

FACSIMILE
(415) 974-1549
EMAIL rbernhardt@ggu.edu

ROGER BERNHARDT
PROFESSOR OF LAW
GOLDEN GATE UNIVERSITY
536 MISSION STREET
SAN FRANCISCO, CA 94105

TELEPHONE
(415) 666-3343

March 5, 2009

Joan Travostino
Kirkpatrick & Lockhart Preston Gates Ellis

Dear Ms Travostino:

Out of concern over the current status of the basic real property course in law schools, the ABA Real Property, Trust and Estate Law Section created a Task Force on Real Property Law School Curriculum. The Task Force, with the assistance of the American Bar Foundation, issued a report which appeared in the September/October 2007 issue of Probate and Property. In its Report, the Task Force made five Recommendations:

- 1. That property coverage should not be reduced below its traditional six units, given the significant inclusion and growth of new fields affecting real estate practice.**
- 2. That coverage of the rules of estates in land and future interests should be reduced in light of their lack of relevance to contemporary real estate practice**
- 3. That the area of real estate transactions should not be eliminated from first year property courses, even if the credit value of that course is reduced, because of its significance and centrality.**
- 4. That credit reduction for property courses should not lead to a deemphasis of scholarship in the field**
- 5. That the bar examiners should discontinue their current omission of land use issues from their exams and instead declare an intent to cover it in the future**

These are explained more fully in the Task Force Report, which is attached to this email. A later survey conducted by the Task Force of young lawyers gave further support to these conclusions, and is also attached as a Supplementary Statement.

The Task Force hopes to encourage law school deans, property law professors, and bar examiners to respond productively to these recommendations. To that end, it seeks the endorsement of organizations concerned with the good practice of real estate law.

As the Supplementary Statement indicates, this position has been unanimously endorsed by the RPTE Section of the ABA. It has also been endorsed by the American College of Real Estate Lawyers, the American College of Mortgage Attorneys, and the Real Property Sections of the State Bar Associations of California, Texas and (as of last week) Virginia. Those endorsements are also attached.

The Task Force would appreciate obtaining a similar declaration or the simple endorsement of the Real Property Section of the Alaska State Bar of some or all of the recommendations that we have made.

I thank you for your cooperation.

/s Roger Bernhardt