SYLLABUS
PROPERTY II—LAW 523

Spring 2017
Professor Ryan T. Holte

Credit Hours: 3  Office # 256
Mondays & Wednesdays, 1:30pm—2:45pm  Office Phone: 618.453.8749
Room 204  Secretary: Susan McLaren
Exam: May 2, 2017, 8:15am (first S17 1L exam)  Email: rholte@law.siu.edu

This syllabus is subject to change at the discretion of the professor. The class will generally follow the order of this syllabus (see assignments infra) with further reading assignments distributed as the course progresses. Students should monitor TWEN for announcements, assignments, and any changes from the syllabus. You will be expected to check TWEN daily (or have TWEN linked to your email and check that daily) as you are responsible for the materials posted.

COURSE DESCRIPTION
Property II continues the study of property law from the fall semester course, Property I. Property II subject matter attention is directed to: (1) land use controls, including easements and covenants; (2) government regulation of land, including discussion of zoning, eminent domain, and the extent to which other laws regulating the use of property may amount to inverse condemnations; (3) the transfer of interests in real property, including real estate contracts, deeds, recording procedures, and methods of title assurance; and (4) intellectual property.

OBJECTIVES
Foundational Objectives
1. Explain basic property law concepts, principles, and doctrines, as well as the relationships among those concepts, principles, and doctrines.

Continuing Objectives
These objectives go beyond the basic skills described above and relate to the higher level critical thinking that you will develop in all of your first-year law school courses and throughout your legal career. You will be able to:
2. Understand how the law develops, changes, and is applied.
3. Evaluate legal institutions, doctrines, and principles critically and from multiple practical, theoretical, philosophical, and social perspectives.

TEXT (same as Property I)
Dukeminier, Krier, Alexander & Schill, PROPERTY (7TH ED.) (Aspen 2010)
• ISBN: 978-0-7355-8899-8
• I will supplement the text with postings on TWEN or class handouts.
LAPTOP & CELL PHONE POLICY
Laptops are allowed for class note taking purposes only. Cell phones must always be on vibrate/silent in the classroom and should not be used during class.

CREDIT HOURS / MEETING TIMES
This is a three credit hour course that will meet Mondays and Wednesdays. If a class is cancelled, a makeup class will be scheduled as soon as possible.

ATTENDANCE
Regular attendance and consistent preparation and participation are expected and required by the American Bar Association, School of Law, and the professor. Given that important circumstances can always arise (e.g. taking children to a doctor’s appointment, job requirements, extended trip home, concert tickets for a show in Chicago), you are allowed FOUR absences.

Attendance will be taken daily. Your signature on the attendance sheet certifies that you are prepared for class—you have read the assigned material, prepared a written case brief if applicable, and are ready to participate in class discussions. If you are unprepared, you may attend class but not sign the attendance sheet. If you are found grossly unprepared through the class discussion, but signed the attendance sheet, you will be deducted two absences. If you collect more than four absences, as indicated by the attendance sheets, you will be withdrawn from the course. Do NOT sign the attendance sheet for anyone else.

You are responsible for keeping track of your own absences. If you have a question about your records, you may consult with my faculty assistant, Susan McLaren. Ms. McLaren maintains my attendance records based upon the attendance sheet signatures.

Further points on attendance:
- Late arrivals will be treated as absences—do not sign the attendance sheet if class has already started when you walk in.
- If you have special circumstances that may require you to have an excused absence from class, or an excuse to turn in a written assignment late, please contact the Associate Dean for Academic Affairs, Chris Behan. Dean Behan will then contact me to note any excused absences and how to proceed. Please note that absences may be excused in only extremely rare circumstances (not for the normal cold/flu or pre-planned vacations, generally only for hospital treatment emergencies or funerals).

CLASS PARTICIPATION
All students are expected to be prepared to participate in socratic classroom discussions. All students in attendance will be randomly on call for each class using the fall semester notecards shuffled at the beginning of each class session. Your active participation in class is an important part of the classroom experience and learning process for both you and your classmates. Ideally, you will experience being called on as an opportunity to engage more fully with the material and to practice thinking about legal questions aloud.
and on your feet. Therefore, I encourage you to participate voluntarily in addition to when you are called upon.

**WORKLOAD EXPECTATION**
The American Bar Association standards for accrediting law schools contains a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a ‘credit hour’ is an amount of work that reasonably approximates: not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a three credit hour class, meaning that we will spend three hours of classroom time together each week (interpretation 310-1 states that 50 minutes suffices for an hour of classroom instruction, so 150 minutes per week). The amount of assigned reading and out of class preparation should take you about three hours for each class session and at least six hours for the week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending at least nine hours per week (three hours in class and six hours preparing for class) on course-related work for Property Law II.

**SEATING**
To assist with calling on students during class discussions (and assist with monitoring attendance), during the spring semester, all students will be required to remain in the same seat as the fall semester.

**GRADING / EXAM**
Just like the Bar Exam, your grade in this class will be based on a closed book / no notes final exam which you may take on your laptop using SIU-approved exam software. The exam will be a mix of multiple choice and essay questions and will be based on materials from the readings and class discussions. The spring semester Property II final exam will focus on material covered during the spring semester, however, will also include some general knowledge of material from fall semester Property I. I will expect you to demonstrate knowledge of not only the law but also the policies underlying the law. The exams will be anonymously graded, with grades assigned according to the law school’s grading policies / curve.

Your grade on the final exam may be adjusted upwards or downwards based on the following provisions:
- You will be required to attend and participate in class (as discussed supra). I reserve the right to decrease your final grade by 0.10 (e.g., from a 3.00 to a 2.90) if you are unprepared on multiple occasions or for unprofessional conduct in the classroom such as regular disruptions or being rude to your classmates (see infra).
- In extraordinary circumstances, I may raise your final grade by 0.10 (e.g., from 3.00 to 3.10) for regular, thoughtful class participation combined with exemplary attendance.
You will be required to complete at least one graded written assignment during the semester. Percentage of grade, and assignment detail, will be specified at the time the assignment is given.

*Students should contact Dean Behan to discuss any extensions of time for the final exam, rescheduling the date the exam is administered, or extensions of time related to written assignments.*

**DISABILITIES REQUIRING ACCOMODATION**

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

*Due to the anonymous grading policy, students should not discuss exam accommodations with professors.*

**COLLABORATION AND PLAGIARISM**

Independent work required & ban on collaboration: for written assignments, you are not allowed to obtain help from any other person (including any other student) unless expressly authorized by the professor and then only to the extent expressly authorized. This ban on collaboration includes obtaining or exchanging written materials from another student or communicating with another student about an assignment. This ban on collaboration applies to both graded and ungraded exercises. Permission to get help from someone else on one exercise does not necessarily give you permission to do so on another exercise. If you fail to comply with this requirement for independent work, you can be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, ask your professor.

**TWEN**

You should continue accessing the “Property 2016-17 (Holte)” TWEN website during the spring semester. I will post announcements, updates to the syllabus, reading assignments, writing assignments, PowerPoint class slides, and other materials that you will be responsible for.
CLASS RECORDING
Recording the class is prohibited without my written permission. It is an Honor Code violation to create or distribute such recordings when the instructor has prohibited either action.\(^1\)

OFFICE HOURS / COMMUNICATING WITH PROFESSOR
I have an open door policy for students to drop by my office. If my door happens to be closed, please knock to see if I may be available to meet. Please feel free to stop by whenever you’d like, or email me to make an appointment, as I am in my office regularly during normal business hours. My “official” office hours are Mondays and Wednesdays from 3pm to 4:30pm (right after class). I am generally occupied with class preparation immediately before class, so please generally avoid dropping by my office between noon and 1:30pm Mondays and Wednesdays.

You may also email me questions about the course or material; however, if the answer requires lengthy explanation I will likely suggest that you stop by my office to discuss. **If you email me, please put the words “PROPERTY LAW CLASS” in your subject line.** You should also be aware that I may post a response to any course-related email to the TWEN site if I deem the information to be of general interest to the entire class.

TEACHING ASSISTANTS
We are privileged to have upper-level students serve as teaching assistants for the duration of the semester. My Property TAs are:
- Phoenix Mason, pmason@siu.edu
- Elliot Stratton, ecastro@siu.edu
- Daniel Fanning, dfanning2008@siu.edu

As the semester begins, the TAs will communicate via TWEN regarding weekly office hours, locations within the law school to meet them, and general availability outside office hours. Given that they are also busy law students, they will have limited availability for individual meetings outside scheduled office hours. The TAs will have shared responsibility to read your writing assignments and provide both written and oral feedback. Please take the opportunity to email or meet the TAs for both administrative and substantive questions regarding assignments and course material. **If you email the TA’s, please put the words “PROPERTY LAW CLASS” in your subject line.**

LETTERS OF RECOMMENDATION
Many legal jobs, or other legal positions (internships, externships, etc.), have applications requiring letters of recommendation from law professors. When considering which of your professors to request a letter from, you should consider how much direct interaction you have had with the professor, including classroom discussions, office hour meetings, and non-class law school activities that may reflect your individual interests (e.g. law school clubs devoted to a specific interest).

\(^1\) Honor Code I.E.1.g
Should you need a letter of recommendation this semester, please email me at least four weeks before the letter is needed. Please include a copy of your résumé, all detail regarding what the letters is for, and your fall Property I grade.

PROFESSIONALISM
Since law students are lawyers in training, and since a large part of the law school classroom time is to prepare students for how to interact in a professional legal environment, there will be certain expectations for professionalism in the classroom. I will address all students as Mr. or Ms. (name), and the professor will be addressed as “Professor Holte.” In class, students should address each other as Mr. or Ms. (name) and, during lecture time, should act as if they were within a courtroom (no eating, no phone usage, no talking amongst each other, etc.). Drinks in closed containers are allowed in the classroom and the professor does not expect students to dress as if they were in court (but please dress appropriately). As discussed supra, I reserve the right to decrease your final grade by 0.10 for unprofessional conduct in the classroom.

Since social media is such a large part of our professional culture, it is worth noting that the professor looks forward to adding all students as social media contacts or “friends” once students transition from “students” to “legal colleagues” (after graduation). Until graduation please do not try to add me on LinkedIn, Facebook, etc.

EMERGENCY PROCEDURES
Emergency Procedures. Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

SALUKI CARES
The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access
university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

READING & WRITING ASSIGNMENTS

- Further class assignments will be distributed throughout the semester as the course progresses.
- Property I will cover portions of pages 517-1196 of the text.
- We may move through some material more quickly or slowly. I will announce at the end of each class what should be prepared for the next class period if it diverges from the listed assignment. Students are encouraged to not read ahead for classes as the reading assignments build upon the lecture discussions.
- Writing assignment due dates will never change.
- You are responsible for all the material assigned including case notes, comments, and questions that follow the principle cases in the book.
- All assigned material, even if we do not cover it in class, is relevant for the final examination.
- All written assignments should be submitted (in printed hardcopy), in class, on the due date listed.
- No case citations are necessary for written assignments unless explicitly required within the assignment.
- The “Collaboration and Plagiarism” section above applies to all writing assignments. When working with TA’s, oral discussion about assignments is allowed, but review of written work product is not allowed until after the initial assignment submission and grading. Violation of writing assignment rules is considered a violation of the law school Honor Code.
- All written assignments should include the following at the top of the first page: your name, the date the assignment is due, and the title of the assignment. All written assignments should be double spaced, have 1” margins, 12 point Times New Roman font, be printed on white paper, and have all pages stapled together. Failure to follow any of the formatting requirements will result in a re-do.

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<tr>
<th>CLASS</th>
<th>READING AND WRITING ASSIGNMENTS</th>
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<tbody>
<tr>
<td>1. Wednesday, 18 January</td>
<td>Reading—DKAS 763-768; 773-799</td>
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<td>Skim (on TWEN)—Real Property MBE Subject Outline (review from fall)</td>
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<td>2. Monday, 23 January</td>
<td>Reading—DKAS 820-847</td>
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<td>3. Wednesday, 25 January</td>
<td>Reading—DKAS 847-853; 859 (Creation of Covenants); 864-876; 896-899</td>
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<td>Monday, 30 January</td>
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<td>Wednesday, 1 February</td>
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<td>7.</td>
<td>Wednesday, 8 February</td>
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<td>8.</td>
<td>TBD—floating assignment</td>
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