



2017

# Another Look at the Need for Family Law Education Reform: One Law School's Innovations

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## Recommended Citation

Barbara A. Babb, *Another Look at the Need for Family Law Education Reform: One Law School's Innovations*, 55 *Family Court Review* 59 (2017).

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# ANOTHER LOOK AT THE NEED FOR FAMILY LAW EDUCATION REFORM: ONE LAW SCHOOL'S INNOVATIONS

Barbara A. Babb

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The pressing need to change family law education stems from increased numbers and types of family law matters before the courts, changing legal standards, and the evolution of family law practice. The Family Law Education Reform Project, the Families Matter Report, and the IAALS Family Bar Summit recommend that traditional family law education be supplemented to reflect the importance of a holistic blend of theory and practice. This involves expanding student clinical or experiential programs, incorporating interdisciplinary studies specific to the context of family law, and enhancing continuing legal education opportunities. As one law school example, the University of Baltimore School of Law has implemented many of these recommendations for students and practitioners.

## Key Points for the Family Court Community:

- There is a need for the traditional family law educational curriculum to reflect a holistic blend of theory and practice.
- The Family Law Education Reform Project, among others, recommends supplementing the family law curriculum with interdisciplinary education for practitioners with increased client-centered training programs, interdisciplinary student education tailored to family law, and clinical and experiential student opportunities.
- The need for educational reform stems from recent changes to family law, a constant increase in family law proceedings, and the vast numbers of self-represented litigants.
- The present shift away from family law litigation toward alternative dispute resolution requires interdisciplinary education in related areas of law, family psychology, and counseling.
- The University of Baltimore School of Law has supplemented student learning with the practical application of family law through various clinical courses and experiential offerings, as well as interdisciplinary requirements for the family law area of concentration.
- The University of Baltimore School of Law intends to offer a Post-J.D. Certificate in Family Law beginning in the Fall 2017 semester.

**Keywords:** *Alternative Dispute Resolution; Clinical Programs; Continuing Legal Education; Experiential Learning; Family Law Education; Family Law Educational Reform; Holistic; Interdisciplinary; and Simulation-Based Learning.*

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## INTRODUCTION

Family law practice has undergone dramatic change in the last quarter century, perhaps more than any other area of practice. Virtually everything about it has changed—the role of the family court, the procedure for resolving family disputes, the role of the family lawyer, and the substantive law. It is a vibrant and exciting field, with great influence on the lives of families and children. The family law curriculum in our law schools, however, do not reflect either the change in practice or its vibrancy. Despite the enormous challenges of modern practice, and the high stakes for parents and children, family law remains the stepchild of the law school. There are efforts to modernize underway, but they are isolated and unsystematic.<sup>1</sup>

“Legal education is complex, with its different emphases of legal analysis, training for practice, and development of professional identity.”<sup>2</sup> Further, “[t]here is a growing consensus that American law schools need to do a better job of preparing students to practice law.”<sup>3</sup> Indeed, the challenge for legal educators is how to strike the appropriate balance among the several distinct components. Many recent publications focusing on law teaching<sup>4</sup> and clinical legal education<sup>5</sup> in particular have assisted law professors in this endeavor. Generally, however, other than those texts focusing on

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clinical legal education, these publications focus on law teaching in general and not on the teaching of specific subject-matter areas.<sup>6</sup>

This article is a response to three recommendations related to family law education that emanated from the *Family Bar Summit: Shaping the System for the Families We Serve*, an event hosted by the Institute for the Advancement of the American Legal System (IAALS) at the University of Denver in November of 2015. The Summit has enabled leaders of the Family Law Bar to identify “obstacles to serving children and families in separation and divorce matters—and [to explore] opportunities for meaningful change.”<sup>7</sup> Three of the recommendations in particular are the focus of this article: (1) “establish robust and interdisciplinary continuing legal education programs for family law attorneys and increase client-centric training programs,”<sup>8</sup> (2) develop specialized and interdisciplinary law school curricula tailored to the unique skill set of a family law attorney,<sup>9</sup> and (3) “incorporate clinical and experiential components into the legal education of future family law practitioners.”<sup>10</sup>

The Summit recommendations are not the first to raise the issue of the need to change family law education. The most comprehensive, substantial, and concrete suggestions to date are documented in “The Family Law Education Reform Project Final Report.”<sup>11</sup> The Family Law Education Reform (FLER) Project is co-sponsored by the Association of Family and Conciliation Courts (AFCC) and the Center for Children, Families and the Law at Hofstra Law School. Contributors to the FLER Project include “dialogues between family law academics and practitioners from many disciplines.”<sup>12</sup> The genesis of the FLER Project is “[a] substantial and growing gap between family law teaching and family law practice [that] undermines the best efforts of new family lawyers to assist parents and children in separation, divorce, abuse and neglect, dependency, and delinquency actions.”<sup>13</sup>

Beginning with an open forum at AFCC’s 2004 Annual Conference in San Antonio, FLER has systematically solicited the opinions of hundreds of law professors, judges, lawyers, mental health professionals, custody evaluators, mediators, researchers, law students, and others in order to better understand how to train family lawyers who can better meet the needs of the families and communities they serve. The process has included “think tanks” of invited family law faculty and interdisciplinary professionals, an Internet survey of eight family law and related professional associations, research conducted by students at Hofstra Law School, and presentations and feedback sessions at conferences sponsored by AFCC, the American Association of Law Schools [sic], the National Council of Juvenile and Family Court Judges, the American Bar Association (ABA) Section of Dispute Resolution, and the Association for Conflict Resolution Family Section.<sup>14</sup>

In endorsing the FLER Project, the Families Matter initiative of the University of Baltimore School of Law’s Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) also recommends the following: “Law schools should examine and revamp family law curricula to include interdisciplinary instruction, as that envisioned in AFCC’s Family Law Education Reform project.”<sup>15</sup> Families Matter, based on a June 2010 symposium at the University of Baltimore School of Law and intending to respond to the need for deep and meaningful reform of the family law process, includes the voices of an interdisciplinary group of family law experts. These practitioners have identified problems with the practice of family law and have suggested promising solutions, all of which are included in the Families Matter report.<sup>16</sup> Regarding family law education, the participants have

[E]choed the remarks of other groups regarding the importance of family law education and [have] emphasized the need to promote curriculum improvements in law schools. These improvements include instilling a sense of service, increasing interdisciplinary awareness, and creating a better path to viable employment for graduating students interested in pursuing the practice of family law.<sup>17</sup>

This article once again examines and supports necessary changes to most law schools’ traditional family law curriculum. In addition, it describes one law school’s approach to address the family law education needs of both law students and practicing attorneys.

## WHY FAMILY LAW EDUCATION NEEDS TO CHANGE: THE NATURE OF FAMILY LAW PRACTICE

In the last few decades, the volume of family law cases has increased dramatically. For example, in Maryland during the 2015 fiscal year, forty-three percent of the state's trial court filings consisted of family law cases, exceeding the proportion of criminal and other civil cases.<sup>18</sup> Family law cases also have become increasingly complex in their scope.

Concurrently, social, political, and intellectual developments of the last quarter century have transformed and complicated family law. A listing of just some of the recent developments makes the point: covenant marriage; no-fault divorce; making inchoate property (stock options, pensions, intellectual property rights, partnership arrangements) divisible at divorce; recognition of marital and premarital contracts; financial and parenting rights for cohabitants; statutory formulas for child support; joint custody and parenting plans; third-party and grandparent visitation rights; same-sex marriage and recognition of alternative family forms; greater emphasis on domestic violence and child abuse and neglect; surrogate parenting; an effort to reduce time in foster care and increase the speed of adoption; and international treaties seeking to reduce child abduction and recognize the rights of children.<sup>19</sup>

Further complicating the family law process is the fact that “[t]oday’s family court docket consists of an avalanche of cases and available data that indicates that the majority of litigants are pro se (self-represented).”<sup>20</sup>

Since the late 1990s, I have advocated that the approach to family law generally, and to family courts in particular, must become more therapeutic and holistic.<sup>21</sup> This perspective advocates that family law, family courts, lawyers, and other actors involved in the family law process must aim to improve the lives of affected children and families.<sup>22</sup> In addition, in order to be most effective, lawyers, judges, and others involved must examine and account for all of the systems within which children and families function, known as the ecological perspective.<sup>23</sup> Indeed, “in the last quarter century, the process of resolving legal family disputes has, both literally and metaphorically, moved from confrontation toward collaboration and from the courtroom to the conference room.”<sup>24</sup>

This transformation of the family law process has resulted in a change in court structure, along with a complementary change in the role of the family lawyer. For example, many jurisdictions have created unified family courts, a topic about which I have written extensively.<sup>25</sup> Unified family courts are structured to empower the court to hear and determine the full range of family law cases (including delinquency and dependency), to provide continuous case management, and to connect parties to necessary and appropriate nonlegal services, all under the supervision of specially trained and interested judges.<sup>26</sup> In order to function effectively in this transformed family law system, the role of the family lawyer has evolved. “While lawyers serve as advocates, a greater emphasis is placed on: (1) the role of the legal counselor and advisor, (2) working to identify a resolution that meets the needs of all family members, and (3) interpersonal or emotional issues that frequently underlie the legal dispute.”<sup>27</sup>

Despite the several decades during which we have experienced the transformed family law process as described above, participants in the Summit, Families Matter, and the FLER Project, among others, conclude that family law education has not changed adequately.

## A STARTING POINT FOR REFORM: THE FLER PROJECT RECOMMENDATIONS

Given that the FLER Project constitutes the most comprehensive approach to, and suggestions for, family law education reform to date, it is appropriate to revisit the FLER Project findings and recommendations.<sup>28</sup> The FLER Project research has revealed “that family law as it is presently taught in many American law schools bears only an attenuated relation to family law that affects real people,

the courts, and our larger society every day.”<sup>29</sup> In response, the FLER Project proposes that an appropriate family law curriculum does the following:

- (1) It would teach law students that the family court of the early twenty-first century is often an interdisciplinary enterprise. . . At times, these [interdisciplinary] professionals may work as partners with the attorney. . . In other cases, the attorney’s role is to help the client navigate [their interactions with these professionals]. . .
- (2) It would emphasize the multiplicity of dispute resolution processes and treat litigation as but one alternative. . . The burdens and benefits of each of these approaches would be evaluated. . .
- (3) It would continue to emphasize strong grounding in the law and analytic rigor, but would add a focus on competence and skills, and teach budding lawyers to be reflective and self-aware in the practice of law. . . [F]amily lawyers must be knowledgeable in such fields as tax, contracts, ERISA, real estate, and health insurance (COBRA), as well as family systems theory, child psychology, and family violence. Practitioners also need strong skills in interviewing, listening, and counseling emotionally troubled clients.<sup>30</sup>

The FLER Project report recommends a focus on “Teaching the Four C’s” of Content, Context, Conduct, and Competence.<sup>31</sup> Regarding Content, “family issues should be assessed, as much as feasible, *over time* and within their *appropriate context*.”<sup>32</sup> The authors of the FLER Project report state that addressing “family law issues that may occur over time in a real (or simulated) family (or set of families) may furnish a contextually rich matrix, helping students to grasp the interplay of legal and social issues and their longitudinal effects.”<sup>33</sup> By Context, the authors advocate introducing law students to “(1) courts and family dispute resolution processes; (2) issues of class, race, gender, age, and power; (3) financial issues; and (4) issues of policy and law reform.”<sup>34</sup> Focusing on these issues means introducing students to alternative dispute resolution processes; the limitations and benefits of litigation; the nature of family law as an interdisciplinary practice; issues related to self-represented litigants, such as discrete task representation and ethical issues; international and comparative law perspectives; intimate partner violence; and child abuse and neglect.<sup>35</sup> Conduct constitutes an emphasis on ethical family law practice and the need to improve the public’s image of family lawyers.<sup>36</sup> Competence includes the need for family law educators to teach active listening skills and how to handle emotional content, set boundaries with clients, communicate with a child client, explain family law and the process to clients, manage a client’s case effectively toward a positive outcome, manage a law office, and take care of oneself.<sup>37</sup>

Recognizing that law schools may not be able to accomplish teaching this comprehensive agenda in one family law course or even during the three years of law school, the FLER Project report urges “law schools to develop options that would allow law students wishing to specialize in family law to enhance their qualifications.”<sup>38</sup> The FLER Project report recommends “awarding students certificates of specialization in family law, either along with their J.D., or as part of an LL.M. program. These concentrations would be both experiential and interdisciplinary.”<sup>39</sup>

In response to the FLER Project recommendations, Hofstra Law School created the “Family Law with Skills” course, integrating both theory and practice.<sup>40</sup> In this basic family law course, “[i]n addition to studying legal doctrine, students are required to engage in structured field observation of family court proceedings; interviewing, counseling, negotiation, and mediation representation exercises in a divorce dispute; direct and cross examination of a social worker in a child protection dispute; and drafting of a surrogacy agreement.”<sup>41</sup> According to the law professors who designed and who teach the course, the emphasis on skill development helps students recognize the complexity of family law practice and forces students to understand the legal doctrine so they may apply it appropriately.<sup>42</sup> Nevertheless, the law professors caution that “[n]o single course, however enriched, can assure that a law student develops all the complex competencies necessary to be an effective family law practitioner.”<sup>43</sup>

A family law course structured around simulation-based learning is another attempt to implement the FLER Project recommendations.<sup>44</sup> One of the benefits of simulations is that they “can be tailored by professors to address specific issues with each and every student.”<sup>45</sup> Because of the active involvement of the students, they are learning professional behaviors.<sup>46</sup> “A simulation-based pedagogy, where, by definition, students must act, choose, reflect on the efficacy and consequences of their choice, and then choose again, is needed if we are to provide a vehicle for development of the critical skill of professional judgment.”<sup>47</sup>

On the other hand, one legal academic believes that “[t]he most direct way to increase students’ experience applying legal knowledge and skills to real cases is to increase the number of clinical and externship opportunities.”<sup>48</sup> He further suggests that “[l]aw schools can experiment with non-traditional course formats, such as short, not-for-credit professionalism courses at the outset of students’ legal education, specialized for-credit courses, and in-depth capstone courses that provide a culminating learning experience.”<sup>49</sup> Finally, he posits that “[s]chools can also arrange for sequences of related courses so that students can readily concentrate in particular areas as part of a comprehensive plan in which they receive instruction in particular sets of knowledge and skills.”<sup>50</sup>

As another follow-up to the FLER Project, the New York City Bar Association Committee on Family Court and Family Law conducted a survey of nine New York City and Long Island law schools in the spring of 2008.<sup>51</sup> The survey was an attempt to determine whether any New York City-area law schools had implemented the FLER Project recommendations.<sup>52</sup> The results of the survey demonstrated that curricular reforms were underway, including a “focus on legal issues related to domestic violence and child maltreatment, the impact of increasing numbers of pro se clients, and practice issues including basic financial counseling, the structure and function of the current family law system, interdisciplinary practice, and cultural competency, to name a few.”<sup>53</sup> Nonetheless, these initiatives were “not available to the same extent in each school.”<sup>54</sup> The Committee, therefore, made several suggestions, including (1) recruiting law students into family law careers; (2) increasing financial aid and mentoring for students interested in family law careers; (3) encouraging members of the family law bar to serve as mentors and guest speakers; (4) restructuring family law courses to address current practice needs in family law; and (5) hosting educational opportunities for family law professors, judges, lawyers, and services providers.<sup>55</sup>

The need for ongoing family law education reform is critical. “America’s families increasingly are appearing before the courts for assistance in making decisions and rendering judgments about every aspect of life from birth . . . through childhood . . . , adolescence . . . , adulthood . . . , and old age . . . .”<sup>56</sup> According to one scholar, “[e]very law school in North America (and likely in the world) offers at least one course in family law or domestic relations.”<sup>57</sup> Nonetheless, when pushed to reform family law education as the FLER Project recommends, the response from law schools often is “that they are not trade schools—their mission is not to prepare students for the practice of law. Rather, their mission is to lay the intellectual foundations that allow for the practice of law or other careers.”<sup>58</sup> There are also issues concerning the number of law students attracted to courses such as the FLER Project suggests, as well as the level of resources law schools are willing to devote in order to educate more comprehensively about the practice of family law.<sup>59</sup> Indeed, “[t]he reality has been that, within law schools in North America, family law has been low in the hierarchy of subjects for specialization and has received a disproportionately small amount of attention compared to the number of practitioners in this area, its volume of cases in the court system, and its importance for society.”<sup>60</sup>

Despite these challenges, the FLER Project continues to have “enormous promise to move family law pedagogy in a new direction.”<sup>61</sup> Thus, “[t]o that end, the FLER Project should continue to develop specific strategies for law school curricular reform to ensure implementation.”<sup>62</sup> In addition, as the Summit report recommends, law school courses must recognize the unique skills that a family law attorney needs, including “preventive care, problem solving, interdisciplinary interactions, community partnerships, listening to and understanding the needs of clients, and ethical dilemmas so often faced by family law attorneys.”<sup>63</sup>

## ADDING TO FLER: WHAT MORE CAN WE DO?

One law school has demonstrated leadership in its approach to family law education reform, including the three concerns addressed at the Summit: continuing legal education, interdisciplinary family law training, and clinical or experiential opportunities.

Much of the University of Baltimore School of Law's history of family law education reform predated the FLER Project. Beginning in 1988, the School of Law created a Family Law Clinic, where student attorneys represent clients in a range of family law matters under the supervision of faculty members who also are attorneys.<sup>64</sup> In the late 1990s, the School of Law created several Areas of Concentration, allowing for students to immerse themselves in one or more practice areas, with increasing levels of course sophistication.<sup>65</sup> The Family Law Area of Concentration was one of the original designated subject-matter areas.<sup>66</sup> In 2000, the University of Baltimore authorized the establishment of the Center for Families, Children and the Courts (CFCC), known now as the Sayra and Neil Meyerhoff Center for Families, Children and the Courts, dedicated to therapeutic and holistic family law and family justice system reform.<sup>67</sup> In 2005, the law school added the Mediation Clinic for Families, a second family law clinical course where law students become certified mediators and then mediate with clients about various family law issues under the supervision of an attorney faculty member.<sup>68</sup> In 2004, the School of Law approved the CFCC Student Fellows Program I and II, an experiential course where students learn cutting-edge family law and family justice reform issues and also participate in one of CFCC's ongoing family law projects.<sup>69</sup>

The Family Law Area of Concentration requires that students take the introductory Family Law course, as well as either Juvenile Justice, which focuses on juvenile delinquency, or Child and the Family, which focuses on the child welfare system.<sup>70</sup> In addition, students are required to select one experiential course (CFCC Student Fellows Program I, Family Law Clinic I, Mediation Clinic for Families I) and one additional course from a course list including the following: Adoption, Guardianship, and Assisted Reproductive Technology Practice Workshop; Advanced Legal Research involving a family law topic; Children and the Constitution Seminar; Elder Law; Families, Law, and Literature; Family Law Moot Court Team; Family Law Workshop; and Mediating Family Disputes: Theory and Practice Seminar.<sup>71</sup> While not required, the following courses are recommended, which focus on both skills training and the comprehensive knowledge base needed for the effective practice of family law: Bench Trial Advocacy; CFCC Student Fellows Program II; Dispute Resolution Workshop; Family Law Clinic II; Federal Income Tax; Gender and the Law Seminar; Interviewing, Negotiating and Counseling; Litigation Process; Mediation Clinic for Families II; Mediation Skills; Planning for Families and Seniors Workshop; Trial Advocacy; and Trusts and Estates.<sup>72</sup>

Recognizing that many University of Baltimore School of Law graduates often practice family law, the law school in 2013 investigated the possibility of offering an advanced degree in family law to better prepare law graduates. Initial research revealed that there are only three schools in the country offering an LL.M. in Family Law, including Hofstra University,<sup>73</sup> Chicago-Kent College of Law,<sup>74</sup> and Loyola Chicago School of Law.<sup>75</sup> No schools offered a post-J.D. certificate in family law.

In 2014, pursuant to grant funding, CFCC's marketing consultant convened three focus groups to gain insight into early career attorneys' need for and interest in the additional study of family/juvenile law.<sup>76</sup> Twenty-five attorneys who graduated between 1995 and 2014 participated in the focus groups. In addition, the consultant interviewed twenty-six highly experienced family law practitioners, including law firm partners, judges, heads of government agencies, and nonprofit directors, to discuss the value to their organizations of early career attorneys earning advanced training certification.<sup>77</sup>

The needs assessment study provided substantial guidance regarding whether and how to structure post-J.D. training in family law. According to the study:

- (1) Participants in the focus groups and practitioner interviewees were very enthusiastic about a stand-alone family law certificate program which would offer a practical approach to the practice of family law and would emphasize experiential learning.<sup>78</sup>

- (2) Early career attorneys expressed a substantial need for and interest in an additional study, particularly in the practical areas of law, such as how to prepare court filings, financial matters that affect custody and divorce, and law firm management.<sup>79</sup>
- (3) Focus group participants wanted more cross-disciplinary training.<sup>80</sup>
- (4) Law firm partners and nonprofit/government agency representatives were very positive about the value of additional family law study, with several saying that their firms would pay for their early career attorneys to take additional courses.<sup>81</sup>

Following this market research, a law faculty workgroup agreed to move forward with the design of a professional post-J.D. Certificate in Family Law.<sup>82</sup> With the input of this faculty workgroup, CFCC organized a Practitioners' Advisory Workgroup (PAW), consisting of sixteen highly regarded family law practitioners and judges, to provide detailed content suggestions and to assist law faculty with curricular design and course content.<sup>83</sup> At the conclusion of several meetings, the PAW and law faculty workgroup agreed that courses should be formed in the following areas, based on the outcome of the earlier focus groups and interviews: financial foundations for family lawyers (accounting/financial issues in divorce); working through a family law case from start to finish; the business of practicing family law; psychology, child development, and mental health issues in family law matters; and the craft of advocacy.<sup>84</sup> PAW members selected a content area and worked with members of the law faculty workgroup to develop five course proposals for the following courses: Working through a Family Law Case—Start to Finish (four credits); Understanding the Business of Practicing Family Law (three credits); Psychology, Child Development, and Mental Health in Family Law Matters (three credits); the Craft of Problem-Solving and Advocacy in Family Law (three credits); and Financial Foundations for Family Lawyers (three credits).<sup>85</sup>

Each course is intended to blend theory with a strong mix of practical considerations.<sup>86</sup> In addition, each course must include some type of experiential component, such as a creative semester-long family law case simulation, structured mentoring by experienced practitioners, mock/mini trials, immersion in the courthouse environment through observations and journaling, and viewing recorded oral arguments and other resources online, to name a few.<sup>87</sup> Because most students in the program are likely to be employed, the plan is to schedule the classes in some creative manner, including evenings and weekends.<sup>88</sup> Members of the PAW are very enthusiastic about teaching the courses as adjunct faculty members, thereby bringing a wealth of practical experience into the classroom.<sup>89</sup>

The University of Baltimore School of Law's post-J.D. Certificate in Family Law has received the necessary approvals from the University of Baltimore, the Chancellor of the University System of Maryland, and the Maryland Higher Education Commission.<sup>90</sup> In addition, the certificate program has received the required acquiescence from the American Bar Association (ABA).<sup>91</sup> The law school intends to begin the post-J.D. Certificate in Family Law, the only one of its kind in the nation, in the Fall 2017 semester.<sup>92</sup> A website for the certificate now exists which provides additional background information, including the admission requirements, the application form and the course descriptions.<sup>93</sup>

Thus, the University of Baltimore School of Law has undertaken and implemented many of the curricular changes suggested by the Summit, Families Matter, and the FLER Project. The Family Law Area of Concentration is a specialized, interdisciplinary immersion into the various aspects of family law and provides well rounded grounding for law students who begin the practice of family law, including both clinical and experiential components. The post-J.D. Certificate in Family Law offers family law practitioners the opportunity to address any gaps in their J.D. family law training through a program of intensive coursework and practical experience.

## I. CONCLUSION

This article has responded to the IAALS Summit report regarding three recommendations related to family law education, all of which appear as recurrent themes since at least as early as 2006, the



date of the FLER Project Final Report. The article has summarized many recommended reforms to family law education over the last few decades, and it has detailed one law school's innovations in this area. The hope is that, by reigniting the discussion on the need to reform family law education, the information and ideas presented in the article can serve as a stimulant for other law schools and for continuing legal education programs. Our families and children who become involved in legal proceedings deserve the most effective and helpful service we as lawyers can offer them.

## NOTES

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7. NATALIE ANNE KNOWLTON, INST. FOR THE ADVANTAGE OF THE AM. LEGAL SYS., *THE FAMILY LAW BAR: STEWARDS OF THE SYSTEM, LEADERS OF CHANGE 1* (2016), [http://iaals.du.edu/sites/default/files/documents/publications/the\\_family\\_law\\_bar\\_stewards\\_of\\_the\\_system\\_leaders\\_of\\_change.pdf](http://iaals.du.edu/sites/default/files/documents/publications/the_family_law_bar_stewards_of_the_system_leaders_of_change.pdf).

8. *Id.*

9. *Id.*

10. *Id.*

11. J. Herbie DiFonzo & Mary E. O'Connell, *The Family Law Education Reform Project: Final Report*, 44 FAM. CT. REV. 524 (2006).

12. *Id.*

13. *Id.*

14. *See* Schepard & Salem, *supra* note 1, at 513–14.

15. Barbara A. Babb & Gloria Danziger, *Families Matter: Recommendations to Improve Outcomes for Children and Families in Court* 6, 14 (June 2014).

16. *Id.*

17. *Id.* at 22.

18. MARYLAND JUDICIARY, *JUSTICE AT WORK: 2016 PROGRESS REPORT* 37 (2016) (documenting the Maryland judiciary's fiscal year from July 1, 2014 through June 30, 2015).

19. Schepard & Salem, *supra* note 1, at 517.

20. *Id.* at 516; *see generally* Connie J. A. Beck et al., *Divorce Mediation with and Without Legal Representation: A Focus on Intimate Partner Violence and Abuse*, 48 FAM. CT. REV. 631 (2010) (examining states' approaches to mediating issues of power and adequate representation for pro se litigants engaged in domestic violence and abuse cases); Leslie Feitz, *Pro Se Litigants in Domestic Relations Cases*, 21 J. AM. ACAD. MATRIMONIAL L. 193 (2008) (concluding that the American judicial system's integrity requires expansion beyond traditional legal services in addressing self-represented litigants); Jona Goldschmidt, *The Pro Se Litigant's Struggle for Access to Justice: Meeting the Challenge of Bench and Bar Resistance*, 40 FAM. CT. REV. 36 (2002) (highlighting the balance between the appearance of judicial impartiality and the pro se litigant's limited experience in, and access to judicial proceedings); John M. Greacen, *Self-Represented Litigants, the Courts, and the Legal Profession: Myths and Realities*, 52 FAM. CT. REV. 662 (2014) (arguing that appropriate accommodations such as limited-scope representation benefits both self-represented litigants and members of the private bar); Judith L. Kreeger, *To Bundle or Unbundle? That is the Question*, 40 FAM. CT. REV. 87 (2002) (examining, among others, the Maryland Legal Assistance Network's programs to implement limited-representation attorney programs for pro se litigants); Julianne Prisco, *Insuring That Good Deeds Go Unpunished: Instituting State-Provided Malpractice Protection for Pro Bono Family Lawyers*, 52 FAM. CT. REV. 725 (2014)

(proposing that “all states should administer programs that allocate a legal expense fund to provide free legal malpractice coverage to family lawyers who volunteer in any capacity for no compensation”); Randall T. Shepard, *The Self-Represented Litigant: Implications for the Bench and Bar*, 48 FAM. CT. REV. 607 (2010) (concluding that self-represented litigants are increasingly at issue and providing “that the challenge that guides the legal profession is how we provide equal access to justice for all”).

21. See Barbara A. Babb, *A Unified Family Court*, in JUDGING IN A THERAPEUTIC KEY 294 (Bruce J. Winick & David B. Wexler eds., 2003); Barbara A. Babb, *Unified Family Courts: An Interdisciplinary Framework and a Problem-Solving Approach*, in PROBLEM-SOLVING COURTS: SOCIAL SCIENCE AND LEGAL PERSPECTIVES (Richard L. Wiener & Eve Brank eds., 2013); Barbara A. Babb & Judith D. Moran, *Judicial Independence in Family Courts*, in JUSTICE IN JEOPARDY App. H (ABA Report of the Commission on the 21st-Century Judiciary, 2003); Barbara A. Babb & David B. Wexler, *Therapeutic Jurisprudence*, in SPRINGER ENCYCLOPEDIA OF CRIMINOLOGY AND CRIMINAL JUSTICE (2014); Barbara A. Babb, *An Analysis of Unified Family Courts in Maryland and California: Their Relevance for Ontario’s Family Justice System*, 24 CAN. FAM. L.Q. 25 (2005); Barbara A. Babb, *Fashioning an Interdisciplinary Framework for Court Reform in Family Law: A Blueprint to Construct a Unified Family Court*, 71 S. CALIF. L. REV. 469 (1998); Barbara A. Babb, *Guest Editorial Notes*, 40 FAM. CT. REV. 413 (2002); Barbara A. Babb, *An Interdisciplinary Approach to Family Law Jurisprudence: Application of an Ecological and Therapeutic Perspective*, 72 IND. L.J. 775 (1997), reprinted in RESOLVING FAMILY CONFLICTS (Jana Singer & Jane Murphy eds., 2008); Barbara A. Babb, *Maryland’s Family Divisions: Sensible Justice for Families and Children*, 72 MD. L. REV. 1124 (2013); Barbara A. Babb, *Reevaluating Where We Stand: A Comprehensive Survey of America’s Family Justice Systems*, 46 FAM. CT. REV. 230 (2008); Barbara A. Babb, *Symposium Editor’s Notes*, 37 FAM. L.Q. 327 (2003); Barbara A. Babb, *Where We Stand: An Analysis of America’s Family Law Adjudicatory Systems and the Mandate to Establish Unified Family Courts*, 32 FAM. L.Q. 31 (1998); Barbara A. Babb, *Where We Stand Redux: Another Look at America’s Family Law Adjudicatory Systems*, 35 FAM. L.Q. 627 (2002); Barbara A. Babb et al., *Guest Editors’ Introduction to Special Issue on Substance Abuse and Addiction in Family Courts*, 47 FAM. CT. REV. 204 (2009); Barbara A. Babb & Gloria Danziger, *Introduction to Special Issue on Unified Family Courts*, 46 FAM. CT. REV. 224 (2008); Barbara A. Babb & Judith D. Moran, *Baltimore City’s Child-Focused Court*, 33 MD. B.J. 42 (2000); Barbara A. Babb & Judith D. Moran, *Substance Abuse, Families, and Unified Family Courts: The Creation of a Caring Justice System*, 3 J. HEALTH CARE L. & POL’Y 101 (1999).

22. *Id.*

23. *Id.*

24. Schepard & Salem, *supra* note 1, at 516.

25. See Babb, *supra* note 21.

26. *Id.*

27. *Id.*

28. DiFonzo & O’Connell, *supra* note 11.

29. *Id.* at 525.

30. *Id.*

31. *Id.* at 527. Professor Catherine Ross refers to the proposed changes as “the three P’s: the teaching of Policy, use of Problems, and emphasis on People skills.” Catherine J. Ross, *Choosing a Text for the Family Law Curriculum of the Twenty-First Century*, 44 FAM. CT. REV. 584, 587 (2006); see also Timothy Hedeem & Peter Salem, *What Should Family Lawyers Know? Results of a Survey of Practitioners and Students*, 44 FAM. CT. REV. 601 (2006) (supporting many of the FLER Project’s recommendations). “Survey respondents emphasized the importance of strong interpersonal skills like listening, negotiation, and working with clients in emotional crisis, as well as keen understanding of financial issues in family law, the impact of separation and divorce on children, and the ethical dimensions of family law practice.” *Id.* at 601.

32. DiFonzo & O’Connell, *supra* note 11, at 529.

33. *Id.* at 530.

34. *Id.* at 531.

35. 35. *Id.* at 532–37.

36. *Id.* at 539–40.

37. *Id.* at 541–45.

38. *Id.* at 546.

39. *Id.*

40. Andrew Schepard & J. Jerbie DiFonzo, *Hofstra’s Family Law with Skills Course: Implementing FLER (The Family Law Education Reform Project)*, 49 FAM. CT. REV. 685 (2011); see also Cynthia Grant Bowman, *Learning by Doing: Adding a Clinical Component to a Traditional Family Law Course*, 29 WIS. J.L. GENDER & SOC’Y 129 (2014) (offering a comprehensive description of how one law professor combined both a doctrinal and a clinical course); see also Melissa Breger & Theresa Hughes, *Advancing the Future of Family Violence Law Pedagogy: The Founding of a Law School Clinic*, 41 U. MICH. J.L. REFORM 167 (2007). See generally Robert E. Emery & Andrew Schepard, *Family Law Education Reform Project (FLER)—Continued*, 49 FAM. CT. REV. 671 (2011) (continuing DiFonzo & O’Connell, *supra* note 11, at 3 in a special issue).

41. Schepard & DiFonzo, *supra* note 40.

42. *Id.* at 687.

43. *Id.* at 689.

44. Susan B. Apel, *No More Casebooks: Using Simulation-Based Learning to Educate Future Family Law Practitioners*, 49 FAM. CT. REV. 700 (2011).

45. *Id.* at 703.
46. *Id.* at 704.
47. *Id.*
48. Lande, *supra* note 3, at 14.
49. *Id.* at 15 (footnotes omitted).
50. *Id.* at 15–16.
51. FAM. CT. & FAM. L. COMM., SURVEY OF FAMILY LAW CURRICULA IN NEW YORK CITY AND LONG ISLAND LAW SCHOOLS 3 (2010).
52. *Id.* at 5.
53. *Id.* at 22.
54. *Id.* at 23.
55. *Id.* at 51.
56. Marsha Kline Pruett, *Mental Notes: Reform as Metaphor and Reality*, 44 FAM. CT. REV. 571, 571 (2006).
57. Nicholas Bala, *There Are Some Elephants in the Room: Being Realistic About Law Students, Law Schools, and the Legal Profession When Thinking About Family Law Education*, 44 FAM. CT. REV. 577, 579 (2006).
58. *Id.* at 578.
59. *Id.*
60. *Id.* at 580.
61. Mary Pat Treuthart, *A Perspective on Teaching and Learning Family Law*, 75 UNIV. MO. KANSAS CITY L. REV. 1047, 1063 (2007).
62. *Id.* at 1064.
63. Knowlton, *supra* note 7, at 15.
64. Description of LAW 800F, Family Law Clinic I, 6 credit hours, *Course Descriptions*, UNIVERSITY OF BALTIMORE SCHOOL OF LAW, <http://www.ubalt.edu/course-descriptions/index.cfm?content=law> (last visited July 8, 2016) (“Students represent low income clients seeking child custody, support, divorce and protection from domestic violence. Under the supervision of a faculty member, students will be responsible for interviewing clients, experts and potential witnesses, and for negotiating with opposing parties or counsel, as well as for preparation of pleadings and court appearances. Students practice primarily in the local district and circuit courts but may also have the opportunity to assist in appellate litigation. Students are expected to devote approximately 20 hours per week to clinic activity and will receive a grade. Prerequisites: First-year day courses, Evidence, and Professional Responsibility. Recommended: Family Law; Trial Advocacy; Interviewing, Negotiating and Counseling. [Admission by permission only.]”); Description of LAW 800G, Family Law Clinic II, 1–4 credit hours, *Course Descriptions*, UNIVERSITY OF BALTIMORE SCHOOL OF LAW, <http://www.ubalt.edu/course-descriptions/index.cfm?content=law> (last visited July 8, 2016) (“A limited number of students who have completed Family Law Clinic I may take this course to continue work in the Family Law Clinic, with the approval of Family Law Clinic faculty, for one or two additional semesters (for one to four credits during one or two semesters). Responsibilities during this semester(s) include advanced casework, limited participation in the Family Law Clinic seminar in the form of role playing and co-teaching, involvement in ongoing family law reform projects, and supervision of Family Law Clinic I students. The total number of credits earned in a semester by all students enrolled in Family Law Clinic II may not exceed eight credits. Prerequisite: Family Law Clinic I [Admission by permission only.]”).
65. *Areas of Concentration*, UNIVERSITY OF BALTIMORE SCHOOL OF LAW, <http://law.ubalt.edu/academics/jd-program/areas-of-concentration.cfm> (last visited July 8, 2016).
66. *See generally id.* (requiring concentrating students to take Family Law and four related classes, “one of which must be Juvenile Justice or Child and the Family, one of which must be experiential and one of which must satisfy one of the upper-level writing requirements.”).
67. *Sayra and Neil Meyerhoff Center for Families, Children and the Courts*, UNIVERSITY OF BALTIMORE SCHOOL OF LAW, <http://law.ubalt.edu/centers/cfcc/> (last visited July 8, 2016) [hereinafter *CFCC Homepage*].
68. Description of LAW 800H, Mediation Clinic for Families I, 3 credit hours, *Course Descriptions*, UNIVERSITY OF BALTIMORE SCHOOL OF LAW, <http://www.ubalt.edu/course-descriptions/index.cfm?content=law> (last visited July 8, 2016) (“The goal of this Clinic is to employ experiential learning in order to ground students in the theory and practice of mediation. Under the supervision of a faculty member, students gain experience as mediators and as attorneys representing clients in mediation. The course is suitable both for students interested in pursuing [sic] family law and other students who wish to gain substantial experience in mediation. Cases handled by students include mediation in which families face child access issues, foreclosure, truancy, reentry into the community from the criminal justice and juvenile detention system, and a mix of other types of mediation. Clinic students may also engage in law reform projects relating to mediation and assess the suitability for mediation of family and non-family matters. By participating in the Clinic, students become qualified to conduct child assess mediations in most Circuit Courts in Maryland. In addition to the pre-and co-requisites listed below, it is strongly recommended that students take Mediation Skills prior to enrolling in the Clinic. [Admission by permission only.]”); Description of LAW 800M, Mediation Clinic for Families II, 1–4 credit hours, *Course Descriptions*, UNIVERSITY OF BALTIMORE SCHOOL OF LAW, <http://www.ubalt.edu/course-descriptions/index.cfm?content=law> (last visited July 8, 2016) (“With the approval of the Family Mediation Clinic faculty, a limited number of students, who have successfully completed Family Mediation Clinic I, may take this course to continue work in the Family Mediation Clinic for one or two additional semesters (for one to four additional credits during one or two semesters). The total number of credits earned in a semester by all students enrolled in Family Mediation Clinic II may not exceed eight (8) credits. [Admission by permission only.]”).

69. *CFCC Homepage*, *supra* note 67; Description of LAW 888, Center for Families, Children and the Courts Student Fellows Program I, 3 credit hours, *Course Descriptions*, UNIVERSITY OF BALTIMORE SCHOOL OF LAW, <http://www.ubalt.edu/course-descriptions/index.cfm?content=law> (last visited July 8, 2016) (“This limited enrollment course will provide students with an in-depth examination of the policies and theories surrounding court reform in family law, including unified family courts, therapeutic jurisprudence, and the ecology of human development. In addition to a weekly two-hour classroom component, students will take an active role in research and writing associated with the Center for Families, Children and the Courts’ (CFCC’s) projects. The research and writing will involve weekly one-hour meetings with either CFCC’s Director or Senior Fellow and might include areas such as the creation and evaluation of unified family courts in specific jurisdictions, juvenile justice, truancy and truancy courts, high conflict custody programs, and addiction and substance abuse as they affect families in courts. Particular subject-matter areas will depend upon the nature of CFCC’s activities at any given time. [Limited Enrollment.]”); Description of LAW 890, CFCC Student Fellows Program II, 1-2 credit hours, *Course Descriptions*, UNIVERSITY OF BALTIMORE SCHOOL OF LAW, <http://www.ubalt.edu/course-descriptions/index.cfm?content=law> (last visited July 8, 2016) (“This course is a continuation of the CFCC Student Fellows Program and, as such, is open only to students who have successfully completed the first semester and by permission of the instructor. The course will allow those students to see their projects through to completion; they will not participate in a seminar. Credits will vary from 1 to 2 credits per student, depending upon the extent the students wish to be involved and the amount of additional time approved by faculty. The course is included in the Family Law Concentration. [Limited Enrollment.]”).

70. *See Areas of Concentration*, *supra* note 65.

71. *Id.*

72. *Id.*

73. *LL.M. Program Family Law*, HOFSTRA LAW, <http://law.hofstra.edu/llmprogram/academics/familylaw/index.html> (last visited July 8, 2016).

74. *LL.M. in Family Law*, CHICAGO-KENT COLLEGE OF LAW, <https://www.kentlaw.iit.edu/prospective-students/llm-program-admissions/llm-in-family-law> (last visited July 8, 2016).

75. Description of LL.M. in Child and Family Law, *Civitas Childlaw Center*, LOYOLA UNIVERSITY CHICAGO, <http://luc.edu/law/centers/childlaw/degrees/llm/index.html> (last visited July 8, 2016).

76. Sara and Neil Meyerhoff Center for Families, Children, and the Courts, FUND FOR EXCELLENCE GRANT #0100-4200095: DEVELOPMENT OF THE POST-J.D. CERTIFICATE IN FAMILY LAW FINAL REPORT (June 2016) [hereinafter POST-J.D. CERTIFICATE] (on file with Author).

77. *Id.* at 3.

78. *Id.* at 10.

79. *Id.* at 9.

80. *Id.*

81. *Id.* at 8.

82. *Id.* at 8–16.

83. *Id.* at 37–43; *see generally Appendix 3: Notes from Workgroup Brainstorming on Experiential Approaches and Course Scheduling* (on file with Author and detailing practitioner recommendations for program development).

84. POST-J.D. CERTIFICATE, *supra* note 76, at 9–10.

85. *Id.*; *see also* Requirements for the Post-J.D. Certificate in Family Law, *Curriculum*, UNIVERSITY OF BALTIMORE SCHOOL OF LAW, [http://law.ubalt.edu/academics/post\\_jd\\_graduate\\_programs/familylawcert/Curriculum.cfm](http://law.ubalt.edu/academics/post_jd_graduate_programs/familylawcert/Curriculum.cfm) (last visited July 8, 2016).

86. POST-J.D. CERTIFICATE, *supra* note 76.

87. *Id.*

88. *Id.*

89. *Id.*

90. Letter from Robert Caret, Chancellor of the Univ. System of Md., to the Univ. Balt. Sch. L.’s Post-J.D. Certificate in Family Law (Mar. 23, 2016); Letter from James D. Fielder, Jr., Secretary of the Maryland Higher Education Commission to the Univ. Balt. Sch. L.’s Post-J.D. Certificate in Family Law (Sept. 14, 2016).

91. Letter from the A.B.A. to the Univ. Balt. Sch. L.’s Post-J.D. Certificate in Family Law (May 9, 2016).

92. *See generally* POST-J.D. CERTIFICATE, *supra* note 76 (detailing activities of the PAW, Curriculum Development and Approval Process, Planning for Implementation, and Marketing for Spring 2017 Launch).

93. *See generally The Nation’s First Post-J.D. Certificate in Family Law*, UNIVERSITY OF BALTIMORE SCHOOL OF LAW, [http://law.ubalt.edu/academics/post\\_jd\\_graduate\\_programs/familylawcert/](http://law.ubalt.edu/academics/post_jd_graduate_programs/familylawcert/) (detailing the origins, curriculum, and importance of the program).

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