LEARNING OBJECTIVES

- Understand and apply core principles of property law.
- Learn how to read, analyze, and present federal and state court decisions.
- Understand the factors leading to an expansion in the use and scope of eminent domain (government taking of private property) in the United States since WWII.
- Develop critical perspectives regarding the theories and bodies of evidence used to evaluate how changes in U.S. eminent domain laws have affected the security of property rights in the United States, redevelopment of urban areas, and the overall economy.
- Identify factors leading to the passage and repeal of Hawaii land reforms laws that have provided owners of residential condos and houses on leased land with the right to force a sale of the land to them.
- Learn how to apply economic theory and use critical thinking skills to analyze major issues in property law and property law cases.

REQUIRED TEXTS AND READINGS

(1) Selected journal articles from the fields of law, economics, and political science are also assigned. All are available from UH libraries and most will be posted to the laulima.hawaii.edu class web site.

(2) Selected property rights and contract cases, most of which are opinions of U.S. federal and state courts. The instructor will provide students with a list of cases and links to the cases on the web.
(3) Occasional short articles from *New York Times*, *Wall Street Journal*, and *Economist*. The instructor reserves the right to change (add/delete) required readings and adjust the classes academic calendar as the semester progresses. Newspaper articles from *New York Times* web site will be assigned periodically. Early in the semester, please visit the *Times* web site and obtain a user name and password. Enrollment is free; go to http://www.nytimes.com.

**ECON 476 AND THE LAW AND SOCIETY CERTIFICATE PROGRAM**

The UH-Mānoa College of Social Sciences offers an interdisciplinary certificate in the area of Law and Society to qualified undergraduate students who complete 15 hours of designated course work. The Certificate Program allows Econ 476 to be applied to the Certificate’s requirement of 12 elective credits. For more information about the Law and Society certificate, go to http://www2.soc.hawaii.edu/PDF/interdisciplinary.pdf.

**COURSE PREREQUISITES**

Students must have completed Econ 301 prior to the Spring 2012 semester to enroll in Econ 476. Students from the Law and Society Certificate Program may enroll if they have completed Econ 130 or Econ 131 prior to the Spring 2012 semester.

**LAW AND ECONOMICS TOPICS CALENDAR (subject to change)**

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
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<tbody>
<tr>
<td>1/10</td>
<td>Introduction, overview</td>
</tr>
<tr>
<td>1/17</td>
<td>Property</td>
</tr>
<tr>
<td>1/24</td>
<td>Property</td>
</tr>
<tr>
<td>1/31</td>
<td>Property Rights</td>
</tr>
<tr>
<td>2/7</td>
<td>Property Rights</td>
</tr>
<tr>
<td>2/14</td>
<td>Property Rights; Effective Use of Powerpoint in Short Presentations</td>
</tr>
<tr>
<td>2/21</td>
<td>Student Reports on Court Decisions</td>
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<tr>
<td>2/28</td>
<td>Student Reports on Court Decisions</td>
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<tr>
<td>3/6</td>
<td>Student Reports on Court Decisions</td>
</tr>
<tr>
<td>3/13</td>
<td>Eminent Domain</td>
</tr>
<tr>
<td>3/20</td>
<td>Eminent Domain</td>
</tr>
<tr>
<td>3/27</td>
<td>Spring Break</td>
</tr>
<tr>
<td>4/3</td>
<td>Eminent Domain</td>
</tr>
<tr>
<td>4/10</td>
<td>Property Rights in Hawaii</td>
</tr>
<tr>
<td>4/17</td>
<td>Midterm Examination</td>
</tr>
<tr>
<td>4/24</td>
<td>Hearings: Nationalization</td>
</tr>
<tr>
<td>5/1</td>
<td>Hearings: Inheritance and Property</td>
</tr>
<tr>
<td>5/3</td>
<td>What have you learned?</td>
</tr>
</tbody>
</table>

**Final Exam:** *Hearings and written legal case report satisfy final exam requirement.*
COURSE GRADE

Your course grade is computed using the following weights:

- A Report on a Court Decision: 15%
- Midterm Examination: 35%
- Current Event Presentation: 5%
- Hearings Testimony: 30%
- Classroom Participation & Attendance: 15%

Grading of (1) the report on a court decision and (2) the hearings testimony awards 67 percent of the total grade for each assignment to the student’s oral presentation and 33 percent to the student’s written submission. Your grades on both oral presentations will be assigned by your peers who will provide written evaluations of both oral presentations using standardized assessment forms. The forms are posted on the laulima website for Econ 476; check them out prior to your presentations! Peer evaluation will be anonymous to fellow students but will be known to the course instructor.

ATTENDANCE REQUIREMENTS

It is expected that students will attend ALL classes; be familiar with assigned readings prior to class; participate in class discussions, hearings, presentations, and peer reviews; will reserve the scheduled class time to attend class; and will not double-book the time. Students who miss (unexcused for sickness or approved University events/travel) more than 3 classes will have their attendance/participation grade marked down by 1% for each additional class missed. Please see me to discuss any extended absences.

Students are expected to participate in class discussions of assigned readings. Throughout the semester, the instructor will assign students to prepare presentations for the next class or to serve on panels to discuss the assigned readings and other topics.

SELECTED COURT DECISIONS ON PROPERTY LAW

Each student will select a court decision from a list distributed by the instructor. Two students cannot write reports on the same case. The objective of the report on the court decision is to provide the class with a clear understanding of the property law issue(s) raised by the case, summarize the dispute and its resolution, and document and critique the court’s reasons for deciding the case. The presentation will consist of no more than 4-6 presentation slides. Bring a flash drive with your presentation and upload it to the classroom computer before class starts. Microsoft PowerPoint is available on the classroom’s computer; use another presentation program at your peril! Pdf slides of other programs usually work (your risk). Your oral presentation should last a maximum of 9 minutes. At the end of each student’s oral presentation, approximately 4 minutes will be devoted to questions from class members.
A printed copy of the presentation slides must be submitted to the instructor on the day of the presentation. You will be graded on both the content of your report and the quality of your presentation.

On September 28, one week prior to the start of the reports on a court decision, I will devote roughly 50 percent of the lecture to a discussion of how to make an effective short presentation using presentation slides. Please familiarize yourself with the basics of the PowerPoint Office program prior to the lecture.

TOTALLY CONFUSED BY LEGAL TERMS??!!!! Relax, start with a search of the term on Google or Bing. Call home … ask your roommates … go to the law library. Still confused? OK, now panic!!

CURRENT EVENT PRESENTATION

At the start of every class (beginning with the September 2 class) of each class after the case law reports, one or two students will make a 3-4 minute presentation on an important property law topic based on an article in The Economist, the New York Times, the Wall Street Journal, Science, Nature or a similar publication. Students are allowed to use ONE AND ONLY ONE slide in their presentation.

CLASS HEARINGS ON THREE PUBLIC POLICY ISSUES

Three sets of hearings will be held at the end of the semester on the following issues:

<table>
<thead>
<tr>
<th>Pro</th>
<th>Con</th>
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<tbody>
<tr>
<td>NATIONALIZATION OF FOREIGN COMPANIES</td>
<td>NATIONALIZATION OF FOREIGN COMPANIES</td>
</tr>
<tr>
<td>impedes the property rights of foreign</td>
<td>does NOT impede the property rights of</td>
</tr>
<tr>
<td>and domestic property owners</td>
<td>foreign and domestic property owners</td>
</tr>
<tr>
<td>Property rights in land should CHANGE</td>
<td>Property rights in land should NOT</td>
</tr>
<tr>
<td>over time in response to social, economic</td>
<td>CHANGE over time in response to social,</td>
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<tr>
<td>and political changes.</td>
<td>economic, and political changes.</td>
</tr>
<tr>
<td>Development companies NEED EMINENT</td>
<td>Development companies DO NOT NEED</td>
</tr>
<tr>
<td>DOMAIN to carry out big projects in</td>
<td>EMINENT DOMAIN eminent domain to carry</td>
</tr>
<tr>
<td>congested, aging cities.</td>
<td>out big projects in congested, aging</td>
</tr>
<tr>
<td></td>
<td>cities.</td>
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</tbody>
</table>

Hearings will be organized in the form of a debate. The pro team will present followed by the con team. Six minutes per presentation will be allowed. Teams will consist of three or four students. Each student will make an individual presentation, but team members are expected to coordinate closely with each other to reduce duplication and to achieve a more comprehensive coverage of the issues.

Each student will also serve on a panel of Senators with one student serving as Committee Chair. The panel will receive the testimony, keep time, ask questions of those
who are testifying, and call on class members to ask questions. The Estate Tax team will serve as Senators for the Property Rights in Land hearing. The Property Rights in Land team will serve as Senators for the Eminent Domain hearing. And the Eminent Domain team will serve as Senators for the Estate Tax hearing.

Peers provide written evaluations of each student’s presentation at the hearings using a standardized assessment form that you can locate on the ECON 476 laulima web site. The oral presentation is 67% of your hearing grade. The evaluations will emphasize both the effectiveness and the content of the presentation. Presentations must be based on “fact” and economic analysis, with careful documentation of sources of information.

Each student will also submit a written copy of the student’s hearing presentation to the instructor on the hearing day. The instructor’s evaluation of your written presentation is 33% of your hearing grade.

HOW TO FIND THE CLASS WEBSITE:  http://laulima.hawaii.edu

Login with your UH username and password (the ones used to access UH email).

Click on Econ 476 Spring 2012.

Most class readings are in “Resources”.

You can use the “mail tool” to send emails to other students in the class.

The syllabus is posted at this site along with class announcements.

STUDENTS WITH DISABILITIES

Students with disabilities who may need disability-related classroom accommodations are encouraged to make an appointment or email as soon as possible so that we can make arrangements to accommodate you.

MOST OF ALL

ENJOY THE CLASS

ENJOY THE SEMESTER!
Selected Readings and Lecture Schedule

Jan. 10          No reading

Jan. 12          “Property” in *Stanford Encyclopedica of Philosophy*
                  “Locke’s Political Philosophy,” *Stanford Ency. of Philosophy*
                  Marx and Engels, *Communist Manifesto*, (selections)


Jan. 19          Dan Bogart, “Did the Glorious Revolution Contribute to the Transport


Jan. 26          Gary Libecap and Dean Lueck, “The Demarcation of Land and the Role of

Jan. 31          Sumner La Croix and James Roumasset, *Journal of Economic History*,
                  1990.

Feb. 2           Alan Dye and Sumner La Croix, Property Rights in Argentina and
                  Australia, 2011.


Feb. 9           Dean Lueck and Thomas Miceli, “Property Right and Property Law,” in


Feb. 16          More Lueck and Miceli.

Feb. 21          Student Presentations—No reading.

Feb. 23          Student Presentations—No reading.

Feb. 28          Student Presentations—No reading.

March 1          Student Presentations—No reading.

March 6          Student Presentations—No reading.


March 22  Enactment and repeal of Honolulu condo land reform law. Read land reform law

March 27-29  Spring Break!

April 3  Kelo v. New London

April 5  Lucas v. South Carolina Coastal Council Nolan v. California Coastal Commission

April 10  Costco; Home depot; Hollywood; Orange County cases; India!

April 12  Post-Kelo changes in state eminent domain laws Stop the Beach Renourishment v. Florida Dept. of Environmental Protection

April 17  Midterm Examination

April 19  Group Preparation for Hearings: The most important class of all …

April 24  Hearings—No Reading!

April 26  Hearings—No Reading!

May 1  Hearings—No Reading!

May 3  What have you learned? Anything? If you have, is this knowledge your property?

Please contact me if you would like more readings on any topic!