LAW 608 – Property
Professor Iglesias
First Assignment
Fall 2017

Required text: Freyermuth, Organ & Noble-Allgire, PROPERTY AND LAWYERING 3rd ed. (West 2011). The syllabus and required handouts will be available on the class TWEN site. Please sign up for the TWEN website using an email address you check regularly.

MON. AUG 21: CLASS # 1
TOPIC: CONCEPT OF PROPERTY & ITS PARAMETERS

1. Write a brief response (a paragraph or two) to each of the questions below. The whole paper should be about two pages. Do this part of the assignment before your read anything in the casebook. Relax. This is not a test of any kind; it is an exercise to provoke reflection on your part and to give me a sense of what you think at the start of the course. Email the paper to me at iglesias@usfca.edu by 6:00 pm on Monday, August 21st before our first class.
   a. What is “property”?
   b. What is not “property”?
   c. What does it mean to “own” property?
   d. How do we know who is the “owner” of property?
   e. What is a “property right”? What are some examples of “property rights”?
   f. Do property owners have any “duties” or obligations by virtue of their property ownership? If so, what duties and to whom?
   g. How can “property rights” end or be terminated?
   h. Why do we (society and courts) recognize and enforce “property rights”?

2. Read the Preface (pp. v – vii only); read pp. 1 – 7 (including introductory paragraph for “Right to Exclude”); Read pp. 11 – 28 (beginning with Jacque v. Steenberg Homes, Inc.); Read backgrounder on State v. Shack (TWEN); Read pp. 43 – 54 (beginning with section at bottom of page 43); Read the paragraph at the bottom of page 55.

3. Prepare any questions you have about the assigned material.

4. Prepare the Lawyering Exercise (“LE”) on pp. 28 – 29 for an in-class exercise.

Focus:
1. Note: the first writing assignment is due before our first class meeting.
2. Read the Preface carefully to understand what the casebook editors are trying to accomplish with this text. It may be different from your other classes.
3. As you can imagine, property law is heavily debated. The Concept of Property & Its Parameters section provides a very brief overview of some different approaches to property law. Consider which approach most closely aligns with your current view. We will consider future cases and notes in light of these policy perspectives.
4. Try to reconcile the “right to exclude” cases (Jacque and Shack) with each other.