supp)  
Marriage of Bulicek (WA) (sections I&III)  
Marriage of Rockwell (WA) (Facts & sections II&IV)  
Maslen v. Maslen (ID); Farver (WA) |
<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>3. INSURANCE</td>
</tr>
<tr>
<td></td>
<td>a. LIFE</td>
</tr>
<tr>
<td></td>
<td>b. DISABILITY</td>
</tr>
<tr>
<td>13</td>
<td>4. BUYING &amp; IMPROVING A HOME</td>
</tr>
<tr>
<td>14</td>
<td>5. BUSINESSES</td>
</tr>
<tr>
<td>15</td>
<td>i. FEDERALISM &amp; PREEMPTION</td>
</tr>
<tr>
<td>16</td>
<td>j. CONFLICT OF LAWS</td>
</tr>
</tbody>
</table>

**Allard v. Frech (TX)**  
Arnold v. Dep't of Ret. Sys. (WA)  
Regents of Univ. of California v. Benford (CA)

Cal. Fam. Code § 2610(a)  
RCW § 6.15.020(6)  
Wis. Stat. Ann. §§ 766.31(3) & 766.62

Aetna Life v. Wadsworth (WA)  
Genworth Life (TX)  

GCP (Ch. 11) 405-20, 438--40

Elam (WA)  
Marriage of Wakefield (WA)  
Bono (CA)(Facts & Section 1.B)  
Malmquist (NV)  
Zoller (Tex)  
Drahos (AZ)  
Cal. Fam. Code 2640  
Tex. Fam. Code 3.402 & 3.404  
Fomer Tex. Fam. Code 3.403 (repealed 2009)(TWEN)

GCP (Ch. 9) 327-40, 342-47, 348-51, 355-56, 358-70

Boggs  (US)(majority opinion only);  
Branco v. UFCW-N. California Employers Joint Pension Plan (9th Cir);  
Orr v. Prudential Ins. Co. of Am., (D. Idaho);  
Rodrigue v. Rodrigue, 218 F.3d 432 (5th Cir. 2000)

GCP (Ch. 16) 589-617  
Seizer v. Sessions (WA);  
Pac. Gamble Robinson Co (WA)

RCW §§ 26.16.220-.250  
Cal. Fam. Code §§ 63, 125, & 2550  
Oregon Rev. Stats. §§ 112.715 - .735
Restatement (Second) of Conflict of Laws §§ 234 & 258 (1971)