

The **NEWSLETTER** of the **AALS** Section on Real Estate Transactions

AALS Annual Meeting
San Francisco, California

January 4–8, 2011

2011 Annual Meeting Program

R. Wilson Freyermuth, Section Chair
University of Missouri

Greetings to my colleagues in the Real Estate Transactions Section! I hope that you are having a productive and enjoyable semester.

I also hope that you will be able to join us in San Francisco for the 2011 AALS Meeting. This year, our Section will renew its tradition with another outstanding field trip. Our Chair-Elect Carol Brown has arranged for us to tour 555 Mission, which was the first LEED-certified office building in San Francisco. You'll find further information about this field trip, which takes place on Thursday morning, **January 6, 2011**, below.

We also have an outstanding program, "Climate Change, Green Building Standards, and Renewable Energy Sources: Transactional and Policy Implications," which will be held from 2 to 5 p.m. on Thursday afternoon. This program is being co-sponsored with the State and Local Government Section. Speakers were

selected from a Call for Papers, and papers will be published in *The Urban Lawyer*.

The program will be broken into two panels. **Panel 1** will address the "green building" movement, focusing upon its implications both for the negotiation and documentation of real estate transactions and for the content and enforcement of land use regulations. This panel, moderated by me, will include presentations by:

- **Carl J. Circo** (Arkansas)
"Allocating Green Building Risks in Construction and Design Contracts"

Using the lens of design and construction law theory, Professor Circo will examine project structures and contract provisions being used or proposed in the design and construction industry to allocate the

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Section Field Trip: 555 Mission Street in Downtown San Francisco

Carol Necoie Brown, Section Chair-Elect
University of North Carolina

Iam very pleased to announce to the members of the AALS Section on Real Estate Transactions that the site of our 2011 AALS Annual Meeting field trip is 555 Mission Street in downtown San Francisco. This field trip is especially exciting because it complements the topic of our Section program, "Climate Change, the 'Green Building' Movement, and Renewable Energy Sources: Transactional and Policy Implications."

555 Mission Street was completed in 2008 and is San Francisco's first LEED Gold office tower. It is a multi-

tenanted, 34 floor office building which is at the forefront of global green building. The developer, Tishman Speyer, will escort us on a tour of the building. We will have access to vacant space as well as to the DLA Piper and Gibson Dunn office spaces.

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

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2011 Annual Meeting Program

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special risks associated with green building standards and objectives, with a special focus upon how well some leading proposals adhere to the principle that contractual responsibility should generally be allocated to the contracting party most able to manage the associated risks.

- **James C. Smith** (Georgia)
“The Green Home Movement: How Should We Define and Regulate ‘Green Homes,’ Encourage Their Production, and Protect Purchasers and Residents?”

Professor Smith will provide an overview of major issues of importance for green homes, including: How should we define “green homes”? Who should set standards for “green homes,” and should standards vary based upon the type of housing? Do municipal regulations facilitate or inhibit the development of green homes? What is the relationship between the “green home” movement and affordable housing, and what is the role of manufactured housing in this movement? Are there adequate protections for purchasers/tenants of properties being marketed as “green”?
- **Ngai Pindell** (Nevada-Las Vegas)
“Climate Change and Affordable Housing: Planning Development to Reduce Greenhouse Gas Emissions”

Professor Pindell will focus upon the interaction between climate change policy and affordable housing policy, using the March 2010 decision in *Urban Habitat Program v. City of Pleasanton* as a case study.
- **Michael Wolf** (Florida)
“Incorporating Green Building Standards into Local Land Use Regulations: A Word (or Two) of Caution About ‘Green Zoning’”

Professor Wolf will explore whether industry-developed standards are appropriate as a foundation for land use regulations, including whether green building standards are consistent with good planning practices; whether local officials are up to the task of administering green zoning; whether state or local standards make better sense; and what role builders, architects, and industry experts should play in shaping zoning ordinances.

Panel 2 will address the transactional and policy implications of the renewable energy movement, will be moderated by Patricia Salkin (Albany), and will include presentations by:

- **Sara Bronin** (Connecticut)
“Fighting Energy Sprawl with Microgrids”

Professor Bronin will focus on “energy sprawl”—the phenomenon of increasing consumption of land for the siting of energy-generation facilities. She will discuss the potential role of the alternative energy microgrid—small-scale distributed generation between neighbors for energy derived from solar collectors, wind power systems, microturbines, geothermal wells, and fuel cells — in addressing the problem of energy sprawl, and will focus upon the existing regulatory, political, and economic barriers to microgrid development.
- **Ron Rosenberg** (William and Mary)
“Looking Backwards: How Well Do Wind Power Siting Procedures Predict Effects?”

Professor Rosenberg will identify a series of communities that were approved for the construction of wind energy plants over the past decade, evaluating (a) how effective the siting was in predicting likely harmful/beneficial effects, (b) how proponents/opponents view the siting decision in retrospect, and (c) how much (if any) follow-up impact assessment was done by regulatory bodies to mitigate any harms that have arisen.
- **Troy Rule** (Missouri)
“Airspace Rights in a Green Economy”

Professor Rule will discuss the ways in which some renewable energy and green building policies are undermining existing airspace rights. He will identify and address the contexts in which he believes that the balancing of existing airspace interests with the furthering of sustainability goals would be better advanced through either injunctive relief, damages awards, and/or differential taxation.

This should be an excellent program, and I hope that you will make plans to join us in San Francisco!



Teaching Real Estate in the 2L and 3L Years: ABA and ACREL Initiatives

R. Wilson Freyermuth, Section Chair

University of Missouri

As most of you know, in 2007, the Property Curriculum Task Force of the ABA Real Property, Trust and Estate Law (RPTE) Section made a number of recommendations regarding the shrinkage of the 1L Property course and the de-emphasis on real estate transactions in the 1L course. These recommendations included: (1) preserving the credit value of the 1L Property course; (2) reducing coverage of estates and future interests; (3) continuing coverage of real estate transactions; and (4) a greater commitment to scholarship in the real estate transactions field. [A summary of the Task Force's curriculum review data and its recommendations appears in Roger Bernhardt & Joanne Martin, "Teaching the Basic Property Course in U.S. Law Schools," *Probate & Property* (Sept./Oct. 2007) at 36.]

The RPTE Legal Education Committee will continue to call attention to the recommendations of the Property Curriculum Task Force and encourage schools to embrace those recommendations. At the same time, members of the RPTE Legal Education Committee (which includes many full-time professors) realize that given existing curricular trends and faculty politics, very few schools are likely to re-expand the first-year Property course or to restore coverage of real estate transactions and mortgage financing to that course. As a result, the RPTE Legal Education Committee also wants to direct efforts toward encouraging the teaching of real estate transactions and finance in the upper level curriculum.

Coincidentally, during the past year, the American College of Real Estate Lawyers (ACREL) has appointed a Law School Teaching Working Group from within ACREL's membership. This ACREL Working Group, co-chaired by Professor Carl Circo (Arkansas), was created to facilitate better communication and information sharing between ACREL members who teach in law schools (either as regular faculty or adjuncts) and to encourage and facilitate the teaching of real estate courses in law schools.

In September 2010, the ACREL Working Group held a conference call with members of the RPTE Legal Education Committee, and members of the AALS Real Estate Transactions Section participated in this call. Brainstorming during this conference call produced a number of potential ideas for cooperative efforts between the three groups, including:

- Creating a bank of instructional materials—including course syllabi, examinations, drafting problems, and form documents—that would be accessible not only to ACREL members that teach as adjuncts, but also to AALS Real Estate Transactions section members
- Creating a list of ACREL members that could be available for adjunct teaching in law schools, as well as for guest lecturing (either in-person or by electronic conferencing, and either generally or by specific subject matter)
- Creating one or more formal ACREL liaisons with the AALS Real Estate Transactions Section, who could assist the Executive Committee with field trip and program planning at AALS Annual Meetings (or, as appropriate, at mid-year meetings)
- Creating opportunities for ongoing dialogue between ACREL's adjunct teachers and full-time AALS professors, including the possibility of teleconferences and/or in-person conferences on real estate teaching

In addition, the ACREL Working Group is also looking for creative ideas for how ACREL might help to encourage more scholarship within the field of real estate transactions and finance.

The ACREL Working Group has extended an invitation for members of the AALS Real Estate Transactions Section to participate in its meetings and activities (even for those who may not be ACREL members). These meetings, which will usually occur by conference call, will provide a GREAT opportunity for our Section's members to make themselves better known to the membership of ACREL.

If you would like to participate in these efforts, please contact Professor Circo (ccirco@uark.edu) or me (freyermuthr@missouri.edu) to get placed on the distribution list for minutes and meeting notices. Furthermore, ACREL has already begun to assemble instructional materials, so if you have either course syllabi, exams, drafting problems, form documents, or other materials you are willing to share, please send them to Professor Circo.



Incorporating Skills and *Pro Bono* Work into the Upper-Level Real Estate Course

Debra Poggrund Stark, Section Secretary

The John Marshall Law School

At The John Marshall Law School, like many other law schools, the faculty voted to reduce the Property course from six to four hours causing fewer real estate topics to be able to be covered in the Property course. Fortunately, our Real Estate Transactions course is very popular with our students and many students take this elective course because they are advised that it is highly practical and covers important bar topics. Because we also offer a separate Commercial Real Estate course (and an entire LLM in Real Estate), the JD-level Real Estate course we offer uses the residential deal as a model for teaching real estate-related laws. Focusing on the residential deal makes sense also because Illinois is among a dozen states where buyers of homes typically hire attorneys to review the purchase contracts they enter into subject to an attorney approval contingency. Consequently, students can take what they learn in class to provide real assistance to home buyers not only at the closing stage but at the contract formation stage when the buyer's rights and obligations are created or altered. When a buyer is not represented, especially in the context where the seller is a developer, it is possible the contract will alter the buyer's rights in unfair ways—and this concern has been shown to be accurate based upon an empirical study of developer form purchase agreements I recently completed. In this study we found that 65% of the developer form contracts we randomly reviewed (based upon property report filings over a five-year period in Chicago) contained clauses that limited the buyer's remedy upon seller's default to termination of the contract and return of the buyer's earnest money, with no right to damages or specific performance. A table with some additional findings from two empirical studies we ran that provides evidence of a need for home buyers to be represented by an attorney can be found on page 7.

In order to incorporate transactional skills into the Real Estate Transactions course, I initially supplemented the standard casebook I used with certain of the key legal documents students needed to be familiar with in order to represent home buyers and sellers. The supplements included examples of the purchase contract, title commitment, survey, and basic closing documents (bill of sale, warranty deed, affidavit of title, RESPA statement, and closing statement). Eventually, I created my own textbook (*Residential Real Estate Law: A Transactional Skills Analysis*, published by Carolina Academic Press in 2004) that covers the topic of real estate through the life cycle of several types of residential deals based on actual deals (detached home in a common interest community, an owner-occupied three-flat apartment building, a rehabbed apartment building converted into a condominium, and a newly constructed condominium).

The textbook I use contains summaries of the relevant laws that arise at the various stages of a home purchase deal and I have supplemented these summaries with cases that add more meat to the bare boned summaries; but a main focus of the textbook is to provide the students with exercises designed to introduce the students to “transactional skills.” I define these skills as:

- (i) learning what your client's goals and special needs are (including anything that has been orally promised to them relating to the deal)
- (ii) identifying any impediments to your client achieving these goals through your review of the contract terms and your understanding of applicable laws and customs
- (iii) creating ways to avoid or reduce these impediments through modifying the contract terms or engaging in further due diligence
- (iv) negotiating and drafting changes to the contract or engaging in further due diligence

The students using my textbook and supplemental materials have worked through problems where they exercise an attorney approval clause, review a title commitment and survey, respond to zoning and building code violations and lead based paint problems, review a TILA and HUD-1 Settlement Statement to detect if a loan is overpriced, and review the basic closing documents to ensure that they are consistent with what was bargained for in the contract.

Armed with this type of learning experience in the classroom, I believe that students can engage in *pro bono* real estate work under the supervision of their real estate professor or another attorney handling a *pro bono* real estate matter. For example, I have offered to my students the opportunity to engage in *pro bono* legal assistance with me to nearby Habitat for Humanity chapters relating to their real estate needs. Initially, we represented individuals who were purchasing a home from Habitat for Humanity by reviewing the purchase contract through closing the deal. After we created The John Marshall Law School Habitat for Humanity Chapter, we no longer represented individuals in their purchase contract with Habitat and began assisting Habitat with title clearance and zoning issues that arose on some of their properties that they were developing and selling.

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Annual Meeting Field Trip

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the opportunity to hear from tenants about their experience in San Francisco's first LEED gold core and shell building.

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

- a) www.555missionst.com/index.html
- b) www.jetsongreen.com/2007/10/san-francisco-.html
- c) sanfrancisco.bizjournals.com/sanfrancisco/stories/2009/03/30/focus5.html

The tentative schedule for the field trip is:

THURSDAY, JANUARY 6, 2011

9:55 a.m.

Convene in the Main Lobby, Tower 2, and O'Farrell Street Exit of the Hilton San Francisco Union Square (AALS Headquarters Hotel). We will organize and depart for the field trip site. Based upon the weather and individual preferences, we will walk to 555 Mission Street or take taxi cabs. Please bring a bit of cash; the cab rides will cost, I am told by the hotel, around \$6, not including tip, each way.

10:30–11:30 a.m.

Guided tour of 555 Mission Street. We will gather in the lobby of the building and commence our tour from there.

11:35 a.m.

Depart for lunch at a local restaurant, near 555 Mission Street. We will return to the Hilton in time for the Section program that begins at 2 p.m.

Please save the date and times of the Section field trip on your calendar. As you know, the Section's field trips are unofficial events and so they do not appear in the official brochures and announcements disseminated by the AALS.

If you are interested in participating in the field trip, please email me at carol_brown@unc.edu. We need to know how many participants to plan for so that we can notify our hosts and make appropriate lunch plans.

Have a wonderful semester and I look forward to receiving your responses.



Would you like to contribute an article to the Newsletter? Contact the Secretary for information on how to get your piece included in the next edition of the Newsletter.

Incorporating Skills and Pro Bono Work into the Upper-Level Real Estate Course

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These and other types of *pro bono* opportunities can be offered towards the end of the Real Estate course (although this will reduce the time to cover relevant laws and skills), or as an independent study type course after the Real Estate course. Another possibility is to offer an externship with a non-profit developer of housing like Habitat for Humanity or a non-profit mortgage counseling agency that works

with borrowers to avoid losing their homes.

By incorporating skills into the upper-level Real Estate course one can then offer students *pro bono* opportunities to use the skills they have learned. This should reinvigorate the subject of Real Estate in the second and third years of law school even when the topic of real estate has been given less attention in the first year of law school.

If you are interested in working with me as a co-author on a second edition to my real estate transactions textbook with Carolina Academic Press to further incorporate transactional skills into the book followed with pro bono opportunities for your students, please contact me at 7stark@jmls.edu.

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Reflections on the Diminishing Presence of Real Estate in the Law School Curriculum

John Lovett

Loyola University New Orleans College of Law

A common thread of many discussions among members of our section is the observation that real estate law is increasingly marginalized in many American law schools. As Joanne Martin has recently documented in her article, *The Nature of the Property Curriculum in ABA-Approved Schools and its Place in Real Estate Practice*, 44 REAL PROP. TRUST & ESTATE L. 385 (2009), this observation is well grounded. We now know that approximately half of American law schools represented by Martin's survey have shrunk the first year property course to either three or four hours, twenty percent offer a five hour property course and slightly more than a quarter (27%) still offer a six hour property sequence.

Martin has also confirmed something else that we all suspected. As law schools cut back on the number of hours devoted to the first year property course, the Real Estate Transactions cluster (real estate conveyancing, real estate finance, and real estate recording) was the subject most likely to suffer reduced coverage. One other finding in Martin's study is striking but not surprising—the correlation between law school rankings, the length of the property course and the presence of real estate law as a core subject. As most of us would have guessed, the higher one climbs in U.S. News and World Report, the property course gets smaller and the attention to real estate law within the property course diminishes.

Another striking anomaly is also now clear as a result of Martin's study. While most law schools rely on an upper level Real Estate Transactions course as the primary vehicle for delivery of detailed knowledge about residential and commercial real estate conveyancing and finance, forty percent of the property law professors who responded to Martin's survey did not know enough about that course to assess the degree of overlap with their own property course. In other words, almost half of property law professors, the survey suggests, don't know what goes on in a typical real estate transactions class.

What conclusions can we draw from this disturbing empirical data? I have a few suggestions that might merit further discussion among our membership when we meet in San Francisco in January. First, I wonder to what degree the diminishing role of real estate in the first year property course (and the concomitant pre-occupation with other subjects—servitudes and easements, estates and future interests, landlord and tenant law, land-use regulation, and to a lesser extent adverse possession, concurrent ownership, intellectual

property and nuisance) accounts for what I perceive to be a failure in property law scholarship.

It is a truism that property law scholarship during the last few decades has become increasingly theoretical. At the same time that property scholars became increasingly interested in theorizing the right to exclude and takings law for instance, a profound change in the actual way in which a majority of Americans engage with real property was also taking place. Of course, I'm referring to the rise of the secondary market for real estate financing, the resulting atomization of the lending industry and how risk came to be misunderstood and underappreciated in a rising tide of leverage, easy credit and real estate prices. Leading property scholars, I am convinced, pretty much missed this important transformation that was taking place right before their eyes. Indeed, until quite recently, they were unprepared to respond to the economic, doctrinal and social consequences of the real estate market meltdown.

Of course, our section's members knew about these changes because we had to teach them to our students in our Real Estate Transactions classes. Some of us or our friends (Kurt Eggert, Patricia McCoy, Kathleen Engel and Julia Forrester, please take a bow!) were even busily writing about these changes and warning those who were willing to listen about the increasing risks. But those warnings went unheeded.

Where do we go from here? One thing we could do is try to convince our law faculty colleagues about the importance of teaching the legal rules, norms and structures of the real estate market. We could argue that unless we make a curricular commitment to teaching real estate law in a way that emphasizes its centrality in our current legal and economic system, legal scholars will not, once the current crisis ends, devote sufficient attention to it in the future to detect warning signs of the next crisis.

If this grand, it's-our-duty-as-legal-scholars argument doesn't work, another tack might be to argue that we owe it to our students at least to give them more exposure to the fundamentals of real estate practice. In other words, we could try to convince our colleagues that at least a significant number of our students will encounter real estate in some form in their practice and therefore they should be given more instruction in this area of law. Unfortunately this will be a hard sell, I imagine, because as lawyers face increasing

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Reflections on the Diminishing Presence of Real Estate in the Law School Curriculum

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pressure from non-legal professionals in the real estate industry, we might find it hard to prove the empirical side of this claim.

A final approach may be the basest one of all—to argue that our students need some knowledge of real estate to pass bar examinations. Yet it is hard to know whether the 15 real estate related questions out of the 30 or so odd property related questions on the Multistate Bar Exam (MBE) is really worth the candle of requiring more hours of real estate conveyancing and financing instruction. (See Martin, at 405-406). And we also know that our colleagues can make powerful arguments about the social, economic and practice based significance of their own subject areas.

Here, in my home state of Louisiana, where we do not (yet) use the MBE and where we have a legal system with a unique civil law heritage, the story is a little different. Rather than reduce the number of hours of property and real estate related course work, Loyola University New Orleans College of Law has recently increased them. Starting next year, our civil law students will be required to take six hours of Civil

Law Property and six hours of Obligations in their first year. Then during their second and third years, they must take three hours of Sales and Leases (essentially a blend of Real Estate Transactions and a UCC Article 2 course), six hours of Donations, Successions and Trusts, and choose two among a selection of Civil Law pool courses including Community Property, Louisiana Security Rights (mortgages) and Louisiana Secured Transactions (Article 9). Our weakest students will be required to take the Louisiana Security Rights class as well.

By the time they graduate, our civil law students should have taken more than enough course work to be adequately prepared for our notoriously difficult bar examination and for a practice in which they might encounter various aspects of real estate transactions. While I know this prescription will not be suitable for law schools that are afraid of being labeled as too heavily focused on bar preparation, Loyola's story shows that the erosion of property law and real estate from the curriculum is not necessarily inevitable.



Incorporating Skills and Pro Bono Work into the Upper-Level Real Estate Course

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Some Data from Stark's Empirical Studies of Real Estate Contracts* Pointing to the Need for Home Buyers to be Represented by an Attorney

1. In 65% of the developer form contracts, the Buyer was limited to return of earnest money as buyer's sole remedy if the Seller breached the purchase contract.
2. Only 39% of the developer form contracts provided for a warranty deed to the buyer (versus a quitclaim or special warranty deed).
3. Only 1% of the developer form contracts provided for an escrow to be set up to cover the costs of completion of the condo unit even though in 99% of the form contracts closing would be required upon substantial completion of the unit.
4. 54% of the attorneys surveyed indicated that in over 50% of the developer form contracts they reviewed, the contracts contained one or more highly unfair or highly problematic term for their client/buyer and only 16% indicated that none of the contracts they reviewed contained such terms.

** In Study 1, Stark filed a Freedom of Information Act with the city of Chicago to review the Property Reports for all condominium buildings that were filed in Chicago in the years 2003 through 2008 in order to review the form purchase and sale agreements attached to said reports. She randomly reviewed the purchase and sale agreement forms of 155 of the 631 Property Reports filed (1/4 of the total) creating a data sheet on each form contract which sought information on 18 matters selected for each contract that related to the "fairness" of the contract terms from the buyer's perspective. In Study 2, Stark surveyed attorneys who handle residential real estate transactions and received responses from 108 attorneys in response to various questions that also focused on the "fairness" of the contract terms they had reviewed from the buyer's perspective and the attorney's ability to negotiate changes to those contract terms. These two studies and a third study focusing on consumer understanding of remedies clauses in contracts will be presented in a law review article which will analyze the policy and legal reform implications from the data collected. ☞*

Section Members Lead Conference in China

Lloyd T. Wilson, Jr.

Indiana University School of Law—Indianapolis

The Section on Real Estate Transactions extended its influence into China this past summer as five members spoke at the first annual Sino-U.S. Real Estate Law Conference. The three-day conference, held from June 4 through 6 at the Renmin University School of Law in Beijing, featured two days of presentations by section members followed by a day of presentations by Chinese professors, attorneys, and government officials.

Joining me (Section Chair 2009) as speakers at the conference were Daniel B. Bogart, Chapman University School of Law (Section Chair 2008); Carol N. Brown, University of North Carolina School of Law (Section Chair-Elect 2010); R. Wilson Freyermuth, University of Missouri School of Law (Section Chair 2010); and Gregory M. Stein, University of Tennessee College of Law (Section Chair 2007).

Chinese speakers included Ding Xiangshun, Assistant Dean and Professor of Law, Renmin University

School of Law; Luo Chuanwei, Senior Partner, Bastion Law Firm; Li Xianming, Senior Partner, Albright Law Firm; Chen Yupeng, Secretary General, China Trust Association; Shen Weixing, Vice Dean and Professor of Law, Tsinghua School of Law; and Wang Yong, Professor of Law and Director of the Commercial Law Institute, China University of Political Science and Law.

The conference was sponsored by the Joint Center for Asian Law Studies. The Joint Center, which I direct, is a partnership between the law schools at IU-Indianapolis and Renmin University. For more information about the Joint Center, see indylaw.indiana.edu/programs/asianlaw.index.cfm.

The tremendous pace of development in China has generated a high level of interest in all aspects of real estate law. This fact was displayed by the breadth of the Chinese speakers' topics, which ranged from issues raised by the displacement of low-income residents to concerns about overheated

development and an unstable market. Our Chinese colleagues are eager to hear our reflections on contemporary issues in American real estate law.

I have already begun making plans for the second annual Sino-U.S. Real Estate Law Conference. If you would like to be considered as a speaker, please send your area of expertise and expected topic to me at ltwilson@iupui.edu. Final selection of speakers is made after consultation with officials at Renmin University School of Law. It is anticipated that speakers will receive an honorarium and be provided with accommodations in Beijing. Exact dates for the 2011 conference have not yet been set, but it will likely be held sometime in the first two weeks of June.

The 2011 Sino-U.S. Real Estate Law Conference is an excellent way for you to help expand our section's international influence on the development of real estate law.



Correction

The following articles from a symposium issue were omitted from the "Recent Scholarship by Section Members" entry in the previous newsletter because they were published after our search.

Ann M. Burkhart, Bringing Manufactured Housing into the Real Estate Finance System, 37 PEPP. L. REV. 427 (2010).

R. Wilson Freyermuth, Foreclosure by Arbitration?, 37 PEPP. L. REV. 459 (2010).

Alex M. Johnson, Jr., Preventing a Return Engagement: Eliminating the Mortgage Purchasers' Status as a Holder-in-Due-Course: Properly Aligning Incentives Among the Parties, 37 PEPP. L. REV. 529 (2010).

Grant S. Nelson, Confronting the Mortgage Meltdown: A Brief for the Federalization of State Mortgage Foreclosure Law, 37 PEPP. L. REV. 583 (2010).

Dale A. Whitman, How Negotiability Has Fouled Up the Secondary Mortgage Market, and What to Do About It, 37 PEPP. L. REV. 737 (2010).

In addition, one member of the Section emailed us that his publication was omitted but we cannot locate that email to announce the publication in this newsletter. We apologize and will send an email out with that information if it is resent to us.



CALL FOR PAPERS**Association for Law, Property, and Society
Second Annual Meeting**

Georgetown Law School
March 4–5, 2011

The Association for Law, Property, and Society (ALPS) Second Annual Meeting will be held at Georgetown Law School, March 4–5, 2011. Our first meeting included 150 participants of which approximately one-third were from outside of North America. The discussions on all areas of property were exciting and benefited from the diverse mix of viewpoints presented. We are looking forward to an equally good meeting this coming March.

Topics

Property-related topics will cover a number of subject areas, including:

Real, Personal, Intangible, and Cultural Property;
Intellectual Property; Real Estate Transactions and Finance;
Land Use and Zoning; Urban Planning and Development;

Environmental Law; Climate Change; Housing; Home Green Development; Mortgages and Foreclosure; Land Titles; Indigenous Populations and Sovereignty; Human Rights and Property; Entrepreneurship and Property; Takings and Eminent Domain; Property Theory; Property History; and the Economics of Property.

Save the Date & Register Online

Registration for the Meeting will open on August 1, 2010, and will close on November 1, 2010. Register at www.alps.syr.edu

The meeting is co-sponsored by Syracuse University College of Law (Center on Property, Citizenship, and Social Entrepreneurism), and the Georgetown Law Center of Georgetown University.



NEWSLETTER—AALS SECTION ON REAL ESTATE TRANSACTIONS

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