BUSINESS LAW 481 SPRING 2015 MONDAYS 7-9:45 P.M.
PROF. ALLAN COOPER

Classroom:	JH 1121
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Office Hours:	Mondays 9:45-10:45 or by appointment; call 310-281-6396 or use above email to schedule.
Text:	Jennings, REAL ESTATE LAW, 10th ed. (2014) The textbook is available in hard copy at the campus bookstore and elsewhere; electronic copies are available through the Business Law Department's textbook affordability initiative. I strongly recommend that you purchase the electronic version of the assigned chapters, which are available through the publisher, Cengage. Instructions may be found in the Business Law Department under Student Resources. You must bring the text (in either form) to each class.

OVERVIEW OF COURSE TOPICS

The course will cover the nature of property ownership; acquisition of titles; easements, leases and contracts; community property, joint tenancy and tenancy in common; brokerage; land use regulation; and real property taxation. In the course of our discussions, we will look at ethical issues which may be involved.

OBJECTIVES OF THE COURSE

The primary goal of this course is to provide an overview of issues relating to the ownership and transfer of interests in land. We will analyze how law applies to factual settings. We will read court decisions, prepare written briefs of the decisions, orally defend interpretations of the cases, and answer hypothetical questions in open class discussion. We will learn to distinguish the application of rules depending on changing circumstances in various cases and hypotheticals. We will learn to argue alternate sides of a dispute regardless of personal belief. We will learn to identify the functions, policies, and trends in the law, and to consider social, economic and ethical influences on the law.

CLASS PREPARATION AND PARTICIPATION

You are required to attend, be prepared for, and participate in class. Readings and problems will be assigned in advance of each class. Each chapter of your book contains "cases," which are portions of actual court cases and are contained in the text of the chapter, and "problem cases" (PCs) which are at the end of each chapter. Preparation for class entails reading the assigned materials, "briefing" the cases specified (in italics) below, and preparing written answers to the PCs also identified below.

A "brief" is a short—usually only one page—summary of a case. To brief cases, use the following "IRRAC" format:

> *Issue*: What question must be answered in order to reach a conclusion in the case? This should be a legal question which, when answered, gives a result in the particular case. Make it specific (e.g. "Has there been a false imprisonment if the plaintiff was asleep at the time of 'confinement'?") rather than general (e.g. "Will the plaintiff be successful?") You may make it referable to the specific case being briefed (e.g. "Did Miller owe a duty of care to Osco, Inc.?") or which can apply to all cases which present a similar question, (e.g. "Is a duty owed whenever there is an employment relationship?") Most cases present one issue. If there is more than one issue, list all, and analyze all issues raised.
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> *Rule*: The rule is the law which applies to the issue. It should be stated as a general principle (*e.g.*, A duty of care is owed whenever the defendant should anticipate that her conduct could create a risk of harm to the plaintiff), not a conclusion to the particular case being briefed, (*e.g.*, "The plaintiff was negligent.")

Rationale: The rationale is the reason for the rule. Usually it is based on common sense or the policy of the law. For example, the rationale for a rule that "the deliberate killing of another person with malice aforethought is a crime punishable by life imprisonment or death" is: to discourage people from deliberately killing each other. Sometimes the case will state the rationale for the rule, but more typically not; you will need to figure it out yourself.

Application: The application is a discussion of how the rule applies to the facts of a particular case. While the issue and rule are normally only one sentence each, the application is normally paragraphs long. It should be written discussion--not simply a statement of the conclusion. Whenever possible, present both sides of any issue. Do not begin with your conclusion. The application shows how you are able to reason on paper and is the most difficult (and, on exams, the most important) skill you will learn.

Conclusion: What was the result of the case?

Class will be conducted through a mixture of lecture and discussion, but there will be a heavy emphasis on student participation. You will be called on during class to discuss your briefs, answer questions, and analyze problems. A significant portion of your final grade will be based on your participation in class. **NOTE: I HAVE TERMINATED AND WALKED OUT OF CLASS WHEN STUDENTS HAVE NOT BEEN PREPARED, WHICH THEY LIVED TO REGRET WHEN FINAL GRADES WERE POSTED!**

The PCs, on the other hand, while coming from actual cases, contain only the facts, not any discussion by a court. As to those, you should attempt to be the judge yourself in determining what rule applies, what its rationale is, how the rule applies to the facts, and what your conclusion is. You will be called on at random throughout the semester to read your briefs and problems in class. If you are unprepared or absent, this will affect your grade as discussed below. It is your responsibility to be prepared for every class.

In addition, you will be given one formal writing assignment that you will have to turn in. **This assignment** (listed as "WA" below) **must be turned in personally, in class.** The assignment is worth 20% of your final course grade.

You may not record the class. **Use of cell phones, smart phones, and pdas is strictly prohibited**. If you bring them into the classroom, they must be set to the "off" position (not "silent" or vibrate, but "off") and put away. You may not bring any electronic devices into the classroom on days on which an exam is scheduled.

ASSIGNMENTS

Date	Class topics	Work due
January 26	Introduction; Land Interests	Ch. 2, PC 4
February 2	Extent of Real Estate Interests; Nonpossessory Interests in Real Estate	Ch. 3 pp. 58-67 only; Brief *Double Quick*, PC 6; Ch. 4; Brief *Dianne*, PC 1, PC 9
February 9	Liens	Ch. 6; Brief *Ontiveros, Tarlton*, PC 4, 6
February 16	Co-Ownership of Real Estate	Ch. 8; Brief *Countrywide, In re Domestic Partnership*, PC 2, 6
February 23	Landlord-Tenant	Ch. 9; Brief *Wilson, Furlan, Yu Fang*, PC 1, 5, 7; **WA to be provided**
March 2	Commercial Leases	Ch. 10; Brief *Puro, Mark-It Place Foods*, PC 1, 5, 10

March 9	The Broker's Role	Chap. 12; Brief *Benton, Fuller, Antrim,* PC 5, 8; mid-term preparation
March 16	**MID-TERM**	Everything thus far is fair game
March 23	The Purchase Contract	Ch. 13; Brief *Perroncello,* PC 1, 2, 10; **WA due**
March 30	Transfer and Conveyances	Ch. 14; Brief *Weinstein, Rivera,* PC 1, 7
April 6	**SPRING BREAK**	Enjoy!
April 13	Real Estate Financing	Ch. 15; PC 2, 3
April 20	Closing the Deal	Ch. 16; Brief *Allan, Baker,* PC 5, 7
April 27	Zoning	Ch. 18; Brief *Catsiff, City of Edmonds,* PC 5, 7, 8
May 4	Tax	Ch. 22; Final exam preparation Chap. 45
May 11	**FINAL EXAM**	Entire course is fair game

EXAMS AND GRADING

There will be one midterm and a final, plus the WA paper. The final exam is cumulative and will be given on May 11,2015. These will be essay exams only; you do not need a scantron. You will, however, need a large bluebook and black or blue pens; I suggest you bring an extra bluebook, just in case. The exams will be closed book but open notes so long as you have prepared the notes yourself. You will sign a certification that any notes you have brought to class are your own; if that turns out not to be the case, you will automatically fail the class and will be subject to further discipline in the discretion of the department and/or university. **Except in the most extraordinary circumstances, there will be no make-up or early exams.** The grade allocation is as follows:

WA paper: 20% of course grade
Midterm: 25% of course grade
Final exam: 55% of course grade

The grade reached based upon your total score for the WA paper and exams will be the minimum grade you can expect to receive in the course. However, I reserve the right to adjust a grade upward for things such as preparedness, participation and improvement over the course of the class. Plus/minus grading is used.

GRADE	DEFINITION	GRADE POINTS
A	Outstanding	4.0
A-		3.7
B+		3.3
B	Very Good	3.0
B-		2.7
C+		2.3
C	Average	2.0
C-		1.7
D+		1.3
D	Barely Passing	1.0
D-		0.7
F	Failure	0

I have no predetermined number of "As", "Bs", etc. to hand out. Each of you will get the grade you have earned.

ACADEMIC HONESTY

Students are responsible for knowing and complying with all College and University rules and regulations. Any incident of cheating or plagiarism will result in a Fail in the course and disciplinary action may be imposed, including expulsion from the university. For example, written homework cannot be identical to that of another student. Making your exam answers visible or accessible to others is prohibited.

I look forward to a fun semester with you all!

Professor Cooper