



SCHOOL of LAW

PROPERTY (B1)

Practice Question 1

This is the Cover Page.

- *Don't read the Question that follows until you're ready to do this Practice Question.*
- *You should also print out and read, before you start, all of the Instructions on the [Practice Questions page](#).*
- *Before you read the Question and begin to respond to it, review the materials in Sections [I.A.](#) and [I.B.1](#) of the Syllabus. There is no need to review the materials in Sections after [I.B.1](#).*
- *You should spend 60 minutes total:*
 - *15-20 minutes reading the Question and writing an outline of your answer*
 - *40-45 minutes writing your answer in essay form.*
- *This Question is open book.*
 - *In writing your outline and answer, you may consult any materials in written or digital form you wish. In other words, you may look at materials assigned or provided in this course this year, including the Casebook, as well as your own notes or briefs, and commercial outlines, whether in printed form or on your laptop.*
 - *You may not confer or work with anyone else while you write your outline and answer, or while you write your comments on the answer you are given to comment on, nor in preparation for doing either. Your outline and answer, and your comments, should represent your own efforts and no one else's.*
 - *You may not use any form of generative AI to produce your outline and answer. You may not use any form of generative AI to edit or revise your outline and answer.*

The following events take place in the hypothetical U.S. state of Cania, which generally follows the common law. Its courts look to judicial decisions elsewhere for guidance, but are not bound by them.

Amari owns Harvest Haven, a large farm in Cania. Amari lives in a large house in the northwest corner of Harvest Haven. Her house and yard are surrounded by a brick wall with a locked gate.

Each year from June through October, Amari hires migrant workers to harvest fruits and vegetables. The migrant workers live in barracks-like structures on her land during their employment. Each building has a long central hallway with small individual rooms on either side. The last room at the end of the hall in each building is a room with a sign, “Common Room.” It has a TV with basic cable programming and several chairs. There is free WiFi service in the barracks. The WiFi signal (which does not reach outside the barracks) is weak and not very reliable.

Harvest Haven has a small store near the farmworkers’ residences. It sells food and other items like soap, shampoo, and toothpaste. It also offers smart phones for \$60 and sells pre-paid cellular service plans starting at \$20/month with unlimited data.

The workers have Sundays off. Most have no cars; the few that do sometimes give rides to others. Public transportation is infrequent, but there is a regular Sunday morning public bus that runs to and from a small downtown area five miles away. There are two banks in town but since they’re closed on Sundays, the migrant workers can never do any business with them in person, including opening an account, unless they take a day off.

MintyMobile is a well-known social enterprise corporation. It is a profit-making business but includes philanthropy and social responsibility as one of its fundamental business purposes. MintyMobile has developed Vexel, a new smart phone priced at \$30. It has many features usually found only on more expensive phones. In addition, the Vexel comes with ear buds that also monitor vital health data such heart rate, blood pressure, blood sugar, and oxygen saturation, viewable on a free Vexel app. MintyMobile also offers an annual cellular service plan, 5x5 – 5G cellular service for \$5/month, with unlimited data.

At a press conference in Cania, MintyMobile announces that, once a month, it plans to send its staff to a migrant farms in Cania to offer Vexels and its 5x5 plan to the workers. “We aim to bring a vital service to a marginalized population. We’ll come Sunday afternoons when the employees have their day off,” the MintyMobile representative says. “We’ll offer the Vexel for \$15, half the usual retail price. And we’ll offer them our amazing 5x5 service plan, and waive the monthly \$5 charge for the time they’re working on a farm. Plus we’ve teamed up with our affiliate EasyBank to offer the migrant workers mobile-friendly online banking, with no minimum balance requirement, for only \$1/month.” The announcement gathers a lot of favorable press, and MintyMobile’s stock rises.

Amari rejects MintyMobile’s proposal. “I’m proud of how I treat my employees. Between my store and downtown, my employees can get everything they need,” she says. I don’t want a bunch of strangers coming here every month. Anyway, this farm is mine! I live here. *I* get to decide who comes to Harvest Haven and when. I shouldn’t have to answer to anyone about my decisions on that.”

MintyMobile brings suit against Amari in Cania state court. It seeks a ruling that it has the right to enter her property once a month on Sunday afternoons from June through October to offer Vexels, its 5x5 service, and EasyBank accounts.

You are a law clerk to the judge. “Interesting case,” she remarks. “We’ve never had one just like it in Cania. It raises some pretty fundamental questions about property.” She asks you to write a memo analyzing the issues the court should take into account. “Make sure you discuss the arguments on both sides and provide your recommendations as to how I should rule,” she adds.

Do an outline of your memo and then write the memo.