

PROFESSORS OF REAL ESTATE LAW: DIFFERENT TYPES, DIFFERENT NEEDS

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I. INTRODUCTION

This Essay will focus on three issues. First, it will describe the different groups of people who teach transactional real estate courses in American law schools. Second, it will examine what types of support these different groups of real estate teachers need. Finally, it will look at how law schools are providing this support and what else they can be doing.

II. WHO TEACHES TRANSACTIONAL REAL ESTATE COURSES IN AMERICAN LAW SCHOOLS?

Three different types of instructors teach transactional real estate courses. The first group consists of full-time faculty members

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whose primary focus is on real estate law. Professors in this group teach these courses on a recurring basis and conduct scholarship in closely related fields. Many people in this group have significant real estate practice experience as well. The second group consists of full-time faculty members whose primary focus is outside the real estate area. These professors may teach courses in other areas of business law, may be regular teachers of first-year Property, and may occasionally cover upper-level real estate courses. However, by and large they have never practiced real estate law, and their scholarly interests lie elsewhere. Finally, adjunct faculty members teach transactional real estate courses. These teachers have extensive practice experience in the area, which makes them attractive candidates for teaching advanced courses. However, they have less teaching experience than full-time professors and typically do not engage in scholarship.

A. Full-Time Faculty Members Whose Primary Focus Is on Real Estate Law

The first group consists of career academics with a strong commitment to real estate law and practice. These faculty members often have significant practice experience in the field. They have substantial practical legal knowledge and an awareness of what the day-to-day life of a real estate lawyer is like.

Members of this group frequently teach their courses from a practitioner's perspective. A teacher in this group may begin with a question such as, "Who won the case?" But she will follow up with, "How would you change your documents next time to avoid this problem?"¹ This transactional perspective often reflects the law professor's desire to improve on the legal education she received in law school, which may have contained few courses teaching practical transactional skills. These professors are aware of what they did not learn when they were students, perhaps before schools began emphasizing skills training. They want to be sure their own students receive the type of training they wish they had received.

Many people in this group teach first-year Property. They also regularly teach upper-level survey courses such as Real Estate Transactions and also advanced practice-oriented courses that may include significant drafting and negotiation components. These last courses may not be as common in law schools as they need to be, but they are more common than they were ten or twenty years ago. If a law school has a full-time professor teaching one of these advanced skills courses, it typically is someone who has practiced real estate law.

1. See, e.g., Daniel B. Bogart, *The Right Way to Teach Transactional Lawyers: Commercial Leasing and the Forgotten Dirt Lawyer*, 62 U. PITT. L. REV. 335, 337 (2000) (stating that his approach is to focus first on "documents and client objectives").

Faculty members in this group often share other characteristics. They tend to conduct scholarship in the areas of real estate finance and land use, as well as in related areas of business law, because they know the subject well and it interests them. Their external service work also tends to be in associated areas. They may serve on planning commissions or become involved with historic preservation efforts. Frequently, these faculty members were hired specifically to teach the courses they are teaching and to write in the areas in which they are writing. Faculty members of this type did not back into their courses by happenstance. Their associate dean did not have to beg them to fill a curricular gap, and their full-time colleagues are not fighting them for their courses.²

Professors of this type typically associate with organizations of lawyers and not just organizations of law professors. Groups such as the Association of American Law Schools (“AALS”),³ the Southeastern Association of Law Schools (“SEALS”),⁴ the Law and Society Association (“LSA”),⁵ and, to a somewhat lesser degree, the Association for Law, Property, and Society (“ALPS”),⁶ focus primarily on American legal academia. They serve their purposes well, but those purposes generally do not include helping lawyers stay current with recent developments in transactional real estate law and practice.⁷ In fact, one of the reasons the AALS Real Estate Transactions Section was established was because some professors wanted to complement other sections’ offerings with enriched programs for professors who teach transactional real estate courses.⁸ These faculty members wanted to benefit from multiple types of offerings, some of which were unavailable at the time the new Section was created.

As a result, many professors in this group are also members of, and often hold leadership roles in, the American Bar Association (“ABA”),⁹ the American College of Real Estate Lawyers (“ACREL”),¹⁰

2. The happiest member of the University of Tennessee faculty on the day I first arrived was the tax professor who had been forced to teach our Land Finance Law course the previous semester.

3. *See About AALS*, ASS’N AM. L. SCH., <https://www.aals.org/about/> (last visited Nov. 14, 2018).

4. *See About SEALS*, SE. ASS’N L. SCH., <http://sealslawschools.org/about-seals/> (last visited Nov. 14, 2018).

5. *About Us*, L. & SOC. ASS’N, <http://www.lawandsociety.org/commitments.html> (last visited Nov. 14, 2018).

6. *See About*, ALPS, <https://www.alps-law.org/about-us> (last visited Sep. 12, 2018).

7. This has changed somewhat in recent years, as I discuss below. *See infra* Part IV.

8. *See Section on Real Estate Transactions*, ASS’N AM. L. SCH., http://memberaccess.aals.org/eWeb/dynamicpage.aspx?webcode=ChpDetail&chp_cst_key=da8606e0-e876-42a0-bcc5-95312883af50 (last visited Nov. 14, 2018).

9. *See ABA Leadership*, ABA, <https://www.americanbar.org/groups/leadership.html> (last visited Nov. 14, 2018).

and the Uniform Law Commission (“ULC”).¹¹ Most of the members and leaders of these practitioner-oriented groups are practicing lawyers, not professors.¹² Professors who are active in these groups typically have a clear understanding of real estate practice.

In short, law professors of this type are not people who fled law practice in search of an alternative career that would draw on their legal training and experience. Rather, these professors are former practitioners who enjoyed practice but simply prefer to teach. These professors want to ensure that future students learn in law school the skills to which they were not exposed until after they had graduated.

Faculty members in this group offer law schools and law students numerous advantages. They possess a unique package of knowledge and experience that their faculty colleagues usually lack. They can answer their students’ more difficult questions without having to say, “I’ll check and get back to you.” These teachers are interested in contemporary issues in real estate law and passionate about teaching these subjects—a fact not lost on their students and their faculty colleagues. Teachers within this group find that their teaching and scholarship dovetail well, which leads them to be engaged teachers and productive scholars.

There are also drawbacks to having faculty members of this type at a given law school. These faculty members are highly specialized, but the legal academy is not growing. As the number of seemingly essential courses expands, it becomes increasingly difficult for smaller schools to cover this increasing array of courses with the same number of faculty members they have always had. Every time a faculty member leaves, faculties must engage in difficult discussions as to which subjects are most important to cover with full-time professors. Some law schools may decide, however short-sightedly, that real estate courses can be covered adequately by adjunct faculty members, or perhaps discontinued altogether. In short, law professors who teach real estate courses and have substantial practice backgrounds in the area provide both the benefits and the drawbacks of specialization.

B. Full-Time Faculty Members Whose Primary Focus Is Outside of the Real Estate Area

The second group of law professors consists of full-time academics who focus on subjects other than real estate law. Many of them teach courses that are related to real estate, such as

10. See *Board of Governors*, AM. C. REAL EST. L., <https://acrel.site-ym.com/page/Board> (last visited Nov. 14, 2018).

11. See, e.g., *Commercial Real Estate Receivership Act*, UNIFORM L. COMMISSION, <http://www.uniformlaws.org/Committee.aspx?title=Commercial%20Real%20Estate%20Receivership%20Act> (last visited Nov. 14, 2018).

12. See, e.g., *Board of Governors*, *supra* note 10.

intellectual property, tax, and wills and trusts, and many teach first-year Property. If these faculty members have any practice experience, it is likely in another area of the law, and some of them may have little practice experience at all. To the extent these faculty members are called on to teach Property, it may be a stretch for them. Advanced real estate courses are even more of a reach and are further removed from their central areas of teaching and scholarship.

These faculty members typically do not engage in research, writing, speaking, and service in the area of real estate. They are skilled, experienced professors, but they are not real estate specialists. Rather, they have enough of a background in the field, or enough teaching skill, to cover introductory courses well and advanced courses reasonably well.

There are institutional advantages and disadvantages to asking faculty members of this second type to teach advanced real estate courses. These pros and cons largely mirror those discussed above with respect to faculty members more focused on real estate law. The advantage of asking other full-time faculty members to teach advanced real estate courses is that it enables a faculty to cover more subject areas with a finite number of people. If a bankruptcy expert can do a passable job teaching real estate finance, the faculty might feel that it does not need a full-time real estate professor. The faculty can hire someone who focuses in other areas, thereby allowing a fixed number of professors to cover more courses reasonably well. The nonexpert will probably do an adequate job covering the real estate finance course, and the school can offer a wider array of subjects to its students.

The disadvantages, too, are fairly evident. The professor called on to teach advanced real estate courses will be the first to concede that he does not know the subject as well as another person might. He is more likely to be stumped by student questions and will probably feel less comfortable teaching the course. He may demonstrate less interest in and less passion for the subject, a fact his students may recognize. His scholarship might suffer, given that he will have to take the time to prepare a course that is not within a primary area of interest. Sometimes, an associate dean may ask a new faculty member to cover one of these classes as the last course in her package, the course she must reluctantly accept in exchange for a group of classes that otherwise matches her interests and desires. In short, these teachers are less likely to enjoy teaching these courses and less likely to be as skilled at teaching them.

C. Adjunct Faculty Members Who Are Full-Time Real Estate Practitioners

The final group of people teaching upper-level real estate courses consists of adjunct faculty members. Members of this group

are usually local practicing lawyers who enjoy teaching and are willing to do it for nominal compensation.¹³ They provide a service to the school and, in many cases, are loyal and generous alumni. They get to work with law students and perhaps vet them as future hires. For many adjuncts, teaching is a labor of love. While a small number of them may entertain the idea of entering academia later as full-time professors, most recognize that their primary interest lies only in teaching, not in legal scholarship, and that full-time practice augmented by an occasional teaching slot is where they fit best.

The advantages to law schools that hire adjunct faculty members to teach upper-level real estate courses are straightforward. These teachers are current practitioners and are usually on the cutting edge of their practice areas. Full-time professors may become concerned as time goes by that they are teaching real estate law as it was practiced many years ago, but adjunct faculty members are practicing now and do not have this worry.¹⁴ Their teaching style tends to be more practice-oriented and focused on skills.

Adjunct faculty members benefit the institution in other ways. They are in the building for several hours each week, which helps to cement their relationship with the school. They may become more involved with alumni affairs, and the dean and development director sometimes view them as promising prospects. They may hire their students for positions during the school year, during the summer, or after graduation, thereby benefiting the student, the faculty member, the director of career services, and the dean.

There are also disadvantages to having adjunct faculty members cover these courses. Because they teach more sporadically, they develop less teaching experience. Courses taught by adjuncts run the risk of devolving into a series of war stories, though many adjunct faculty members learn to avoid this trap. Adjuncts, unlike full-time teachers, may have less of a sense of how their subspecialty fits within the larger area of law. Thus, they may overemphasize the topics they know best, leading to less comprehensive coverage overall, a particular concern in survey courses. Adjunct faculty members are not in the building nearly as much as their full-time counterparts, making it more difficult for students to meet with them. As a result, students may feel more engaged in classes taught by the full-time professors whom they bump into every day.

Quality control among adjunct faculty can be uneven. Schools may offer dozens of courses taught by adjuncts with different levels

13. See David Lander, *Part Time, But Fully Loaded*, 14 ABA BUS. L. SEC. 1, 1-2 (2005), <https://www.americanbar.org/content/dam/aba/publications/blt/2005/07/part-time-fully-loaded-200507.authcheckdam.pdf>.

14. See *id.*

of experience and skill. It may be more difficult to identify burgeoning problems and to take appropriate action to observe and improve the teaching skills of these adjuncts. Schools located outside of major population centers may not have ready access to a large enough pool of potential adjuncts.

Most significantly, adjunct faculty members are often poorly integrated into the overall faculty. They may have only a limited idea about where their specific course fits in institutionally. They often have little sense of the school's mission. They probably are not part of the ongoing faculty discussion on teaching methods and curriculum. Law schools may not provide adjuncts with adequate training as to what the ABA requires with respect to attendance, student preparation, and student assessment. Schools are having a difficult enough time ensuring that their full-time professors know about and abide by recent changes to ABA accreditation standards, and adjuncts are often a step behind their full-time counterparts.

D. Combinations of These Groups

These three pools of teachers are not mutually exclusive, and a given person may move from one group to another. At my own institution, one full-time faculty member did not receive tenure but continued to teach for decades afterwards as an adjunct on a nearly full-time basis. He was beloved by his students and was in the building about as much as his full-time counterparts. Another full-time faculty member had to resign her position when her spouse relocated for his job; she continued to commute a long distance to teach a nearly-full load for the next two decades. Technically, these two teachers were adjunct professors, but they did not fit the typical mold.

Some faculty members serve as adjuncts before entering academia permanently. Full-time faculty members may serve in an "of counsel" role at law firms, as legal consultants, or as expert witnesses, thereby keeping a hand in the practice of law. Many schools offer phased retirement plans that allow senior faculty members to continue to teach a reduced load for a few years after they formally retire from their tenure-track positions.¹⁵ Other retirees become "traveling visitors," serving as visiting professors at other law schools in different semesters.

Some courses are team-taught, perhaps with a full-time professor offering more breadth while an adjunct teaching partner provides more depth. Other courses may be taught in modules, with people from different groups presenting material in their own particular area of expertise. Institutions have varying approaches

15. See, e.g., *UNC Phased Retirement Program for Tenured Faculty*, U.N.C. Sys., <https://old.northcarolina.edu/hr/unc/benefits/retirement/prp.htm> (last visited Nov. 17, 2018).

for providing course coverage in clinical and legal research and writing courses, and teachers of those courses sometimes fall somewhere between the traditional tenure-track and an adjunct position. Experienced professors visit from other institutions, while less experienced newcomers teach courses as visiting assistant professors. Law librarians teach courses in research and writing. Second- and third-year students serve as teaching assistants in first-year courses. And schools are increasingly hiring writing experts¹⁶ and bar preparation specialists, teachers who offer courses that focus more on particular skills and less on coverage of legal doctrine.

Schools thus have the opportunity to enjoy the best of all worlds, slotting the most suitable person to teach every course or portion of a course. There are multiple methods for covering different courses, and the discussion above is meant to highlight three of the most common methods for covering upper-level real estate courses without suggesting that these are the only three possibilities. These three categories are sketches of the most common types, but real professors do not necessarily fit precisely into one of these boxes.

Law schools face constraints as well. Few faculties are growing and some are shrinking, even as the list of “must-have” courses keeps expanding.¹⁷ Skimpy budgets for hiring adjunct faculty members are becoming even skimpier, often leading to reductions in salary, benefits, and prestige for those who do not teach full time.¹⁸ Thus, a steady or diminishing number of people must cover more and more courses. Students and prospective employers are demanding, and the ABA is requiring,¹⁹ more skills-based and experiential courses, which are often taught in very small sections. This places still more stress on institutions that are trying to do the best they can in a time of dwindling resources.

I gave a presentation at an academic conference several years ago in which I made the case for law schools expanding the number of upper-level real estate courses taught by full-time faculty

16. Jeremy Francis, *The Role of a Writing Specialist in Enhancing Your Legal Writing Program*, 93 DENV. L. REV. ONLINE 73, 73 (2016).

17. See generally Matt Leichter, *Which Law Schools are Shedding Full-Time Faculty (2016 Edition)*, LAST GEN X AM. (Jan. 17, 2017), <https://lawschoolltuitionbubble.wordpress.com/2017/01/17/which-law-schools-are-shedding-full-time-faculty-2016-edition/> (discussing the decrease in full-time faculty since 2010).

18. Phyllis Korkki, *Adjunct Professors Step Up Their Efforts to Increase Pay*, N.Y. TIMES (Apr. 5, 2018), <https://www.nytimes.com/2018/04/05/education/learning/adjunct-professors.html>.

19. See, e.g., *Managing Director's Guidance Memo: Standards 303(a)(3), 303(b), and 304*, ABA (March 2015), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_standards_303_304_experiential_course_requirement_authcheckdam.pdf.

members. A dean from another institution was in the audience and, during the question-and-answer session, told me that he would deny my request if I were a member of his faculty, and he explained why. Perhaps I did not make my case as well as I could have. More likely, though, is the possibility that we each played our roles exactly as we should have. I, as an interested faculty member, argued for something that I thought would improve the institution. He, as a dean required to balance many competing and often contradictory requests of this type, made the decision that I would not get what I wanted if I were on his faculty, presumably because other needs were more pressing. Finite resources keep each school from accomplishing all that it wishes to accomplish.

III. WHAT TYPES OF SUPPORT DO MEMBERS OF THESE THREE GROUPS NEED?

Professors in the first category of teachers—full-timers who specialize in real estate law—probably need the least support in teaching these courses, particularly after they have a few years of experience. New teachers, however, require mentoring and oversight no matter what they teach, and schools are wise to provide this assistance to all new faculty members. More experienced teachers should visit their classes, review their scholarship and offer constructive advice to them, and help them expand their network of contacts among the professoriate. Institutions need to provide new teachers with adequate budgets for travel and research assistants. Many schools offer reduced teaching loads in one or more years leading up to consideration for tenure.

If a law school does hire a real estate specialist for a full-time position, the odds are high that there is only one such person on the faculty. This means that, in addition to the more customary support just described, the institution needs to facilitate the ability of this faculty member to make contact with colleagues at other institutions. Everyone needs intellectual playmates, and while one's institutional colleagues may be wonderfully supportive, they probably lack the specific subject-matter expertise that will help this new faculty member become the best teacher, scholar, and public servant she can be. That is one of the reasons why the Real Estate Transactions Section of the AALS is so valuable. It can provide a support network for junior faculty members whose own faculty colleagues, however well intentioned, simply do not have the subject-matter expertise to offer this type of mentoring at home.

People in the second category have different expertise and different needs. These professors are experienced teachers of law or will become experienced as their careers progress, but they focus their work on subject-matter areas outside real estate law. Once they receive the type of support that every law professor needs, they will know their way around the classroom. However, they are far

less familiar with real estate law and practice than professors in the first category. Thus, they are less in need of traditional academic mentoring, particularly after they have been teaching for a few years, and more in need of support that is specific to the course material.

These experienced teachers may benefit, for example, from reviewing a sample syllabus. They may not know which subjects need to be emphasized and which are only of secondary importance. These teachers may need advice on selecting course materials. People in this group likely will benefit from reviewing sample examinations, including final exams, midterms, and quizzes. They may profit from discussions of how to present certain topics, given their own lack of expertise in the subject area and in teaching this particular course.

If a teacher in this second group happens to have a colleague from the first group on her own faculty, then she is in luck. But law schools that already have a member of the first group on their faculty are less likely to call on someone from the second group to teach the real estate finance course. There is little need for these institutions to bring in a pinch hitter other than sporadically. Stated differently, most nonexperts called on to teach courses in real estate law probably must do so because they do not already have a real estate expert down the hall with whom they can chat. Members of this second group who do not have real estate colleagues on their own faculty need a type of support they cannot get from their own institutional colleagues. They must get this assistance elsewhere, as the next Part will discuss.

Adjunct faculty members also need support, but of a somewhat different type. They know how to read a construction loan agreement, and they do not have to google the term “mezzanine financing.” In fact, they are likely to be more knowledgeable about the subject than even members of the first group of real estate professors.²⁰ What adjunct professors likely lack is classroom experience, knowledge of how to select teaching materials, and proficiency in evaluating their students during the semester and at the end of the course. Their only training, in many cases, comes from the fact that they were law students once (although they too may have learned real estate finance from an adjunct professor!). And since many adjuncts are fairly senior members of the bar, their preferred approach to legal education may not be well informed about recent changes in the ways that full-time professors instruct future lawyers.

20. Eric P. Bettinger & Bridget Terry Long, *Does Cheaper Mean Better? The Impact of Using Adjunct Instructors on Student Outcomes*, 92 REV. ECON. & STAT. 598, 609, 611-12 (2010) (observing that adjunct professors possess greater depth of experience than most of their full-time colleagues but that their knowledge may be spottier and less comprehensive).

It would be overkill to provide adjunct professors with the same type of support that many schools today offer their new full-time faculty members. These adjuncts are not transitioning into full-time academia, they are not expected to produce scholarship, and they have little or no interest in institutional matters. Adjunct faculty members enjoy no job security and receive modest paychecks.²¹ They dedicate a few hours of their time each week to teaching at a law school. These professors need assistance in their roles, but not the same kind of assistance as members of the first two groups just discussed.

IV. WHAT ARE LAW SCHOOLS DOING TO SUPPORT THESE THREE DIFFERENT TYPES OF REAL ESTATE PROFESSORS, AND WHAT ELSE CAN THEY DO?

The first Part of this Essay described the three types of professors who teach upper-level real estate courses. The second Part discussed the very different needs that members of these three groups will have over the course of their teaching careers. This third Part will review the support that law schools have been providing and will suggest ways in which schools and other organizations can expand and increase this support. In effect, it will try to answer three questions: How can we make sure that law professors who are already real estate specialists remain current in their subject even after they transition into academia? How can we support other full-time professors who are teaching real estate courses despite the fact that they are not experts in the subject? And how can we provide assistance to adjunct faculty members who are real estate experts but who have far less classroom experience? The answers to these three questions overlap considerably. Thus, rather than treating them individually, this Part will describe different approaches that may provide partial answers to all three questions at the same time. Collectively, these responses will likely make all those who teach real estate courses better teachers.

With respect to all of the problems noted above, the central concern is that law schools do not possess the in-house expertise to provide all of the necessary support to their full-time and adjunct faculty members. This means that schools must look to external organizations that can offer assistance to these teachers. Three professional organizations exist that already provide this assistance

21. These features of adjunct teaching present problems of their own. See, e.g., Stephanie Francis Ward, *Why Should Law Schools Have to Require LSAT or GRE? Law Deans Ask the Question*, ABA J. (Jul. 13, 2017, 2:46 PM), http://www.abajournal.com/news/article/rather_than_accept_more_entrance_exams_some_law_school_deans_favor_eliminat (noting concerns from the Clinical Legal Education Association that “[a]djunct faculty members do not participate in law school governance; many are poorly compensated for their teaching and none have job security”).

to some extent and might be able to do even more. This Part will focus on how law schools might draw on the resources that AALS, the ABA, and ACREL offer or could offer.

Because these organizations already exist, there is no need for law schools or the legal profession to create new institutions. These existing institutions, however, might develop new programs or might tailor existing programs to meet the needs of academia. In addition, law schools may not be aware of the programs these institutions offer now or might offer in the future and may not make the best possible use of them. The discussion below will note the many ways in which these three existing organizations already provide support to legal education and will suggest ways in which they could provide even more of this type of support going forward.

The first of these groups, and one with which law professors are already quite familiar, is the AALS.²² AALS holds numerous meetings each year, with its annual meeting drawing several thousand attendees every January.²³ Many professors attend these meetings on at least an occasional basis. Most of those who attend AALS meetings are already full-time law professors, including those who hold appointments teaching clinical or research and writing courses. Adjunct professors are far less likely to attend meetings and benefit from AALS offerings.

As an organization that focuses almost exclusively on law professors and not practicing lawyers, AALS is not as well suited as other professional organizations to providing particularized subject-matter support to teachers. It is better at offering a seminar on how to teach real estate finance than it is at offering one on how the method of structuring a particular type of real estate transaction has evolved in recent years. AALS speaks primarily to career law professors and emphasizes how to make them better teachers, not better lawyers.

Nonetheless, AALS has something to offer all three groups, and it already does so to varying degrees. Full-time professors can benefit by learning from practitioners, and some AALS presentations include local lawyers on their panels.²⁴ Some sections, including most significantly the Real Estate Transactions Section, invite practicing lawyers as guest speakers.²⁵ This approach may

22. See ASS'N AM. L. SCH., <https://www.aals.org> (last visited Nov. 14, 2018).

23. 2019 AALS Annual Meeting, ASS'N AM. L. SCH., <https://am.aals.org> (last visited Nov. 14, 2018).

24. See *Speakers*, ASS'N AM. L. SCH., https://memberaccess.aals.org/eweb/DynamicPage.aspx?WebKey=5184F1A4-2369-44E5-B712-00E14F5DE5DB&Reg_evt_key=6a99ff98-c744-4ce4-a9ae-563e0e2c8ae9 (last visited Dec. 13, 2018).

25. I had primary responsibility for organizing this Section's presentation at the 2008 Annual Meeting in New York. Three of the speakers I invited were local real estate practitioners and a fourth was a noted urban planner based in New York.

not be appropriate for every AALS Section and might not be appropriate for any given Section to pursue every year. But at least some AALS panels could function as continuing legal education programs for full-time law professors, helping these professors to brush up on their legal skills. These programs might also be of benefit to the full-time professor who does not regularly teach upper-level real estate courses, who could study one topic somewhat intensively as a means of understanding how real estate lawyers function. Because adjunct faculty members typically do not attend AALS meetings, they are the group least likely to benefit from these programs, although the occasional adjunct professor may serve as a program speaker.

Many sections, including the Real Estate Transactions Section, organize field trips in conjunction with their annual meeting presentations or in connection with subject-matter conferences held at other times during the year. In this way, a Section can tie a panel that focuses on teaching or scholarship together with a real-world application. The Real Estate Transactions Section, for example, has visited a mixed-income housing development, a mixed-use project constructed above a mass transit station, and the World Trade Center redevelopment site. Each of these field trips broadened the perspectives of its attendees by showing how the subject that full-time professors teach can have practical applications on the ground.

The AALS annual meeting is always held in a large city.²⁶ These cities provide plentiful opportunities for field trips that are specific to the location, thereby allowing attendees to learn more about the local legal and business environment. They also are home to thousands of possible speakers from the local bar. The Real Estate Transactions Section has taken great advantage of the resources that host cities offer and should continue to do so in the future. By doing so, this Section provides benefits both to regular and sporadic teachers of real estate courses.

A second professional organization that offers quite different benefits is the ABA, particularly its Section of Real Property, Trust and Estate Law ("RPTE"). In many ways, it offers advantages and disadvantages that almost precisely mirror those of the AALS. The ABA is a professional organization for lawyers, and only a tiny percentage of its members are law professors.²⁷ Most of the

26. See, e.g., Gregory M. Stein, *Negotiating the Mega-Rebuilding Deal at the World Trade Center: An Introduction*, 10 *TRANSACTIONS* 11, 11 (2008).

27. ABA's RPTE Section has about 25,000 members, including "U.S. and international lawyers, paralegals, real estate and financial services professionals, law students, and legal educators." *Section Membership*, ABA, https://www.americanbar.org/groups/real_property_trust_estate/membership.html (last visited Nov. 14, 2018). If each of the 206 ABA-accredited law schools has one full time faculty member who teaches advanced real estate courses and

Section's committees (except for those with an explicit focus on legal academia, such as the RPTE Legal Education and Uniform Laws Group) contain few or no law professors in their membership. Thus, ABA-RPTE and AALS can each fill some of the gaps the other leaves open. Professors from any of the three categories can benefit from programs these two organizations offer, although some professors may benefit more from one group's programs than from the other group's.

All professors can benefit from becoming involved with particular ABA-RPTE committees that focus on teaching issues, and many have done so. The Legal Education and Uniform Laws Group²⁸ is the most notable example, although there are others. In the past, this Committee has examined important academic issues such as course coverage at American law schools and has published reports on these subjects.²⁹ For several years, the Committee presented a regular "Recent Developments" panel discussion at the Section's spring meeting at which professors offered attendees summaries of important new cases, statutes, and academic articles. Currently, this Committee presents monthly educational conference calls in which panelists—both professors and practitioners—offer their expertise on hot topics in real estate and probate law. The Legal Education and Uniform Laws Group also serves as an interface with the ULC.³⁰

The Legal Education and Uniform Laws Group offers numerous opportunities for practicing lawyers and law professors to work together. Professors can keep current with important new developments in real estate law, while lawyers who serve as adjunct professors can learn from their academic counterparts. In addition, law professors can enjoy all the programs the ABA offers, thereby allowing them to stay current with practice issues. These programs include the ABA annual meeting, the ABE-RPTE spring meeting, conference calls, and publications.³¹ By making use of these

if every one of them is a member of the Section, these professors still make up less than one percent of the Section's membership.

28. See generally *Interdivisional Committees*, ABA, https://www.americanbar.org/groups/real_property_trust_estate/committees/joint-groups/ (last visited Nov. 17, 2018).

29. See, e.g., Roger Bernhardt & Joanne Martin, *Teaching the Basic Property Course in U.S. Law Schools*, PROB. & PROP., Sept.–Oct. 2007, at 36; *Supplementary Statement of the Task Force on Real Property Law School Curricula*, PROB. & PROP., Mar.–Apr. 2009, at 8.

30. See, e.g., ABA Section of Real Property, Trust & Estate Law, *Groups & Committees*, https://www.americanbar.org/groups/real_property_trust_estate/committees/ (last visited Nov. 14, 2018).

31. Many ABA publications are authored or co-authored by law professors, including my own co-authored book, now in its third edition. See, e.g., GREGORY M. STEIN, MORTON P. FISHER, JR. & MICHAEL D. GOODWIN, *A PRACTICAL GUIDE TO COMMERCIAL REAL ESTATE TRANSACTIONS: FROM CONTRACT TO CLOSING* (3d ed. 2016).

numerous opportunities for continuing legal education, both professors who regularly teach real estate courses and those who do not can remain current in the field. Adjuncts, meanwhile, can learn from their full-time academic colleagues.

The third organization that can offer assistance to all three types of law professors is ACREL.³² ACREL is a somewhat different type of organization. Membership is by nomination and election only, and nominees are extensively vetted.³³ New members must have ten years of real estate experience in order to be eligible.³⁴ Of the roughly one thousand ACREL members, approximately thirty-five are full-time law professors, which means that the overwhelming majority of ACREL members who teach are full-time lawyers who serve as adjuncts.³⁵ In other words, ACREL has much to offer adjuncts but also provides valuable benefits to full-time professors who are real estate experts. Full-time professors who focus on other areas would not be eligible for membership but might gain from ACREL in other ways.

ACREL provides excellent opportunities for professors and law practitioners to interact in formal and informal settings. The professors who become members tend to be people with extensive practice experience and continuing interest in the field. Practitioner members often serve as adjunct professors or as speakers, authors, and organizers for continuing legal education programs—in fact, this type of “give back” is a membership requirement.³⁶ The two annual ACREL meetings are extremely sophisticated, and most of the presentations are practice-oriented panels that focus on cutting-edge issues in real estate law.³⁷

ACREL recently established the “Professors – Law School Teaching Committee,” recognizing the need for more formalized interactions between these two groups of professionals.³⁸ About half the members of the Committee come from each group. The Committee’s goal is to help each group stay current with what is

32. See generally AM. C. REAL EST. LAW., <https://acrel.site-ym.com> (last visited Sept. 18, 2018) (describing ACREL’s commitment to building the profession and the practice of real estate law).

33. *Guidelines for Member Selection*, AM. C. REAL EST. LAW., <https://acrel.site-ym.com/page/MemberSelectionGuide> (last updated Oct. 2016).

34. *Id.*

35. See generally *Member Roster*, AM. C. REAL EST. LAW., <https://acrel.site-ym.com/search/custom.asp?id=4099> (last visited Nov. 14, 2018) (allowing users to view the membership of ACREL).

36. *Guidelines for Member Selection*, AM. C. REAL EST. LAW., <https://acrel.site-ym.com/page/MemberSelectionGuide> (last updated Oct. 2016).

37. See, e.g., *ALI-CLE: The ACREL Papers--Spring 2018*, ALI CLE, <https://www.ali-cle.org/publications/Book/3784> (last visited Nov. 30, 2018) (presenting an illustrative list of continuing legal education topics from a recent ACREL meeting).

38. I served as co-chair of this Committee for the first three years of its existence.

happening in the other group's professional world. Professors can remain up-to-date with new developments in real estate practice, while adjunct professors can ensure that their courses meet their institution's academic standards. These adjuncts need various types of support, including sample course syllabi, recommendations for books and other course materials, sample examinations, and information on various teaching methods. Professors can also help adjuncts learn about recent changes in ABA accreditation standards and the impact of these new developments on teaching and student evaluation.

Given recent developments in legal academia, it is unlikely that law schools will hire very many full-time real estate professors in the coming years. Law faculties are not growing and some will need to shrink,³⁹ while demands on these faculties continue to grow. With enrollments dropping precipitously during the past decade, law schools have become financially stretched. Thus, outside organizations such as these three groups increasingly need to perform an essential role in the coming years.

These changes in legal academia suggest that members of the second and third groups, full-time professors with expertise in areas outside real estate and adjunct professors, will become more likely to teach upper-level real estate courses. Law schools need to maximize the odds that members of these two groups can succeed in the classroom, and the schools, or the professors themselves, will have to look beyond their own four walls for assistance. AALS, ABA-RPTE, and ACREL have some of the expertise these teachers need and can help them locate other guidance that these organizations cannot provide themselves.

What else can AALS, ABA-RPTE, and ACREL do to support professors of all three types? Answering that question places the burden squarely back in the laps of these organizations' members. The first thing law professors and interested practitioners must do to enhance the benefits these three organizations provide is to become or remain actively involved with one or more of them. The benefits of all three groups are directly proportional to the degree of involvement of talented professionals. These groups thrive as more people become active and interact through their conferences, online programs, and publications. Moreover, these groups provide a natural home for interested professionals. All of us need these groups, and these groups need all of us.

Getting involved means more than just enrolling and paying annual dues. These groups offer numerous opportunities to publish, speak, and attend meetings at which lawyers and law professors interact formally and informally.⁴⁰ All of these groups need leaders,

39. See Leichter, *supra* note 17.

40. *About AALS*, ASS'N OF AM. L. SCH., <https://www.aals.org/about> (last visited Nov. 14, 2018); *Section of Real Property, Trust and Estate Law*, ABA,

ranging from board members to committee chairs to journal editors. There are numerous opportunities to organize and participate in forums, such as the AALS panel presentation from which this Symposium resulted. Professors and practitioners do not benefit just from attending these meetings, they also gain, perhaps to an even greater extent, by organizing them. Real estate professionals can also recruit other members to these groups and can serve as mentors and role models for their less experienced colleagues.

Those interested in ABA activities can start by joining the ABA itself and signing up for its RPTE Section. That Section offers numerous committees and activities, most notably the Legal Education and Uniform Laws Group.⁴¹ Other committees offer more subject-specific programming and can provide various benefits to members, depending on a person's individual interests and skills.

Law professors most likely benefit from AALS already through their law school's institutional membership. Real estate professors and others who are interested can join the Real Estate Transactions Section.⁴² That Section presents a program at the AALS annual meeting, often accompanied by a field trip to a local site of interest. It also produces a newsletter and other programs.

ACREL, in some ways, offers the best forum for interaction among real estate professors and practitioners who serve as adjuncts, though its membership is more limited. ACREL's Professors – Law School Teaching Committee is up and running, and this Committee's membership already contains people from both groups. One of this Committee's ongoing projects is establishing a repository of documents useful to professors of real estate law, including course syllabi and examinations. The members of this Committee tend to be quite interested in legal education and participate regularly and actively in Committee meetings and conference calls.

Most important, perhaps, is getting these three groups to work together even more closely than they have in the past. All three groups pursue similar goals. Significantly, many professors and lawyers are already members of two or three of these groups, often holding leadership positions in one or more of them. Getting the groups to coordinate their activities, then, may mean little more than holding an occasional expanded conference call open to members of more than one group.

https://www.americanbar.org/groups/real_property_trust_estate (last visited Nov. 14, 2018); AM. C. REAL EST. LAW., <https://acrel.site-ym.com> (last visited Nov. 14, 2018).

41. *Groups & Committees*, *supra* note 30.

42. *See generally* Section on Real Estate Transactions, ASS'N AM. L. SCH., <https://www.aals.org/sections/list/real-estate-transactions/> (last visited Nov. 14, 2018).

The opportunities for synergy among these three professional organizations are fairly obvious. All of the groups are pursuing related goals. Membership criteria for the three groups overlap, and many professors and practitioners who belong to one group also belong to one or both of the others. Law professors often join the academy from practice, while practicing lawyers interested in these issues frequently serve as adjuncts, which means that the lawyers and practitioners in these three organizations have similar backgrounds and similar goals. The many excellent professors and lawyers interested in these issues have numerous opportunities to work together and assist each other. They have done so in the past, and they can expand this cross-pollination in the future.