

Syllabus

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Learning and Reading Assignments

In the following pages, you will find both detailed Learning Assignments for each class session and weekly Reading Assignments. The Learning Assignments include all assigned homework, such as additional on-line exercises, quizzes and writing assignments.

Following the detailed Learning Assignments you will find the Reading Assignments that correspond to each week.

The required text for the course is **Dukeminier, et al., Property: Concise Edition (2nd ed.)**.

Please Note: The publisher of this casebook has recently released a 3rd edition. Please do NOT obtain the 3rd edition, as **all assignments will be to the 2nd edition**.

All page references are to the Dukeminier text. Assignments labeled **Handout** will be available on the course website. Please see details about the course website at Course Requirements.

Please prepare all pages listed in the assignment. Principle cases with starting page numbers in parentheses are noted for useful reference. These page numbers will refer to the Dukeminier text unless noted as part of the assigned handout. Assume any Problems that fall within the assigned pages are to be studied for discussion purposes, unless instructed otherwise.

Proper preparation for class includes reading the material carefully (which means re-reading when necessary and looking up unfamiliar terms or phrases), fully briefing all principle cases, and reviewing the material shortly before class so that it is fresh in your mind. In the first class, we will also review the important elements of a brief for this course. Please note that your first assignment includes a handout entitled Briefing Guide, which you should review carefully.

This semester, all live class sessions will be held on-line through Zoom.

In addition to the assigned reading, and the exercises described above, there will also be occasional quizzes and a midterm and final examination (please see Course Requirements at p. 6 of this syllabus for more information about these course components).

The reading and preparation, the live class sessions, and the assigned at-home work combine to form the equivalent of three (3) hours of classroom time plus six (6) hours of outside work, on average, for each week of the semester.

Detailed List of Learning Assignments

WEEK	Tuesday Assignment	Thursday Assignment
<p align="center">1</p>	<p><u>January 19, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete all reading for Week 1 ➤ Download Week 1T In-Class Worksheet 	<p><u>January 21, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete Holdings for <i>Jacques and Shack</i>, using Broad and Narrow Holdings Template ➤ Download Week 1R In-Class Worksheet
	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>
	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 1T In-Class Worksheet 	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 1R In-Class Worksheet
<p align="center">2</p>	<p><u>January 26, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete all reading for Week 2 to the top of p. 212 ➤ Download Week 2T In-Class Worksheet 	<p><u>January 28, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete Holdings for <i>Baker</i>, using Broad and Narrow Holdings Template ➤ Complete and review answers to “Review Problems” on pp. 212-213 ➤ Download Week 2R In-Class Worksheet
	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>
	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 2T In-Class Worksheet 	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 2R In-Class Worksheet ➤ Complete Possessory Estate Worksheet (upload due by 5 p.m. Monday) ➤ Complete Possessory Estate Quiz: due by 5 p.m. Monday

WEEK	Tuesday Assignment	Thursday Assignment
<p>3</p>	<p><u>Feb. 2, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete all reading for Week 3, through p. 224 (before part 3) ➤ Download Week 3T In-Class Worksheet 	<p><u>Feb. 3, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete remaining reading for Week 3 ➤ Complete and review answers to “Review Problems” on p. 227: 1, 3, 4, 8, and 9 only ➤ Download Week 3R In-Class Worksheet
	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>
	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 3T In-Class Worksheet 	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 3R In-Class Worksheet ➤ Complete and review answers to “Review Problems” on p. 227 (subject to in-class instructions) ➤ Complete Future Interest Worksheet (upload due by 5 p.m. Monday) ➤ Complete Future Interest Quiz: due by 5 p.m. Monday
<p>4</p>	<p><u>Feb. 9, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete first half of reading for Week 4, starting with <i>Mountain Brow</i> case, and then pp. 231-233 ➤ Download Week 4T In-Class Worksheet 	<p><u>Feb. 11, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete remaining Week 4 reading ➤ Download Week 4R In-Class Worksheet
	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>
	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 4T In-Class Worksheet 	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 4R In-Class Worksheet ➤ Complete Memorization Quiz: due by 5 p.m. Wednesday 2/17

WEEK	Tuesday Assignment	Thursday Assignment
<p data-bbox="240 184 261 212">5</p>	<p data-bbox="337 184 513 212"><u>Feb. 16, 2021</u></p> <p data-bbox="423 300 800 327">NO CLASS: LEGISLATIVE DAY</p> <p data-bbox="420 380 805 407">MONDAY SCHEDULE APPLIES</p>	<p data-bbox="917 184 1092 212"><u>Feb. 18, 2021</u></p> <p data-bbox="917 264 1084 291">Prior to Class</p> <ul data-bbox="932 302 1442 600" style="list-style-type: none"> ➤ Complete Week 5 reading ➤ Complete and review answers to “Review Problems” 11 and 12 on p. 228, making sure you can explain why the relevant interests are valid under RAP. ➤ Download Week 5R In-Class Worksheet
		<p data-bbox="917 653 1263 716">LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>
		<p data-bbox="917 741 1052 768">After Class</p> <ul data-bbox="932 779 1455 926" style="list-style-type: none"> ➤ Upload completed Week 5R In-Class Worksheet ➤ Complete RAP Worksheet (upload due by 5 p.m. Monday)
<p data-bbox="240 1014 261 1041">6</p>	<p data-bbox="337 1014 513 1041"><u>Feb. 23, 2021</u></p> <p data-bbox="337 1094 509 1121">Prior to Class</p> <ul data-bbox="352 1131 764 1236" style="list-style-type: none"> ➤ Complete Week 6 reading ➤ Download Week 6T In-Class Worksheet 	<p data-bbox="917 1014 1092 1041"><u>Feb. 25, 2021</u></p> <p data-bbox="917 1094 1084 1121">Prior to Class</p> <ul data-bbox="932 1131 1438 1278" style="list-style-type: none"> ➤ Follow instructions for review of estates in land and future interests ➤ Download Week 6R In-Class Worksheet
	<p data-bbox="337 1325 686 1388">LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>	<p data-bbox="917 1325 1263 1388">LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>
	<p data-bbox="337 1413 477 1440">After Class</p> <ul data-bbox="352 1451 873 1514" style="list-style-type: none"> ➤ Upload completed Week 6T In-Class Worksheet 	<p data-bbox="917 1413 1052 1440">After Class</p> <ul data-bbox="932 1451 1455 1598" style="list-style-type: none"> ➤ Upload completed Week 6R In-Class Worksheet ➤ Complete RAP Quiz: due by 5 p.m. Monday

WEEK	Tuesday Assignment	Thursday Assignment
<p>7</p>	<p><u>March 2, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete all reading for Week 7 ➤ Download Week 7T In-Class Worksheet 	<p><u>March 4, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ View Short Documentary (link in Week 7 handouts folder) ➤ Download Week 7R In-Class Worksheet
	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>
	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 7T In-Class Worksheet 	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 7R In-Class Worksheet ➤ Prepare for Midterm
<p>8</p>	<p><u>March 9, 2021</u></p> <p>TAKE-HOME MIDTERM</p>	<p><u>March 11, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete Week 8 reading ➤ Download Week 8R In-Class Worksheet
	<p>NO ZOOM SESSION HELD</p>	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>
	<p>(More information about Midterm timing to follow...)</p>	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 8R In-Class Worksheet
<p><u>NO CLASS MARCH 16 and 18: SPRING BREAK</u></p>		

WEEK	Tuesday Assignment	Thursday Assignment
9	<u>March 23, 2021</u> Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 9, ➤ Download Week 9T In-Class Worksheet 	<u>March 25, 2021</u> Prior to Class <ul style="list-style-type: none"> ➤ Download Week 9R In-Class Worksheet
	LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.	LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.
	After Class <ul style="list-style-type: none"> ➤ Upload completed Week 9T In-Class Worksheet 	After Class <ul style="list-style-type: none"> ➤ Upload completed Week 9R In-Class Worksheet
10	<u>March 30, 2021</u> Prior to Class <ul style="list-style-type: none"> ➤ Complete Week 10 reading ➤ Download Week 10T In-Class Worksheet 	<u>April 1, 2021</u> Prior to Class <ul style="list-style-type: none"> ➤ Download Week 10R In-Class Worksheet
	LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.	LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.
	After Class <ul style="list-style-type: none"> ➤ Upload completed Week 10T In-Class Worksheet 	After Class <ul style="list-style-type: none"> ➤ Upload completed Week 10R In-Class Worksheet
11	<u>April 6, 2021</u> Prior to Class <ul style="list-style-type: none"> ➤ Complete Week 11 reading ➤ Download Week 11T In-Class Worksheet 	<u>April 1, 2021</u> Prior to Class <ul style="list-style-type: none"> ➤ Prepare Broad and Narrow Holdings for all three cases ➤ Download Week 11R In-Class Worksheet
	LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.	LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.
	After Class <ul style="list-style-type: none"> ➤ Upload completed Week 11T In-Class Worksheet 	After Class <ul style="list-style-type: none"> ➤ Upload completed Week 11R In-Class Worksheet ➤ Complete Applying/Distinguishing exercise (upload due by 5 p.m. Monday)

WEEK	Tuesday Assignment	Thursday Assignment
<p>12</p>	<p><u>April 13, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete all reading for Week 12, ➤ Download Week 12T In-Class Worksheet 	<p><u>April 15, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Download Week 12R In-Class Worksheet
	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>
	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 12T In-Class Worksheet 	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 12R In-Class Worksheet ➤ Complete Policy Question exercise (upload due by 5 p.m. Monday) ➤ Complete Easements Quiz: due by 5 p.m. Monday
<p>13</p>	<p><u>April 20, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete Week 13 reading ➤ Download Week 13T In-Class Worksheet 	<p><u>April 22, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Download Week 13R In-Class Worksheet
	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>
	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 13T In-Class Worksheet 	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 13R In-Class Worksheet ➤ Complete Covenants and Equitable Servitudes worksheet (upload due by 5 p.m. Monday)

WEEK	Tuesday Assignment	Thursday Assignment
<p>14</p>	<p><u>April 27, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Complete all reading for Week 14, ➤ Download Week 14T In-Class Worksheet 	<p><u>April 29, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Download Week 14R In-Class Worksheet
	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>
	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 14T In-Class Worksheet 	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Week 14R In-Class Worksheet ➤ Complete Covenants and Equitable Servitudes Quiz: due by 5 p.m. Monday
<p>Final Class</p>	<p><u>May 4, 2021</u></p> <p>Prior to Class</p> <ul style="list-style-type: none"> ➤ Follow instruction from previous class regarding practice exam preparation, and organization of study materials. ➤ Download Final In-Class Worksheet <p>Final Exam Review</p>	
	<p>LIVE ZOOM SESSION HELD: 3:15-4:45 p.m.</p>	
	<p>After Class</p> <ul style="list-style-type: none"> ➤ Upload completed Final In-Class Worksheet 	

Reading Assignments

The required text for the course is **Dukeminier, et al., Property: Concise Edition (2nd ed.)**. All page references are to this text. Assignments labeled “Handout” will be distributed ahead of time on the course website. Principle cases with starting page numbers (or “h” to indicate the Handout) are noted for your reference. However, you are responsible for all material within the listed pages of the week’s assignment.

WEEK	TOPICS	ASSIGNMENT	CASES
1	Understanding Property Rights in the Anglo-American Legal System Right to Exclude (Trespass) Broad and Narrow Holdings	Week 1 Handouts: <ul style="list-style-type: none"> ▪ Ancient Hawaiian Land Use ▪ Briefing Guide 39-45	<i>Jacque v. Steenberg Homes</i> (39) <i>State v. Shack</i> (42)
2	Possessory Estates	179-187 (Skip “B. Fee Tail”), 189-213	<i>White v. Brown</i> 190) <i>Baker v. Weedon</i> (196) <i>Mahrenholz v. County Board</i> (205)
3	Future Interests	215-230	
4	Rules Furthering Marketability: <ul style="list-style-type: none"> ▪ Rule Against Restraints on Alienation ▪ Destructibility of Contingent Remainders ▪ Rule in Shelley’s Case ▪ Doctrine of Worthier Title ▪ Rule Against Perpetuities (intro) 	Case Handout: Week 4 231-240 top	<i>Mountain Brow v. Toscano</i> (h)
5	The Rule Against Perpetuities	240-244	
6	The Rule Against Perpetuities, continued	Case Handouts: Week 5	<i>Turner v. Peacock</i> (h) <i>St. Regis Paper Co. v. Brown</i> (h)
7	Concurrent Interests	245-266 + short on-line documentary (see Week 7 handouts for link)	<i>Harms v. Sprague</i> (248) <i>Delfino v. Vealencis</i> (255) <i>Spiller v. Mackereth</i> (263)

WEEK	TOPIC	ASSIGNMENT	CASES
8	Midterm (Tuesday) Marital Property (Thurs.)	266-278, Case Handout: Week 8	(these cases not on midterm) <i>Sawada v. Endo</i> (268) <i>In Re Marriage of Graham</i> (h) <i>Obergefell v. Hodges</i> (275)
9	Introduction to Neighbors in Conflict Water Rights Introduction to Easements	Week 9 Handouts: <ul style="list-style-type: none"> ▪ Broad and Narrow Holdings: User's Guide ▪ <i>Armstrong</i> case ▪ Policy Rationale Table 483-492	<i>Armstrong v. Francis</i> (h) <i>Willard v. First Church of Christ, Scientist</i> (487)
10	Easements that arise without explicit grant: <ul style="list-style-type: none"> ▪ By Estoppel ▪ By Implication ▪ By Necessity ▪ By Prescription 	492 (first paragraph) Case Handout: Week 10 492-514	<i>Holbrook v. Taylor</i> (h) <i>Kienzle v. Myers</i> (492) <i>Van Sandt v. Royster</i> (497) <i>Othen v. Rosier</i> (502)
11	Other Easement Issues: <ul style="list-style-type: none"> ▪ Public Easement ▪ Scope ▪ Termination 	55-60 515-533	<i>Matthews v. Bayhead</i> (55) <i>Brown v. Voss</i> (515) <i>Preseault v. U.S.</i> (523)
12	Negative Easements	533-534 Case Handout: Week 12	<i>Fontainebleau Hotel v. 4525, Inc.</i> (h) <i>Prah v. Maretti</i> (h)
13	Covenants and Equitable Servitudes: Basic Rules	534-545	
14	Covenants and Equitable Servitudes: <ul style="list-style-type: none"> ▪ Termination ▪ Racially restrictive covenants ▪ Common Interest Communities 	545-570	<i>River Heights Associates L.P. v. Batten</i> (546) <i>Shelley v. Kraemer</i> (551) <i>Nahrstedt v. Lakeside Village Condominiums</i> (556)

Course Learning Objectives

The learning objectives for Torts II include both mastery of skills and doctrinal knowledge. Below you will find a list of key skills that will be practiced and developed, and an outline of the areas of doctrinal coverage. Basic mastery of these skills and a complete understanding of these doctrinal areas is necessary to earn a grade consistent with good standing.

Skills:

- **Issue Spotting:** You will be able to identify the appropriate legal question arising out of a fact pattern.
- **Rule Statement:** You will be able to state an accurate paraphrase of applicable rules, including appropriate legal terms of art.
- **Holdings:** You will be able to develop broad and narrow holdings for all cases.
- **Rule Interpretation and Application:** You will be able to interpret and apply a rule to a hypothetical set of facts, recognizing the different approaches required by different types of rules.
- **Case Synthesis and Application:** You will be able to apply and distinguish cases in relation to a hypothetical set of facts, with appropriate explanation of significance—i.e., the relevance of the similarities and differences to the outcome of the dispute.
- **Making Policy-Based Arguments.** You will be able to identify the public policies of a precedent case or rule, to explain the policy implications of a legal controversy, and to use those policies in support of arguments for particular outcomes of the legal controversies.

Doctrinal Coverage:

- I. Introduction to Property Rights: Right to Exclude
- II. The System of Estates
 - A. Possessory Estates
 1. Fee Simple Absolute
 2. Life Estate
 3. Defeasible Estates
 - B. Future Interests
 1. Reversion/Remainders
 - a. Vested remainders

- b. Contingent remainders
 - c. Vested remainders subject to divestment (complete/partial)
 - 2. Possibility of Reverter/ Right of Entry
 - 3. Executory Interests
- C. Rules Furthering Marketability
- D. Rule Against Perpetuities
- E. Concurrent Interests/Marital Property

III. Private Land Use Restrictions

- A. Introduction: Water Rights
- B. Easements
 - 1. Types of Unwritten Easements:
 - a. Express
 - b. By Implication
 - c. By Estoppel
 - d. By Prescription
 - 2. Scope of Easements
 - 3. Termination of Easements
- C. Negative Easements
- D. Covenants
- E. Equitable Servitudes
- F. Common Interest Developments
 - 1. Reasonability of restrictions
 - 2. Enforcement

Course Requirements and Other Details

1. Attendance is mandatory.
 - During Zoom sessions, you are required to complete an in-class Worksheet and upload it immediately after class; failure to complete and upload that Worksheet promptly will prevent you from receiving credit for attendance for that class.
 - If you exceed more than four absences, you will be dropped from the course. ***You are responsible for keeping track of the number of absences you accumulate. Please keep records.***
 - Promptness is also mandatory. Late arrivals may be counted as absent.
2. Class participation and preparation are required. If you are unprepared in class, **your final grade will be adjusted down by one tenth for each occasion.**
3. In the Detailed List of Learning Assignments above, you will find occasional writing assignments or other homework. All such exercises must be completed in good faith and on time. **Failure to do so on more than one occasion will result in the same penalty as set out in #2 above.** The one missed or late exercise for which no penalty is assessed is designed to cover emergencies. Because of the ease of electronic submission, absence from class does not affect due dates or excuse completion of homework.
4. **Quizzes.** There will be regular assigned on-line quizzes throughout the course. The scores for all quizzes labeled are recorded and included in your grade. The sum total of all scores on these Quizzes will count for 5% of your grade.
5. The **Midterm** will be administered during Week 8. The Midterm will count 15% of your grade.
6. The final examination will be 80% of your final grade.
7. Enrollment in **Course Website on TWEN** is mandatory. All assignments and quizzes are made available there, and completed assignments are uploaded there. The course website, which will become available on Fri. Jan. 8, is called Prop IA Spring 2021. The password is kellerp1.
8. I will maintain Office Hours by appointment using Zoom, days and times TBA. You may sign up for these appointments using the sign-up sheet feature on TWEN. If the available slots are full or you have a conflict with the available times, please contact me by email at skeller@wsulaw.edu.
9. **Requirements for Students in Zoom Sessions.** Below, you will find the faculty approved requirements for Zoom sessions. Additional requirements for the Torts II class will follow on the next page...
 - Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
 - Arrive to class early and dressed as you would to attend an in-person class.

- Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
- Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.
- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
- If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.
- If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.
- Do not post screenshots or recordings of any Zoom classes on social media. Such actions constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.

Additional Zoom Requirements and Recommendations:

- Sign into Zoom with the name under which you are registered for class, first name followed by last name. If you prefer to be called by a different name or nickname, please let me know.
- Unless I instruct you otherwise, please mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.
- I will use a number of interactive functions in Zoom to engage with students, e.g., polling questions, breakout rooms. Like being called on in a live classroom, you are expected to participate fully in these activities and functions, i.e., answer polling questions, speak with your classmates in breakout groups, etc.
- Students seeking to participate in class, ask a question, or respond to an open question should use the “Raise Hand” feature in Zoom, located in the “Participants” window. Please familiarize yourself with that function prior to class.
- Please do not use the “Chat” feature in Zoom while class is in session unless specifically instructed to do so. If you wish to get my attention or make a contribution, please use the Raise Hand feature instead. Communicating with other students by chat during the class session, unless there is a specific instruction to do so as part of an exercise, can be distracting. And “helping” another student with an answer actually can undermine the learning experience, which often is enhanced by some quiet contemplation and productive struggle.
 - Please **do** feel free to use Chat to communicate with me during the period of time before class begins, during break, or when I am hanging out on Zoom after class.

A Note About Supplements

There are no required or recommended texts for the course apart from the main Dukeminier casebook (see p. 1 of this syllabus).

Students often ask Property professors to recommend supplementary workbooks to provide problems and practice, particularly in the first part of the course on Estates in Land and Future Interests. Many such workbooks exist, but I am not able to recommend any one in particular, as all of them have lacked consistency and have contained some errors. Rest assured that in addition to the problems in the casebook, I will also be providing you multiple worksheets and quizzes that will provide practice opportunities in this area. In past years, when students still wanted more such practice, I would recommend that they consult copies in the library before purchasing in order to determine if the purchase was worth it. However, I recognize that this year, that is not likely to be a convenient or feasible option.

While not a recommendation, in the past, I have found that the best sets of problems in Estates in Land and Future Interests were found in those books by the authors Linda Edwards and John Makdisi. Although each contains some errors in the explanations section, the questions themselves are useful, and you can always check with me if the answers seem off. A quick scan of Amazon reveals that the current versions of these texts are fairly expensive. I would suggest that if you have an interest in purchasing one of these books, you look to second hand sellers (like eBay), where old editions are available for much less. The subject matter in this area of law has not changed for hundreds of years, so there is little to be gained from purchasing the latest edition.

Let me reiterate that I do not think it is necessary to purchase one of these supplementary workbooks, and there is no recommendation to do so. You should never rely on the explanations in these books as a basis for learning the underlying rules; rather, if there is a conflict between what you think you have learned from our casebook or from class and what you read in one of these books, you should rely on the assigned course material. Always feel free to check with me about any basis for confusion.

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 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."

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:

(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.