

Notre Dame Law School  
Spring 2023  
Classroom: 1130 Eck Hall  
M/W/Th, 2:00-3:15pm

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## **PROPERTY**

Property law is foundational to both America's legal system and its market-based economy. This course will introduce you to the basic principles and concepts of property law, from their common law origins to their current manifestations. We will examine ownership of land, objects, cultural artifacts, water, oil and gas, animals, and intangibles such as intellectual property. We will discuss the law's approach to the acquisition and relinquishment of property; the rights associated with the ownership of property; and government's authority to create, take, and regulate property. The course will be highly participatory and, in keeping with the goals of the first-year curriculum, will emphasize legal analysis generally in addition to mastery of the specific subject matter.

### **Course details:**

- The required casebook is Smith, Larson, & Camacho, *PROPERTY: CASES AND MATERIALS* (Aspen, 5<sup>th</sup> ed., 2022). The page numbers listed on the reading schedule below refer to this casebook.
- I may also distribute supplemental readings or items of interest from time to time (e.g. relevant news stories; readings for guest speakers); please check your email regularly.
- I will maintain a bare-bones course website at [sites.nd.edu/bruce-huber](https://sites.nd.edu/bruce-huber). The current course syllabus, slides, supplemental readings, and other documents will be posted there.
- At several points during the term, the three sections of Property will convene jointly for special presentations by guest speakers. Attendance is required and the material presented will appear on the exam in some form.

### **Grading:**

- The bulk of your grade will be determined by your performance on a three-hour final exam. Further details about the exam will be provided later in the term.
- Active participation during class discussion is vital to a successful class. For this reason, your final grade may be bumped up or down depending on the quality and, to a much lesser extent, quantity of your participation. I will consider not only your overall preparedness and your comments and questions in class, but also your punctuality and attendance.

### **Other information:**

- My office hours for Spring 2023 will be variable and will be announced in class. I will gladly meet with you at other times as well. Don't hesitate to contact me to set up a time, or just stop by my office at 2155 Eck.
- If you wish to take notes on a laptop, please consider choosing a seat on the perimeter of the classroom to avoid distracting others. In any case, please refrain from using digital devices for anything other than taking notes while in class.

## TENTATIVE SCHEDULE OF READING ASSIGNMENTS

Date	Topic	Reading
1.18	<i>NO CLASS</i>	--
1.19	<i>NO CLASS</i>	--
1.23	Perspectives on Property Law	1-17
1.25	Real vs. Personal Property & Finders	83-100
1.26	Gifts	132-150
1.30	Trespass	187-195, 521-530
2.1	Adverse Possession	207-228
2.2	Property in Animals	317-325 + supp.
2.6	Oil, Gas, and Minerals	541-549 + supp.
2.8	Water	549-555, 707-712 + supp.
2.9	Right of Publicity	17-31, 36-47
2.13	Cultural Property	50-55, 61-62, 69-81
2.15	Intellectual Property	253-259, 291-301, 309-316
2.16	<i>Guest lecture in Courtroom</i>	--
2.20	Bailments	<i>TBD</i>
2.22	Race, Exclusion, and Property	151-158, 161-172
2.23	Fees Simple I	361-373
2.27	Fees Simple II	377-382
3.1	Life Estates	382-396
3.2	Future Interests I	407-416
3.6	Future Interests II	416-423
3.8	Estates Review	--
3.9	Cotenants	451-452, 459-475
3.20	Marital Property	479-494
3.22	Real Estate Transfers	633-635, 653-662
3.23	Easements I	723-729
3.27	Easements II	729-741
3.29	Easements III	742-763
3.30	Covenants I	763-774
4.3	Covenants II	774-789
4.5	<i>Guest lecture in Courtroom</i>	--
4.6	Nuisance	677-691, 694-700
4.12	Zoning I	791-805
4.13	Zoning II	805-821
4.17	Eminent Domain	845-862
4.19	Regulatory Takings I	863-867, 872-883
4.20	Regulatory Takings II	883-898
4.24	Regulatory Takings III	898-906 + supp.
4.26	<i>Guest lecture in Courtroom</i>	--
4.27	Property in Indian Country	Supp.
5.1	<i>TBD</i>	--