

# **PROPERTY**

## Fall 2019 Syllabus

### **CONTACT INFORMATION**

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Office hours: Friday, 2:00 pm – 5:00 pm, by appointment

### **COURSE OVERVIEW**

This course is about property. We have several aims here: (1) to learn the law that regulates people's relationships with respect to things; (2) to learn some of the theoretical concepts that underlie that law; and (3) to acquire and practice some fundamental legal skills. For those of you who intend to become lawyers dealing with some aspect of property—whether it's real property law, family law, intellectual property law, or something else—the doctrinal and theoretical portions of the course will serve as important building blocks for your future studies and practice. For the rest of you, treat the doctrinal and theoretical information as the vehicles through which you will acquire skills that will be useful regardless of subject area. That's the most important part of this class anyway.

### **CLASS MEETINGS**

We will meet on Mondays and Wednesdays from 11:00 am – 12:20 pm in F402 and on Fridays from 9:30 am – 10:50 am in F402.

### **OFFICE HOURS**

My office hours are on Friday, from 2:00 pm – 5:00 pm, by appointment. That means that if you want to meet with me, you should schedule an appointment on that day, during those times; it does not mean that I guarantee I will be in my office at those times just waiting around to see if anyone shows up.

Although, if I'm being honest, it's not like I have other terribly exciting plans for most Friday afternoons. Still, we have a beautiful campus and excellent weather (August is a fraud), so I'm often working somewhere outside. There are also lots of interesting people here, so I like to go to their offices and talk to them. In other words, even though I'll be on campus, I will not be in G474 for three consecutive hours. Simply send an email to my assistant, Alina Hernandez, to schedule an appointment in advance.

Office hours are mostly for substantive questions about the course. But I'd also like to get to know you more generally. I am usually at Legal Grounds, our weekly coffee break on Thursday mornings on the bricks. If you have time, please come say hello!

## **GRADING**

Your grade will be based on your class participation, three assignments, and a multiple-choice final. Class participation will be worth 15% of your total grade. The first assignment will be worth 15%; the second will be worth 20%; and the third will be worth 25% of your total grade. The multiple-choice final will be worth 25%.

Please note that 1L grades must conform to a curve. This means that your total grade will reflect your position relative to your peers, rather than your performance with respect to some predetermined threshold of competence. For more information on the curve, please refer to the student handbook.

## **CLASS PARTICIPATION**

I will be looking for quality and quantity of participation. If you often say insightful things, you will score highly on participation. If you occasionally say insightful things, you will score a little less well on participation. If you often say not particularly insightful things, you will score less well still. And if you don't say anything, you will not score well. The lowest scores will be for those who do not participate.

Class discussion will include a combination of people I call on and people who volunteer. You should be prepared to participate every day. If you are not prepared to participate, it will be reflected in your class participation score.

## **ASSIGNMENTS**

The assignments will consist of short analyses of legal problems. For each assignment, you will be presented with a set of facts and a question. You will then have to answer that question in light of the facts presented and your knowledge of the law.

You will perform this work in a small group. I will assign students to groups, and you will have a different group for each assignment. Each group will turn in one response that reflects the combined efforts of the group members. There will be word limits for your answers.

The work of the assignment will consist of reading, thinking, discussing, and writing. The only reading you will need to do is the assigned reading for the class. Our class discussions should also prepare you to answer the question, and you may of course find it useful to refer to your notes on our readings and class discussions in answering the questions posed by the assignments.

You will not have to conduct original research for purposes of the assignments. Indeed, outside research (i.e., anything that's not in the casebook or class discussion) is not permitted (e.g., you should not search legal databases like Westlaw or Lexis for relevant cases, nor should you search the internet more broadly). Nor may you consult individuals

not in this class (e.g., you should not speak to a lawyer or your friends or family about the problem). If you have any doubts about whether something is permitted for the assignment, please ask me; if you resolve the doubts on your own, you assume the risk of having resolved them incorrectly. More detail on the assignments will follow once we begin our course.

## **MULTIPLE-CHOICE FINAL**

You will have a final on the scheduled exam day; that schedule will be released by the registrar in due course. Your final will be multiple-choice. Later in the semester, I will post some of my past multiple-choice exams so you can have a sense for what mine look like. They're not crazy—there will be a prompt and a few choices and you'll choose the one you think is best.

## **ATTENDANCE**

I think you should come to class. You will learn more, and it will make class more fun for me.

That said, I understand that sometimes, things happen. So here is the attendance policy: if you are regularly not in class, I will email you a warning. If you miss class after receiving the warning, I will lower your grade.

There is one exception to the policy: I will not lower your grade if you miss class because you have a serious medical or life issue that prevents you from attending. Getting stuck in traffic is not a serious life issue; having your car stolen the day we have class is a serious life issue. In order to avoid my lowering your grade, you must email me about your serious medical or life issue promptly.

You need to use your professional judgment to figure out what “a serious life issue” means and what “promptly” means. If you think you have a serious medical or life event, just tell me that you have one. You don't need to tell me what it is. I will refer you to someone in the administrative offices so that the law school can do everything it can to help you. If you do not email me promptly, your grade will be lowered even if you have had a serious medical or life issue—for example, if your car is stolen and you don't email me about it until three weeks later, I will still lower your grade.

## **ACCOMODATIONS**

If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact The Office of Disability Services for information about available opportunities, resources, and services. You may also visit the Office of Disability Services website at [www.law.miami.edu/disability-services](http://www.law.miami.edu/disability-services).

## **BOOKS AND READINGS**

The course readings will be from *Property* by Dukeminier et al (7<sup>th</sup> ed.). Below is the provisional list of the topics we will cover and the associated readings. It is subject to change.

### **Course Readings**

#### *Acquisition*

1. Discovery: 1-18
2. Creation: 56-65, 70-96
3. Capture: 18-33
4. Find: 97-116
5. Gift: 164-81

#### *Estates*

6. Possessory Estates: “Estates 1” Slides
7. Defeasible Estates: “Estates 1” Slides
8. Future Interests: “Estates 2” & “RAP” Slides
9. Multiple Owners: 319-35, 337-56
10. Marital Property: 360-84

#### *Buying Land*

11. The Contract of Sale: 541-64
12. The Deed: 585-615
13. Financing: 616-39

#### *Private Land Use Controls*

14. Easements: 763-74
15. Covenants: 847-81

*Public Land Use Controls*

16. Nuisance: 739-61

17. Zoning: 925-45, 954-62, 968-1000, 1036-60