

**MINUTES OF MEETING OF SECTION COUNCIL
REAL PROPERTY SECTION
TUESDAY, MAY 12, 2009**

A meeting of the Section Council for the Real Property Section of the MSBA was held on Tuesday, May 12, 2009 at The Elkridge Furnace Inn in Elkridge, Maryland. The following Section Council and Committee Chair members were present: Hilary O'Connor (Chair), Terry Shea (Vice Chair), Sara Arthur, Marc Bergoffen, Cynthia Berman, Ronald Deutsch (Secretary), Mark Dopkin, Emerson Dorsey, Sheila Durant, Guy Flynn, Searle Mitnick, Lucinda (Cindy) Motsko, David Severn and Lila Shapiro-Cyr. Also present were Deborah Dopkin (Board of Governor Liaison), and Richard Froehlinger III (Discussion Lunch Committee Chair).

1. Call to Order – Ms. O'Connor called the meeting to order at 6:15 p.m.
2. Prior Meeting Minutes – The prior meeting minutes were noted as approved and have been posted on the website.

3. Chair's Report

(a) Real Property – Tax Law Section Networking Event – Searle Mitnick reported that the Real Property-Tax Law Section's combined networking event held on March 12, 2009, at That's Amore in Columbia, Maryland was successful. Approximately 50-60 members of the sections attended.

(b) Nominating Committee – Terry Shea reported that a proposed slate was being readied for the Section Council. Further nominations may be received during the next several weeks and the Committee was awaiting further developments. An announcement calling for additional nominations was posted on the Real Property Section's listserv as well as the Section's web page.

(c) Distinguished Practitioner Award – Terry Shea and Hilary O'Connor reported that John Delaney had been selected to receive the Distinguished Practitioner Award.

(d) ABA Request for Endorsement. Hilary O'Connor reported that she received an endorsement request from Roger Bernhardt, Professor of Law at Golden Gate University. More specifically, an ABA Task Force on Real Property Law School Curriculum promulgated various recommendations which were attached to the request. Professor Bernhardt requested a declaration or endorsement by the Real Property Section of the five recommendations made by the ABA Task Force. Those recommendations included: (1) That real property curriculum coverage should not be reduced below the traditional six units; (2) That coverage of the rules of estates in land and future interests should be reduced; (3) That real estate transactions should not be eliminated from first year property courses; (4) That credit reduction for property course should not lead to a de-emphasis of scholarship in the field and (5) That bar examiners

should discontinue their current omission of land use issues on bar exams and should also declare an intent to cover it in the future. The Council discussed whether this issue was in the purview of the Section to so endorse. The issue was not decided and Ms. O'Connor asked the Council for further thought and consideration.

4. Committee Reports

- (a) Legislative Committee – Lila Shapiro-Cyr, Committee Chair, reported that the legislative session ended in April. Enacted legislation was being reviewed.
- (b) Real Estate Discussion Group – Rick Froehlinger, Chair, reported that planning was in process for the group for next year's meetings. Various issues such as smart growth and Terrapin Run were among various items that interest was strong and would be discussed. Mr. Froehlinger reported that consideration was being given to site location for future events. It was believed that the Baltimore area represents the highest concentration of attendees and that utilization of web-casting would satisfy member needs in outlying areas.
- (c) Technology Committee – Mr. Dopkin discussed recent issues regarding listserv use. The consensus was that the Listserv should not be used for advertising purposes. It was also discussed that Bar Association should look into promoting a separate site where commercial interests could be satisfied.

Mr. Dopkin also briefly reported on the status of E-Filing.

- (d) Education Committee – Guy Flynn, Chair reported that reduced demand was experienced for the mentor/mentee program. Approximately six participants are currently taking advantage of the program.
 - (i) A joint program was held during April with the University of Maryland and the University of Baltimore law schools. Professor Giligan moderated. Almost 100 attendees were present.
 - (ii) Sara Arthur and David Severn reported that the Real Property Section would hold their annual session and meeting on Friday June 12, 2009 at the Ocean City, Maryland annual event. Their committee plans to meet on May 13, 2009 to finalize plans.
 - (iii) Advanced Real Property Institute (ARPI) – Cynthia Berman reported that plans for the 2009 ARPI are under way and that the Committee has been meeting to set the agenda and speakers.
- (e) Foreclosure Committee – Ronald Deutsch, reported that the Committee has a Breakfast planned for Wednesday, June 17 with the Honorable Alan M. Wilner, Judge Court of Appeals. Judge Wilner is also the Chair of the

Court of Appeals Standing Committee on Rules of Practice and Procedure. A number of participants are expected. Ronald Deutsch also discussed that the Committee was successful in pushing back the requirement for certificates of mailing. That requirement would have caused substantial man hours to be expended by both practitioners and the post office.

- (f) Ground Rules – Marc Bergoffen, Editor, reported that an edition was expected prior to the June Annual meeting.
- (g) Land Use Committee – David Freishstat, Co-Chair, - No Report
- (h) Planning Committee – Nicole Lacoste – No Report
- (i) Construction Committee – Jeff Regner, Chair reported via email that their upcoming meeting scheduled for May 13, 2009, had been canceled. He also reported that Mike Skojec will also become the new Committee Chair.

5. Other Reports/Updates None

6. New Business Next Meeting, Friday June 12, 2009 at 7:30 am at the Clarion Resort in Ocean City, Maryland.

7. Adjournment

The meeting adjourned at approximately 7:45 p.m.

Respectfully submitted,

Ronald S. Deutsch, Secretary