

**PROPERTY DVS (Doctrine, Values, Skills) - LAW 520-1**

**Professor Diane Klein**

**University of La Verne College of Law**

**Spring 2019**

**5 Credits/Units**

***Current as of November 26, 2018***

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**Professor**

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**Class Time and Place**

Meeting days: M/W  
Meeting time: 1:30pm-4pm  
Location: Rm. 206

**Office Hours**

M: 11am-1:30pm (except when Faculty Policies Committee/Faculty Senate are meeting)  
W: 11am-1:30pm (except when COL Faculty meetings occur)  
Thurs: 1pm-6pm

Professor Klein is also available by email, which is typically the quickest way to get a response to questions.

**Course Description**

This course 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 or two units of the course is devoted to values and skills development.

This Property course will cover estates in land and future interests (including the Rule Against Perpetuities). Introductory issues of professional responsibility will be addressed as they arise, and students will also be encouraged to reflect upon the values embodied in our property law.

**Scheduling Note**

As a 1L spring semester class meeting Monday/Wednesday, we have some scheduling irregularities. There are two Monday holidays (MLK, Jr. Day, January 21, 2019, and Presidents' Day, February 18, 2019), and Court Observation Week. Tuesday, February 19 is an "Academic Monday," meaning that Monday classes (including ours) meet, and Tuesday classes do not meet. MLK, Jr. Day is made up on April 22, 2019. That leaves us with 2 missed classes, which will be made up on dates TBD.

### **Basis of Grade**

20 points	MIDTERM - TBD
70 points	FINAL EXAM - TBD
10 points	Attendance/participation/occasional in-class, homework, and group assignments
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100 points	

### **Required and Suggested Materials**

Dukeminier, et al., Property: Concise Edition (2014)  
ISBN 978-1-4548-3072-6

Additional text (Google doc currently; may be released as web e-book)  
Klein, Estates in Land and Future Interests: A Guide to the Perplexed

There is a TWEN course set up; please enroll in it.

This Syllabus is maintained as a Google doc. This allows me to update and revise it as we go, and I intend to do that. I will adjust the Syllabus more accurately to reflect our coverage; occasionally to add materials; and to add information as appropriate. It is my expectation that you will check it regularly (and no less often than once a week).

### **Course Objectives**

1. Introduction to core concepts of Anglo-American property law, in historical context, including discovery, capture, and finding as common law forms of property creation; basic gift/emoluments doctrines; basic forms of intellectual property protection; and adverse possession.
2. Competence at analyzing estates in land, future interests, and the Rule Against Perpetuities
3. Familiarity with joint/common interests; leases (landlord/tenant); the real estate transaction; use rights in the land of another (easements, covenants, servitudes); and zoning.

### **Course-Specific Learning Outcomes**

1. Students will be able to effectively brief cases in substantive property law areas, properly identifying issues, rules, holdings, and reasoning.
2. Students will be more critical consumers of popular culture and mass media representations of property-related legal issues.
3. Students will be able to recognize and identify the major types of intellectual property protection offered by American law and the policy goals advanced by them, as well as arguments critical of received understandings of intellectual property.
4. Students will be able to analyze the state of the title in adverse possession situations, using and applying all elements.
5. Students will be able to classify present and future interests; apply the common-law Rule Against Perpetuities to conveyances; and determine whether those conveyances must be modified to comply, explaining each step of analysis clearly and correctly. Students will be able to distribute complex present and future gifts over time.
6. Students will be able to analyze problems involving the rights and remedies of landlords and tenants.
7. Students will demonstrate basic understanding of elements of the real estate transaction (contract; equitable conversion; remedies; deeds; recording acts).
8. Students will be able to classify and analyze use rights in the land of another (easements, covenants, servitudes), including creation, enforcement, remedies for breach.
9. Students will demonstrate basic understanding of Constitutional dimensions of zoning (public land use), including variances.

### **Disability Accommodations Statement**

Students with disabilities should refer to the policies described at the University of La Verne Disabled Student Services Handbook, which can be found at <https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/> or at their office. Temporary accommodations are offered on a case by case basis. All required documentation must be submitted by the student directly to the Director of Student Affairs before any formal accommodations can be made.

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 Disabilities Act Compliance Officer, located on the first floor of the College of Law. You may also contact the University of La Verne Disabled Student Services office at (909) 448-4441, 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 online at <https://sites.laverne.edu/disabled-student-services/>.

### **Academic Integrity Policy**

All University of La Verne and College of Law rules against plagiarism, cheating, and all forms of academic dishonesty will be energetically and stringently enforced. This includes but is not limited to reports to the California Committee of Bar Examiners which may affect the Moral Character application for admission to the Bar.

### **Course-Specific Policies**

**SPECIAL NOTE:** Except for those who are permitted to use laptops by an ADA accommodation approved by the University of La Verne, no laptop use will be permitted in class.

Our class has 27 regularly-scheduled meetings (and possibly a 28th meeting), and you are expected to be present at all of them. There are no excused absences. Excessive absences will result in being administratively dropped from the course and required to repeat it.

Proper preparation for class is part of your attendance requirement. Serial unpreparedness may result in ejection from class and/or absences, in the discretion of the professor.

Beginning **Wednesday, January 9, 2019**, failure to have done the assigned reading (or other preparation) and briefed relevant cases will result in being marked absent.

### **Reading Assignments**

<b>Class #</b>	<b>Date</b>	<b>Topic</b>	<b>Readings/Other Assignments (including cases to brief)</b>
Class # 1	M 1/7	Introduction to Property/Conceptual Foundations	<p><b>Assigned reading before class:</b> pp. 62-75 (<i>Moore</i> and notes following)</p> <p><b>Assigned viewing before class:</b> "<a href="#">The Way of All Flesh</a>," the 1998 Adam Curtis/BBC documentary about Henrietta Lacks (approx. 1 hour long)</p> <p>Optional: <a href="#">New York Times follow-up article</a> (Dukeminier, p. 75) Henrietta Lacks <a href="#">portrait</a></p>

Class # 2	W 1/9	<b>Unit I: “Making” Property: Discovery, Capture, Creation</b> A. Discovery, capture and finding	Finding (pp. 103-113) “Discovery” (pp. 3-13) <a href="#">Letter</a> from Chief Seattle (1855) Capture (pp. 13-37)
Class # 3	M 1/14	B. Right to exclude	(Finish <a href="#">Hannah v. Peel, Popov</a> ) Right to exclude (pp. 37-44)

Class # 4	W 1/16	C. (cont'd) Intellectual property (core); including property rights in the body	<p>Intellectual property (pp. 44-61)</p> <p>Read these short articles about property in the body</p> <ol style="list-style-type: none"> <li>1. <a href="#">NYT article</a> on selling kidneys</li> <li>2. <a href="#">Genomics article</a> on property rights in removed tissue</li> <li>3. <a href="#">Music copyrights</a> (Tom Petty v. Sam Smith)</li> </ol> <p>Three traditional IP interests (cont'd) (pp. 75-102)</p> <p>Cases to brief:</p> <p><a href="#">Diamond v. Chakrabaty</a> (patents) (For some extra info on bacteria, see <a href="http://www.medicalnewstoday.com/articles/157973.php">http://www.medicalnewstoday.com/articles/157973.php</a>) (For some extra info on the uses of such bacteria, see <a href="https://www.scientificamerican.com/article/how-microbes-helped-clean-bp-oil-spill/">https://www.scientificamerican.com/article/how-microbes-helped-clean-bp-oil-spill/</a>)</p> <p><a href="#">Feist Publications v. Rural Telephone Service</a> (copyright) (To listen to the oral arguments before the U.S. Supreme Court, visit <a href="https://www.oyez.org/cases/1990/89-1909">https://www.oyez.org/cases/1990/89-1909</a>)</p> <p><a href="#">Harper &amp; Row v. Nation Enterprises</a> (To listen to the oral arguments before the U.S. Supreme Court, visit <a href="https://www.oyez.org/cases/1984/83-1632">https://www.oyez.org/cases/1984/83-1632</a>)</p>
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