

WESTERN STATE COLLEGE OF LAW

PROPERTY II – Fall 2016

SYLLABUS AND COURSE POLICIES

Professor Todd Brower
e-mail: tbrower@wsulaw.edu

Office hours:

Monday *[for Con Law students only]*: 11 AM – 11:30 AM in classroom

Tuesday: 10:30 AM – 1:00 PM *[for all students]* in office

Tuesday: 1:30 PM *[for Property students only]* in classroom

Wednesday *[for Con Law students only]*: 11 AM – 11:30 AM in classroom

I will be available for office hours by appointment at the times and locations listed above. Please make appointments with the faculty secretary in the faculty suite on the second floor. Please do not contact me to schedule appointments. If you have scheduled an appointment and need to cancel, please do so in person or call the faculty secretaries as soon as possible. Other students may be waiting for appointments and may be able to take your slot.

I will also be in class approximately 30 minutes before the starting time. These office hours are created especially for this class. This is an open session in which you can always ask questions. There are no appointments needed; first-come, first-served.

Required books and class assignments: Dukeminier & Krier, Property, (8th ed. 2014).

The required text is to be brought to all classes. Additional handouts may be assigned. Preparation and work for class is normally expected to be at least two hours of out of class work for every hour we spend in class. This includes not only the required reading, but also the assignments, quizzes, and material found on the course webpage described below.

There is a required course webpage available at <http://webcourses.lexisnexis.com/>. You will need a password to access it. The password is “password”. You are responsible for checking the course webpage and doing any assignments online in the time allotted. Online assignments have deadlines for completion. Once assignment and submission deadlines have passed, you will not be able to submit or access those materials.

There are also mandatory answers to questions about the cases in the assignment that we will discuss for each week. Before class starts on Tuesday of

each week, you must upload your answers to those questions online in the designated area of the course webpage. You should also bring a copy of your answers to class for that week since you will need them as references for the class discussion of those cases. Your participation grade for this class is based in part on your answers.

Course description and objectives:

Property II is a two-unit, graded course. It is part of the basic required curriculum for all students.

The purpose of this course is to explore the system of real property ownership in the United States. We will focus on the system for land sales transactions, on public and private land-use planning devices, and other doctrines concerning the rights and duties of property ownership. Please also see the class, WSCL, and Argosy objectives listed at a later section of this document.

Examinations and Grading

Property II is taught and graded separately from Property I. Each student will receive a numeric grade for the course 4.0 to 0.0. Course grades will be based on the midterm(s), final examination, and successful completion of other exercises that may be given throughout the semester.

Written Exercises: There may be mandatory, graded, written exercises and/or exams throughout the semester. Failure to satisfactorily complete all these assignments will result in a lowering of your final course grade by 0.3 – 0.4 depending on the original grade. For example, if your grade would ordinarily have been 3.3 in the course, you will receive a 3.0; if your grade would have been a 2.7, you will receive a 2.3.

Midterm and Final Exam: There will be two midterms in this course. The combined midterm scores will count as 25% of your final course grade. The dates for the midterms are listed in the class schedule set forth in a later section of this document. Formats to be announced later.

The final examination will count 75% of the course grade. The final exam will consist of a multiple-choice section that counts for 25% of the course grade, and an essay section that counts for 50% of the course grade.

Class Participation: Normally, class participation will not count towards the overall course grade. However, consistent lack of preparation over the semester may result in a reduction of up to 0.3 off the overall course grade.

Copies of my previous examinations will be available in the library on reserve. Students are encouraged to take practice examinations. I will be happy to review practice examinations in my office during office hours.

Attendance and Participation

A seating chart will be distributed at the beginning of the first class. Please print your name legibly in the seat you choose for your permanent seat. If you wish to change your seat, please notify me so that the seating chart can be adjusted accordingly.

I strongly encourage you to choose a seat near the front of the classroom. Educational studies show that students sitting near the front benefit most from the classroom experience. Because all students will be required to participate, your seat choice will not enhance or reduce the likelihood of your being chosen to recite in class. Because I make every effort to learn the names of each student in my classes, your choice of seat will not assure you of anonymity either.

Classes begin promptly at the scheduled time. Please be in your seat for the start of class. Students who arrive late disrupt the learning process for others. If you are unavoidably late, please enter quietly and take your assigned seat.

I will take attendance at the beginning of each class. ***In accordance with the WSCL student handbook, if you miss more than two classes, you will be academically dismissed from the course.*** Additionally, if you arrive late or depart early without permission, you may be marked absent for the entire session.

Disability Services Statement:

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom

accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Assignments:

I have listed the reading assignments for the entire semester. Please read the entire assignment before the first class for each topic.

Preparation and work for class is normally expected to be at least two hours of out of class work for every hour we spend in class. This includes not only the required reading, but also the assignments, quizzes, and material found on the course webpage.

COURSE SCHEDULE

Topics/Reading/Assignments Pages

Landlord-Tenant	441-453; 461-489; 492-530
Adverse Possession	144-178
Land Sales Transactions, Marketable Title	(543-558), 576-591
The Deed	614-629, 633-635
Security Interests in Land	645-651, 659
Recording and Title	693-705, (706-709), 715-734, 739-749
Public Land-Use: Zoning	967-982, (982-987), 1062-1070
Public Land-Use: Takings	1107-1108, 1110-1123, 1131-1145, 1162-1176, 1179-1195, 1199-1206, 1218-1219, 1238-1248
Final Examination	

MIDTERMS: Cumulative from beginning of semester to that point in the course.

FINAL EXAM: Cumulative from beginning of semester

Schedule of classes **Tuesday 2-4 PM**

Important dates:

8/23	10/11
8/30	10/18
9/6	10/25
9/13	11/1 Midterm 2
9/20	11/8
9/27 Midterm 1	11/15
10/4	11/22

The following are explicit goals and objectives for this course:

Doctrinal Knowledge

Students will demonstrate knowledge of the substantive law of Property Law 2, including the real estate transaction, deeds, security devices in law, recording acts and priority problems, zoning and eminent domain, takings .

Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

Practice Skills

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

Argosy University
Institutional Learning Outcomes:

Analytical Reasoning

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems

Effective Communication

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation

Information Competency

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action

Interpersonal Effectiveness

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals

Personal and Professional Integrity and Ethical Behavior

Demonstrate a multi-dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

Professional Competence

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession