Looking Forward to the 2009 Annual Meeting
Daniel B. Bogart, Section Chair
Chapman University School of Law

As this year’s Section Chair, I’m very pleased to be able to bring you an update on our Section’s program for the January 2009 Annual Meeting.

As you know, the AALS Annual Meeting will be held January 6-10, 2009 in beautiful and ever temperate San Diego, California. This year, the Real Estate Transactions Section will jointly sponsor a program with the Section on Creditors’ and Debtors’ Rights titled “Real Estate Transactions in Troubled Times.” The program will take place from 9:00 am until noon on Saturday, January 10.

Professor Jean Braucher of the University of Arizona is Chair of the Section of Creditors’ and Debtors’ Rights. Jean has been a wonderful person with whom to work. Together, we issued a Call for Papers earlier in 2008, and we received many excellent submissions. The submissions were judged by a four person panel consisting of Jean, Wilson Freyermuth (Univ. of Missouri), Katie Porter (Univ. of Iowa), and me. Unfortunately, we simply were not able to accommodate every submission, but I was very pleased to see the high quality and thoughtfulness inherent in each proposal.

The final program will be divided into three sessions:

Session I. Securitization—Problems with Incentives and How to Cure Them
Moderator: Daniel B. Bogart, Chapman University
Panelists:
A. Mechele Dickerson, University of Texas
B. Marshall E. Tracht, Hofstra University

Session II. Affordable Housing—Ends and Means
Moderator: Jean Braucher, University of Arizona
Panelists:
Dennis B. Arnold, Partner, Gibson Dunn & Crutcher, Los Angeles
Kurt Eggert, Chapman University
Thomas E. Plank, University of Tennessee

Session III. Securitization—Problems with Incentives and How to Cure Them
Moderator: Daniel B. Bogart, Chapman University
Panelists:
Dennis B. Arnold, Partner, Gibson Dunn & Crutcher, Los Angeles
Kurt Eggert, Chapman University

2009 Mid-Year AALS Workshop on Transactional Law
Daniel B. Bogart, Section Chair
Chapman University School of Law

I want to bring to your attention something that should interest every real estate transactions professor. This year the AALS will devote a mid-year meeting to transactional law. The meeting will be held June 10-12, 2009 in Long Beach, CA. In its request for proposals, the program planning committee explained that:

"Transactional law" refers to the substantive legal rules that influence or constrain planning, negotiating, and document drafting in connection with business transactions, as well as the "law of the deal" (i.e., the negotiated contracts) produced by the parties to those transactions. We are seeking proposals from (1) faculty members interested in presenting innovative methods of teaching transactional law, and (2) faculty members interested in presenting new scholarship that relates to transactional law.

In 1994, the AALS held a Workshop on Transactional Approaches to Law which inspired significant (Cont. on page 2)
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Session III. Bankruptcy Modification and Other Possible Remedies for Failed Transactions

Moderator: Melissa B. Jacoby, University of North Carolina
Panelists:
Adam J. Levitin, Georgetown University
Mark S. Scarberry, Pepperdine University

I hope you will all plan to join us for this outstanding program. In addition, our Section will continue its tradition of taking a field trip to an important and interesting real estate development.

This year in San Diego we will visit the former Naval Training Center that has been redeveloped as Liberty Station. These field trips have become a highlight of the Annual Meeting for real estate professors. Tom Wilson, Chair-Elect, is working hard to coordinate this trip; you will learn more about the trip in his column.

In closing, I want to thank Tom Wilson, Wilson Freyer-muth and Carol Brown, our Section officers, for their many efforts.

Have a great summer one and all, and I look forward to seeing you in San Diego!

2009 Field Trip: Liberty Station
Lloyd T. Wilson, Jr., Section Chair-Elect
Indiana University School of Law—Indianapolis

At each AALS annual meeting the Section on Real Estate Transactions provides its members with the opportunity to tour an innovative land development project. The site for the 2009 field trip is San Diego’s Liberty Station. This project, a partnership between the City of San Diego’s Redevelopment Agency and The Corky McMillin Companies, redevelops the former Naval Training Center, which closed in 1995 after 70 years in operation. The comprehensive plan for Liberty Station takes advantage of the NTC’s prime location on the bay, its historic buildings, and its proximity to downtown and to the airport.

Liberty Station’s 361 acres are designed to include: single- and multi-family residences; an educational campus with seven schools; office buildings; commercial uses, including two hotels; a civic, arts, and culture district; a golf course; and 125 acres of parks and open space. An example of infill development, Liberty Station utilizes smart growth principles and employs urban design elements consistent with San Diego’s “City of Villages” plan.

We will hear from the developer about the benefits and challenges inherent in a public-private partnership involving a former federal facility. As military bases and other federal installations are closed in the future, Liberty Station could inform similar projects around the country. Our tour will likely also provide multiple “teaching moments” that we can incorporate into our classrooms.

Although the details of the field trip are tentative, we are trying to schedule the field trip for the morning of Friday, January 9. Final arrangements will be forthcoming in the fall edition of our Section Newsletter. The field trip will conclude with lunch at one of the several restaurants at Liberty Station. Our Section’s field trips are independent of the AALS and will not appear in the annual meeting program. A specific meeting place and time will be communicated to Section members, and we will proceed to Liberty Station as a group. Because we will have to arrange for private transportation to the site, it is important that we know how many people will participate. If you plan to take part in the tour of Liberty Station, please contact me at ltwilson@iupui.edu.

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One of the joys (and challenges) of teaching courses in Real Estate Transactions and Finance is helping students to develop the negotiation, planning, and drafting skills that are essential to the successful real estate lawyer. I’m pleased that the AALS has again committed to a mid-year program on Transactional Law, and am hopeful that this program will include sessions of interest and assistance to our section members.

A significant challenge of teaching courses in Real Estate, — especially for those of us teaching classes of 50 or more students — is finding “manageable” drafting problems to use to help students cultivate negotiation, planning and drafting skills. By “manageable,” I mean problems that are discrete and/or focused enough to be usable in a large class, yet sufficiently nuanced that they make a meaningful contribution to the students’ skill development. The leadership of the Real Estate Transactions section is hopeful that in future AALS programs (whether at the 2009 Mid-year meeting or at future Annual Meetings), we will be able to sponsor one of more programs on this topic.

**2009 Mid-Year AALS Workshop on Transactional Law**

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innovation and experimentation in transactional teaching and scholarship. This Program provides a unique opportunity to take stock of developments in this area since that influential workshop.

Members of our Section deal with transactional law daily in our scholarship and in our teaching. We are especially well situated to attend, participate and present at this meeting. The deadline for proposals is July 15, 2008. Although this deadline is fast approaching, the committee has asked for relatively short proposals of 300-500 words. Proposals should be sent electronically to transactional@aals.org. I would very much like to see members of our Section represented at this meeting, so I hope that you will please consider submitting a proposal, or at least attending the program.

It is worth noting that law schools have begun to focus more on transactional practice. I recently attended a program titled “Teaching Drafting and Transactional Skills: The Basics and Beyond,” hosted by Professor Tina Stark and the Emory Center for Transactional Law and Practice. It was extraordinarily well run and useful. Let’s hope that these AALS and law school programs indicate a new and sustained interest in transactional practice.

I hope to see you in Long Beach next June!

**Note:** The deadline for proposals for the 2009 AALS Mid-Year Meeting is July 15, 2008
Recent Publications by Section Members


Berman, Andrew R., Risks and Realities of Mezzanine Loans, 72 Missouri Law Review 993 (2007)


Bogart, Daniel B., Estates in Land and Future Interests (5th ed. 2008) (with John Makdisi)

Bogart, Daniel B., Commercial Leasing, A Transactional Primer (2007) (with Celeste M. Hammond)


Bruce, Jon W., Modern Property Law (6th ed. 2007) (with James W. Ely, Jr.)


Cribbet, John E., Property (9th ed. 2008) (with Roger W. Findley, Ernest E. Smith, and John S. Dzienkowski)


Forrester, Julia P., Still Crazy After All These Years: The Absolute Assignment of Rents in Mortgage Loan Transactions, 59 Florida Law Review 487 (2007)

Freyermuth, R. Wilson, Why Mortgagors Can’t Get No Satisfaction, 72 Missouri Law Review 1159 (2007)


Griffith, Janice C., Special Tax Districts to Finance Residential Infrastructure, 39 Urban Lawyer 959 (2007)


Hammond, Celeste M., Commercial Leasing: A Transactional Primer (2007) (with Daniel B. Bogart)

Hughes, James E., Family Preservation, A Philosophy, 146 Trusts & Estates 50 (2007)


Recent Publications by Section Members
(Cont. from p. 4)


Malloy, Robin Paul, REAL ESTATE TRANSACTIONS (3d ed. 2007) (with James Charles Smith)


Nelson, Grant S., REAL ESTATE FINANCE LAW (5th ed. 2007) (with Dale A. Whitman)

Nelson, Grant S., CONTEMPORARY PROPERTY (3d ed. 2008) (with William B. Stoebuck and Dale A. Whitman)


Salsich, Peter W., Toward a Policy of Heterogeneity: Overcoming a Long History of Socioeconomic Segregation in Housing, 42 Wake Forest Law Review 459 (2007)


Smith, James Charles, REAL ESTATE TRANSACTIONS (3d ed. 2007) (with Robin Paul Malloy)

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2009 Field Trip: Liberty Station
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Our field trip to Liberty Station is made possible by the assistance of several San Diego attorneys, including James Dawe and Robert Caplan, and by the hospitality of Kim Elliot of the Corky McMillin Companies. Additional kudos also go to our Section Chair, Danny Bogart, who made the contacts that led to an invitation for our group to tour Liberty Station.

As Danny Bogart correctly noted in the Spring 2007 Newsletter, our annual field trip “has fostered a wonderful esprit de corps and is a highlight for many of us at the yearly meeting.” I encourage you to join us at Liberty Station!
Recent Publications by Section Members
(Cont. from p. 5)


