

## **Working Course Outline/Syllabus**

**Institution: Southern Methodist University**

### **Family Mediation & Law (Domestic Relations)**

**HDDR 6331, Section 775**

**Thomas L. Hartsell, Jr.**

**Jan Term 2017**

**Tuesdays: 6:00 p.m. – 10:15 p.m.**

#### Course Information

**INSTRUCTOR** Thomas L. Hartsell, Jr.  
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Cell Phone/Voice Mail: 972-741-3307  
Internet Address: thartsel@smu.edu

I do not have set school office hours, but I will be happy to set a mutually convenient time to discuss any matter in person or by phone. My office is located on the second floor in 2-314-B.

**REQUIRED TEXT** 2016 Edition Texas Family code West Publishing  
**Unannotated** Version ISBN 9780314672452 and Course materials to be distributed by the Instructor

**CATALOG DESCRIPTION** This course presents fundamental mediation principles and their application in domestic relations cases and reviews statutory concepts of domestic relations law. Topics that will be addressed include psychological aspects of divorce and conservatorship, custody, support, visitation, property division, mediation process, practice forms and contracts and mediator ethics.

**COURSE LEARNING OUTCOMES:** Upon successful completion of this

course, the student will be able to demonstrate knowledge and application of:

1. Fundamental legal concepts governing common domestic relations issues.
2. Fundamentals of mediating domestic relations cases.
3. Definitions and proper use of terminology relating to domestic relations law.
4. Ethical obligations of a mediator in a domestic relations case.

Key Learning Objectives	How Achieved
Upon successful completion of this course, the student will be able to demonstrate knowledge and application of family mediation terminology and principles	Manual, videos and related materials distributed by the instructor will be studied to acquaint students with terminology and principles.
Students will learn to mediate family law issues confronted by ADR professionals.	Through roll play participation as both mediator and disputant and critique by instructors and students.
Students will gain in depth knowledge about a specific topic related to mediation of family law cases.	Through research on a specific topic related to mediation of family law cases or issues students will gain greater knowledge and insight into a topic of interest.

**ATTENDANCE POLICY** Attendance is crucial and class participation will be factored into the final grade. Because the role-plays are considered a crucial part of the course and students are dependent on each other for the success of these valuable learning experiences every effort should be made to be present on days the student is scheduled to participate. Failure to participate in more than one role-play will result in a failing grade.

- Your Instructor should be given 24 hours' notice of any absence whenever possible
- If a student must miss one class, it is the student's responsibility to get all material and assignments covered during their absence.
- A student's final grade will be impacted if two absences occur.

- A student missing more than two classes may, at your Instructor's discretion:
  - receive a grade of Incomplete if the requirements to do so have been met (see the policy on Grades of Incomplete contained in this syllabus)
  - receive a failing grade for the course
  - drop or withdraw from the course. (This option may have a financial and/or financial aid impact. Student should refer to the Add/Drop Policy and the Withdrawal Policy for the Counseling program which can be found at <http://smu.edu/education/counseling/AcademicCalendar2011-12.asp> then consult with the Program Specialist if they believe this option is a possibility.)

**EVALUATION/GRADING POLICY** 1/4 of the final grade will be based on a short exam. (100 maximum points) 1/4 of the final grade will be based on short homework exercises. (100 maximum points) 1/4 of the final grade will be based on attendance and class participation. (100 maximum points) 1/4 of the grade will be based on the mediation roll play. (100 maximum points) I use the following grading system.(Total Maximum points that can be earned = 400)

**Grading Scale** (Total number of points earned/4)

93-100 = A Exceptional	A superior / outstanding performance. Has mastered the concepts and adds unique contributes to class discussions.
90-92 = A- Excellent	A very good / admirable performance. Displays understanding in all areas of the class, and contributes successfully to class discussions.
87-89 = B+ Outstanding	Above average performance. A few insignificant flaws may appear, but overall has great application of the field.
83-86 = B Good	A generally satisfactory, intellectually adequate performance. Few significant flaws in performance.
80-82 = B- Adequate	A barely satisfactory performance. Contributes little to class discussions and lacks a clear understanding of concepts.
77-79 = C+ Not sufficient	An unacceptable performance. Unable to engage in class discussions and has little comprehension of theories.

**STUDENT DROP POLICY** If you are unable to complete this course or will miss 3 or more classes, it is **YOUR RESPONSIBILITY** to withdraw formally from the

course.

### Exam

One exam comprising 100 points of your total 400 points for this course. The exam will include 50 true/ false, multiple-choice and short answer questions worth 2 points each. Please refer to the rubrics listed below regarding grading standards and point distributions.

The professor will construct all exams utilizing best practices for validity and reliability, and will perform an item-analysis after each examination to evaluate student performance related to question clarity and other threats to item validity.

<b><i>Cognitive Domain</i></b>	<b><i>Objectives</i></b>	<b><i>Material Covered/Content Distribution</i></b> <b>Textbook reading and related lecture</b>	<b><i>Evaluation</i></b> <b>0 – 2 point</b>
Knowledge	Recognize key terms, concepts and laws Recall concepts and laws	Texas Family Code Titles 1 & 5, materials, including statutes, covered and discussed in class	2 points earned per correct question
Comprehension	Identify best response and approaches to nuanced questions and scenarios	Texas Family Code Titles 1 & 5, materials, including statutes, covered and discussed in class	2 points earned per correct question

### Class Participation & Readings Assessment

	<b>Needs Improve. 80-82</b>	<b>Developing 83-89</b>	<b>Accomplished 90-92</b>	<b>Exemplary 93-100</b>	<b>Score</b>
<b>Preparation for class/class discussion/writing assignments</b>	Does not ask questions or make comments that indicate familiarity with topics for class; turns in most writing assignments	Rarely asks questions or makes comments that indicate familiarity with the topics prepared for class; turns in all writing assignments	Occasionally asks questions or makes observations that indicate reflections, some knowledge or readings for class; turns in all writing assignments	Regularly asks questions or makes observations that indicate reflection, knowledge or readings for class; turns in all writing assignments	
<b>Small group participation</b>	Does not participate in small groups in class	Does not actively participate in small groups in class	Participates actively in small groups in class	Participates actively and provides leadership in small groups in class	
<b>Class absences</b>	Misses class often	Misses no more than 2 classes w/o prior arrangement	Misses 1 class with prior arrangement	Attends class regularly (no missed classes)	

The following score sheet will be used for grading the mediation roll plays:

Mediator: \_\_\_\_\_

Date of mediation: \_\_\_\_\_

STAGES	RATING (1-10)	FEEDBACK
Opening (Setting the Stage)  Introductions Conflicts of interest Explaining the process Confidentiality Authority Ground Rules		
Defining the issues		
Processing the issues		
Resolving the issues		
<b>General Comments About Mediator:</b>		
Energy?		
Built trust?		
Competence?		
Listened Well?		

Creative?		
Objective?		
Impartial?		
Assertive?		
Communicate effectively?		
Appearance?		

List strengths:

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List areas to improve upon:

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### **Class Decorum**

- Be punctual, class begins on time.
- Breaks will be granted, but the student is expected to be back on time.
- Do not read newspapers, books for other classes, or other outside reading material during class.
- Attendance is mandatory and roll will be taken.
- Be quiet if you arrive late for class when you enter the classroom.
- If you have to leave class early let me know before class begins.
- Beepers and cellular phones are to be turned off during class.
- Be prepared to participate.
- Professional respect and courtesy is expected.

**Disability Accommodations** Students needing academic accommodations for a disability must first contact Disability Accommodations & Success Strategies (DASS) at 214-768-1470 or [www.smu.edu/alec/dass.asp](http://www.smu.edu/alec/dass.asp) to verify the disability and establish eligibility for accommodations. They should then schedule an appointment with the professor to make appropriate arrangements. (See University Policy No. 2.4; an attachment describes the DASS procedures and relocated office.)

**Religious Observance** Religiously observant students wishing to be absent on the holidays that require missing class should notify their professors in writing at the beginning of the semester, and should discuss with them, in advance, acceptable ways of making up any work missed because of absence. (See University Policy No. 1.9.)

### **SMU Emergency Preparedness**

As part of the federal government response to the H1N1 (Swine Flu) virus, the Department of Health and Human Services issued a nationwide public health emergency preparedness declaration on April 26, 2009. The declaration was renewed on July 23, 2009 and is currently in force. For the semester ahead, there is concern that the level and intensity of flu cases could increase substantially.

- 1) For updates on the campus-wide status of flu conditions at SMU, please visit <http://www.smu.edu>.
- 2) If flu conditions require cancellation of a class session or other changes for this course, an email will be sent to all class members.
- 3) In the event of a major campus emergency at SMU, course requirements, deadlines, and grading percentages are subject to changes that may be necessitated by a revised semester calendar or other circumstances beyond the instructor's control.

### **Grade of Incomplete**

A student may receive a grade of I (Incomplete) if at least 50 percent of the course requirements have been completed with passing grades, but for some justifiable reason, acceptable to the instructor, the student has been unable to complete the full requirements of the course. At the time a grade of I is given, the

instructor must stipulate in writing to the student and to the University registrar the requirements and completion date that are to be met and the grade that will be given if the requirements are not met by the completion date. The maximum period of time allowed to clear the Incomplete grade normally is 12 months. If the Incomplete grade is not cleared by the date set by the instructor or by the end of the 12-month Policies and Procedures 25 deadline, the grade of I will be changed to the grade provided by the instructor at the time the Incomplete grade was assigned or to a grade of F if no alternate grade was provided. The grade of I is not given in lieu of a grade of F or W, or other grade, each of which is prescribed for other specific circumstances.

If the student's work is incomplete, poor quality and not acceptable, a grade of F will be given. The grade of I does not authorize a student to attend the course during a later term. Graduation candidates must clear all Incomplete grades prior to the deadline in the Official University Calendar, which may allow less time than 12 months. Failure to do so can result in removal from the degree candidacy list and/or conversion of the grade of I to the grade indicated by the instructor at the time the grade of I was given.

For graduate students, a maximum of two (six hours) concurrently held grades of Incomplete in courses other than thesis is allowed. If this maximum is reached, the student will be allowed to take only one three-hour course per term until the Incomplete total is reduced. Students who accumulate a total of three grades of Incomplete in courses other than thesis will be put on probation and not allowed to enroll further until the total is reduced.



## **Course Outline**

### **Class #1 (October 18, 2016)**

Course information  
Discussion of Domestic Relations Law  
Where is the law found?  
Anatomy of a family law lawsuit  
Where mediation fits in  
Review of Texas' ADR statutes  
Marriage  
Reporting Child Abuse  
Family Mediators Video

### **Class #2 (October 25, 2016)**

Psychology of Divorce  
Children & Divorce  
Title 5 of the Texas Family Code  
Child Custody  
Conservatorship  
Support  
Visitation

### **Class #3 (November 1, 2016)**

Review Homework Assignment: **Exercise #1** (page 170)  
Title 1 of the Texas Family Code  
Division of Property  
Property & Finance  
Separate v. Community  
Qualified Retirement Plans  
Spousal Maintenance Statutes  
Income Tax  
Cobra & Insurance

### **Class #4 (November 8, 2016)**

Review Homework Assignment: **Exercise #2** (page 171)  
Divorce Mediation Process  
Case of Willie – 3 Mediation Approaches (Film)

### **Class #5 November 15, 2016)**

Contrasting Styles Video  
Establishing & Building A Mediation Practice  
Mediation Ethics

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**Class #6 (November 22, 2016)**

Negotiations #1 and #2 (pages 174 and 175)

**Class #7 (November 29, 2016)**

Mediation Agreements

Exam

**Homework Assignment:** Prepare for Mediation Role-Play #1 (page 176)

**Class #8 (December 6, 2016)**

Mediation Role Play #1

**Homework Assignment:** Prepare for Mediation Role-Play #2 (page 177)

**Class #9 (December 13, 2016)**

Mediation Role Play #2

**Homework Assignment:** Prepare for Mediation Role-Play #3 (page 179)

**Class #10 (January 3, 2016)**

Mediation Role Play #3

Course Debrief