

PROPERTY
Prof. Zvi Rosen, Fall 2020
Email: zvi.rosen@siu.edu
Office: Room 232

Overview

This course covers the basics of property law. We will examine what makes property rights distinctive; how property rights are created, transferred, and destroyed; and what the powers and duties of property owners are. This course will serve as a foundation for a variety of upper-division courses, including land use, environmental law, intellectual property, and commercial law.

Class will meet on Mondays and Wednesdays from 8:45 am to 10 am.

Required Reading

Dukemenier, Krier, Alexander, Schill, and Strahilevitz Property (9th ed.). The cheapest way to get this book is to rent it through Amazon or to seek out a used copy of the book early. The 8th Edition is also useable if the cost of the book is excessive, although coverage will vary a bit. I have uploaded the Table of Contents for the 9th Edition to the course TWEN site for students using the 8th edition to compare and keep track of the organization of the 9th Edition.

In addition, this course will use the Connected Quizzing module for the casebook, which is purchased separately for \$29 from <https://www.wklegaledu.com/cq>. An updated version of this syllabus will supply the course code for Connected Quizzing.

Attendance Policy

Attendance is mandatory. Obviously these are unique times, so attendance may or may not be taken in every class, but if you miss more than six classes you will not be able to take the final exam. Some of you will be attending virtually fulltime, some of you may need to attend virtually for specific class sections, all of which is fine of course.

If you aren't feeling well, do not come in. If you think you might have to miss class let me know and we can arrange for you to attend virtually, and if you're not feeling well enough for that, just email me when you're able to.

Participation

Students are expected to be prepared for class – you've paid to be here and the way to get the most out of this class is to do the reading before class so you understand what's going on in class. Excellent participation can result in a one-step raise in your grade in this class, and notably poor participation can result in a one-step reduction in your grade.

Class Website

There is a class website on TWEN, which is part of your Westlaw account. I will be endeavoring to share as much as possible there, including slides and other materials. Students are expected to monitor the TWEN site, although I'll also alert students in class and electronically of when materials are added there.

Video Recordings of Lectures

All classes will be recorded and posted, subject to the caveat that there may be technical glitches. A recording of a class is not a substitute for real-time participation, and you may also want to ask another student to take notes for you.

Grading

Your grade is determined by a combination of completing the Connected Quizzes modules (15%), midterm (20%) and final exam (65%). The final exam schedule will be posted to the law school website. Both the midterm and final exam will be administered electronically.

Office Hours

I encourage everyone schedule a conversation with me, whether to talk about class material, career goals, or anything else. Too often, students who are struggling don't come to office hours until the end of the semester. Remember—don't be ashamed, and ask me your questions as they come up – waiting until days before the final is hazardous.

That said, the current pandemic has resulted in a change where all office hours will be virtual (via Zoom) this fall. It's not ideal but I'm going to be flexible about timing to be sure I'm available to students – just email me to set up a meeting and we'll arrange a time.

Workload Expectations

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), a "credit hour" is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. This is a 3-credit hour class, meaning that we will spend two 75-minute blocks of time together each week (scheduled for Wednesday and Friday, except for the initial class scheduled during Orientation Week). The amount of assigned reading and out of class preparation should take you about 6 hours for the week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of 9 hours per week (3 in class and 6 preparing for class) on course-related work.

COVID19

As a condition of on-campus enrollment, all SIUC students are required to engage in safe behaviors to avoid the spread of COVID-19, including the requirement that all students wear a mask in campus buildings, including classrooms, laboratories, and studios when others are present, regardless of social distancing. Students are expected to follow physical or social distancing guidelines by keeping at least 6 feet from others and practicing good hand hygiene. Failure to comply with this policy may result in dismissal from the current class session. If the student refuses to leave the classroom after being dismissed, the student may be referred to the Office of Student Rights and Responsibilities. In addition, if a student refuses to leave after being dismissed, the current guidance is to dismiss the entire class for the day. SIUC will follow federal, state and county public health recommendations and mandates in all decisions relating to university operation. Students should regularly review the link for the SIUC COVID-19 response: <https://siu.edu/coronavirus/>.

Managing Stress

On top of the above, there is inevitably going to be the regular stress of being a first-year law student. It is a lot, and the University and Law School understand that. To help, here's some information on Saluki Cares, a campus-wide effort to be there to support you: 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, 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 students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-8135.

Disability and Accessibility

I want everyone here to succeed, and SIU has policies in place to ensure everyone is able to do so. If a disability is challenging you, here is some information about how to seek accommodations: SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or <https://disabilityservices.siu.edu>. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation request and renewal forms can be found here: <https://law.siu.edu/academics/>.

Disaster Preparedness

In addition to the pandemic, there are the usual concerns of weather to be aware of. We ask that you become familiar with Emergency Preparedness @ SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: <https://emergency.siu.edu/>.

Provisional Reading

This reading is tentative—updated syllabuses will be posted to the TWEN class website. When problems are assigned, you only need to read them before class unless the syllabus says otherwise.

- August 17 Introduction and Acquisition by Discovery – 3-18, Problem 1
- August 19 Acquisition by Capture – 19-53, Problem 2
- August 24 Acquisition by Find – 53-70, Problem 3
- August 26 Adverse Possession I – 70-95
- August 31 Adverse Possession II – 95-114, Problem 4
- September 2 Gifts – 114-131 (plus catch up)
- September 7 Labor Day – no class.
- September 9 IP Part I – 132-161
- September 16 IP Part II – 161-185
- September 21 IP Part III & The Right to Exclude – 185-213
- September 23 Right to Transfer, Abandon, and Destroy – 213-244.
- September 28 Estates I – 249-283
- September 30 Estates II – 283-313
- October 5 & 7 No classes this week - Midterms
- October 8 Mid-term in the morning, review in the afternoon (via Zoom)
- October 12 Future Interests I – 313-327
- October 14 Future Interests II – 327-345
- October 19 Rules for Contingencies – 345- 373
- October 21 More Rule Against Perpetuities – 373-387 and handout
- October 26 Co-Ownership – 387-427
- October 28 Marriage and Property – 427-461
- November 2 Leases – 461-483
- November 9 Subleases and Defaults – 483-500
- November 11 Veterans Day – no class! There will be an assignment to replace this class.
- November 16 Tenant Defaults – 500-522, Problem 5 (draft response)
- November 18 Landlord’s (and Tenant’s) Duties – 522-550, Problem 6 (draft response)
- November 23 & 25 – Thanksgiving Break
- December 1 through December 11 - finals weeks