

PROPERTY II
FALL 2018 - Professor Tracie R. Porter

COURSE GUIDELINES, GRADING CRITERION
& READING ASSIGNMENTS

Professor's Contact Information:

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Phone: (714) 459-1196 (via My Assistant Sierra Douglas)
Office: 2nd Floor Faculty Suites
Office Hours: As Posted, or By Scheduled Conference or Teleconference with the Professor ONLY
Class Time: Tuesdays, 10:00 a.m. – 12:15 p.m. (or as scheduled)

Course Objectives:

This course explores 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. Students can expect to blend theory with practical experiences through applying the legal concepts to client scenarios using case authority to analyze legal issues and to provide probable outcomes for clients. Most importantly, you will develop analytical skills that require you to think, write and problem-solve like a lawyer. Please also see the WSCL and Argosy objectives listed at the end of this document.

Teaching Methodology:

Lectures will be presented at a minimum to introduce new substantive topics and concepts. The primary teaching methodology will be with cases, problem-solving and collaborative group interaction. **BRIEFING CASES** and **ANSWERING THE PROBLEMS** in the textbook (give your best attempt) before class is imperative to the learning process. Students are required to prepare written answers to any assigned problem (as directed by the Professor) in order to be able to discuss the answers in class or in groups.

Required Text:

Dukeminier Krier et al., Property (Concise Edition 2017).

TWEN for Supplemental Materials:

Supplemental materials and additional information related to the course **WILL BE POSTED** on TWEN. You must register for this course on TWEN to have access to supplemental materials for the course. **It is your responsibility to check TWEN regularly for materials posted.**

Syllabus Changes:

Please check the TWEN site for changes to the Readings Assignments for the next class, **as the Reading Assignments are subject to change**. I will endeavor to cover all the assigned readings but I may slow down or speed up during the course of the semester depending upon the students' level of understanding of the materials.

Grading Criterion:

Mid-Term Writing Assignment: 25% of your grade
Final Exam: 75% of your grade
= 100% of Final Course Grade

Final Exam:

The Final Exam is an In-Class Exam. You will only be tested on topics covered in class during the course, including from the textbook, TWEN posted materials and lectures. The Final Exam may consist of multiple-choice questions on a combination of all topics covered in class. To best prepare for the exams, you should participate in class discussions and make prudent effort to complete the writing assignment and **BRIEF ALL PERTINENT CASE IDENTIFIED BY THE PROFESSOR.** Use of office hours or attendance at the review sessions (as scheduled) to ask questions will also significantly aid in your preparation for exams. **Email questions concerning exam related issues that students submitted less than 3 days prior to the exam shall be answered at Professor's discretion.**

Class Participation and Preparedness:

You are expected to be prepared for class and to participate in the discussions including, completing the required reading and suggested problems from the textbook. Signing the attendance sheet certifies that you have read the assigned material thoroughly enough to discuss it in class or use the knowledge in a quiz or other written exercise. Preparation of a written brief for each of the assigned cases and written answers to the textbook problems will be considered prima facie evidence that you are prepared. If you are unprepared, place a signed and dated note on the lectern BEFORE class and do NOT record your attendance. Students found unprepared shall be given one absence. Extra points may be added to the final grade for class participation grade, at the Professor's sole discretion. You may volunteer for class participation as the Professor designates opportunities during class.

Attendance:

Attendance will be taken daily in class by circulating an attendance sheet for you to sign. It is critical that you ensure that you sign the attendance sheet every day you are present and on time for class. If you are tardy, do NOT sign the attendance sheet. **You must NOT sign the attendance sheet for anyone else.** You are responsible for keeping track of your own absences. In the rare instance that you have a question about your records, you may consult with the Professor who maintains the attendance records based upon the signatures on the attendance sheets.

If you collect more than **2 absences**, as indicated by the attendance sheets, you will be withdrawn from the course, in accordance with the policies of the Western State University College of Law set forth in the Student Handbook.

Class Recordings:

No videotaping or audiotaping of this class is allowed, except in extraordinary circumstances and ONLY with the express written permission of the Professor.

Classroom Decorum:

Please be seated and ready to begin class at the designated time. **Punctuality is expected so any student who arrives after class has begun may be on-call for the entire class for that day.** Out of courtesy to your classmates, please keep distractions to a minimum by not carrying on social conversations with your neighbors while class is in session, by turning off all cell phones and electronic devices other than your computer, and by avoiding leaving the room unless you have an unavoidable emergency or have notified me in advance.

Laptop Usage:

Laptops may be used in the classroom for note taking and class related internet access only. Any other usages must be expressly authorized by the Professor. Unauthorized use of the laptop will result in a loss of laptop privileges in the class for the remainder of the semester.

Reading Assignments:

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. READ all Notes, Questions, Problems, and Review Problems in the readings.

Weeks	Assignment Topics	Textbook Pages
Aug. 21	Introduction & Overview Adverse Possession	Syllabus Review pp. 121-160
Aug. 28	Adverse Possession (Cont.) Leasehold Estates / Landlord-Tenant	Cont. pp. 281-322
Sept. 4	Leasehold Estates / Landlord-Tenant (Cont.)	pp. 322-344
Sept. 11	Transfer of Interest in Land	pp. 345-379
Sept. 18	Transfer of Interest in Land (Cont.)	pp. 379-423
Sept. 25	Marketable Title/Title Assurances Recording Acts	pp. 425-467
Oct. 2	Marketable Title/Title Assurances Recording Acts (Cont.) <u>MID-TERM ASSIGNMENT DUE DATE</u>	Cont.
Oct. 9	Marketable Title/Title Assurances Recording Acts (Cont.)	Cont.
Oct. 16	Marketable Title/Title Assurances Recording Acts – Assignment Review Land Use: Servitudes	Cont. pp. 471-570
Oct. 23	Land Use: Servitudes (Cont.)	Cont.
Oct. 30	Land Use: Servitudes (Cont.)	Cont.
Nov. 6	Land Use: Servitudes (Cont.)	Outside Class Exercise
Nov. 13	Land Use: Zoning and Takings	pp. 571-589
Nov. 20	Land Use: Zoning and Takings (Cont.)	pp. 619-627, 636-651

OFFICIAL SCHOOL POLICIES

DISABILITY SERVICES STATEMENT:

(rev. as of January 2017)

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 119. 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 Dean Allen Easley at aeasley@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

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:

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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).

(6) 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.

(7) 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.

(8) 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:

1. Analytical Reasoning

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

2. 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

3. Information Competency

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

4. Interpersonal Effectiveness

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

5. 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.

6. Professional Competence

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

ABA Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK

(a) A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.

(b) A “credit hour” is an amount of work that reasonably approximates:

(1) not less than one (1) hour of classroom or direct faculty instruction and two (2) hours of out-of-class student work per week for fifteen (15) weeks, or the equivalent amount of work over a different amount of time; or

(2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.

Interpretation 310-1

For purposes of this Standard, fifty (50) minutes suffices for one (1) hour of classroom or direct faculty instruction. An “hour” for out-of-class student work is sixty (60) minutes. The fifteen-week period may include one week for a final examination.

Interpretation 310-2

A school may award credit hours for coursework that extends over any period of time, if the coursework entails no less than the minimum total amounts of classroom or direct faculty instruction and of out-of-class student work specified in Standard 310(b).

(Note: This standard requires for every one hour in the classroom, you must spend at least two (2) hours of out of classroom preparation. For a three (3) unit course, you should expect to spend six (6) hours a week at a minimum preparing for class. This preparation includes reading and briefing cases, preparing written answers to the problems, working within your groups on assignments and any additional assigned work. Please note that you do not need to spend all six (6) hours at once. You can spend two (2) hours one day, two (2) hours with your groups, and another two (2) hours reading and briefing cases. This standard is the ABA minimum; it is NOT the Professor Porter’s minimum. Given my experience teaching this class, please expect to take about ten (10) hours a week.)