DATE/TIME/PLACE: Tues & Thurs 3-4:15pm – Section 1 (Room 202)

INSTRUCTOR: Prof. J. Brobst; Office 244, ibrobst@siu.edu, 618-453-8702

OFFICE HOURS: Regular office hours on Monday (11:00 – 12:00) and Thursday (4:15 – 5:00). Also feel free to contact me directly or faculty assistant Cynthia Alexander (calexndr@siu.edu) if you need assistance with scheduling. Additional office hours may be added as the course progresses. If my office door is open, walk-ins are fine for a quick chat, but office hours are better for longer discussions. Right before class is not a good time to chat.

COURSE DESCRIPTION: This three credit required first year core course will provide law students with a basic understanding of the law of property. In the first semester, topics include: 1) implications of possession, finding, bailment, and acquisition; 2) legal rights of exclusion and duties towards others in retaining property; 3) gifts of personal property; 4) leasehold interests and landlord/tenant; and 5) adverse possession of real property. The second semester will focus to a greater extent on transfer of interests in real property.

LEARNING OBJECTIVES: Students will learn to design the legal relationships between persons and things. They will be able to identify differences and connecting principles between real property, personal property, intellectual property, and natural resources. In both writing and oral argument, students will obtain the skill to assert the rights and duties of persons to exclude others from discrete things, to control the transfer of rights to such things, and to argue for the best use of the property.

GRADED ASSIGNMENTS:
- Class Participation (20%) [attendance, prepared class discussion, two small assignments]
- Midterm (5%) [closed book essay exam covering weeks 1-5]
- Final Exam (75%) [3 hour comprehensive closed book – multiple choice and essay]


TWEN: You must register on TWEN to be able to access it, using your Westlaw username and password. This will be given to you during 1L orientation. To register as a law student, go to: http://lawschool.westlaw.com. TWEN is in the top bar in the middle, next to Law Resources. You will find course pages available and you will need to “add course”. Our course is “Property – section 1”. You can also check out other courses and their syllabi for fun by temporarily scrolling through and adding other courses – no one minds, but you wouldn’t usually keep the course added once the semester gets under way or the professor might get a little confused. If, instead, you access the Westlaw system via www.westlaw.com (as practicing attorneys do), which I often do to go directly to legal research first, at the top left of the page there should be a blue bar, with “All Content” on the left to “Tools” on the right -- “TWEN” is under “Tools”. When you register, be sure to use your preferred e-mail address (you do not need to use your SIU Law School account), because this is the address that I will use for any class announcements.

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<td>Property?</td>
<td>[also (a) Antarctic Treaty – see TWEN or <a href="https://www.ats.ag/documents/ats/treaty_original.pdf">https://www.ats.ag/documents/ats/treaty_original.pdf</a>; and (b) <a href="http://articles.latimes.com/1986-01-19/local/me-1361_1_burbank-airport">http://articles.latimes.com/1986-01-19/local/me-1361_1_burbank-airport</a> (Burbank Airport follow up to Hinman)]</td>
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BLACK’S LAW DICTIONARY: Property law has ancient roots and you will need to actively look up words you are unfamiliar with in Black’s Law Dictionary. You can (but do not have to) purchase a copy, which will be very useful to you in class (a pocket edition is about $40 from publisher Thomson Reuters (ISBN 9780314844897), a regular edition is $82, and the deluxe is $140). The pocket edition has over 900 pages. Some upper division classes will require that you purchase this as a book for class. I still have and use the copy I purchased my first year of law school. If you do not want to purchase a copy, you can access Black’s online on your TWEN account: go to Westlaw, then “Secondary Resources” (under the column that starts “All Content”), then on the right side column “Tools and Resources” you’ll see “Black’s Law Dictionary”.

CLASS PARTICIPATION AND APPROACH TO CLASS: The pedagogical approach for this class will involve calling on students at random (i.e., “cold calling”) to discuss the reading and problems, gradually developing a deeper critical analysis of complex issues and mimicking how a conversation between opposing counsel or a court-based discussion between judge and attorney might take place. Take your time in answering and, throughout the course, continually improve how you take notes and brief cases before class so that you can eventually anticipate the questions asked. Students should take extensive notes in class in a deliberate manner – be organized and selective, use headings and side-notes, and take time after each class to re-read and clarify your notes. Some, but not all, of these notes will eventually go into an outline to help you review and prepare for the final exam. However, the notes themselves are primarily a learning tool for class during the course so that you understand the material and can answer questions when called on. Much more information will be taken down as notes than will be needed in your exam outline.

WORK SMART. It is key that you are willing to adjust your preparation strategy until you have mastered the law school approach to class. No one is naturally fluid at this in the beginning – it is truly a learned skill to think on your feet and argue the law in various hypothetical scenarios, and to take notes that matter rather than spinning your wheels on material that won’t be tested on. Don’t worry if you find it difficult. Law school should intellectually challenge you, while you are being prepared for ethical and professional practice in service to others.

Think of yourself as a lawyer now. That is, treat your class participation as an opportunity for professional practice: attend every class; be consistent, deliberate, and reliable in your preparation; aggressively manage your time; and practice effective communication regardless of whether it is outside of your comfort zone. Again, this is a learned set of skills, so do not worry too much about how you appear when you speak, especially in your first year of law school.

The class participation mark for your grade is essentially an assessment of academic effort, including your degree of preparedness and thoughtful and professional responses. It is not an assessment of who is more outgoing or who gets the answer “right” every time. Diverse interpretations of policy are welcome, but, of course, the law is the law. Thus, personal opinion devoid of legal interpretation will not be given credit for class participation. Full class participation marks will be given for commentary on the reading and rule of law and direct answers to questions on the law.

ATTENDANCE: Applying SIU School of Law Article III, Rules 5(f-g), students may miss up to a maximum of five (5) classes. There is no excused or unexcused absence policy at SIU. Students who exceed the maximum number of absences at any time, including the last week of class, will be referred to the Administration with the recommendation that the student be withdrawn from the course. Late arrival should be rare and may be counted as an absence at the professor’s discretion and/or the student may be asked to leave class that day if it causes an interruption. It is your responsibility to sign the attendance sheet at each class; you may not sign for anyone else. If you forget, please see me right away to correct it. If you are called on and are unprepared, you will still be marked as in attendance, but lack of preparation could impact your class participation grade (see above).

WORKLOAD EXPECTATIONS FOR NEW LAW STUDENTS: A student should study and prepare for approximately 3 hours before each class. As a new law student, it may take even longer than that until you get more familiar with the legal language. The first semester of the first year of law school can be difficult, because most students are unsure how to gauge how much preparation is required or the level of competition among their peers. The perennial question is: how much is enough? Approach the course as a marathon – aim for consistent effort and pace yourself so that you have energy for the final push at the end. You will feel a surge of energy and positivity in the beginning, but then inevitably get a little discouraged about 2/3 into the course. This is normal and occurs in part because of the cumulative nature of the material (much more to learn and memorize over time), as well as the impact of grades as they accrue (harder than you thought it might be?). To be more resilient in law school and complete the marathon, find a way to value your effort and ability to adjust and learn new ways to learn, rather than
judging yourself on grades alone. You’ll know you’ve done enough of the right kind of preparation when you begin to anticipate the legal points of discussion in class and think of new hypotheticals to problems yourself. I also promise that you will be able to learn the style of legal writing and analysis. I am not a professor who would “hide the ball” – although I set the bar high and push you to learn, I will provide you with examples and tools and my door is open if you would like to ask any questions.

CLASS EMAIL AND TWEN: Per the law school regulations, students must regularly check and be responsive to email communications with faculty (see SIU Email Policy). Students are expected to regularly check the TWEN course page.

INTERNET, LAPTOP, AND PERSONAL DEVICE POLICY: Use of laptops, tablets, smartphones, and other devices that provide internet access will NOT be permitted in this course during lectures, unless specifically permitted. Research in adult learning has consistently shown that physically writing organized notes in class, later reread, highlighted, and typed after class, is a proven strategy for better understanding and retention of material. As the exams in most “bar exam courses” like property law are closed book and require significant memorization throughout the course, this is the best approach. Do not hesitate to contact me or Academic Support for suggestions on note-taking and outlining. We’re here to help.

CLASS RECORDINGS: Unauthorized recording or distribution of class recordings will be prohibited.

ACADEMIC INTEGRITY: Students must adhere to the SIU Student Conduct Code policies prohibiting plagiarism, cheating on examinations, false statements regarding assignment completion and authorship, false assertions regarding attendance, and other forms of dishonesty in academic performance.

CIVILITY AND PROFESSIONALISM: Students are expected to treat everyone in the class with respect and thoughtful restraint, including conduct both in and out of the classroom and on social media that may impact the educational experience in the course. The professor retains the right to address incivility as needed, including in extreme cases asking the student to leave the classroom if behavior is disruptive to learning. If a student needs to move an assigned seat for any reason, please do not hesitate to ask.

STUDENT SERVICES AND WAYS WE CAN HELP: SIU has multiple resources through the law school, as well as Saluki Cares across campus for students who need some help (see http://www.law.siu.edu/about/student-experience/support-services.html). These support services are subsidized by your tuition dollars for a good reason. Law school is renowned for being academically difficult, but law students are also adults who frequently have other demands on their time, such as work and family. It is a professional strength, not a weakness, to seek additional support to cope with the isolation and demands of law school when needed. The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, discriminatory, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help you access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

DISABILITY DISCLOSURE STATEMENT: Students with disabilities are entitled to reasonable accommodations and academic adjustments (see http://disabilityservices.siu.edu). Disability Support Services (DSS) provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

EMERGENCY PROCEDURES: Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team.
(BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in the Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.