

Syllabus

This Syllabus includes the following topics at the pages listed:

Learning and Reading Assignments: Description and Expectations	1-2
Detailed Weekly Learning Assignments	3-5
Reading Assignments	6-7
Course Learning Objectives	8-9
Course Requirements	10-11
Disability Services Statement	1
WSCL Programmatic Learning Objectives	13-14

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 class sessions will be held IN PERSON, unless directed otherwise.

With advance notice, one or two classes may be held on-line through Zoom.

In addition to the assigned reading, and the homework and quizzes set out in the Learning Assignments, there will also be a midterm and final examination (please see Course Requirements at p. 10 of this syllabus for more information about these course components).

The reading and preparation, the class sessions, and the assigned at-home work combine to form the equivalent of two (2) hours of classroom time plus four (4) hours of outside work, on average, for each week of the semester.

Learning Assignments

WEEK	CLASS DATE	Assignment
1	Aug. 25	Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 1 ➤ Download Week 1 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 1 In-Class Worksheet immediately after class. ➤ Complete and upload Narrow and Broad Holdings for <i>Wallis</i>: Due Tues., Aug. 31, 10:00 a.m.
2	Sept. 1	Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 2 ➤ Download Week 2 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 2 In-Class Worksheet ➤ Complete Review Quiz: Discrimination and Assignment/Sublease Due Tues., Sept. 7, 10:00 a.m.
3	Sept. 8	Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 3 ➤ Download Week 3 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 3 In-Class Worksheet
4	Sept. 15	Prior to Class <ul style="list-style-type: none"> ➤ Complete any remaining reading from prior Week 3 ➤ Complete assigned writing exercise ➤ Download Week 4 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 4 In-Class Worksheet ➤ Revise writing exercise as directed in class and upload. Due Tues., Sept. 21, 10:00 a.m.

WEEK	CLASS DATE	Assignment
5	Sept. 22	Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 5 ➤ Download Week 5 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 5 In-Class Worksheet immediately after class. ➤ Complete Review Quiz: Adverse Possession Due Tues., Sept. 28, 10:00 a.m.
6	Sept. 29	Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 6 ➤ Download Week 6 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 6 In-Class Worksheet
7	Oct. 6	Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 7 ➤ Download Week 7 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 7 In-Class Worksheet
8	Oct. 13	Prior to Class <ul style="list-style-type: none"> ➤ Review for Midterm ➤ Download Week 8 In-Class Worksheet (for preview of new material after midterm)
		IN-CLASS MIDTERM
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 8 In-Class Worksheet
9	Oct. 20	Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 9 ➤ Download Week 9 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 9 In-Class Worksheet

WEEK	CLASS DATE	Assignment
10	Oct. 27	Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 10 ➤ Download Week 10 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 10 In-Class Worksheet immediately after class. ➤ Complete Review Quiz: Recording Act Due Tues., Nov. 2, 10:00 a.m.
11	Nov. 3	Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 11 ➤ Download Week 11 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 11 In-Class Worksheet
12	Nov. 10	Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 12 ➤ Complete assigned writing exercise ➤ Download Week 12 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 12 In-Class Worksheet ➤ Revise writing exercise as directed in class and upload. Due Tues., Nov. 16, 10:00 a.m.
13	Nov. 17	Prior to Class <ul style="list-style-type: none"> ➤ Complete all reading for Week 13 ➤ Download Week 13 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 13 In-Class Worksheet ➤ Complete Review Quiz: Zoning/Eminent Domain/Takings Due Tues., Nov. 23, 10:00 a.m.
14	Sept. 15	Prior to Class <ul style="list-style-type: none"> ➤ Complete any remaining reading from prior Week 13 ➤ Complete assigned practice exams ➤ Download Week 14 In-Class Worksheet
		After Class <ul style="list-style-type: none"> ➤ Upload completed Week 14 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	Review of key skills from Property I Introduction to Property II Introduction to Landlord/Tenant	279-283 Box on p. 287 315-322 Case Handout: Week 1	<i>Sommer v. Kridel</i> (315) <i>Wallis v. FalkenSmith</i> (h)
2	Landlord/Tenant Law <ul style="list-style-type: none"> ▪ Housing Discrimination ▪ Assignments and Subleases ▪ Independent Covenants 	288-308 322 (Part E.) -324	<i>Ernst v. Conditt</i> (294) <i>Kendall v. Ernest Pestana, Inc.</i> (301)
3	Landlord/Tenant Law <ul style="list-style-type: none"> ▪ Constructive Eviction ▪ Implied Warranty of Habitability 	331-334 Case Handouts: Week 3 341-344	<i>Cox v. Hardy</i> (h) <i>Ingalls v. Hobbes</i> (h) <i>Boston Housing Auth. v. Hemingway</i> (h)
4	Writing Practice for Landlord/Tenant Law		
5	Adverse Possession	132-145 150 (note b) - 151	<i>Fulkerson v. Van Buren</i> (135) <i>Hollander v. World Mission Church</i> (142)
6	Land Sale Transactions <ul style="list-style-type: none"> ▪ Statute of Frauds ▪ Marketable Title ▪ Duty to Disclose Defects 	347-348 362-379	<i>Hickey v. Green</i> (363) <i>Lohmeyer v. Bower</i> (366) <i>Stambovsky v. Ackley</i> (371) <i>Johnson v. Davis</i> (375)
7	The Deed <ul style="list-style-type: none"> ▪ Warranties of Title ▪ Delivery issues Mortgages	388-400, 404 (bottom)-414	<i>Brown v. Lober</i> (391) <i>Sweeney v. Sweeney</i> (394) <i>Commonwealth v. Fremont I&L</i> (408)

WEEK	TOPIC	ASSIGNMENT	CASES
8	Midterm Introduction to Recording and Title (lecture post-midterm)		
9	Recording and Title	425-440 (top) 446 (study examples at #4)	<i>Luthi v. Evans</i> (430)
10	Recording and Title	449- 452 (top, note #5) 455 (Notes) - 462	<i>Guillette v. Daly Dry Wall</i> (449) <i>Waldorf v. Eglin</i> (456)
11	Zoning: <ul style="list-style-type: none"> ▪ Introduction ▪ Variances and Special Exceptions ▪ Addressing Discrimination in Zoning 	571-579 (top) Article Handout: <i>Richard Rothstein, The Making of Ferguson: Public Policies at the Root of its Troubles</i> , pp. 1-2, 7-9 585-589 (top), 597-617	<i>Village of Euclid v. Ambler Realty</i> (573) <i>Moore v. City of East Cleveland</i> (597) <i>City of Edmonds v. Oxford House</i> (600) <i>Mount Laurel I</i> (605)
12	Eminent Domain Regulatory Takings	619-628 (top) Handout: Synopsis of Key Early Takings Cases 636-651 (top)	<i>Kelo v. City of New London</i> (620) <i>Penn Central v. New York</i> (636)
13	Regulatory Takings, cont'd	661-676 42-44 [review from Prop. I] Case Handout: Week 13	<i>Lucas v. South Carolina Coastal Council</i> (661) <i>State v. Shack</i> (42) <i>Cedar Point Nursery v. Hassid</i> (h)
14	Catch-up, Review, Writing Practice Exams		

Course Learning Objectives

The learning objectives for Property 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. Landlord/Tenant Law
 - A. Leasehold Estates
 - B. Housing Discrimination
 - C. Assignment and Sublease
 - D. Covenant of Quiet Enjoyment
 - E. Warranty of Habitability
- II. Adverse Possession
- III. Land Sale Transactions
 - A. Statute of Frauds
 - B. Marketable Title
 - C. Duty to Disclose Defects
- IV. Deeds
 - A. Warranties of Title
 - B. Delivery
- V. Mortgages

- VI. Recording and Title
- VII. Zoning
 - A. Variances and Special Exceptions
 - B. Addressing Discriminatory Impacts
- VIII. Eminent Domain and Regulatory Takings
 - A. Public Use Doctrine for Eminent Domain
 - B. Determining whether government regulations have effected a taking by depriving the owner of all or substantial use of a particular property interest.

Course Requirements and Other Details

1. Attendance is mandatory.
 - During all class 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.
 - Students who are unable to use a laptop in class to complete the worksheet electronically should contact me for alternative means of demonstrating completion of handwritten worksheet.
 - If you exceed more than **two** 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 when called on in class, you are permitted to say “unprepared” on the **first** occasion without consequence.
 - If you are unprepared on a second and subsequent occasion, **your final grade will be adjusted down by one tenth for each occasion.**
3. In the Learning Assignments above, you will find occasional writing assignments or other written 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** (one tenth deduction for each missing or late assignment after the first one). 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, as set out under Learning Assignments. 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. Deadlines for Quizzes will be strictly observed.
5. The **Midterm** will be administered during Week 8. It will be a timed, in-class midterm (75 minutes). The Midterm will count 15% of your grade.
6. The final examination will be 80% of your final grade.
7. Enrollment in the **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 Wed., Aug. 11, is called Prop IIA Fall 2021. The password is kellerp2.
 - **Assigned handouts can be found under Course Materials in the Handouts folder that corresponds to the week in which the case or article is assigned.** These will normally be available two weeks before the class session.
 - **The In-Class Worksheet for each class will also be found in the weekly Handouts folder.** The In-Class Worksheet will be available in that location by 9 p.m. the night before class.

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.** Currently, all class sessions are scheduled to be in-person at the Irvine campus. However, circumstances or pedagogical considerations may make it necessary to schedule certain classes to be remote on Zoom. In that case, you will receive advance notice and instructions for accessing Zoom. Below, you will find the faculty approved requirements for any Zoom sessions that are held. Additional requirements for the Property II class follow ...
 - 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.
- 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.

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, Property, 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.