

Association of American law Schools- Midyear Meeting: Workshop on Family Law, Shifting
Foundations: Family Law's Response to Changing Families

Concurrent Session-Teaching Presentation
Abstract

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Abstract

In these changing times, it is important for our law students to be ready to face the challenges of the community as it exists today. The University of Houston Law Center continues to look for ways to make our students more practice ready when they graduate. It is important that the students learn both doctrinally, because this helps them learn to think like a lawyer, and through the use of practice skills. At the University of Houston Law Center, we are working hard to find new ways to teach family law and family law skills to our students. This includes courses like Immigration and Family Law taught by both an immigration specialist and a family law specialist with a greater focus on learning via real case studies and a lesser focus on case law, adding a family law mediation certification training to our student mediation training offerings, adding Hague Convention (international kidnapping) return mediations to the Mediation Clinic repertoire, adding a practice component to our upper level family law focused writing classes, and adding a separate lab class to a Children's Rights doctrinal course. Many of the ideas for the added lawyering component to these classes derives from our clinicians who have the practical skills background to advise on the skills components.

Expanded Abstract

Family law continues to evolve and we must keep up with this rapidly changing area of law. Family life and family law are changing as families become more diverse in a variety of ways and we must keep that in mind as we teach family law to our students. More and more we are recognizing the many ways that family law interacts and affects other areas of law. More and more of our students are working for small firms or as solo practitioners and, because of the time and expense involved in getting new clients, firms do not want to refer a client because they don't understand the family law issues or they recognize there is a family law issue and that may need to co-counsel with a family law attorney.

Because of these changes, our law school has studied courses where adding a family law component makes the class better. One example of a course that was developed with these goals in mind is titled "Immigration and Family Law" and was taught by two faculty: one is a colleague in the Law Center's Immigration Clinic who is an expert in Immigration law and the other from the Civil Practice Clinic who is a family law expert. We decided to do this class because of the amount of intersection we see between Immigration and Family law. Our Immigration Clinic students often work with our Civil Practice Clinic students because of the intersecting issues. This class was taught from a hands-on perspective because of the importance of making the students more practice ready as they become lawyers and begin their own practices. The students were not required to have taken any immigration or family law courses prior to taking this class. The course included Immigration topics ranging from how Immigration Law defines marriage and the family vs. how our family code (in this case Texas)

defines marriage and the family to looking at the Violence Against Women's Act (VAWA) and Protective Orders. We also discussed the Hague Convention as it applies in various family law cases and how Immigration and Family Law knowledge are both required to represent an unaccompanied undocumented minor.

In addition, our mediation clinic, as a way to give our students a more diverse education related to family law, has added a new type of mediation to their repertoire. The UHLC Mediation Clinic now serves as a resource for the International Parent Child Abduction Department of the U.S. Department of State. Clinical students trained in mediation may be a useful tool where international child abduction has taken place and the abducting parent has been located for the purposes of mediating visitation or return of the child. The mediations may be conducted by telephone, videoconference, or other suitable means of communication, as the parties are certain to not be in the same location. Additionally, it is not uncommon to have co-mediators that are in separate locations. Skype and Google Chat have become preferred means for the mediation clinical students. This is especially useful in international custody matters, as the parents may be in different countries and may not be able to travel for the purpose of mediation. Once an agreement is reached, the document can often be filed in court as an enforceable order.

Both of these courses also include information and teaching about the importance of cultural competence and the need to understand the client (or the parties) in-order to give them the best representation or to help them mediate an agreement.

A third way that our law school has changed how it teaches family law is by adding a lab component to our Children and the Law course. The lab complements what the students learn in the classroom by giving the students real-world practice in the area of juvenile law. Only students in the course are permitted to register for the lab which is currently a two credit hour course. The students, under the supervision of an adjunct family law attorney who is the court appointed attorney in each case, represent children in permanent foster care by meeting with the children and representing their interests during the court permanency hearings. The students learn to interview children and witnesses and to appear and participate in court hearings as the student attorney representing the child (along with their supervising attorneys).

These classes which include a family law skills component have enriched our law school curriculum and can be important in giving students the skills to be more practice ready when they graduate. Family law is an important part of any law school curriculum whether or not students plan to practice in that area; it is a good area of law in which to incorporate practice skills. This combination of doctrinal and practice skills learning provides the students with a richer learning experience which they can transfer to the practice of law.