A. **Assignment prior to first class:** Please write a note (about a page in length) giving me some biographical information about yourself, including: (1) where you’re from, (2) your background, (3) why you came to law school, (4) the most important thing you think you learned last semester; (5) what makes you happiest; and (6) any other information that will help me get to know you better. Submit this to me by e-mail at freyermuthr@missouri.edu **no later than 12 noon on Tuesday, January 18.**

B. **Assignment for Module A (Wednesday, January 19, 2022, and Friday, January 21, 2022).** Read Casebook pages 1-27 (up through and including Note 3, pages 26-27).

Students “on call” for Module A: Albers, Arrington, Babar, Bean

Here are the discussion prompts for class discussion:


2. The court in *Jacque v. Steenberg Homes* awarded the Jacques $0 in compensatory damages. Can you explain why? Did the Jacques actually suffer compensatory damages? If so, how should those damages have been measured, and why?

3. What’s the rationale behind the “sunbursting” principle discussed by the *Jacque* court (page 17)? Should the court have applied its analysis only prospectively (i.e., should it have refused to apply its analysis to the conduct of Steenberg Homes and instead have stated that its ruling would have only prospective effect to parties in future disputes)? Why or why not?

4. In *State v. Shack*, what is the court’s exact holding? What source of law does the court rely upon as the basis of this holding? Locate and identify the specific language in the court’s opinion on which you base your conclusion.

5. The court in *Shack* could have held that the migrant workers were “tenants” and that, as tenants, the migrants had a limited property right in Tedesco’s farm — including the right to receive guests. In fact, courts in other states that have addressed similar disputes involving migrant workers have done just that. See *State v. Fox*, 510 P.2d 230 (Wash. 1973); *Franceschina v. Morgan*, 346 F. Supp. 833 (S.D. Ind. 1972). Why didn’t the court in *Shack* do that? Why might the court in *Shack* have been reluctant to reach the conclusion that the migrant workers were tenants? [Hint: what other impacts might such a conclusion have had on the relationship between
Tedesco and the migrant workers?] What counterarguments, if any, might justify treating the workers as tenants?

6. What advice would you give to the following clients regarding the relevance and potential application of State v. Shack on the legal issues involved in their respective situations?

   a. Your client Lambert is an entrepreneur that wants to enter onto Tedesco’s farm (over his objection) to sell clothing to the migrant workers living there.

   b. Your client Freyermuth owns the Tar Heel Grill. He wants to know if he can refuse to serve Duke fans, and charge an additional $5 “nuisance fee” to patrons who bring their children.

   c. Your client Bennett wants to be able to play blackjack at the nearby casino, which has identified him as a known card counter and has refused to admit him to the casino.