

# USF School of Law

## Fall 2021 – First Assignment

### **Course:**

Property I (Section 2)

### **Professor:**

Alice Kaswan

### **Course Materials:**

Please reference the booklist on the USF Law Registrar's Course Resources [page here](#).

### **First Assignment:**

#### Required Texts/Materials:

John G. Sprankling & Raymond R. Coletta, Property: A Contemporary Approach (4th ed. 2018)

John G. Sprankling, Understanding Property Law (4th ed. 2017) (Assignments to the supplement will be indicated by "Understanding")

Supplemental Readings: Links to required supplemental readings are embedded in the pages of the topic-specific modules on Canvas and will be embedded on the Canvas syllabus page. These items are denoted by (Canvas) in the course information & syllabus handout.

Poll Everywhere: We will sometimes use this free app. Please sign up, using your “usfca” email address; you cannot use a “dons” email address. The link: <https://www.polleverywhere.com/>. You can access Poll Everywhere on a smart phone and on your computer.

Themis Quizzes (created by me for this course; will be available on the Themis website)

- First Assignment Instructions (including due date if different than the first day of classes):

## I. HOW AND WHY DO WE ALLOCATE PRIVATE PROPERTY RIGHTS?

### A. Introduction to Underlying Principles: Background Reading

This initial reading assignment is intended to stimulate your thinking about the role property rights play in society and about why our legal rules should give property rights to one claimant versus another, in situations where rights are contested.

The reading is intended to provide only a general introduction to several relevant principles. We'll further expand our thinking as we apply these and other principles in specific legal contexts (natural resources law; initial title in the US; intellectual property law; adverse possession law).

Pp 1-8

Which of these principles for allocating property rights do you find compelling? Which do you find less compelling?

Pp 25-27 (up to but not including more detailed material)

Unpacking the bundle of sticks: what distinct rights comprise the bundle of property rights?

### B. Applying the Principles: Rights to Natural Resources: Wild Animals, Oil, and Water

#### 1. Wild Animals

Pp 8-15 (capture of wild animals)

In *Pierson v Post*, pay close attention to both the majority and the dissenting opinions, and consider the full range of values and principles driving the respective opinions

Pp 165-66 (note f, on the tragedy of the commons and fisheries)

## 2. International Oil Conflicts

News article on Iraq war (Canvas)

Consider: What implications could arise from the rule of capture as applied to transboundary oil? Why did Kuwait feel entitled and why was Iraq upset?

### **Additional Notes:**

I look forward to seeing you soon!