

UNIVERSITY OF LA VERNE
COLLEGE OF LAW
PROPERTY LAW
DOCTRINE, VALUES, AND SKILLS
Professor Timothy J. McFarlin

SYLLABUS

Spring 2019
5 Credits

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The **course webpage** will be on TWEN: <http://lawschool.westlaw.com/twen/>. Unless otherwise instructed, you will be able to access all course materials and upload assignments there.

Property law is one of the ways we organize social life; it embodies some of the deepest and most cherished values we possess. Those values sometimes come into conflict with one another. When this happens, we are forced to accommodate these conflicting values. We do this by compromising, placing limits, drawing lines, and making distinctions. Yet we do not all agree on the right way to go about drawing those lines. And even when we agree on how to think about the problem, the issues are often hard, requiring judgment, perspective, and the exercise of responsibility. For these reasons, the law of property is conflicted, controversial, and interesting.

– Joseph William Singer

I told my mother-in-law that my house was her house, and she said, “Get the hell off my property.”

– Joan Rivers

Class Time and Place

Mondays: 6:30 – 9:30 pm
Wednesdays: 6:30 – 8:30 pm
Room 204

Course Description (from the Course Catalog)

Property Law: Doctrine, Values, and Skills is a study of the rights and consequences of land ownership and problems in transferring interests in land. Subjects include common law estates and interests, duties and rights of landlord and tenant, easements, covenants, and the rights of neighbors, the government, and the public. Also included are such topics as contracts for sale and remedies for breach, non-contractual transfer, covenants of title, marketable title, implied warranties, recording statutes, title insurance, adverse possession, and equitable conversion. One unit of the course is devoted to values and skills development.

Course Objectives

Your overall objective in taking Property Law: Doctrine, Values, and Skills is to learn the law (a.k.a. doctrine) of property, and while doing so, develop the skills and values that will help you become a great law student and lawyer. My job is to help you obtain this objective. In further detail:

- (1) *Learning **doctrine*** means developing a solid understanding of the rules of property law, their rationale, and how to apply them to different fact situations.

You'll gain this solid understanding only if you work to comprehend the elements, explanations, examples, exceptions, and comparisons of the rules of property law.

- (2) *Learning **skills*** means developing the various abilities you'll need to become a superior law student and lawyer—skills such as critical thinking, deep reading comprehension, superior writing, clear and concise oral communication, and empathy.

- (3) *Learning **values*** means developing a dedication to ethics, professionalism, judgment, leadership (influencing others positively), and societal stewardship.

Other objectives that will help you achieve the above include:

- (a) learning about property law in different but related contexts, such as in legal practice, economics, politics, and culture,
- (b) fully participating with, engaging in, and contributing to the in-class group learning process, thereby creating good practices for law school and lawyering,
- (c) learning from classmates and others during class by listening, using “I” statements and not “You” statements (e.g., “I think that . . .” **not** “You don’t know what you’re talking about . . .”), and respecting different perspectives,

(d) examining and evaluating the larger values and perspectives concerning our system of property law, and

(e) understanding why and how property law changes over time.

Course-Specific Learning Outcomes

By the end of this course, students will obtain a solid and practical understanding of property law, including the ability to understand and apply:

- the concept of tangible property ownership and its philosophical foundations;
- the concept of intangible property, particularly the creation and ownership of intellectual property,
- the rights and duties associated with owning real and personal property;
- the rights and duties of landlords and tenants in leasing real property;
- the continued ownership of property across generations, including the law of estates and future interests;
- the legal aspects of selling real property,
- the rights and duties associated with using real property;
- cases and real-life situations regarding all types of property; and
- an analytical and empathetic approach to problem-solving in property disputes.

Required and Suggested Materials

Required:

Property: A Contemporary Approach

Fourth Edition

John G. Sprankling and Raymond R. Coletta

West Academic

Suggested:

**** Note that an electronic version of each book below is (at least presently) available free of charge via the Law Library's website, using the "Study Aids" tab (here is a direct [link](#)). If you have questions or problems in accessing them, please contact the Law Library. You are also welcome to order a hard copy, as well, but I don't require it.****

Examples & Explanations for Property

Fifth Edition

Barlow Burke and Joseph Snow

Wolters Kluwer

A Short & Happy Guide to Property

Second Edition

Paula A. Franzese

West Academic

Any and all additional materials will be provided in class or made available via TWEN.

Office Hours

Office hours will be posted on my "McFarlin – Office Hours" TWEN page, via the "Sign-Up Sheets" link on that page. Sign up for that page as soon as possible.

You are also always welcome to stop by any time if I am in my office and not otherwise with someone or on the phone. I will almost always be able to make time then and there, but if not, we can figure out another time to meet.

Basis of Grade

Unless I inform you otherwise, your course grade will be calculated as follows:

Attendance/Participation/Professionalism/ Completion of Ungraded Assignments	10%
Quizzes	10 %
Midterm exam	20%
Final exam	60 %
Total	100 %

Course-Specific Policies

Course Requirements

1. Attend class and participate in discussions (both in class and, when assigned, on TWEN). **Attendance/participation/professionalism will be a significant consideration in grading (10% of your final grade), and attendance will be taken at the beginning of each class session.** You are responsible for material covered in any missed class, and before asking me what was covered, you should first ask a classmate.
2. Complete the readings and other assigned material each week.
3. Complete any and all written and/or oral assignments given during the semester.
4. Complete the in-class quizzes.
5. Complete the midterm exam.
6. Complete the final exam.

Attendance

Lawyers are expected to meet strict deadlines and to appear on time for meetings and court appearances. Similarly, law students are expected to attend class, meet deadlines, and arrive on time. Regular attendance is essential to your success because classes and assignments build on one another—missing even one class can have a significant impact on your work.

Accordingly, attendance is mandatory by College of Law policy, per the [Manual of Academic Policies and Procedures](#) (a.k.a. MAPP), with which you are expected and presumed to be familiar. Students will receive the full benefit of the course only by attending every class session and actively participating.

Regardless of excuse, absences in excess of 25% of a class will result in the automatic exclusion of the student from that class. Excessive absences may result in an F for the class.

Additionally, you are expected to be in your seats and ready to begin class promptly at the start of each class. Everyone has to contend with unexpected contingencies (e.g., traffic, computer crashes, doctor appointments, etc.). Schedule your day such that you may manage such contingencies when they occur.

Tardiness can affect your class participation grade and may be considered an absence.

Written Assignments

Written assignments must be:

- (a) uploaded to TWEN prior to the beginning of class unless otherwise specified by me in separate instructions (oral or written) for a particular assignment; and
- (b) typed in Times New Roman font, 12 pt., double-spaced, 1-inch margins. Put your name, date, the name of the course, and the name of the assignment in the upper left corner unless otherwise instructed.

Keep a copy of all your work.

Academic Integrity Policy

First and foremost, you are expected to follow the policies of the College of Law, including the [Student Handbook](#), just as lawyers are subject to the rules of professional responsibility. But note that integrity goes beyond ethical behavior. It includes characteristics such as preparedness, diligence, thoroughness, respectfulness, courtesy, and compassion. These are things that are integral to the study of law and that will be woven throughout what we work on in this class.

While all aspects of these policies apply to all of your work at the College of Law, some are particularly relevant to your work in this course:

Plagiarism

You are responsible for reviewing and abiding by the plagiarism policy contained in the [MAPP](#) for all assignments submitted in this course.

Law school graduates found guilty of plagiarism have been denied admission to the bar (i.e., they'll never get to practice law) based on an adverse moral character determination.

Students suspected of plagiarism will be reported to the school administration for disciplinary action, with possible penalties ranging from receiving a zero on the offending assignment to being expelled from law school.

Collaboration (what is and what isn't allowed)

Students should complete each assignment alone unless expressly directed otherwise. Except as specifically directed, students must not: (1) disclose any part of their work to anyone but their

professor before submitting it; (2) review, comment on, or contribute to the writing of another student; or (3) have anyone else review, comment on, or contribute to their work.

Disability Accommodations Statement

Students with disabilities should refer to the policies described at the University of La Verne Disabled Student Services Handbook [as of September 13, 2017 located at <https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>, which can be found on the website of the University of La Verne Disabled Student Services website (<https://laverne.edu/dss/wp-content/uploads/sites/19/2018/01/University-of-La-Verne-DSS-Handbook.pdf>) or at their office]. Temporary accommodations are offered on a case by case basis. All required documentation must be submitted by the student before any formal accommodations and should be made directly to the Director of Student Affairs.

Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law Director of Student Affairs and Americans with Disability Act Compliance Officer, Akita Mungaray by email at amungaray@laverne.edu or by phone at (909) 460-2017. Her office is located on the first floor of the College of Law, Office # 107. You can also contact Cynthia Denne at the University of La Verne Disabled Student Services office at (909) 448-4441. The office is located at the La Verne campus Health Center. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. The office is here to help you succeed in law school. Visit it online at <https://laverne.edu/dss/>.

Course Outline and Readings Schedule

Below is the general outline I expect us to follow for the course. We'll go as fast or as slow as I judge that optimal learning warrants. Accordingly, I will not set in stone page ranges for the term. This allows for flexibility in accommodating questions, class discussion, and the fact that we'll move through some material slower than expected and other material faster than expected. The primary purpose of class is to help you understand the material, not simply cover it.

Note also that I'll often assign things to read or view outside of the casebook, such as readings from the suggested books (as outlined below).

Accordingly, this schedule is subject to change. It is the student's responsibility to keep abreast of changes by attending class and monitoring the course TWEN page.

As for specific page ranges, I will typically announce the readings for the next week:

- (a) at the end of class Wednesday, **or**

(b) by posting them on TWEN the next day (Thursday).

Assignment to be completed before our first class, Monday, Jan. 7:

Sprankling and Coletta (S&C) Chapter 1: read everything up to (but do not go past) the heading “1. Right to Transfer”

Examples and Explanations for Property (E&E) Chapter 1

Short & Happy Guide to Property, Introduction and Chapter 1

The S&C reading will be posted on TWEN by approximately one week before our first class. The E&E and Short & Happy readings are available via the Law Library’s website, using the “Study Aids” tab (here is a direct [link](#) to that webpage).

Be prepared for an in-class quiz on Monday, Jan. 7, testing whether you’ve read this syllabus.

Course Outline:

Part 1: What is property law and why do we have it?

S&C Chapter 1, E&E Chapter 1, Short & Happy Introduction and Chapter 1

Part 2: Owning personal property (a.k.a. all of our stuff)

S&C Chapter 3, E&E Chapters 2-6

Part 3: A brief introduction to intellectual property (a.k.a. creations of the mind)

S&C Chapter 4

Part 4: Owning real property (a.k.a. land and the things attached to it)

S&C Chapter 2, E&E Chapters 7-8, Short & Happy Chapter 2

Part 5: Leasing real property (a.k.a. renting)

S&C Chapter 7, E&E Chapters 15-20, Short & Happy Chapter 5

Part 6: The continued ownership of property (a.k.a. estates and future interests)

S&C Chapter 5, E&E Chapters 9-12, Short & Happy Chapter 3

Part 7: The concurrent ownership of property (a.k.a. people owning things together)

S&C Chapter 6, E&E Chapters 13-14, Short & Happy Chapter 4

Part 8: Selling property

S&C Chapter 8, E&E Chapters 21-25, Short & Happy Chapter 7

Part 9: Using and regulating the use of property

S&C Chapters 9-11, E&E Chapters 26-34, Short & Happy Chapters 6 and 8-10

This syllabus is subject to change to accommodate instructional or student needs. A new or amended syllabus will not necessarily be issued when such changes occur. It is your responsibility to keep abreast of such changes by class attendance.

Appendix of Mission, Values and Learning Outcomes

University of La Verne Mission and Values

It is the mission of the University of La Verne to provide opportunities for students to achieve their educational goals and become contributing citizens to the global community.

The University of La Verne shares four core values that promote a positive and rewarding life for its students through fostering a genuine appreciation and respect for:

1. Values Orientation. The University affirms a philosophy of life that actively supports peace with justice, the health of the planet and its people. Therefore, in light of this affirmation, it encourages students to become reflective about personal, professional, and societal values. It also encourages values-based ethical behavior.
2. Community and Diversity. The University promotes the goal of community within a context of diversity. Therefore, it encourages students to understand and appreciate the diversity of cultures that exists locally, nationally, and internationally. It also seeks to

promote appreciation and preservation of biodiversity by helping students understand the impact/dependence of human beings on their environment.

3. **Lifelong Learning.** The University commits itself to promoting education that facilitates lifelong learning. Therefore, it teaches students how to learn, to think critically, to do constructive research, and to access and integrate information in order to prepare them for continued personal and career growth.
4. **Community Service.** The University believes that personal service is a primary goal of the educated person. Therefore, it encourages students to experience the responsibilities and rewards of serving the human and ecological community.

University of La Verne College of Law Vision, Mission, and Values

VISION

La Verne Law is an incubator for innovation in legal education, thought, and advocacy for individuals passionate about serving their communities and promoting access and justice.

MISSION

The mission of La Verne Law is to guide our students in the discovery of law and self as they prepare for the practice of law or other professional careers. Our faculty of scholars and teachers is committed to creating an innovative, collaborative learning environment designed to develop the knowledge and skills relevant to achieving individual and professional success.

Our mission encompasses educating, as well as enhancing the professional lives of, the members of the local, regional, national, and international communities we encounter – students, faculty, staff, administrators, alumni, members of the bench and bar, and others who pursue social justice.

Our mission is grounded in the core values of the University of La Verne – life-long learning, ethical reasoning and decision-making, diversity & inclusivity, and community & civic engagement.

Difference-making is our legacy.

CORE VALUES

University Values: As a College within the University of La Verne we adopt and endorse the University core values of Lifelong Learning, Diversity and Inclusivity, Community Engagement, and Ethical Reasoning.

College of Law Core Principles and Values: As an institution dedicated to teaching and training the next generation of lawyers and leaders, we operate institutionally and individually on the principles of professionalism, innovation, ethics, student centeredness and community

enhancement. In our actions and interactions, we are and seek to be affirming, respectful, humble, accountable, committed, inclusive, empathetic, responsive, passionate, and positive.

University of La Verne College of Law Program Objectives

- A. Upon completion of the program of legal education, students will possess the skills and knowledge to enable them to pass any bar examination of their choosing.
- B. Upon completion of the program of legal education, students will possess those skills to participate as respected members of the legal profession.
- C. Upon completion of the program of legal education, students will model ethical, responsible, and professional behavior.
- D. Upon completion of the program of legal education, students will embrace cultural differences and civic and community engagement.

American Bar Association Standard 302: LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system;
and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

In compliance with ABA Standard 302, the University of La Verne College of Law has established the following:

University of La Verne College of Law Program Learning Outcomes

- 1. Students shall demonstrate knowledge and understanding of substantive and procedural law.

2. Students shall demonstrate competence in legal analysis and reasoning.
3. Students shall demonstrate competence in conducting legal research.
4. Students shall demonstrate competence in problem-solving.
5. Students shall demonstrate competence in written and oral communication.
6. Students shall be able and motivated to exercise proper professional and ethical responsibilities to clients, the legal system, and the wider community.
7. Students shall demonstrate competent litigation skills.
8. Students shall demonstrate competent transactional skills.
9. Students shall apply cultural competency while exercising their legal skills.
10. Students shall demonstrate competence in answering bar-style multiple-choice, essay and performance test questions.