

PROPERTY AND LAWYERING

Spring Semester 2006

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Class Meeting Times - TWTh – 10:30-11:45

Class Meeting Location - Room 446

Course Information and Policies

COURSE WEB PAGE: I have established a Webpage for this course using the UST Blackboard system. The Blackboard Portal is accessible from the UST homepage. Once you are on the Blackboard Portal – enter your username and password to get to the courses for which you are registered. As discussed below, **ALL** information relevant to the course, including a copy of this syllabus, is (and will be) posted on the Webpage. Students are responsible to check the Webpage on a regular basis (**i.e., at least prior to every class**) for assignments, messages, and announcements regarding the class.

TEXT AND MATERIALS: The required casebook is **Winokur, Freyeremuth and Organ, Property and Lawyering** (West 2002). My coauthors and I have created a different type of casebook that seeks to integrate materials on lawyering skills and values into the substantive discussion of property. **Please read the Preface carefully to understand what we are trying to accomplish with this text.**

Following is a list of suggested secondary materials that should aid your study outside of class. Each should be available on reserve in the library within a week or so and some may be available in the bookstore (although they likely are available through other sources as well).

-CRIBBET AND JOHNSON, *PRINCIPLES OF THE LAW OF PROPERTY* (3d ed., Foundation Press). This relatively short hornbook or treatise is very general in its coverage. It may be especially useful for those who find they need more detail about the historical material in the text.

-BOYER, HOVENKAMP AND KURTZ, *THE LAW OF PROPERTY* (4th ed., West). This hornbook is moderate in its coverage, and does an excellent job of laying out basic property rules in an extended outline form. It also has a large number of short essay-type problems (with answers) for you to test your understanding of basic concepts.

-STOEBUCK AND WHITMAN, *PROPERTY* (3d ed., West). This hornbook is the most detailed in its coverage. It can be a very helpful reference resource.

-SPRANKLING, *UNDERSTANDING PROPERTY* (Matthew Bender). Many students find the mini-treatises in Matthew Bender's *Understanding* series to be helpful resources.

-EDWARDS, *ESTATES IN LAND AND FUTURE INTERESTS - A STEP-BY-STEP GUIDE* (Aspen Law and Business). A useful tool for coming to terms with the complicated world of

estates in land and future interests.

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STUDENTS WITH DISABILITIES: If you need course adaptations or accommodations because of a disability, please make an appointment in the Enhancement Program – Disability Services, located on the St. Paul campus in Room 119 O’Shaughnessy Educational Center (651-962-6315). If you already have a form from the Disability Services office indicating that you have a disability that requires accommodations, please present it to Director of Academic Achievement, Scott Swanson, as soon as possible so that he can facilitate the process for obtaining adaptations or accommodations.

MEETING WITH STUDENTS: I maintain an open-door policy and am generally willing to meet with students to discuss any questions or concerns a student may have regarding property or law school or life. While I am not scheduling specific office hours, given my responsibilities as Associate Dean I am around most of the day every weekday (when I am not in meetings). If you would like to discuss something with me, and I am in my office, you are welcome to come in and talk with me. If I am occupied when you happen to drop by, I will be happy to schedule a time when we could visit. If you would prefer to set up an appointment in advance, feel free to call me or email me to arrange a time when we could meet or talk with me after class to schedule an appointment. Please recognize that the half hour to one hour before class is a time of focused preparation during which I am likely to be busy.

ATTENDANCE POLICY: Consistent with American Bar Association Law School Accreditation guidelines, class attendance is required and expected. At each class, I will circulate a sign-in sheet for you to record your attendance. It is your responsibility to make sure that your name is on the attendance sheet before I leave the classroom.

I encourage you to make every effort to attend every class meeting for several reasons. First, you are preparing for a career that will require you to assume significant professional responsibilities – responsibilities that you can fulfill only if you develop and exercise both discipline and professionalism. There is no better place to begin developing these traits (if you don’t already possess them) than as you begin law school. Second, I usually try to cover the assigned material during class in a fashion that fosters interaction not only between me and the students, but also among students themselves. Your active participation in class discussion, therefore, not only is integral to your own learning experience, but also to the learning experiences of your classmates. Accordingly, I expect, and each of you should expect, that each of you will be present and prepared to participate in each and every class. Finally, you are making a significant investment of your time and your financial resources to be in law school. The best way to insure a meaningful return on your investment is to participate fully in the classroom learning experience. So, for your own sake, for the sake of your classmates, and for the sake of your future clients, you should be making every effort to be prepared for and to participate in class discussions.

From time to time, you may need to miss a class due to illness, family responsibilities, car trouble, or the like. I would appreciate it if you provide me the professional courtesy of giving

me prior notice of your anticipated absence (to the extent that you know in advance that you will not be able to attend). You can tell me in person, leave a voice mail message, or email me. If circumstances are such that you were not able to inform me in advance of your anticipated absence, I would ask that you contact me as soon as possible after class to explain your absence. (Your clients, colleagues and judges will expect such courtesy in practice, so I encourage you to get in the habit of providing such notice when you must miss class.)

You also should note that most of you will need one or more of your professors to provide valuable references for you in the future — whether for the bar examiners or for potential future employers. If you are present and prepared for class discussion, and provide your professors with prior notice on the rare occasion when you must be absent, your professors are likely to take note of your diligence and discipline and will not hesitate to provide such information to persons seeking information about you. On the contrary, if you are not present and do not communicate your anticipated absences, your professors are likely to note and share that as well.

COURSE GRADE: Grades in this course will be based upon the following:

- A. Exams. This course will have one midterm exam, which will represent roughly 20% of your final grade, and the final exam, which will represent roughly 80% of your final grade. The midterm exam will be sometime in late February or early March. It likely will consist of multiple choice questions and one essay question. The final exam likely will consist of multiple choice questions, short answer questions and essay questions. The final exam will be at the time designated for the Property exam on the final exam schedule (although it might be structured as a take-home exam). We will discuss the formats of the exams in more detail when we get closer to them.
- B. Written Materials: Off an on during the semester I may ask you to prepare a brief written memo or reflection. These may be ungraded, or may count for a small portion of your grade – perhaps 5% or so.
- B. Class Participation. Active participation in class discussion is both encouraged and expected. I reserve the right to increase a student's final course grade for **consistent and exceptional** class participation. I reserve the right to reduce a student's final course grade for repeated lack of attendance or unpreparedness.

ASSIGNMENTS: Assignments for each week will be posted to the Assignments link on the Course Webpage generally on Friday afternoon. **Prior to each class, you should have read and should be prepared to discuss any portion of the assigned material, paying particular attention to the questions asked in the assignment notice and the note material following the principle cases.** Participation in class discussion is an integral part of the law school learning experience. As a result, I both encourage and expect you to participate in class discussion. Over the course of the semester, the assignments will include one or more role-play experiences – a negotiation exercise for example – that you may need to spend a little extra time preparing. I will try to provide as much advance notice as possible of such exercises so that you can factor them into your schedule.

REVIEW SESSIONS: Prior to the Midterm Exam and prior to the Final Exam, I will hold review sessions. You are welcome to come and ask any questions you may have about the course material. During some of these sessions, we probably will discuss model exam questions

and answers. Obviously, attendance at these sessions is completely voluntary on your part, but those who contribute to the review process by asking good questions or providing good answers to questions can have such efforts count toward "class participation." Notices of specific times and locations for review sessions will be included in the weekly assignments posted to the Course Webpage.

BLACKBOARD DISCUSSION FORUMS: We will be making use of the discussion forums feature on the Blackboard course webpage. The purpose of the discussion forums is to provide you with something of an on-line study group, a "virtual study group," with the benefit of having me as a participant. You can use the forums to pose questions to me or other members of the community or to respond to questions posted by me or other community members. Participation in the discussion forums should help you strengthen your understanding of the material we cover in Property and Lawyering. The discussion forums are voluntary; you are not required to participate, but as an incentive to encourage you to participate, however, you should note that I will consider the amount and quality of your participation on the discussion forms favorably when I evaluate class participation.

CRITICAL INCIDENT QUESTIONNAIRES: At the end of class on Thursday each week (at least for the first few weeks), I will ask the class to spend about three to five minutes filling out anonymously a short five question form that offers an opportunity for students to reflect on their learning experience during the week. The questions include the following:

- At what moment in class this week did you feel most engaged with what was happening?
- At what moment in class this week did you feel most distanced from what was happening?
- What action that anyone (professor or student) took in class this week did you find the most affirming or helpful?
- What action that anyone (professor or student) took in class this week did you find most puzzling or confusing?
- What about class this week surprised you the most? (This could be something about your own reaction to what went on, or something that someone did, or anything else that occurs to you.)

I will review the responses to look for common themes that might exist regarding how we are developing as a learning community. At the beginning of the first class of the following week, I will report what I learned from reviewing the responses and identify whether there is anything that merits discussion or further attention. I am hoping that the use of this form will enable us all to enjoy a better learning experience by highlighting areas of confusion or ambiguity that may be troubling for a number of students, by identifying particular moments when the process of teaching/learning worked well (or not), and by helping to create an environment in which each of us appreciates our responsibility to create a well-functioning learning community.