2019 Landlord/Tenant Law and Practice

Adjunct Professor Roger Dyer  dyerr@mmls.org
Class Time: 5:30 – 7:10 p.m., Wednesdays  Office: 573-442-0116
Room:  Hulston Hall 3
Office Hours: As arranged

COURSE DESCRIPTION:

This course primarily focuses on litigation under the Missouri Landlord/Tenant laws 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 LEARNING OUTCOMES AND GOALS:

- Students will learn various laws and procedures relevant to Missouri residential landlord/tenant disputes.
- Students will learn various administrative procedure and policies regarding government funded residential housing.
- Students will learn various requirements for instituting and defending litigation arising as a result of a residential landlord/tenant relationship.
- Students will be exposed to basic trial skills associated with litigating a residential landlord/tenant dispute, including drafting of pleadings, engaging in settlement talks, preparing for trial and conducting trials.
- Students will be exposed to typical issues facing both landlords and tenants in and around their community.

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 at the beginning of each class. Therefore, it is your responsibility to be present and ready to begin class at the scheduled time.

Any student that misses 5 or more scheduled 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.
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 50% 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 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 legal practice exercises. 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 at the beginning of class. Additional information necessary to complete the assignments will be posted on TWEN within 24 hours after class. Assignments are graded on a 0-5 scale, with a 5 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 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 10%. More information will be provided as we get closer. Students must be in attendance for the two class periods (November 13 and November 20) 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 establish an accommodation plan with the MU Disability Center, S5 Memorial Union, 573-882-4696, and then notify me of your eligibility for reasonable accommodations. For other MU resources for persons with disabilities, click on "Disability Resources" on the MU homepage.
ACADEMIC DISHONESTY:

Academic integrity is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person’s work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The academic community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including failing the course for any violation, to disciplinary sanctions ranging from probation to expulsion. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, consult the course instructor.

INTELLECTUAL PLURALISM:

The University community welcomes intellectual diversity and respects student rights. Students who have questions or concerns regarding the atmosphere in this class (including respect for diverse opinions) may contact the departmental chair or divisional director, the director of the Office of Academic Integrity, the MU Equity Office, or equity@missouri.edu. All students will have the opportunity to submit an anonymous evaluation of the instructor(s) at the end of the course.

ACADEMIC INQUIRY, COURSE DISCUSSION AND PRIVACY:

University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in section 200.015 of the Collected Rules and Regulations. In this class, students may not make audio or video recordings of course activity, except students permitted to record as an accommodation under section 240.040 of the Collected Rules. All other students who record and/or distribute audio or video recordings of class activity are subject to discipline in accordance with provisions of section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

Those students who are permitted to record are not permitted to redistribute audio or video recordings of statements or comments from the course to individuals who are not students in the course without the express permission of the faculty member and of any students who are recorded. Students found to have violated this policy are subject to discipline in accordance with provisions of section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

SCHEDULE/READING ASSIGNMENTS:

**Subject to Change**

Week 1 – August 21 – Syllabus and Introduction to Landlord/Tenant Law
Read the syllabus
Locate the textbook on Westlaw and Read Chapter 1 – Frequently Asked Questions
Read and bring your lease agreement to class. If you are not a renter, get a lease from a friend or find one online.

Week 2 – August 28 – Introduction to Landlord/Tenant Law continued; Lease agreements
Read Chapters 2, 3 and 4 of the Missouri Practice: Landlord/Tenant Handbook 2018 (Mo. Prac.)
Read Missouri Revised Statutes 441.005, 441.020, 441.030, 441.120, 441.130, 441.220, 441.230, and 441.236
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 4 – Rent and Possession and Client Counseling/Interviewing
Read Mo. Prac. Chapters 6 and 7
Missouri Revised Statute Chapter 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, 534 S.W.3d 243
Handouts on TWEN

Week 4 – September 11 – Unlawful Detainer and Drafting Petitions
Read Mo. Prac. Chapter 8
Missouri Revised Statute Chapter 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 18 – Habitability, Repairs and Drafting Responsive Pleadings
Read Mo. Prac. Chapters 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, 553 S.W.3d 280
Handouts on TWEN

Week 6 – September 25 – 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, 524 S.W.3d 542
Missouri Supreme Court Rule 54
Handouts on TWEN

Week 7 – October 2 – 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 9 – 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
Handouts on TWEN

Week 9 – October 16 – Housing Discrimination; Domestic Violence and 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 23 – 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 30 – Preparing for Trial, Bench Trials and Appeals
Read MO Prac. Chapters 21, 22, 24, 26
Handouts on TWEN

Week 12 – November 6 – Local Housing Issues; Catch-up day (if necessary); Final Exam Review
Handouts on TWEN

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

Week 14 – November 20 – In-Class Trial Practice Activity

Week 15 – November 27 – No Class - Thanksgiving