

LAW 522 – PROPERTY II (Section 1) – SPRING 2019

DATE/TIME/PLACE: Mon. & Wed. 2:00-3:15pm (Room 202)

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

OFFICE HOURS: Regular office hours on Monday (11:30am – 12:15pm) and Thursday (12:15 – 1:15pm). Also feel free to contact me directly or faculty assistant Cynthia Alexander (calexndr@siu.edu) if you need assistance with scheduling. 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 course will provide students with the second half of the basics of the law of property. In the first semester, topics included acquisition, historical policy, and landlord-tenant law. The second semester will focus to a greater extent on specific forms of ownership of real property, transfer of interests in real property, protection of existing interests in real property, and additional policy considerations.

LEARNING OBJECTIVES: Students will continue to learn to interpret and design the legal relationships between persons and things. They will be able to identify jurisdictional variations based on historical development in acquisition, ownership, and transfer of property. In both writing and oral argument, students will obtain the skill to assert the rights and duties of persons to control the transfer of rights to such things, and to argue for the best use of the property. While this course helps to prepare students to pass the sections on the bar exam related to property, please remember that to pass that portion of the bar a student should also take other courses, such as Trusts and Estates, Real Estate Transactions, and Secured Transactions.

GRADED ASSIGNMENTS:

- Class Participation (10%) [attendance, prepared class discussion, small assignments]
- Midterm (20%) [closed book multiple choice exam]
- Final Exam (70%) [3 hour comprehensive closed book – multiple choice and essay]

REQUIRED TEXTBOOK: THOMAS W. MERRILL AND HENRY E. SMITH, PROPERTY: PRINCIPLES AND POLICIES (3d ed. Foundation Press, 2017), ISBN 978-1-62810-102-7; other materials as assigned on syllabus or TWEN

RECOMMENDED TEXTS:

Black's Law Dictionary (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. 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."

Another helpful short paperback book is Paula Franzese, A Short and Happy Guide to Property (2d ed. West Publishers, 2012, ISBN 978-0341-28241-5). I was surprised how useful and efficient this little book with the smiley-face is for getting a handle on Property Law. It covers the entire two semesters of Property, but I think it will be particularly helpful in the second semester, as it breaks down concepts into comparative charts.

CLASS PARTICIPATION AND APPROACH TO CLASS: 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. 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.

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. Late requests to correct the attendance are unlikely to be granted. 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.

WORKLOAD EXPECTATIONS FOR FIRST YEAR LAW STUDENTS: A student should study and prepare for approximately 3 hours before each class. As a newer law student, it may take even longer than that until you get more familiar with the legal language.

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 for academic purposes will be permitted in this course during lectures. 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.

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://salukicare.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.