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The AALS Property Law Section Newsletter

AALS Annual Meeting San Francisco, CA
January 5-8, 2011

November 19, 2010

A Note from the Chair

Kali N. Murray, Chair, Marquette University School of Law

The state of the AALS Property Section is...strong! I have always wanted to say that, but as I look back at the work of this Section in 2010, it is a happy reality. The Property community continues to be energized this year as the Section engages with the ongoing and difficult task of re-thinking property law in light of any number of transformational challenges, including the ongoing crisis in the real estate transactional market, as well as the deepening scarcity of natural resources, such as water, climate, and oil. Our Section has taken the lead on examining these issues in 2010 in a number of different respects.

First, in January 2010, this Section, along with the Section on Real Estate Transactions, examined the ways in which real es-



Kali N. Murray, Marquette Univ. School of Law

tate transactions and property law could serve as agents of

“transformation.” The Indiana Law Review recently published contributions to a symposium issue on the same topic, which can be accessed at: <http://indylaw.indiana.edu/ilr/contents.cfm>. Contributors included Carol Brown, University of North Carolina, Steven J. Eagle, George Mason University School of Law, Robin Paul Malloy, Syracuse University School of Law, Rigel C. Olivieri, University of Missouri School of Law, and Aleatra P. Williams, Charleston School of Law. We want to highlight Ms. Williams’ work, Real Estate Markdown, Foreclosures and Tenants’ Rights, which was selected from a Section Call for Papers. In addition, the Section toured the Lower Mid-City

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Calendar of Property Law Section Events

The Section’s program in San Francisco in January, 2011 will offer several interesting programs for property professors. As there have been some requests for the relocation of meetings in nearby hotels, please check the program information in the AALS brochure for updates, but here are some of the highlights so far:

Wednesday, January 5, 2011

2:00 – 5:00 p.m.

- Joint Program of Sections on Agricultural Law and Property Law
Changing Conceptions of Water in the Law

Thursday, January 6, 2011

7:00 – 8:30 a.m.

- Section on State and Local Government Law Breakfast
- 8:00 a.m. – 5:00 p.m.
- Joint Program of Sections on Environmental Law and Natural Resources Law
Field Trip: Troubled Waters: Lessons from the Environmental and Development Conflicts on the San Francisco Bay Delta
- 10:00 a.m. – 1:00 p.m.
- Section on Real Estate Transactions Field Trip: Tour of LEED certified building (see page 7)

2:00 – 5:00 p.m.

- Joint Program of Sections on Real Estate Transactions and State and Local Government: Climate Change, the Green Building Movement, and Renewable Energy Sources: Transactional and Policy Implications

Friday, January 7, 2011

7:00 – 8:30 a.m.

- Section on Property Law Breakfast

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Thank You to Carol Necole Brown, Former Chair

Kali N. Murray, Chair, Marquette University School of Law

As an outgoing Chair, I wanted to say a special thanks to Carol N. Brown (University of North Carolina School of Law). Carol was a dynamic Chair during 2009-2010. She served on our Mid-Year Meeting Planning Committee as well as spearheaded projects such as our tour of Mid-City, New Orleans, our wonderful joint panel with Real Estate Transactions, and our presentations by young scholars. This is in addition to her recent scholarship on the intersection of the mortgage crisis and equity concerns. Carol, thus, continues the work of previous Chairs in placing the AALS Property Section amongst the most active and invigorated sections in the organization. Thanks, Carol!!!



Carol Necole Brown, Univ. of North Carolina-Chapel Hill School of Law

A Note from the Chair-Elect

Steven J. Eagle, Chair-Elect, George Mason University School of Law

Contemporary teachers of Property law live in interesting times, and our subject-matter area continues to be at the heart of some important long-term trends.

While integration of mortgage lending with international investment flows results in unarguable benefit to American homeowners, we painfully learned that it brings problems as well. Thinking beyond the immediate financial crisis, we must work towards balancing securitization and transaction speed with the need for prudent reserves and mortgage servicing that incorporates adequate discretion to deal with unexpected problems. We also must rethink the federal government's ill-fated experiment in providing affordable housing with off-budget financing through Fannie Mae and Freddy Mac. Increased government expenditures on housing seem unlikely. Indeed, some law professors are challenging the wisdom of substantial government support for homeownership.

A task force of the ABA Section of Real Property, Trust and Estate Law has completed a comprehensive survey of part-

ners in leading law firms, which confirms that practitioners do not think that law school graduates have acquired minimal competence in property law. This,



Steven J. Eagle, George Mason Univ. School of Law

coupled with the poor job market, might lead many mid-level law schools to rethink the reduction in hours in the first-

year property course, as well as the extent of our subordination of doctrine to theory.

This summer's AALS Workshop on Property, was very stimulating, and touched upon these issues and many more. Carol Brown, our immediate section past Chair was on the planning committee. Our current Chair, Kali Murray, was co-organizer of this year's AALS Section program, where, together with the Section on Agricultural Law, we will examine how shifts in our view of uses of water interact with legal rights in water. Arguments over water rights often proxy broader concerns, such as development versus sustainability.

I'm looking forward to serving as your Chair during the coming year. I hope that our Section will continue its meaningful role in the conversation about inevitable changes in the role of government and private institutions that affect property and property rights, and about changes in the legal profession that affect what we do in the classroom.

Property Law Section Events

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8:30 – 10:15 a.m.

- Section on Natural Resources Law, Co-Sponsored by Section on Environmental Law: New Voices on Cutting Edge Issues in Natural Resources and Environmental Law

10:30 a.m. – 12:15 p.m.

- Section on Trusts and Estates: Resolved: The Trust is Dead

4:00 – 5:45 p.m.

- Section on Environmental Law, Co-Sponsored by Section on Natural Resources Law: Raising a New Green Bar: Preparing Our Students for the Transforming Environmental Law Profession

Saturday, January 8, 2011

1:30 – 3:15 p.m.

- Section on Intellectual Property Law: Creativity and Creation in Intellectual Property



San Francisco, CA— site of the AALS 2011 Annual Meeting

A Note from the Chair

(cont. from page 1)

Neighborhood of New Orleans, to understand the practical consequences of real estate development within the context of a natural disaster. The Section also presented the works-in-progress of junior scholars, David Fagundes of Southwestern Law School and Alina Ng of Mississippi College of Law.



New Orleans, LA

Second, as detailed by our Secretary, Shelley Saxer, in more detail below, the AALS Workshop on Property this year focused on the ongoing mortgage crisis, as well as the challenges the current climate crisis pose to

existing property norms. Continuing the Section’s commitment to junior scholars, a works-in-progress roundtable was held on June 2010, featuring the works of David Fagundes, Alina Ng, Matthew J. Festa of South Texas Law School, Elizabeth Glazer, Hofstra University Law School, Jeffery Jones, Lewis and Clark Law School, James Kelley, Jr., University of Baltimore Law School, Melinda Molina, St. John’s University, Timothy Mulvaney, Texas Wesleyan University School of Law, Jessica Owley Lippman, Pace University School of Law, Erin Ryan, College of William and Mary Marshall Whythe School of Law, and Kenneth Stahl, Chapman University School of Law. Our Section’s commitment to its junior scholars has truly been an inspiration to me in my work as Chair.

Finally, I am excited to announce our Joint Program with the Agricultural Section for January 2011, *Changing Concepts of Water in the*

Law. David Myers, the Chair of the Agricultural Section and I have conceived of it a tribute to Dean and Professor John E. Cribbet and will build upon his important study on *Changing Concepts in the Law of Land Use*, 50 IOWA LAW REVIEW 245 (1965). Changing conceptions of water in the law is a particularly relevant topic as recent events in a variety of areas suggest that water law is undergoing significant doctrinal change within domestic (municipal, state and regional) contexts, as well as in the international arena.

The program is divided into two panels. The first panel will examine both existing norms in water law and concepts in transition. The second panel will focus on concepts for the future. Each panel seeks to provoke a wide-ranging discussion on the core concepts of "water law" and how those core concepts are shifting in light of water law's increasing integration into other areas of the law, such as indigenous rights, urban planning and design, natural resources and environmental law. Our current line-up for the "present" panel is Barton "Buzz" Thompson, Stanford Law School, Joseph Dellapenna, Villanova University School of Law, Noah Hall, Wayne State University Law School and Shelley Saxer (whose paper was selected from our Section’s Call from Papers), Pepperdine University School of Law. Our current line-up for the "future" panel is Sandra Zellmer, University of Nebraska School of Law, J. Gordon Hylton, Marquette University Law School, Asmara Tekle, Texas Southern University Thurgood Marshall School of Law and Kapua Sproat, University of Hawaii at Manoa, William S. Richardson School of Law. The proceedings will be published in a symposium issue contained within the Marquette Law Review in Fall 2011.

In closing, it has been an honor to serve as Chair this year as the AALS Section continues its exciting work within Property Law.

AALS Platform and Online Resources for Property Professors

Shelley Ross Saxer, Secretary, Pepperdine University School of Law

The Property Section is still looking for help in activating the AALS platform to serve the Property Section membership. If anyone is interested in this project, please contact Chair Kali Murray for possible nomination to the section's Executive Committee.

There are several other helpful list serves and blogs available to property law professors. I have listed some of the popular ones below, although I'm sure there are some I have missed. It would be ideal if we could use the AALS Platform to access these other sites so that joining the AALS Property Section would automatically give professors the opportunity to participate in these valuable sites.

DIRT The Real Estate Lawyers Listserve run by Patrick Randolph at UMKC Law School <http://listserv.umkc.edu/scripts/wa.exe?SUBED1=DIRT&A=1>

PropertyProf – AALS Property Professors Discussion List run by Megan Ballard at Gonzaga Law School and Dee Barker at Washburn Law School <http://lists.washlaw.edu/mailman/listinfo/propertyprof/>

PropertyProf blog run by D. Benjamin Barros at Widener <http://lawprofessors.typepad.com/property/>

Property Professor Conferences

Date(s) of Conference:

February 25, 2011

March 3 – 4, 2011

March 4 – 5, 2011

Tribes, Land, and the Environment

Location:
American University
Washington College of Law
Washington, D.C.
<http://www.wcl.american.edu/events/tle/>

20th Annual Land Use Conference
Change and Continuity in the Rocky Mountain Landscape: Past, Present, and Future

Location:
University of Denver
Sturm College of Law
Denver, C.O.
<http://www.law.du.edu/index.php/rmlui>

Association for Law, Property and Society (ALPS) 2nd Annual Meeting

Location:
Georgetown Law School
Washington, D.C.
<http://www.alps.syr.edu>

PUBLIC SERVICE ANNOUNCEMENT

Free Online Tutorials

Estate System and Basic Future Interests
for first year Property

“The Estate System” and “Basic Future Interests” are free online tutorials that present the traditionally “difficult” estates material in a steady progression of easily absorbed bite-sized portions. As such, they provide a relatively quick and painless, yet thorough presentation of these subjects.

Along with a set of online “drill” questions, these tutorials provide student with a helpful learning

supplement for the first-year Property course and review for upperclass courses. For professors they can shorten and even potentially eliminate the class time needed on estates and future interests in the first-year Property course.

This online presentation of the common-law estate system and future interests is absolutely free and is not connected with any revenue-generating venture. The goal is simply that students of property law benefit from using them.

The Estate System and Basic Future Interests can be accessed free at: www.humbach.net or at www.propertylessons.com

Recent Scholarship by Section Members

Shelley Ross Saxer, Secretary, Pepperdine University School of Law

Special thanks to Property Section members who shared their most recent publications for 2009-2010, as well as their forthcoming publications. We had a terrific response and, as you will see from the information below, our section members are active in a variety of legal scholarship. I personally enjoyed having the opportunity to speak with many of you via email and I am honored to have had the opportunity to serve as the section's secretary for this year.

The Property Section is a very productive group of scholars! Thank you for all you do to enhance legal scholarship and the education of our students.



Shelley Ross Saxer, Pepperdine Univ. School of Law

Owen L. Anderson (University of Oklahoma College of Law). *INTERNATIONAL PETROLEUM TRANSACTIONS* (3d ed. 2010) (co-author); *Introduction: North Dakota's Energy Landscape*, 85 N.D. L. REV. 715 (2010); *Lord Coke, the Restatement, and Modern Subsurface Trespass Law*, in 57th ANN. INST. ON MIN. L. 22 (2010); *Subsurface "Trespass": A Man's Subsurface is Not His Castle*, 49 WASHBURN L.J. 247 (2010); *INTERNATIONAL PETROLEUM EXPLORATION AND EXPLOITATION AGREEMENTS* (2009) (author of two chapters); *From Summer of Optimism to Summer of Despair*, OIL, GAS & ENERGY L., SEPT. 2010, <http://www.ogel.org/article.asp?key=3027>; *Subsurface Trespass After Coastal v. Garza*, 60 INST. ON OIL & GAS L. & TAX'N 65 (2009); *Geologic CO₂ Sequestration: Who Owns the Pore Space*, 9 WYO. L. REV. 97 (2009).

Tony Arnold (University of Louisville Brandeis School of Law). *FUNDAMENTALS OF MODERN PROPERTY LAW* (6th ed. forthcoming 2011) (with Edward H. Rabin, Roberta Rosenthal Kwall, & Jeffrey L. Kwall); *Sustainable Webs of Interests: Property in an Interconnected Environment*, in *PROPERTY RIGHTS AND SUSTAINABILITY: THE EVOLUTION OF PROPERTY RIGHTS TO MEET ECOLOGICAL CHALLENGES* (David Grinlinton & Prudence Taylor, eds., 2010); *Legal Castles in the Sand: The Evolution of Property Law, Culture, and Ecology in Coastal Lands*, 61 SYRACUSE L. REV. (forthcoming 2010-11); *Adaptive Watershed Planning and Climate Change*, 5 ENVTL. & ENERGY L. & POL'Y J. (forthcoming 2010); *Law's Adaptive Capacity and Climate Change's Impacts on Water*, 5 ENVTL. & ENERGY L. & POL'Y J. (forthcoming 2010); *Exemplary Research in Environmentally Responsible Land Use*, 22 SUSTAIN: J. ENVTL. & SUSTAINABILITY ISSUES 2 (2010); *A Voice Is a Terrible Thing to Waste: People Working for Environmental Justice in Their Backyards Speak for Themselves*, PLANNING 39 (2010) (with Carol Norton); *The Structure of the Land Use Regulatory System in the United States*, 22 SUSTAIN: J. OF ENVTL. & SUSTAINABILITY ISSUES 36 (2010); *KENTUCKY WET GROWTH TOOLS FOR SUSTAINABLE DEVELOPMENT: A HANDBOOK ON LAND USE AND WATER FOR KENTUCKY COMMUNITIES* (2009) (with Carol Norton & Dustin Wallen); *Water Privatization Trends in the United States: Human Rights, National Security, and Public Stewardship*, 33 WM. & MARY ENVTL. L. & POL'Y REV. 785 (2009).

Richard C. Ausness (University of Kentucky College of Law). *The Role of Trust Protectors in American Trust Law*, 45 REAL PROP., TR., & EST. L.J. 320 (2010).

Lisle Baker (Suffolk University Law School). *My Tree Versus Your Solar Collector or Your Well Versus My Septic System? -- Exploring Responses to Beneficial but Conflicting Neighboring Uses of Land*, 37 B. C. ENVTL. AFF. L. REV. 1 (2010).

D. Benjamin Barros (Widener University School of Law). *The Complexities of Judicial Takings*, 45 U. RICH. L. REV. (forthcoming 2011); *HERNANDO DE SOTO AND PROPERTY IN A MARKET ECONOMY* (2010) (edited volume); *Toward a Model Law of Estates and Future Interests*, 66 WASH. & LEE L. REV. 3 (2009); *Legal Questions for the Psychology of Home*, 83 TULANE L. REV. 645 (2009); *Property and Freedom*, 4 N.Y.U. J. L. & LIBERTY 36 (2009).

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Report on the Mid-Year Meeting Workshop on Property in New York City, June 10-12, 2010

Shelley Ross Saxer, Pepperdine University School of Law

Kudos to Professor Vicki L. Been, New York University School of Law, who served as the Chair of the Planning Committee for the AALS Workshop on Property! Through her leadership and the hard work of committee members Carol N. Brown, University of North Carolina School of Law, Eduardo Moises M. Penalver, Cornell Law School, Joseph W. Singer, Harvard Law School, and Alfred Chueh-Chin Yen, Boston College Law School, the mid-year workshop was a lively and engaging gathering of property scholars. We started the day with the combined talents of Professors Brophy, Smith, Sterk, and Van Houweling, and heard some great ideas as to what we should be including in our first year property law courses and how we might use concepts such as intellectual property and natural resources to enrich the course.

We continued into the morning with a reflective view of the future of home ownership by Professor Lee Fennell and a discussion of mortgage securitization by Professor McCoy. Our lunch was enriched by Professor Jedediah Purdy from Duke, who spoke about “The Norms Underlying the Mortgage Crisis,” and the afternoon breakout sessions brought us more great information about regulating risk, the subprime mortgage crisis, and the political economy of home ownership.

I trust that most all of you enjoyed Friday night in the city. I waited in the TKTS line and scored a great seat for the South Pacific revival. Of course,

our early evening joint reception for property and civil procedure professors was nicely attended and I enjoyed a glass of wine and a chance to talk to Peter Byrne.

Saturday’s sessions on the mortgage crisis and global warming were equally filled with innovative and inspiring presentations and discussions. The lunch roundtables were particularly effective and I



New York City, NY

enjoyed the opportunity to hear from Professor Stahl at Chapman about his work. As always, I was humbled by the extraordinary work of my Property Law colleagues. The schedule and list of presenters and moderators was a “who’s who” list of the academy’s finest and I was excited to sit at the feet of our senior and junior scholars. Thank you, AALS, under the leadership of Susan Prager, for all you do to help us connect.

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David M. Becker (Washington University in St. Louis School of Law). *Teaching Teachers About Teaching Students*, 87 WASHINGTON U. L. REV. 1105 (2010).

Andrew Beckerman-Rodau (Suffolk University Law School). *A CONCISE GUIDE TO THE NUTS AND BOLTS OF ESTATES AND FUTURE INTERESTS* (2d ed. 2010).

Steven W. Bender (University of Oregon Law School). *TIERRA Y LIBERTAD: LAND, LIBERTY, AND LATINO HOUSING* (2010).

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Tour of San Francisco's first LEED Gold office tower

R. Wilson Freyermuth, University of Missouri School of Law

This year's Real Estate Transactions Section AALS field trip will be a visit to 555 Mission Street, San Francisco's first LEED Gold office tower. It is a multi-tenanted, 34 floor office building completed in 2008 which is at the forefront of global green building. The developer, Tishman Speyer, will escort us on a tour of the building. We will discuss the impact of green building and of the LEED process on leasing, various forms of documentation, design and construction. And we will also look forward to the opportunity to hear from tenants (including DLA Piper's Angela Vargas and Mike Saad of Gibson, Dunn & Crutcher) about their experience in San Francisco's first LEED gold core and shell building.



555 Mission St, San Francisco

The field trip will be on Thursday morning, January 6, 2011. We will convene at 9:55 a.m. in the Main Lobby of the Hotel Nikko, 222 Mason. Based upon the weather and individual preferences, we will walk to 555 Mission Street or take cabs (the walk is about

0.8 miles); you may wish to bring along cash for cab fare if you decide to take a cab. Representatives of Tishman Speyer will meet us in the lobby at 555 Mission Street at 10:30 a.m. to lead the tour and address questions.

At 11:35, we will leave for our section's traditional "dutch treat" lunch at a nearby restaurant and will return in time for the Section program which begins at 2:00 p.m.

Please RSVP to either Carol Brown (carol_brown@unc.edu), Danny Bogart (bogart@chapman.edu), or Wilson Freyermuth (freyermuthr@missouri.edu). So that we can make the necessary lunch arrangements, in your RSVP, please indicate whether you will join us for the tour and lunch, or only for the tour.

If you are interested in learning more about Tishman Speyer and 555 Mission Street, consider visiting the following websites:

<http://www.555missionst.com/index.html>

<http://www.jetsongreen.com/2007/10/san-franciscos-.html>

<http://sanfrancisco.bizjournals.com/sanfrancisco/stories/2009/03/30/focus5.html>

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Roger Bernhardt (Golden Gate University School of Law). *California's New Definition of Purchase Money*, THE ABSTRACT, Fall 2010, at 4; *How Scary Is Stop the Beach Renourishment?*, CAL. REAL PROP. L. REP., Sept. 2010; *Will there be a New Definition of "Purchase Money,"* CAL. REAL PROP. L. REP., July 2010; *Crooked Originators and Cruel Insurers*, THE ABSTRACT, Spring 2010, at 9; *The Cost of Free Looks*, CAL. REAL PROP. L. REP., May 2010; *If You are Unlucky Enough to Be a Judgment Creditor, At Least Be Judicious*, CAL. REAL PROP. L. REP., March 2010; *The Cost of Defaulting*, CAL. REAL PROP. L. REP., Jan. 2010; *Brokers' Commissions Under Conditional Contracts*, CAL. REAL PROP. L. REP., Nov. 2010; *The Endangered Future of Affordable Housing Exactions*, AM. COLLEGE REAL EST. LAW. NEWSL., Fall 2009, at 7 (with David Callies); *Bad Timing For Deeds In Lieu*, THE ABSTRACT, Fall 2009, at 4; *Hiding A Mortgage Too Well*, CAL. REAL PROP. L. REP., Sept. 2009; *Simultaneous Priority*, THE ABSTRACT, Spring 2009, at 8; *Exactions or Extortions?*, CAL. REAL PROP. L. REP., May 2009 (with David Callies); *Marriage, Money, Notice, and Presumptions*, CAL. REAL PROP. L. REP., March 2009; *Unavoidable Difficulties in Drafting Easements*, CAL. REAL PROP. L. REP., Jan. 2009; PROPERTY: CASES AND STATUTES (2d ed.) (2009) (with Joyce Palomar & Patrick Randolph, Jr.).

Gerry Beyer (Texas Tech University School of Law). FAT CATS & LUCKY DOGS—HOW TO LEAVE (SOME OF) YOUR ESTATE TO YOUR PET (2010) (with Barry Seltzer); BEYER'S TEXAS PROPERTY CODE ANNOTATED—2010 EDITION (2010); *Wills & Trusts*, 63 SMU L. REV. 865 (2010).

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Barbara L. Bezdek (University of Maryland School of Law). HOUSING & COMMUNITY DEVELOPMENT (4th ed. forthcoming 2010) (with James A. Kushner, Charles E. Daye, Peter W. Salsich, Henry W. McGee Jr., W. Dennis Keating, Robert Washburn, Otto J. Hetzel, & Daniel R. Mandelker); *Community Development*, in HOUSING & COMMUNITY DEVELOPMENT (4th ed. forthcoming 2010); *Putting Community Equity in Community Development: Resident Equity Participation in Urban Redevelopment*, in AFFORDABLE HOUSING AND PUBLIC-PRIVATE PARTNERSHIPS (Robin Paul Malloy & Nestor Davidson, eds., 2009).

Michael Blumm (Lewis and Clark Law School). *Background Principles, Takings, and Libertarian Property: A Reply to Professor Huffman*, 37 ECOLOGY L.Q. (forthcoming 2010) (with J.B. Ruhl); *The Florida Beach Case and the Road to Judicial Takings*, <http://ssrn.com/abstract=1669707> (2010) (with Elizabeth B. Dawson); *Present At the Creation: The 1910 Big Burn and the Formative Days of the U.S. Forest Service*, 37 ECOLOGY L.Q. (forthcoming 2010) (book review); *Reserved Water Rights*, in WATERS AND WATER RIGHTS (3d ed. 2010); *2010 Teachers Update*, in NATIVE AMERICAN NATURAL RESOURCES LAW (2d ed. 2008) (with Judith Royster).

Kristi L. Bowman (Michigan State University College of Law). EDUCATIONAL POLICY AND THE LAW (5th ed. forthcoming 2011) (with Mark Yudof, David Kirp, Betsy Levin, Rachel Moran, and James Ryan); *Before School Districts Go Broke: A Proposal for Federal Reform*, 79 U. OF CIN. L. REV. (forthcoming 2011); *Pursuing Educational Opportunities for Latino/a Students*, 88 N.C. L. REV. 913 (2010); *The Civil Rights Roots of Tinker's Disruption Tests*, 57 AM. U. L. REV. 1129 (2009); *A New Strategy for Pursuing Racial and Ethnic Equality in Public Schools*, 1 DUKE FORUM FOR L. & SOCIAL CHANGE 47 (2009).

Alfred Brophy (University of North Carolina-Chapel Hill School of Law). INTEGRATING SPACES: PROPERTY LAW AND RACE (Aspen Hill, forthcoming 2010) (with Alberto Lopez and Kali N. Murray).

Sara Bronin (University of Connecticut School of Law). *Curbing Energy Sprawl*, 43 CONN. L. REV. (forthcoming 2010); *Modern Lights*, 80 CONN. L. REV. 881 (2009); *Solar Rights*, 89 B.U. L. REV. 1217 (2009), reprinted in 2010 PLANNING & ZONING HANDBOOK (Patricia E. Salkin, ed., 2010); reprinted in K.K. DUVIVIER, RENEWABLE ENERGY READER (forthcoming 2011).

Carol Necole Brown (University of North Carolina School of Law). *Rethinking Adverse Possession: An Essay on Ownership and Possession*, 60 SYRACUSE L. REV. 583 (2010) (with Serena M. Williams); *Women and Subprime Lending: An Essay Advocating Self-Regulation of the Mortgage Lending Industry*, 43 IND. L. REV. 1217 (2010); *Intent and Empirics: Race to the Subprime*, 93 MARQ. L. REV. 908 (2010); LANDLORD AND TENANT LAW IN A NUTSHELL (5th ed. forthcoming, 2011) (with David Hill); PLANNING AND CONTROL OF LAND DEVELOPMENT: CASES AND MATERIALS (8th ed. forthcoming, 2011) (with Daniel R. Mandelker, Peter W. Salsich, Jr., Nancy E. Stroud, Stuart Meck, Dwight Merriam, & Julie A. Tapendorf).

Ann M. Burkhardt (University of Minnesota Law School). *Bringing Manufactured Housing Into the Real Estate Finance System*, 37 PEPP. L. REV. 427 (2010); REAL ESTATE TRANSFER, FINANCE, AND DEVELOPMENT (8th ed. 2009) (with Grant Nelson, Dale Whitman & Wilson Freyermuth); FUNDAMENTALS OF PROPERTY LAW (3d ed. 2010) (with Barlow Burke & Richard Helmholz); REAL PROPERTY IN A NUTSHELL (6th ed. 2010) (with Roger Bernhardt).

David L. Callies (University of Hawai'i) REGULATING PARADISE: LAND USE CONTROLS IN HAWAI'I (2nd ed. 2010)

Angela Carmella (Seton Hall University School of Law). *Religion-Free Environments in Common Interest Communities*, 38 PEPP. L. REV. (forthcoming 2010-11); *Symbolic Religious Expression on Public Property: Implications for the Integrity of Religious Associations*, 38 FLA. ST. U. L. REV. (forthcoming 2011).

Kristen A. Carpenter (University of Colorado School of Law). *Property and Peoplehood*, in THE POWER OF PEOPLEHOOD: REGENERATING INDIGENOUS NATIONS (J. Corntassel & T. Holm eds., forthcoming 2011); *Lyng v. Northwest Indian Cemetery Protective Association: Challenging the Narrative of Conquest*, in INDIAN LAW STORIES (C. Goldberg et al. eds., forthcoming 2011) (with A. Bowers); *Geyla Frank and Carole Goldberg's Defying the Odds: The Tule River Tribe's Struggle for Sovereignty in Three Centuries*, AM. INDIAN Q. (forthcoming 2011) (book review); *Clarifying Cultural Property*, 17 INT'L J. OF CULTURAL PROP. 581 (2010) (with S. Katyal & A. Riley); *In Defense of Property*, 118 YALE L.J. 1022 (2009) (with S. Katyal & A. Riley).

Jeanne Carriere (Tulane Law School). Revision of YIANNOPOULOS' CIVIL LAW PROPERTY COURSEBOOK (9th ed. 2009) (co-editor, with Dian Tooley-Knoblett & J.R. Trahan).

Richard H. Chused (New York Law School). *Courts and Temperance "Ladies"*, 23 YALE J. L. & FEMINISM 339 (2010); CASES, MATERIALS AND PROBLEMS IN PROPERTY (3d ed. 2010).

Carl J. Circo (University of Arkansas School of Law). *Does Sustainability Require a New Theory of Property Rights?*, 58 KAN. L. REV. 91 (2009); *Should Owners and Developers of Low-Performance Buildings Pay Impact or Mitigation Fees to Finance Green Building Incentive Programs and Other Sustainable Development Initiatives?*, 34 WM. & MARY ENVTL. L. & POL'Y REV. 55 (2009); *Real Estate Project Valuation and Underwriting—A Primer*, ARK. L. NOTES 177 (2010).

Stephen Clowney (University of Kentucky). *Property in Law*, 72 OHIO ST. L.J. (forthcoming 2011); *Invisible Businessman: Undermining Black Enterprise with Land Use Rules*, 2009 U. ILL. L. REV. 1061 (2009).

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