

## **Property (Spring 2012)**

Monday and Wednesday 9:40 – 11:50 a.m.

Room E

**Distinguished Professor Joan C. Williams**

**University of California, Hastings College of the Law**

“There is nothing which so generously strikes the imagination, and engages the affections of mankind, as the right of property.”

- William Blackstone, 1765

“Property is theft.”

- Pierre Proudhon, 1840

Americans do not agree about property, any more than Europeans did in centuries past. In this class, you will have an opportunity to clarify your own thoughts about what it does-and should-mean to own property.

Property is quite different from other first year courses. Where Torts and Contracts were invented in the 19<sup>th</sup> century as integrated systems, Property is a hodgepodge of subject areas dating from widely different periods that all happen to be relevant to the law of land, personal property or intellectual property. Property does not all “hang together” tightly as do the other areas taught in first year courses.

The goals of this course are to teach you:

1. The rules that govern the law of property, and how that law has shaped the physical environment.
2. How to state a legal test precisely and accurately, to accurately apply the test to the legally relevant facts, and to draw legal conclusions.
3. How to counsel a client in a way that reflects both knowledge of the law and good judgment.
4. How to make a persuasive argument in the context of legal uncertainty, which entails understanding the law of property in the larger framework of American beliefs about property, wealth distribution and economic efficiency.
5. How to read basic real estate documents.
6. How to communicate effectively with a variety of audiences, from private clients to public client to public policymaker makers to the press.

Good luck! I look forward to a fascinating semester.

### Class procedure

On the second day of class, I will distribute a seating chart. Please PRINT in large letters the name by which you prefer to be called in class, including tips on pronunciation if necessary. Traditionally, I call on people by their first names, although I am happy to use your last name if you wish.

### Contact information

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### Office hours

Mondays 1:30 – 3:30

### Exam and grades

There will be a take-home exam. Two additional course requirements are as follows:

- 1) Each student will, several times during the semester, be responsible for handing in a two- to three-page, double spaced paper that answers as many of the questions posed on the syllabus as you have room to answer. If you are having trouble with something, please feel free to let me know so I can be sure to clarify it in class. I will read the papers, assess them, and bring them to class. Pick up your paper when you enter the classroom; they will be in a pile on podium. ***Papers are due by midnight the day before the class at which they are due.*** Please email them to [williams@uchastings.edu](mailto:williams@uchastings.edu), with a copy to [allyncra@uchastings.edu](mailto:allyncra@uchastings.edu). These papers will not receive a formal grade but give you an opportunity to get, and give, some feedback. I may use material from outstanding papers in teaching the class, without revealing the author's name. In future years, I may use the papers in various ways, again without revealing any names. Please let me know email if you do not wish me to use your paper in these ways.
- 2) Each student, in a group of two or three students, needs to hand in a) a newspaper article, 2) a case, 3) a photograph or 4) other material for potential inclusion in next year's Property reader, along with study questions or a paragraph memo explaining why the contribution would be useful. This requirement must be fulfilled ***no later than the last day of Property class.*** If a group's contribution is of sufficiently high quality, I may raise the final grade of everyone in the group by one half grade (e.g. B+ to A-).

No one who has failed to meet both these requirements will be allowed to take the exam.

**The syllabus** is on the course website. It will be updated from time to time. I will announce in class when it has been updated.

## *Common spelling and grammatical mistakes unbecoming of a lawyer!*

### **1. It's v. its**

**It's** is a contraction for "it is." **Its** is a possessive.

*We love this house; its best feature is its view. It's perfect for us.*

### **2. Effect v. affect.**

Effect = to cause.

*Their goal was to effect a change in the way people were paid.*

Affect = to have an impact on.

*The weather affects my mood.*

### **3. Possessives: single v. plural.**

Plural possessives are spelled **s'**.

*Their cats' tails were very long.*

Singular possessives are spelled **'s**.

*My cat's tail is even longer.*

### **4. Like v. such as.**

Like is used to compare two things.

*He runs like the wind.*

If you want to give an example, use "such as."

*Practices such as nepotism are a real problem in the workplace.*

### **5. Whose v. who's.**

Who's is a contraction for "who is."

*Who's in charge here?*

Whose is a possessive.

*Whose peanut is this?*

## Spelling

1. accom**mod**ate (has TWO m's)

2. **ten**ant (NOT tenant or tennent)