2018 Landlord/Tenant Law and Practice

Adjunct Professor Roger Dyer
Class Time: 5:30-7:10 p.m., Wednesdays
Room: Hulston Hall
Office Hours: As arranged

dyerr@mmls.org
Office: 573-442-0116

COURSE DESCRIPTION:

This course primarily focuses on litigation under the Missouri Landlord Tenant statute and under federal administrative regulations governing public entities which provide housing and housing subsidies to low-income people including the processes for litigating against such entities. The course will address proper pleading, relevant evidentiary issues, and requisite settlement skills/strategies.

COURSE MATERIALS:


Other readings and assignments will be available via the course’s Web site on TWEN.

ATTENDANCE:

Pursuant to American Bar Association guidelines, class attendance is expected. Attendance will be taken each class. It is your responsibility to be present and ready to begin class at the scheduled time. Failure to be present when attendance is taken will result in you being marked absent.

Students with two unexcused absences are subject to a grade reduction of 5 percent of the final grade. Any student that misses 4 or more scheduled (unexcused) classes during the semester will be dropped from the course and receive a failing grade.

It is anticipated and understandable that “life happens” and students will need to miss class for some reason or another. It is expected you will provide me with prior notice by e-mail for anticipated absences or as soon after for unexpected absences. The decision to treat an absence as excused is fully up to my own discretion and students should not “count on” being excused.

GRADING:

Final Exam:

The final exam for this class will be a take-home exam taken at any point during the 2-week exam period. You will pick up the exam from Room 203 and have 6 hours to complete the exam from the time you pick it up – but it must be returned to Room 203 by 4:00 p.m. at the latest. The exam will account for 60% of your grade. More information will be provided regarding the exam later in the semester.
Attendance/Participation:

A total of 15% of your grade will be for attendance and participation. Students who actively participate in class exercises and are engaged should expect to receive full credit for this portion of the grade. The first missed class will result in no penalty. Each missed class after the first, whether excused or unexcused, will result in a penalty of 1% of the total 15% available for attendance/participation. Passing when called upon or causing a disruption will have points deducted. Students are encouraged to participate and try at all times as no student will have points deducted for giving it the “old college try”.

Legal Practice Exercises:

Making up 25% of your grade, throughout the semester students will be assigned a legal practice exercise. These include putting into practice the various skills required to be a practicing civil litigator in the landlord/tenant realm. Assignments will be a mix of both in-and-out of class. Assignments will be provided in class and be due the following week. Additional information necessary to complete the assignment will be posted on TWEN within 24 hours after class. Assignments are graded on a 0-4 scale, with a 4 being a “perfect” exercise. Exercises to be completed out of class must be turned in by the deadline given in the assignment. In order to obtain credit for in-class exercises, students must be present. If a student is absent for an in-class exercise, they will receive a 0 for that specific exercise. The lowest score between both the in-class and out-of-class exercises will be dropped, so students whom must miss an in-class exercise will have the opportunity to avoid penalty, but no make-up assignments will be allowed.

Final In-Class Trial Project:

This final project will be worth 5% of your Attendance/Participation grade and 10% of your Legal Practice Exercises grade (total of 15% available). More information will be provided as we get closer. Students must be in attendance for the two class periods (November 14 and November 28) in order to earn these available points. Students who anticipate missing either of these classes must contact me immediately.

DISABILITIES:

If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please let me know as soon as possible.

If disability related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please register with the Disability Center (http://disabilityservices.missouri.edu), S5 Memorial Union, 573- 882-4696, and contact Denise Boessen or Dean Gely regarding eligibility for reasonable accommodations. For other MU resources for students with disabilities, click on "Disability Resources" on the MU homepage.

SCHEDULE/READING ASSIGNMENTS:
**Subject to Change

Week 1 – August 22 – Introduction to Landlord/Tenant Law
Read Chapters 2, 3 and 4 of the Missouri Practice: Landlord/Tenant Handbook 2017 (Mo. Prac.)
Read Missouri Revised Statutes 441.005, 441.020, 441.030, 441.120, 441.130, 441.220, 441.230, and 441.236
Bring your lease to class. If you are not a renter, get one from a friend that is not in the class/find previous lease/find one online/etc.

Week 2 – August 29 – Intro to Landlord/Tenant Law Cont.
Santa Fe Trail Neighborhood Redevelopment Corp. v. W.F. Coehn & Co., 154 S.W.3d 432
Campus Lodge of Columbia, Ltd., v. Jacobson, 319 S.W.3d 549
2 Mikes v. Turning Leaf, 423 S.W.3d 860

Week 3 – September 5 – Rent and Possession and Client Counseling/Interviewing
Read Mo. Prac. Chapters 6 and 7
Missouri Revised Statute 535 – All Sections
Kavanaugh v. Ealy, 364 S.W.3d 759
Mannion v. K. Khan, Inc. 992 S.W.2d 198
The Medve Group v. Sombright, 163 S.W.3d 453
Brainchild Holdings, LLC v. Cameron, 2017 WL 1483332
Handouts on TWEN

Week 4 – September 12 – Unlawful Detainer and Drafting Petitions
Read Mo. Prac. Chapter 8
Missouri Revised Statute 534 – All Sections
Wells Fargo Bank N.A. v. Smith, 392 S.W.3d 446
Malan Realty v. Harris, 953 S.W.2d 624
Davidson v. Kenney, 971 S.W.2d 896
Kocina v. Johannes, 505 S.W.3d 474
Handouts on TWEN

Week 5 – September 19 – Habitability, Repairs and Drafting Responsive Pleadings
Read Mo. Prac. Chapters Chapter 18 and 23
Re-Read Missouri Revised Statute 441.234, 441.010,
King v. Moorehead, 671 S.W.2d 65
Detling v. Edelbrock, 671 S.W.2d 265
Kolb v. Deville I Properties, LLC, 326 S.W.3d 896
Chiodini v. Fox, 207 S.W.3d 174
Kohner Properties, Inc. v. Johnson, 2016 WL 4760904
Handouts on TWEN

Week 6 – September 26 – Service of Process, Civil Procedure and Negotiating
Read Mo. Prac. Chapters 12-15
State ex rel. Dorn v. Morley, 442 S.W.2d 929
Investors Alliance, LLC v. Bordeaux, 428 S.W.3d 693
Vang v. Barney, 480 S.W.3d 473
Boehm v. Allen, 2017 WL 3136380
Missouri Supreme Court Rule 54
Handouts on TWEN

Week 7 – October 3 – Security Deposits, Utilities, Expedited Evictions and Basic Discovery
Read Mo. Prac. Chapters 5 and 10
Younker v. Inv. Realty, 461 S.W.3d 1
Battis v. Hofmann, 832 S.W.2d 937
Handouts on TWEN

Week 8 – October 10 – Government Funded Housing Assistance and Direct/Cross Examinations
American Murder Mystery by Hanna Rosin The Atlantic (July/August 2008)
Memphis Murder Revisited: Do Housing Vouchers Cause Crime (February 2011)
**NOTE – Read for CONTENT as the article is stat heavy
Various Fact Sheets/Supplemental Readings on TWEN

Week 9 – October 17 – Fair Housing
Fair Housing Act and Missouri Human Rights Act
Handouts on TWEN
Fair Housing Law Primer
HUD Guidance on Service Animals in Housing
HUD Guidance on Using Criminal Background Checks/History in Housing Decisions
Trial Practice Primer

Week 10 – October 24 – Abandonment, Replevin/Conversion and Self-Help
Read MO Prac. Chapters 15 and 17
Missouri Supreme Court Rule 99
Missouri Statute 533, 441.065, 535.040
Re-Review Trial Practice Primer
Handouts on TWEN

Week 11 – October 31 – Preparing for Trial, Bench Trials and Appeals
Read MO Prac. Chapters 21, 22, 24, 26
Handouts on TWEN

Week 12 – November 7 – Local Housing Issues
Handouts on TWEN

Week 13 – November 14 – Preparation for In-Class Trial Practice Activity

Week 14 – November 21 –NO CLASS - THANKSGIVING

Week 15 – November 28 – In-Class Trial Practice Activity