MESSAGE FROM THE CHAIR
By Donald J. Kochan

I look forward to seeing all of you at this year’s AALS Annual Meeting in San Diego. I want to alert you to a number of exciting programs we have in store for the Property Section.

First, we all have to eat—and what better way to have breakfast than with a group of property law friends! Please join us for the Property Section breakfast on Thursday, January 4 from 7:30 am - 8:45 am. (Please remember to get a ticket for this event at registration). We will go around the room to make introductions and to allow each person to make mention of a current scholarly project they’d like to share with the group.

Then, stick around, because on Thursday from 10:30 am - 12:15 pm, we will hold our main Property Section panel on “Structural Facilitation of Property Markets.” We have an exciting group of scholars addressing that topic from unique angles—Professor Maureen (Molly) E. Brady (University of Virginia School of Law); Professor Shelley Cavalieri (University of Toledo College of Law); Professor Cori Harvey (Florida A&M University College of Law); Professor Rashmi Dyal-Chand (Northeastern University School of Law); and Professor Joseph William Singer (Harvard Law School).

Thank you to all who participated in the call for papers—we had an amazing response, with nearly a dozen outstanding papers submitted and reviewed. It was an almost impossible choice for the Executive Committee, because we unanimously wished we could have heard from every scholar who submitted on the topic.

I especially hope you will stay through Saturday, January 6, from 3:30 pm -5:15 pm, for what might be the most important thing we do at the annual meeting—our forum for junior scholars to present their work. For the “New Voices in Property Law: Junior Scholars Works-in-Progress Panel,” our executive committee selected eight...
papers from our call for submissions. Each of the eight junior scholars have been matched with two official commenters who will read their paper in advance. Thank you to all of the commenters who have agreed to provide formal feedback!

At the session, each junior scholar will have 2-3 minutes to give an "elevator pitch" summary of their paper and project to the full gathering of attendees. We will then break into separate round tables for discussions with each junior scholar for the remaining hour. The eight junior scholars presenting are Faisal Chaudhry (University of Arizona James E. Rogers College of Law); Nicolas Cornell, (University of Michigan Law School); Kate Elengold (University of North Carolina School of Law); Michael Pollack (Benjamin N. Cardozo School of Law); Tracey M. Roberts (Samford University, Cumberland School of Law); Shayak Sarkar (University of California, Davis, School of Law); Brandon M. Weiss (University of Missouri-Kansas City School of Law); Lua Kamal Yuille (University of Kansas School of Law).

Finally, I wanted to provide a brief report on a very successful event in Fall 2017. The AALS Property Section co-sponsored—with Penn State Law (University Park) and the AALS Commercial and Related Consumer Law Section—a “Property Implications of the Sharing Economy Workshop” on October 6-7, 2017. It was a huge success, drawing scholars from around the world to Penn State (in person and by teleconference) to present works-in-progress on an incredibly diverse set of issues related to the sharing economy. Many thanks to Penn State Law Dean Hari Osofsky for hosting and taking the lead role and to Pamela Foohey, chair of the Commercial Law Section, for that section’s co-sponsorship. I encourage anyone interested in similarly collaborating with the Property Section to co-sponsor a future event at your law school to approach section leadership with your ideas.

Many thanks to our Section officers, particularly Steve Clowney for the substantial work putting together this newsletter. It has been an honor to serve as Chair of the Property Section and I look forward to staying active in the years ahead. See you all in January!

Section Chair: Donald Kochan, Chapman University Fowler School of Law
NEW HIRES & LATERAL MOVES

New Faces

Michael Pollack (property, land use, state & local gov’t) to Cardozo School of Law.

Sarah Fox (property, state & local gov’t, environmental law) to Northern Illinois University.

Lateral Moves (Reported by Brian Leiter)

Natalie Banta (property, trusts & estates, tax) from Valparaiso University to Drake University (untenured lateral).

Samuel Bray (remedies, property, constitutional law) from the University of California, Los Angeles to the University of Notre Dame.

Eleanor Brown (property, immigration and migration law, law & development) from George Washington University to Pennsylvania State University, University Park.

Marcilynn A. Burke (property, land use, natural resources) from the University of Houston to the University of Oregon (to become Dean).

Sheila Foster (property, land use, environmental law & policy, local government) from Fordham University to Georgetown University (joint with Public Policy).

Rachel Godsil (property, civil rights) from Seton Hall University to Rutgers University

Lolita Buckner Inniss (property, legal history) from Cleveland-Marshall College of Law to Southern Methodist University.

Chris Odinet (property, commercial law, consumer finance) from Southern University to the University of Oklahoma (untenured lateral).

Hari M. Osofsky (energy law, climate change, property) from the University of Minnesota to Pennsylvania State University, University Park (to become Dean).
THE TOP 10 PROPERTY STORIES OF 2017

1. Hurricane Harvey, Global Warming, & Land Use
   
   After Hurricane Harvey dumped 50 inches of rain on Houston, the national media blamed the city’s sprawling development patterns for some of the devastation. Although many commentators weren’t convinced by the argument, resilience planning will become a bigger and bigger story in the coming years.

2. The Tax Law’s Effect on the Housing Market
   
   The new law lowers the deduction cap on mortgage interest and restricts the state and local tax deduction. Some housing interest groups worry that scaling back tax incentives for homeownership will weaken home prices.

3. Murr v. Wisconsin
   
   The Supreme Court explores “the denominator problem” in regulatory takings.

4. Eminent Domain and the Border Wall
   
   The border wall (and the rise of natural gas pipelines) are pushing eminent domain law back into the news.

5. A Private Street Gets Sold in San Francisco
   
   Fancy homeowners forget to pay taxes on their private street and (almost) lost the property at a tax auction.

   
   Seriously.

7. The Ongoing Battle Over the World’s Blackest Black
   
   Is it possible to own a color?

8. Robot Unleashed to Fight Homeless, Homeless Fight Back
   
   An animal rescue group hired a robot to patrol its sidewalks. Things went horribly wrong.

   
   Senator Paul was hospitalized in November after a physical altercation with a neighbor. The dispute seems to have germinated from Senator Paul’s strong belief in property rights and refusal to follow HOA rules.

10. Who Owns China’s Meteorites?
    
    Are they natural resources owned by the state or wild resources subject to discovery rules?
UPCOMING CONFERENCES

Association for Law, Property, & Society – Maastricht, The Netherlands, May 31-June 2

The Association for Law, Property & Society (ALPS) is an organization for those engaged in scholarship on all aspects of property law and society. Its annual meeting brings together scholars from different disciplines to discuss their work and to foster dialogue among those working in property law, policy, planning, social scientific field studies, modeling, and theory. ALPS will hold its 9th meeting at Maastricht University, The Netherlands on May 31–June 2, 2018. Abstracts may be emailed to alps2018@maastrichtuniversity.nl. The deadline for submitting papers and panels is February 28, 2018 but registration for the conference will continue to be available after that date. Authors and panel proposers will be notified of the acceptance of their individual submissions or proposed panel by no later than March 9, 2018. For more information see here.

Teaching Consumer Law Conference – Santa Fe, New Mexico, May 18-19

The Center for Consumer Law at the University of Houston Law Center, in cooperation with the University of New Mexico School of Law, is organizing its tenth biennial international teaching consumer law conference. The subject is “Teaching Consumer Law: Where Have We Been—Where Are We Going?” Presentation topics will cover Nonjudicial Foreclosure, Digital Currency, Debt Collection, and the Financial Crises. For more information and the "Call for papers," click here.


The conference will bring together property law scholars and practitioners from around the world to discuss the most important contemporary issues facing the law of real property. Designed to bring together practitioners and academics, the conference seeks to promote purposeful discussion and build lasting relationships. Panel topics include: the role of property as a human and constitutional right; the relationship between property law and environmental law; and the role of real property law research at Universities and the Law Commission. The Saturday lecture series will see distinguished academics and senior members from practice and the judiciary discuss contemporary issues in real property law. For more information, see here.
Ahmad, Nadia  
\textit{Barry University, Dwayne O. Andreas School of Law}  

Anderson, Jerry  
\textit{Drake University Law School}  

Berger, Bethany  
\textit{University of Connecticut School of Law}  
- \textit{Hope for Indian Tribes in the U.S. Supreme Court?} Menominee, Nebraska v. Parker, Bryant, Dollar General . . . and Beyond, 2017 \textit{University of Illinois Law Review} 1901.

Beyer, Gerry  
\textit{Texas Tech University School of Law}  
- \textit{Beyer’s Texas Property Code Annotated with Related Texas Law} (2017 ed.).  
- \textit{Texas Trust Law: Cases and Materials} (3\textsuperscript{rd} ed. 2017).  

Bezdek, Barbara  
\textit{University of Maryland Carey School of Law}  

Blumm, Michael  
\textit{Lewis and Clark Law School}  
- \textit{Native American Natural Resources Law}, 4\textsuperscript{th} ed. (Carolina Academic Press, forthcoming 2018).
(co-author with Judith Royster, Tulsa, and Elizabeth Kronk, Kansas).

Boyack, Andrea
Washburn University School of Law


Brady, Maureen “Molly”
University of Virginia School of Law


Bronin, Sara
University of Connecticut School of Law

- *City of Hartford Climate Action Plan.*

Callies, David
University of Hawaii, William S. Richardson School of Law


Cavaliere, Shelley
University of Toledo College of Law


Chused, Richard
New York Law School


Circo, Carl
University of Arkansas School of Law

• Introducing Law Students to the Inside Counsel Role, UNDER CONSTRUCTION, Winter, 2017 (forthcoming).

• Should Your Client Ever Grant a Right of First Refusal?, AM. C. REAL EST. LAW. NEWS, Nov. 2016, at 25.

• Preferential Purchase Rights in Practice and Theory, CEB REAL PROP. L. REP., September 2016, at 108 (lead article).

Claeys, Eric
George Mason University, Antonin Scalia Law School


Clowney, Stephen
University of Arkansas School of Law

• Should We Buy Selling Sovereignty, 66 DUKE L.J. ONLINE 19 (2017).

• Open Source Property (2016) (coauthor).

Davidson, Nestor
Fordham University School of Law

• Localist Administrative Law, 126 YALE L.J. 564 (2017).

• Affordable Housing Law and Policy in an Era of Big Data, 44 FORDHAM URB. L. J. 277 (2017).

• The Place of Flourishing Families, 43 FORDHAM URB. L. J. 963 (2017) (with Clare Huntington).


• The Urban in Law, in DEFINING THE URBAN: INTERDISCIPLINARY AND PROFESSIONAL PERSPECTIVES (Routledge 2017).

Diller, Paul
Willamette University College of Law


• American Constitution Society Issue Brief, The Troubling Turn in State Preemption (Sept. 2017) (with Nestor Davidson et al.).

Dyal-Chand, Rashmi
Northeastern University School of Law


Eagle, Steven
George Mason University, Antonin Scalia Law School

• Regulatory Takings, Fifth Ed. (2016 Supplement).


• Land Use Regulation and Good Intentions, 33 JOURNAL OF LAND USE & ENVIRONMENTAL LAW _____ (forthcoming 2018).

• ‘Affordable Housing’ as Metaphor, 44 FORDHAM URBAN L. J. 301 (2017).

• Property Rights After Horne, 10 NYU JOURNAL OF LAW & LIBERTY 669 (2016).

Ely, James  
Vanderbilt University Law School


Fennell, Lee Anne  
University of Chicago Law School


Festa, Matthew

- **Developing Houston: Land-Use Regulation in the “Unzoned City” and its Outcomes** (Rice Kinder Institute, 2017) (with Alexius Marcano & Kyle Shelton)

Flournoy, Alyson  
University of Florida Levin College of Law


Foster, Sheila  
Georgetown University Law Center


Gallanis, Thomas  
University of Iowa College of Law

- **A Concise Restatement of Donative Transfers and Trusts** (2017).

Guzman, Katheleen  
University of Oklahoma College of Law

- **Dependent Disclaimers**, 42 ACTEC L. J. 159 (2016).
Hines, Norman
University of Iowa


Hudson, Blake
University of Houston Law Center

- Curbing Dense Sprawl, 33 NAT. RESOURCES & ENV. (forthcoming).
- Biomass Feedstocks, in LEGAL PATHWAYS TO DEEP DECARBONIZATION IN THE UNITED STATES, with Uma Outka (Michael Gerrard and John Dernbach, eds., forthcoming 2017).

Iglesias, Tim
University of San Francisco School of Law

- Affordable Housing, Fair Housing and Community Development: Joined at the Hip, We Need to Learn to Walk Together, 25 JOURNAL OF AFFORDABLE HOUSING & COMMUNITY DEVELOPMENT LAW 195 (2017).

Infranca, John
Suffolk University Law School


Johnson, Alex
University of Virginia School of Law

- UNDERSTANDING MODERN REAL ESTATE (Carolina Academic Press 2017)

Juergensmeyer, Julian
Georgia State University College of Law

- MARKET DEMAND BASED PLANNING AND PERMITTING (ABA Press 2017) (with Nelson, Marshall, & Nicholas,
Kaswan, Alice
University of San Francisco School of Law

- Innovative State Climate Policies: California’s Integration of Climate and Environmental Justice Objectives, 9 SAN DIEGO J. CLIMATE & ENERGY POL’Y ___ (forthcoming 2018).

Klein, Christine
University of Florida Levin College of Law


Kochan, Donald
Chapman University, Dale E. Fowler School of Law


Korngold, Gerald
New York Law School

- Land Use Regulation as a Framework to Create Public Space for Speech and Expression in the Evolving and Reconceptualized Shopping Mall of the Twenty-first Century, 68 CASE WESTERN RESERVE LAW REVIEW ___ (forthcoming).


- When Inquiring Minds Ought to Know . . ., PROBATE & PROPERTY, July/Aug. 2017, at 57-63 (with James Charles Smith).
Kwall, Roberta
DePaul University College of Law


Lazerow, Herbert
University of San Diego School of Law


Lee, Patricia
Saint Louis University Law School


Lewyn, Michael
Touro Law Center


Long, Jerrold
University of Idaho College of Law


Malloy, Robin
Syracuse University College of Law

- Adam Smith and Law (editor) (Routledge, 2017).
McArdle, Andrea
City University of New York School of Law
- Local Green Initiatives: What Local Governance Can Contribute to Environmental Defenses Against the Onslaughts of Climate Change, XXVIII FORDHAM ENVTL. L. REV. 102 (Symposium 2016).
- Climate Risk and Resilience Planning in an Urban Governance Context, IGLUS QUARTERLY VOL. 3, NO. 2 VOL. 3, NO. 2 – Local Governance: Successes and Opportunities.

Monopoli, Paula
University of Maryland Carey School of Law

Mulvaney, Timothy
Texas A&M University School of Law

Odinet, Christopher
Southern University Law Center
- Consumer BitCredit and Marketplace Lending, ALABAMA LAW REVIEW (forthcoming 2018).
- BitProperty and Commercial Credit, 94 WASHINGTON UNIVERSITY LAW REVIEW 649 (2017).
- Regulating Debt Collection, REVIEW OF BANKING & FINANCIAL LAW (2017) (with Roederick White, Sr.).
- Community Collateral: Security Rights in Common Interest Community Declarations, PROBATE & PROPERTY (July/August 2016) (with Randy P. Roussel).

Oldham, Thomas
University of Houston Law Center
Orth, John
University of North Carolina School of Law


Owley, Jessica
University of Buffalo School of Law


Papke, David
Marquette University Law School


Reiss, David
Brooklyn Law School

- PAYING FOR THE AMERICAN DREAM: HOW TO REFORM THE MARKET FOR MORTGAGES (Oxford University Press forthcoming).

• **Accessible Credit, Sustainable Credit and the Federal Housing Administration**, BANK. & FIN. SERV. POL. REP. (June 2017).


**Robertson, Heidi**

*Cleveland-Marshall College of Law*


**Rose, Carol**

*University of Arizona, Rogers College of Law*

• Racially Restrictive Covenants: Were They Dignity Takings?, 41 LAW & SOCIAL INQUIRY 939 (2016) (Symposium on Berndette Atuahene's Concept of Dignity Takings).

• Commons, Cognition and Climate Change, 42 JOURNAL OF LAND USE AND ENVIRONMENTAL LAW 297 (2017) (Distinguished Environmental Lecture, Florida State Law School).

**Rosenberg, Ronald**

*William and Mary Law School*


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**Rosenbloom, Jonathan**

*Drake University School of Law*


• **SOCIAL-ECOLOGICAL RESILIENCE & SUSTAINABILITY: FROM THEORY TO PRACTICE** (Aspen Publishers 2018) (with Shelley Saxer).


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**Rosser, Ezra**

*American University Washington College of Law*

• Exploiting the Poor: Housing, Markets, and Vulnerability, 126 YALE LAW JOURNAL FORUM 458 (2017).

• Laying the Foundation: The Private Rental Market and Affordable Housing, 44 FORDHAM URBAN LAW JOURNAL 499 (2017).

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**Rothstein, Laura**

*University of Louisville, Louis D. Brandeis School of Law*

• The Use of Genetic Information in Real Property Transactions, 31 PROB. & PROP. 13 (2017) (with Mark Rothstein).

Ryan, Erin  
*Florida State University College of Law*


Saxer, Shelley  
*Pepperdine University School of Law*

- Zoning for Dollars and Drones, Jotwell, April 2017.

Schindler, Sarah  
*University of Maine School of Law*


Seto, Theodore  
*Loyola Law School Los Angeles*


Simmons, Thomas  
*University of South Dakota School of Law*


Somin, Ilya  
*George Mason University, Antonin Scalia Law School*

- FREE TO MOVE: FOOT VOTING AND POLITICAL FREEDOM (Oxford University Press, forthcoming).
- Rational Ignorance and Public Choice, in OXFORD HANDBOOK OF PUBLIC CHOICE, (Roger


Spranking, John

*University of the Pacific, McGeorge School of Law*


Strahilevitz, Lior

*University of Chicago Law School*


Stahl, Kenneth

*Chapman University, Dale E. Fowler School of Law*


Stein, Gregory

*University of Tennessee College of Law*


Sterk, Stewark

*Yeshiva University, Cardozo School of Law*


Upham, Frank

*NYU School of Law*


Watson, Blake

*University of Dayton School of Law*

Weinstein, Alan

Cleveland-Marshall College of Law


Wiggins, Mary

The University of San Diego School of Law


Zale, Kellen

University of Houston Law Center

- Compensating City Council, 70 STANFORD LAW REVIEW (forthcoming 2018).