

Spring 1997 Domestic Relations Final

Professor Brummer
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DOMESTIC RELATIONS

Instructions for Essay

Read the question carefully, Answer what is asked.

Discuss every problem that is fairly raised by the question.

Evaluate every argument that can fairly be made.

Organize your answer as clearly and concisely as possible. (Organization and Clarity will count.)

Write legibly and on alternate lines.

Budget your time wisely. Your grade will in part be based upon how you allocate your time.

Answer each question in a separate bluebook or separate sheet of typing paper.

Do not write your name on the exam. Write your exam number only.

You may not use supplementary sources on this examination.

This portion of the exam will last ninety minutes.

Essay Question

Weezie and George Jefferson met in 1977, when she was 19 years old, was living with her parents and was working full time as a nurse's aide in preparation for a nursing career. Shortly after the parties met, George persuaded Weezie to move into an apartment paid for by him and to quit her job. George "indicated" to Weezie that he would provide for her.

Early in 1979, the parties began living together in a "marriage-like" relationship in New Arkansas, holding themselves out to the public as husband and wife. In fact, George told Weezie that New Arkansas recognized common law marriage and that no ceremony was required. Weezie assumed George's surname as her own. Subsequently, in 1985 she gave birth to twin children, Lionel and Thomas, who were also given George's surname. The parties filed joint income tax returns and maintained joint bank accounts asserting that they were husband and wife. George insured Weezie as his wife on his medical insurance policy. He also took out a life insurance policy on her as his wife, naming himself as the beneficiary. The parties purchased real and personal property as husband and wife. Weezie executed documents and obligated herself on promissory notes to lending institutions as George's wife.

In 1989, upon the tenth anniversary of their "marriage" George and Weezie decided to renew their marital vows before their family minister, their friends, and loved ones. In this ceremony they promised to love and serve one another "until death do us part."

During their relationship, Weezie contributed child care and homemaking services, including cleaning, cooking, laundering, shopping, running errands, and maintaining the grounds surrounding the parties' home. Additionally, Weezie contributed personal property to the relationship which she owned at the beginning of the relationship or acquired through gifts or purchases during the relationship. She served as hostess for George for social and business-related events. Periodically, between 1979 and 1985, Weezie cooked and cleaned for George and his employees while his business, a dry-cleaning service, was expanding to six stores in four states.

From 1983 to 1986, Weezie worked 20-25 hours per week at George's office, performing duties as a receptionist, typist, and assistant bookkeeper. From 1986 to 1991, Weezie worked 40-60 hours per week at a floral arrangement business she started with George's sister-in-law, then continued and managed the business herself after the dissolution of that partnership. In 1991 Weezie contends that George made their relationship so intolerable that she was forced to move from their home and their relationship was irretrievably broken. He called her a "whore" and told her to take her two little "bastards" with her. Subsequently, George barred Weezie from returning to her business.

During the parties' relationship, and because of Weezie's domestic and business contributions, the business and personal wealth of the couple increased. Furthermore, Weezie alleges that she never received any compensation for these contributions to the relationship and that George indicated to Weezie both orally and through his conduct that he considered her to be his wife and that she would share equally in the increased wealth.

Shortly after Weezie left George he moved in with Helen, the wife of his best friend and neighbor Richard. Helen has a net worth of about \$4,250,000 and she and Richard enjoyed an extremely high standard of living. Richard, who is 37 years old is unemployed with limited employment skills. He is in good physical condition, but he has impaired mental health. He is in possession of approximately \$200,000 in assets, most of which

were received from his wife during the marriage.

After about six months George and Helen went to Las Vegas and stayed there for the six weeks required residence in order for Helen to obtain a divorce. When the Nevada divorce was granted the couple obtained a marriage license and were married in one of the local casinos. When George learned that Weezie had taken \$2500 from his business' checking account and left for New Texas to stay with her mother, he and Helen returned to New Arkansas. To insure that Weezie would not get any more money, he dropped her name from all accounts and instructed his employees that they were not to give her a dime. Currently George has a net worth of over one million dollars and reports income in the form of stock dividends of about \$100,000 per year.

In New Texas Weezie has had trouble disciplining her son Thomas. Eight months ago these problems forced her to send Thomas to New Oklahoma to live with her brother Archie. Although Archie and his wife have two other children they have welcomed Thomas and assured him that he could stay with them as long as he wished.

Weezie has contacted you from New Texas telling you that she is broke and that she needs your legal assistance. Richard also wants to retain you as his lawyer. What questions will you need answered? What advice are you likely to give? How will relevant state policy considerations affect the outcome of any litigation which is generated from these facts?

Summer 1988 Domestic Relations Final

PART I

(Multiple Choice)

The following facts should be used to answer questions 1 and 2: Dick and Liz met during a Caribbean cruise aboard the luxury liner S.S. Luv Boat. Their whirlwind romance was obvious to everyone on board the ship. Upon the ship's arrival in the Bahamas and five days into the cruise, the two secured a marriage license and were married. Marriage laws in the Bahamas required no waiting period, no blood tests and no residence period. The statute required that the license be signed by the parties and witnesses. The marriage license was then to be mailed to the Marriage Ministry for recording.

The marriage ceremony in this case constituted merely the exchange of vows by the parties in the presence of two of the island's natives. After words expressing the existence of a mutual commitment to one another, the parties and the two witnesses signed the marriage license. In the excitement of the marriage celebration, Dick forgot to mail the marriage license.

1. The failure by Dick and Liz to mail the marriage license will-
 - a. Have no impact on the validity of the marriage if all other requirements are met.
 - b. Invalidate the marriage if the Bah do not recognize common law marriages.
 - c. Have no impact on the validity of the marriage if the licensing requirement is considered directory and all other requirements are met.
 - d. Invalidate the marriage if the parties lacked a good faith intent to be married.
2. The marriage ceremony as performed in this situation:
 - a. Is sufficient to satisfy the laws of the Bahamas but would not be adequate to meet the requirements of most states.
 - b. Is sufficient to satisfy the laws of the Bahamas if no specific persons are designated by statute to perform marriages.
 - c. Is inadequate because most jurisdictions require a specific form for the ceremony.
 - d. Is adequate if a ring was given after the exchange of vows.
3. Which of the following statements about the putative spouse doctrine is not generally true?
 - a. It creates a presumption of the validity of the marriage.
 - b. It is available to either man or woman who possessed a good faith belief in the validity of the marriage.
 - c. It creates economic rights which may resemble the rights accorded in marriage.
 - d. It does not supersede the rights of the legal spouse or those acquired by other putative spouses.
4. To constitute a valid common law marriage it is necessary that the parties:
 - a. Live together for a period of time designated by statute in a state which recognizes common law marriages.
 - b. Sexually cohabit and hold themselves out as man and wife in a common law marriage jurisdiction.
 - c. Exchange marital vows with a present intent to live together indefinitely in a common law marriage state.
 - d. Have a present intent to be married, cohabit and hold themselves out as married in a common law marriage state.
 - e. All of the above.
5. Which of the following statements about common law marriages is not generally true?
 - a. Common law marriages may only be terminated by formal divorce proceedings.
 - b. Common law marriages must be ultimately registered or recorded in the jurisdiction which recognizes such

marriages.

common law marriages may only be entered into by parties who have satisfied the basic statutory qualifications for marriage.

d. A common law marriage which satisfies the requirements of the common law marriage jurisdiction where created will be recognized as valid in other states.