

Property
Professor Zachary Bray
University of Houston Law Center
Course Number 5408
Spring 2015

Texts

The required text is Jesse Dukeminier, James E. Krier, Gregory S. Alexander, and Michael H. Schill, *Property* (Aspen Publishers, 7th ed. 2010) [hereinafter “Casebook”].

There will also be a few short additional assigned readings available on the course website. You should check the course website regularly for updates. There will be at least one short assigned reading from the website in the first week of class. Note that you will need to print out or otherwise obtain hard copies of online materials if you wish to use them on the exam.

Depending on our progress over the semester, this syllabus is subject to change at my discretion. You will be given ample notice of any changes.

Guidelines and Requirements

A. Overview

This course will cover the rights, powers, and duties of property owners; what makes these rights, powers, and duties distinctive; and how they are created, transferred, changed, and destroyed. In addition, the first-year Property course serves as an introduction to a host of subsequent upper-level courses of study, including but not limited to land use, natural resources, trusts and estates, real estate transactions, and intellectual property. The objectives of this course are to teach the substantive law of the subject matter in a comprehensive manner, to consider ethical and professional questions related to the subject matter, and to integrate the subject matter with the analytical and practical skills necessary to the practice of law. Each class will be a combination of lecture and interactive discussion.

B. Grading and Examination

Your grade for this class will be based on a scheduled “open-book” examination at the end of the semester. By “open-book,” I mean that you may use any written or printed materials assigned for this class, as well as any written or printed materials that you have personally prepared (either individually or with others in this class). You may bring printed versions of electronic materials into the exam; otherwise, the use of any electronic materials (including on computer, disk, or CD) will be prohibited during the examination itself, as will any unassigned written or printed materials that you did not help to prepare.

You may not consult with any other person during the examination itself, though you are encouraged to study with others, if you wish, leading up to the exam. Successful performance on the exam will require knowledge of the case law, statutes, and underlying policies and theories discussed in both the assigned readings *and* our class discussions.

In addition, your in-class participation may modify your grade by one step (e.g., from B to B+, from A to A-), as discussed below.

I consider good in-class participation to be anything that both helps your classmates learn and indicates your effort to read and understand the assigned material. When I consider whether to make a positive grade modification, I will consider the overall quality, and not the quantity, of a student’s in-class participation. You will not be penalized for wrong answers unless they evince a lack of preparation. Repeated absences without prior notification or subsequent explanation may be taken as evidence of a lack of preparation.

C. Class Participation and Structure

Please arrive promptly with your casebook and any other assigned reading materials.

In general, we will try to cover one assignment per class session, though occasionally an assignment may be spread over two days. Because it is difficult to predict how far we will get in every class discussion, I have

included only the assigned readings for the first few classes in this syllabus. (Additional assigned readings will be circulated in class and/or posted to the class website later in the semester.) The materials assigned from the casebook will typically include notes, questions, and problems in addition to cases and article excerpts, all of which you should read closely.

All students are encouraged to volunteer comments and questions on the readings. In addition to calling on students who volunteer, I will also call on students randomly to discuss the assigned materials, beginning with the first class session.

D. Class Attendance

I will pass around a seating chart during our first class. Please write your name on the part of the seating chart that identifies where you are sitting. Thereafter, or until further notice, you should remain in this seat. During each subsequent class, I will take roll by silently passing around a sheet with a list of names, which you should sign or initial. You will not be permitted to sign the roll sheet for a class on a previous day. Falsifying attendance violates the Law Center's Honor Code.

Pursuant to the Law Center's policy, you must attend at least 80% of the classes, although you should of course strive to attend every class. If you miss more than 20% of the scheduled classes, I reserve the right to take appropriate disciplinary action, consistent with the Law Center's policies.

Class will begin promptly at 10:30, and it will end at a time consistent with the policies of the Law Center and my colleagues who are teaching Property this year. By extending our regular class sessions just a bit, in a manner consistent with the policies of the Law Center and my colleagues who are teaching Property this year, we will gain time equivalent to a number of extra class sessions, which will, I hope, allow us to avoid make-up classes. If classes must be cancelled, I will of course strive to let you know in advance, unless it is due to an emergency. If make-up classes do become necessary, they will be scheduled consistent with the Law Center's policies.

E. Contact Information and Office Hours

E-Mail: zabray@central.uh.edu

Phone: 713-743-2217

Secretary: Charlette Jefferson

Office: BLB 132

Office Hours: Mondays and Wednesdays from noon – 1:30. I am also usually available after class. I realize that any fixed office hours will be inconvenient for some students, so you should feel free to schedule a time to meet or speak over the phone beyond these regular office hours. If you wish to do so, please send me an advance e-mail so that we can set a mutually convenient time. You may also send me questions by e-mail.

Syllabus

Below is an outline of the material we will cover in the first few class meetings. You will be given ample notice of additional assigned readings.

Possession, Competition, Creation, and Personhood

1. Casebook 3-18.
2. Casebook 18-26 (through the end of note #4); 30-31; 33-35; Website Reading #1; Casebook 36-39; 46-50.
3. Casebook 50-66.
4. Website Reading # 2; Casebook 70-85 (until the beginning of the dialogue); Casebook 97-107.

The Right to Exclude and Its Limitations

5. Casebook 88-96; 116-118; 120-122; Website Reading # 3; Casebook 131-136 (skip notes 1 and 3).

6. Casebook 136-158; 161-164.