

Property – Spring Semester 2015

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Syllabus

Welcome to the Property course! This syllabus is designed to give you guidance as to the content of the course and its policies. You are welcome to ask questions about it at any point during the semester.

If you would like to meet with me individually, please send me an email at the address listed above.

I. Course Objectives

- Develop expertise in analyzing property issues
- Develop and evaluate the underlying rationales for the protection of property and consider whether modern doctrine furthers those rationales
- Develop analytical and oral skills

II. Course Text

Dukeminier, Krier, Alexander & Schill, *Property* (7th ed. 2010)

I may ask you to access other materials or websites at times, in which case I will send you instructions to do so.

III. TWEN

I have created a TWEN page that will serve as a forum for this class. There you will find a copy of the current syllabus and access to other materials.

IV. Grading

Your grades will be determined by a final exam, though I reserve the right to take into account class participation (see more on participation under point V.).

V. Attendance and Class Participation

This class works best with widespread student participation. I will call on volunteers but also on students chosen through a randomized process to ensure broad participation.

I do this for two reasons. First, many of the issues we will talk about this semester are “live” issues – ones that are the subject of significant current debate in courts, legislatures, and academic publications. We may not be able to resolve these issues in class, but all of us will understand them much better after in-class debate. Second, the ability to think and speak on your feet is an essential skill in virtually all forms of legal practice. You are much better off learning that skill in law school than when you are in practice. You should therefore treat our classroom time as an opportunity to practice your advocacy skills.

I reserve the right to change your grade by one step in either direction (e.g., B+ to A-) to reward consistently outstanding participation or to reflect consistent lack of participation. I may also lower a grade for repeated unexcused absences from class or for disruptive behavior. Disruptive behavior in this context includes but is not limited to disrespectful actions and words in the classroom (including toward fellow students), unauthorized use of electronics (i.e., any use not specifically initiated and directed by the instructor – see more details under “VI. Computer Policies”), repeated unexcused late arrivals to class, and any other unprofessional behavior that interferes with the learning process.

You can let me know that you would prefer not to be on call for up to *three classes* during the term (please tell me in time either by email or right before class). Failure to use such a “pass” when you are not prepared will be considered unethical and may result in a lower grade and other consequences.

I do not allow recordings of the courses. I will post, in batches, PDF files of the PowerPoint slides used in class over the course of the semester. For pedagogical reasons, the slides will not be available before class. These slides are for your use only and it will be considered an ethical violation to distribute them to anyone outside the class, be it in electronic, printed, or other form.

I reserve the right to remove from the course altogether a student who misses more than 4 sessions for any reason or a student who disrupts the course. Please let me know in advance if you know that you will not be there on a given day or if you are facing emergency circumstances of any sort that will require your absence from class.

VI. Computer Policies

Electronic devices are banned from this course. This means **no laptops**, no cell phones, etc. The only exceptions are if you have a disability that is documented with the school or if an urgent personal matter requires temporary use of an electronic device (e.g., a partner is about to give birth), in which case you should contact me *before* class and we will make arrangements. Electronic devices often serve as a distraction to students, and the latest research generally shows their lack of an educational benefit.

VII. Current Events

If you see something that might be of interest to the course (a news story, lawsuit, etc.), please feel free to mention it to me and send me any relevant links or materials. I may choose to discuss them in class.

VIII. Assignments

Attached to this syllabus are the assignments for the first few weeks of classes. They remain subject to change.

ASSIGNMENTS

CB = Casebook

Acquisition of Property

Assignment 1: Acquisition by Capture; Acquisition by Creation, CB 18-33 & 56-70

Assignment 2: Property in One's Person; CB 70-88

Assignment 3: The Right to Exclude; Acquisition by Find, CB 88-116

Assignment 4: Popov v. Hayashi (on TWEN); Acquisition by Adverse Possession, CB 116-134

Assignment 5: Adverse Possession, CB 136-150

Assignment 6: Acquisition by Gift, CB 164-81

Tradition, Tension, and Change in Landlord-Tenant Law & The Law of Nuisance

Assignment 7: Leaseholds, Leases, Selection of Tenants, Delivery of Possession, Subleases, CB 421-448 (to end of note 1)

Assignment 8: Tenant Who Defaults, CB 450-57, CB 459-79

Assignment 9: Landlord's Remedies; Duties, Rights, and Remedies, The Problem of Decent Affordable Housing CB 479-515

Assignment 10: The Law of Nuisance, CB 731-761