**PROPERTY B1 SPRING 2021:**

**CUMULATIVE COMPLETED ASSIGNMENTS**

*Numbers in parentheses preceded by P indicate pages in Property Law: Ownership, Use & Conservation (2d ed.); numbers preceded by S indicate pages in the instructor’s supplemental materials for Arc 1; numbers preceded byVS indicate pages in the instructor’s supplemental materials for Arc 2/Chapter V.*

***In-Class Coverage (DF Sessions Below)***

**Class #1 (Tue 8/24)**

**Intro to** Jacques **& the Right to Exclude:**

*-* Chapter 2 Intro, “The Right to Exclude,” and “Trespass” (P51-52)

- Jacque v. Steenberg Homes (P53-56) & DQ1.01-1.03 (S1)

**Class #2 (Thu 8/26)**

1L Concern #1: Confusion (Lecture)

*Jacque* & DQ1.03 (cont’d)

Intro to *Shack* & the Doctrine of Necessity

- *Shack v. State* (S3-7) & DQ1.08-1.09 (S7)

**Class #3 (Fri 8/27)**

***Arc 1***

*Jacque* (cont’d)

- DQ1.04-1.07 (S1-2)

- AV3A (Completion of *Jacque)* (link on course page)

Transition: *Jacque* to *Shack* and *Hadacheck*

***Arc 2***

Intro to *Hadacheck*, Property Value & Takings Doctrine

- Note on Habeas Corpus (V1) (Background)

- *Hadacheck v. Sebastian* (V1-V5) (focus on the factual allegations of each party)

- DQs 5.01-5.03 (V5)

**Class #4 (Tue 8/30)**

1L Concern #2: Control (Lecture)

Further Work on *State v. Shack*

-AV4A: Why so much time on Shack? (link on course page)

-DQs 1.10-1.12 (S7)

**Class #5 (Thu 9/2)**

AV5A: History Generally & 1971 (link on course page)

AV5B: Transition to Class #5 (link on course page)

- Background to DQ1.18 & Fact Comparisons

- Basis of *Shack* Decision & DQ1.12-1.13

In-Class Coverage

- What *Shack* Does: DQ1.14, 1.15 & 1.17

- Applying *Shack* to new Situations: Generally & DQ1.18-DQ1.19(a)

**Class #6 (Fri 9/3) *In-Class Session Cancelled 🡪*** Asynch Videos

AV6A: Your Money’s No Good Here I

* Common Law Privileges: Notes 1-2 (P83)
* Note: Civil Rights Laws: (P85)
* Discussion Questions 1.24-1.25 (S16)

AV6B: Your Money’s No Good Here II

* *Brooks v, Chicago Downs Assn*. (P79-82) & Note 2 (83-84)
* Discussion Questions 1.26-1.27 (S16)

**Class #7 (Tue 9/7) *No In-Class Session (Rosh HaShanah) 🡪*** Asynch Videos on Exam Technique

**Class #8 (Thu 9/9)**

1L Concern #3: Competition & Cooperation (Lecture)

Continuation of *Shack* Assignments from 9/2-9/3

- DQ1.16 (S7) & 1.18 (S8)

- Playing with Rules

- DQ1.19 (a) & (b) (S8);

Technique for Short Problems (XQ2) & Rev. Prob. 1B (S10)

**Class #9 (Fri 9/10) (Extended Class)**

**Arc 1**: Completion of Tips for Exam Q2 (Short Problems) & Review Problem 1B (S9)

- Introduction to FL Migrant Worker Statutes

--**ALL**: Read Carefully FL MW Statutes (S10-12)

-- DQs 1.20-1.22 (S13)

+ **WHITE SANDS**: DQ1.20

+ **EVERGLADES**: DQ1.21

+ **ROCKY MOUNTAIN**: DQ1.22

**Arc 2:** Further Work on *Hadacheck*

- Lion-Bull-Fish-Fox Exercise

- Lecture: Intro to Fed’l Courts Reviewing State Law

**Class #10 (Tue 9/14)**

Intro to *JMB Realty Corp*. (P86-93) (Read Case for Plot)

Intro to Working with Statutes

Intro to Review Problem 2A (Tim’s Party)

More on Florida MW Statute: DQ 1.23 (S13)

-- **ROCKY MOUNTAIN**: 1.23(a) & (d)

-- **EVERGLADES**: 1.23(b) & (e)

-- **WHITE SANDS**: 1.23(c) & (f)

Intro to Exam Q4 (Issue-Spotter) & Rev Prob 1I (S14-16)

**Class #11 (Fri 9/17) (Extended Class)**

Review Problem 1I (S14-16)

-- **OLYMPIC** Part (a)

-- **KINGS CANYON** Part (b)

The Rhythm of the First Year (Lecture)

Review Problem 2A (S34-35)

-- **ALL** Fl/ Stat. 83.56(2) (S29)

-- **WHITE SANDS**: Landlord Arguments

-- **EVERGLADES:** Tenant Arguments

**Class #12 (Tue 9/21) (Class Cancelled) 🡪 Asynch Videos on FL Eviction**

**Class #13 (Thu 9/23)**

**Arc II:** *Hadacheck* cont’d

-- **ROCKY MOUNTAIN**: DQ5.04-5.06

**-- The Most Performed Waltz in American Popular Music**

**Arc I:** Access to Businesses Open to the General Public

* Qs on Asynch Videos 6A & 6B (Your Money’s No Good Here”)
* *JMB* cont’d
  + **ALL:** Reread *JMB* (P86-93)
  + **OLYMPIC**: Discussion Question 1.28

**Class #14 (Fri 9/24)**

**Arc I:** Access to Businesses Open to the General Public cont’d

* *JMB* cont’d
  + *Schmid* Analysis inside & outside of *JMB*
  + Discussion Question 1.28-1.30 cont’d

**Arc II:** *Hadacheck* cont’d & Intro to Nuisance Law

* Note: Private Nuisance Law (P124)
* Note 2 (P129-30) [Skip Q about McCarty]
* Note Public Nuisance (P140-41)
* Note: Public Nuisance & NIMBYism (P145-46)

***DF Session Coverage***

**DF Session #1 (Thu 9/2 (Andrew) & Fri 9/3 (Marianne))**

*Shack* Problem DQ1.19(a) (S8)

- Compare the Shack Ds to the Spouses in DQ1.19(a) (Like the Comparison to the Press in DQ1.18)

- Apply: “[E]mployer may not … interfere with [MW’s] opportunity to live with dignity and to enjoy ass’ns customarily enjoyed among our citizens.”

**DF Session #2 (Wed 9/8 (Marianne) & Thu 9/9 (Andrew))**

Review Problem 1A (S8) (*Shack*)

1) Are the people the owner wishes to exclude sufficiently similar to the service workers allowed access to the farm in Shack that the owner should not be able to exclude them?

2) What would the result be if you apply the language from Shack that “the employer may … not deprive the migrant worker of practical access to things he needs”?

3) Is the potential interference with the owner’s legitimate interests sufficiently large that s/he should be able to exclude the people in question?

**DF Session #3 (Fri 9/10 & Wed 9/15 (Marianne))**

Review Problem 1C (S9) (*Shack*)

1) Are the people the owner wishes to exclude sufficiently similar to the service workers allowed access to the farm in Shack that the owner should not be able to exclude them?

2) Is the potential interference with the owner’s legitimate interests sufficiently large that s/he should be able to exclude the people in question?

3) What language from the case is most helpful to the MWs/AMIT? Why? How would Trisha's lawyers argue against each passage you've chosen?

**DF Session #4 (Thu 9/16 & Fri 9/17 (Andrew))**

Review Problem 1G (S14) (Florida MW Statutes)

1) Mowgli must leave Danny's cabin if Sour George's request is "reasonable." How might each of the following facts affect the easonableness of the request?

a) Sour George's temperament

b) Mowgli being polite

c) Mowgli's visits are daily

d) Mowgli is Ricky's son

What other considerations might factor into the reasonableness determination here?

2) Assuming he could do so in time to affect the rest of Ricky's stay on the farm, what rules might Danny formulate and post to address this problem? Discuss whether these rules would meet the test aid out in 381.0089(5)?

**DF Session #5 (Thu 9/23 (Andrew) & Fri 9/24 (Marianne))**

Review Problem 2C (S35) (Florida Eviction Statutes)

1) Literal Arguments:

(1a) Is what P did misuse of the landlord's or other tenants' property by intentional act

(1b) Is what P did failing to keep the premises clean and sanitary.

*Assuming that a court accepts neither literal argument…*

2) Comparison Arguments: Is what P did more like the conduct listed in 83.56(2)(a) or the cobduct listed in 83.56(2)(b)?

3) Policy Arguments: Is what P did they type of behavior that *should* (or *should not)* result in immediate eviction?

4) Tie-Breakers: *Whose arguments (P’s or S’s) seem stronger and why?*