

**Property – Syllabus for Week One  
(Spring 2008)**

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**Office Hours:** I enjoy speaking with students outside of class and encourage students to stop by my office or contact me by e-mail to arrange a meeting time. I have an open door policy and students are invited to stop by my office any time my door is open. Of course, I am also available by e-mail or telephone.

**Grading and Class Participation:** Your grade will be based on two components. Ten percent of your grade will be determined by a mid-term exam. The remaining 90% of the grade will be determined by the final examination. The final examination will contain at least one essay and a multiple choice component.

During the exams, students will be allowed to use any texts assigned for the course, class notes, and any notes or outlines in which they substantially participated in preparing. Commercial study aides and other materials may not be brought to or used during the final exam in any manner.

During the first week of classes all students will be considered on-call. After the first week of class, students will be divided into two groups. The first group will be on-call for the second week of class, and the second group will be on-call for the third week of class. The groups will then alternate responsibility for being on-call. Students who are on call during a particular week are expected to be prepared to discuss the reading assignment and topics addressed therein. I reserve the right to lower a student's grade by half a letter grade for failure to adequately participate in or prepare for class. Likewise, I reserve the right to raise a student's grade by half a letter grade for frequent, exceptional and meaningful class participation.

Despite a common misperception, being on-call is not designed as a punishment or to embarrass students. As a lawyer, you will be required to demonstrate knowledge to your colleagues, your clients, and judges. The on-call system is designed to help practice and develop these skills.

**Attendance:** The reading assignments will serve as background information for class discussions, which will incorporate information outside the required reading. Therefore, students are highly encouraged to attend class.

The American Bar Association requires that accredited law schools require students to have regular and punctual class attendance. To further this accreditation goal, I will record student attendance during each class.

Frequent unexcused absences for students who are on call will not be tolerated, as this penalizes other students who prepare for and attend class. Students who are on-call are encouraged to let me know via e-mail when they will be missing class for an excused reason, for example, illness, family emergencies, and off-campus interviews, to avoid a grade deduction and/or being prohibited from taking the final exam. I reserve the right to prohibit students who have missed more than five classes from sitting for the final exam, which would result in a failing grade for the course.

**Course Materials:** The assigned materials for the course are:

Dukeminier, et al., PROPERTY (6th edition).

Study Aid for Estates (will be distributed to students during semester).

**Suggested Approach to Assignments:** One of the challenges of the first year of law school is learning how to read cases and to interpret the information in a useful way. In essence, you are learning to read in a different way than you probably did during your undergraduate years. Legal reading requires careful attention to details that matter in analyzing how the courts reached their decisions and how and whether the reasoning of a case will affect future cases.

At the beginning, you will probably need to read a case more than once before you understand the case enough to be properly prepared for class discussion. Over time, you will become more adept at this new skill.

After reading each case, you should make sure that you can do the following:

- (1) Identify the parties in the litigation and the role each plays in the litigation.
- (2) Provide a brief recitation of the facts of the case. In other words, what are the parties in the dispute fighting about and what legal issues are presented for the court's consideration? What arguments did the parties make?
- (3) Describe any important procedural issues. What procedural steps have happened before the case was considered by the court? What procedural issues are important at this stage of the litigation?
- (4) Define all legal terminology.
- (5) Provide the holding of the case. What rule did the court use to resolve the parties' dispute?
- (6) Discuss the rationale behind the holding of case. What is the rationale based on and how would the reasoning apply to other cases?
- (7) Discuss the strategic and policy implications of the holding, if any.
- (8) Think about why this case was assigned for reading. Does it explore a new concept? Does it add to your understanding of a concept we already discussed? Does it provide a competing rule of law?

At the beginning, it will be helpful to read with a legal dictionary at hand, as it important to become familiar with legal terminology.

**Assignments:** The following list indicates assigned reading for each week.

**Week 1 (January 14, 17, 18)**

**Class 1.** Dukeminier, pp. 1-27 (Acquisition by Discovery & Capture).

**Class 2.** Dukeminier, pp. 27-35 (Acquisition by Discovery & Capture; Property Theory); p. 51-56; pp. 58-59 (Acquisition by Creation). Pay particular attention to the hypotheticals raised in n. 3, p. 29; n.1, p. 31, n. 4, p. 32. Do not answer the hypotheticals raised in n. 2-3 on p. 32.

**Class 3.** Dukeminier, pp. 69-86 (Acquisition by Creation).