Note that the first class meeting will be **Wednesday, January 22, 2020.**

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 21.

B. **Assignment for Class #1, Wednesday, January 22, 2020.** Read pages 1-10. Note 2 on pages 25-26, and pages 71-83. Then consider the following questions:

1. Once last year, Freyermuth took advantage of the fact that Litton left his office door open while teaching Criminal Law, went into Litton’s office, and took ten books from Litton’s bookshelf. Litton has now figured out what Freyermuth did, and has filed a lawsuit seeking to recover possession of the books. Because Litton is hopelessly disorganized, he can’t prove any of the books actually belong to him. He never keeps any receipts; he doesn’t even remember how or where he bought some of the books; a couple of the books are actually library books Litton had only borrowed. Nevertheless, the law will permit Litton to recover ALL of the books from me — even the ones he had only borrowed — as long as he can satisfy a court that the books had been in his “possession” before I took them.

   Why should the law protect Litton in this way (i.e., why should he only have to demonstrate prior “possession,” not “ownership”)? As a matter of policy, list what you would consider to be the advantages and disadvantages of such a rule.

2. In *Pierson v. Post*, both parties agree that the first person to possess the fox was the owners of the fox, but each party is claiming that they were “first” to “possess” the fox. Why does Pierson argue that the law should conclude that he was first to possess the fox? Why does Post argue that the law should conclude that he was first to possess the fox? In terms of the policies that the law might advance in resolving this dispute, which argument is more persuasive to you and why?

3. The dissenting judge (page 73, bottom) suggests that the law should resolve this dispute by reference to the prevailing custom of hunters (it “should have been submitted to the arbitration of sportsmen”). Why might a court use custom as a decision rule (i.e., as a rule of law for resolving the dispute)? If hunting customs in the area at the time in fact dictated that “hot pursuit” gave a hunter the right “to take an unimpeded first possession,” as Professor Richard Epstein has suggested (note 4, page 82), why did the court refuse to use that custom as the rule for deciding the case?
4. The hunt in *Pierson* took place on land that was “wild and uninhabited, unpossessed and waste land.” Imagine that the hunt had instead taken place on land owned by Post. Would that have mattered in terms of the result here? Why or why not? What additional information, if any, do you think would be relevant?

5. What’s the rationale for the “escape” rule described in note 6 on page 83? Assume that Litton has a profitable side business raising minks. What are the implications of the escape rule for Litton in terms of how he carries out his business? If one of the minks escapes and is later trapped by Mitchell, can Litton recover the mink from Mitchell? Why or why not? What additional information do you think would be relevant to this determination?