Property

Professor Michael Schill

Spring 2004

Syllabus and Reading Assignments (1)
PROPERTY

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Reading Assignments (1)

The text for this course is J. Dukeminier & J. Krier, Property (5th ed. 2002) (hereinafter referred to as the "Casebook"). From time to time, I will ask you to pick up supplementary materials and problems. All readings that are not in the Casebook will be included in the supplementary readings. As a general rule, you should stay approximately thirty pages ahead of me.

For the first class, please read the material set forth below under the heading "Introduction".

I. Introduction

Blackstone, 2 Commentaries on the Laws of England 2 (1765)

Miller v. Schoene, 276 U.S. 272 (1927)

II. Property Rights and Economic Efficiency: An Introduction

Coase, The Problem of Social Cost, 3 J. Law & Econ. 1 (1960)


W. Hirsch, Law and Economics: An Introductory Analysis 4-7 (2d ed. 1988)

III. Allocating Resources Among Competing Claimants

J. Singer, Property lii-lix (3d ed. 2002)

Casebook, pp. 19-41
IV. Economic Analyses of Property Rights

Casebook, pp. 40-59


V. Adverse Possession

Casebook, pp. 125-146, 152-153, 159-162


VI. Estates in Land

A. Historical Introduction

Casebook, pp. 197-210 [NOTE: Read this material quickly; we will not specifically address it in class.]

B. Fee Simple and Fee Tail

Casebook, pp. 210-219

C. Defeasible Fee Interests

Casebook, pp. 240-257

D. Life Estates

VII. Future Interests

A. Categorization of Future Interests

Casebook, pp. 269-286 [NOTE: Read the historical discussion solely for background and your own interest. You will be responsible for future interest definitions and categorizations.]

B. The Trust

Casebook, pp. 287-288

C. Restraints on Alienation

Casebook, pp. 293-306, 313-338 [NOTE: Our approach to these materials will center on their policy implications. You will not be responsible for applying any of these rules although we will go over some examples in class. Therefore, I would advise you not to get bogged down as you go through this material.]


VIII. Concurrent Ownership

Casebook, pp. 339-381

IX. Condominiums and Cooperatives


Casebook, pp. 925-949

XI. Landlord and Tenant

A. Introduction

Casebook, pp. 445-447, 451, 456-460

B. Antidiscrimination Law

1. Discrimination in Housing Markets


2. Federal Law Prohibiting Discrimination in Housing

Casebook, pp. 460-464

Asbury v. Brougham, 866 F.2d 1276 (10th Cir. 1989)

Note on Asbury v. Brougham

Casebook, pp. 474-477

3. Anti-discrimination v. Integration


C. Assignments and Subleases

Casebook, pp. 482-500

D. Tenant Obligations and Landlord Remedies


Casebook, pp. 500-521, 546-549

E. Landlord Duties and Tenant Rights

Casebook, pp. 521-546

Salins, How To Create a Real Housing Crisis, N.Y. Times, Oct. 26, 1996

F. Rent Regulation

1. Introduction

Keating, Rent Control Legislation and Administration, in D. Keating et al. (editor), Rent Control: Regulation and the Rental Housing Market 15-26 (1998)


Jacoby, Now We Know: Rent Control Critics Were Right. Boston Globe, Feb. 12, 1998


2. Constitutionality

Preface to Nash v. City of Santa Monica


Postscript to Nash v. City of Santa Monica

3. Succession Rights


4. Arguments Pro and Con

Muth, Redistribution of Income Through Housing, 32 Emory L.J. 691 (1983) (Note: Focus on pages 693-698)

Berger, Commentary, 32 Emory L.J. 733 (1983) (Note: Focus on pages 733-739)


H. Rosen, Public Finance 552-559 (2d ed. 1988)

U.S. Dep’t of HUD, Report to Congress on Rent Control (1991)