

PROPERTY AND LAWYERING
Spring Semester 2010
Professor Jerry Organ
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Class Meeting Times - MWF – 9:00-`10:15

Course Information and Policies

COURSE WEBPAGE ON BLACKBOARD: ALL information relevant to the course, including a copy of this syllabus, is (and will be) posted on the course webpage on Blackboard. Students are responsible to check the course webpage on Blackboard on a regular basis (**i.e., at least prior to every class**) for assignments, messages, and announcements regarding the class.

COURSE OBJECTIVES: In teaching Property using the Property and Lawyering casebook referenced below, I am trying to accomplish several things over the course of the semester.

First, I am trying to make sure each student gets a solid grounding in the basic principles of property law. These principles are identified by chapter headings and subheadings in the casebook. This is an essential objective from the IDEA form – learning fundamental principles, generalizations or theories.

Second, I am trying to make sure each student understands the policy concerns that inform the decisions of legislatures and courts and can analyze how these policy concerns and differing perspectives may shape the law of property. This is an essential objective from the IDEA form – learning to analyze and critically evaluate ideas, arguments, and points of view.

Third, I am trying to make sure each student develops an awareness of how lawyers apply their understanding of the law to the cases brought to them by their clients. This frequently involves summarizing what the attorney has learned from a client and then identifying the information the attorney will need to gather to be better-positioned to discuss with the client what options might be available for helping the client resolve her specific situation. Lawyers are problem-solvers – they help clients identify and choose among an array of possible approaches to solving whatever problem the client happens to bring to them. This is an essential objective from the IDEA form – learning to apply course material (to improve thinking, problem solving, and decisions).

Fourth, I am trying to make sure each student gets exposure to some of the relational aspects of lawyering – client interviewing and counseling, fact investigation, negotiation, etc. – that will be a significant part of the practice experience for the students. This is an important objective from the IDEA form – developing specific skills, competencies, and points of view needed by professionals in the field most closely related to this course.

Fifth, I want all students to have opportunities to acquire the skill of working together with others as members of a team. This is an important objective from the IDEA form – acquiring skills in working with others as a member of a team.

TEXT AND MATERIALS: The required casebook is **Freyermuth, Organ, Noble-Allgire and Winokur, Property and Lawyering 2d ed.** (Thomson-West 2006). 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.

-MAKDISI, *ESTATES IN LAND AND FUTURE INTERESTS* (3d ed., Aspen Law and Business). A useful tool for coming to terms with the complicated world of estates in land and future interests.

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, Tuesdays and Thursdays will be the most likely times when I am available, as Mondays and Wednesdays and Fridays will

be days filled with classes. 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 (which might be advisable), 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 the ABA's 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.
- C. 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.

GROUPS and BLACKBOARD WIKI: We will be working together in groups for class discussions at least once every two weeks and also will be working together as groups to create an online outline for the course using the Wiki feature on the course webpage. I will discuss this more after the first week of class when we begin to work in groups.

INTERESTING INFORMATION: To demonstrate that Property law is alive and important to

life going on around us all the time I will be posting to the course webpage references to newspaper and magazine articles or on-line articles that raise interesting property related issues. Generally, these will be optional reading, but there may be times when I assign a specific item for class preparation and discussion. Please feel free to bring to my attention items related to property that you may come across in the newspaper or online.

CRITICAL INCIDENT QUESTIONNAIRES: At the end of class on Friday 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.