

JAMES C. SMITH

University of Georgia School of Law
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Athens, Georgia 30602

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EMPLOYMENT

John Byrd Martin Chair of Law Emeritus
University of Georgia

Subjects Taught: Property, Real Estate Transactions, Secured Transactions, Global Issues in Real Property Law, Comparative Commercial Law, Housing Law (seminar), Contracts, Water Law, Land Use, Real Estate Development, Theories of Property Law (seminar), Law & Cinema (freshman undergraduate seminar), Supreme Court leading cases (freshman undergraduate seminar), Natural Resources, Oil and Gas

1982-1984 Assistant Professor of Law
 Ohio State University College of Law
 Columbus, Ohio

Visiting Teaching Positions:

Spring 2020 Mercer University School of Law
Spring 2019 University of Kentucky College of Law
Spring 2005 University of Alabama, Charles E. Tweedy, Jr. Visiting Chairholder
Summer 2000 Instituto Tecnológico Autónomo de México (ITAM) (Mexico City)
Summer 1990 University of Reading, Department of Law (England)
Summer 1989 University of Iowa College of Law
Summer 1988 Washington University School of Law (St. Louis)
Summer 1984 University of Texas School of Law

1978-1982 Associate, Baker Botts
 Houston, Texas

1977-1978 Law Clerk to Judge Walter Ely
 United States Court of Appeals for the Ninth Circuit
 Los Angeles, California

EDUCATION

University of Texas School of Law, Austin, Texas (1974-1977)
J.D., 1977 (High Honors)
Order of the Coif
Texas Law Review, Articles Editor, 1976-77
Texas Law Review Association Outstanding Editor of the Year Award

Saint Olaf College, Northfield, Minnesota (1970-1974)
B.A., 1974 (*magna cum laude*)
Major: Math and History

Phi Beta Kappa
PUBLICATIONS

Articles, Essays, and Reviews

Making Existing Homes Greener, 4 Texas A&M Journal of Property Law 117 (2017)

Green Home Standards: Information and Incentives, 54 Houston Law Review 1139 (2017)

Some Preliminary Thoughts on the Law of Neighbors, 39 Georgia Journal of International and Comparative Law 757 (2011)

The Structural Causes of Mortgage Fraud, 60 Syracuse Law Review 473 (2010) (part of Symposium titled "Law and the Financial Crisis: Economic Regulation During Turbulent Times")

Restrictions on Freedom of Expression Imposed by Servitudes, 17 The Digest [National Italian American Bar Association Law Journal] 1 (2009)

The Law of Yards, 33 Ecology L.Q. 203 (2006)

The Problem of Social Cost in a Genetically Modified Age, 58 Hastings Law Journal 87 (2006) (with Prof. Heald)

Book Review, Joshua Getzler, A History of Water Rights at Common Law (2004), 24 Law & History Review 220 (2006)

"Family Life and Moral Character" and "Status, Rules and the Enslavement of the House-Elves" in "Harry Potter and the Law," 12 Texas Wesleyan Law Review 431, 456 (2005)

Modernizing the Law of Secured Transactions: Non-Uniform Provisions of Georgia's Revised Article 9, 37 Georgia Law Review 205 (2002)

Statement, State Taxation of Non-resident Employees at Certain Federal Facilities, Hearing before the Senate Committee on Government Affairs, 105th Cong., 1st Sess. (Oct. 24, 1997)

Statement, State Taxation of Employees at Certain Federal Facilities, Hearing before the Subcommittee on Commercial and Administrative Law of the House Committee on the Judiciary, 105th Cong., 1st Sess. 61-68 (April 17, 1997)

Markets and Law Reform: The Tension Between Uniformity and Idealism, 20 Nova Law Review 1165-1185 (1996) (Symposium on Uniform Land Transactions Act)

Statement, State Taxation of Nonresidents' Pension Income, Hearing Before the Subcomm. on Commercial and Administrative Law of the House Comm. on the Judiciary, 104th Cong., 1st Sess. 21-29, 31-38 (1995)

Ownership and Use of Subterranean Space, 14 Eastern Mineral Law Institute 4-1 to 4-53 (1993)

The Dynamics of Landlord-Tenant Law and Residential Finance: The Comparative Economics of Home Ownership, 44 Journal of Urban and Contemporary Law 3-75 (1993)

Statement, State Taxation of Nonresidents' Pension Income, Hearing Before the Subcomm. on Economic and Commercial Law of the House Comm. on the Judiciary, 103d Cong., 1st Sess. 68-81, 139-145 (1993)

State Taxation of Nonresidents' Pension Income, Tax Notes, July 13, 1992, at 221 and in State Tax Notes, July 6, 1992, at 16 (with Professor Walter Hellerstein)

Law, Beauty, and Human Stability: A Rose is a Rose is a Rose, 78 California Law Review 787-812 (1990)

State Taxation of Federally-Deferred Income: The Interstate Dimension, 44 Tax Law Review 349-399 (1989) (with Professor Walter Hellerstein)

Tenant Remedies for Breach of Habitability: Tort Dimensions of a Contract Concept, 35 Kansas Law Review 505-556 (1987)

Developments in the Law: Coal and Minerals, 7 Eastern Mineral Law Institute 10-1 to 10-43 (1986)

The Transformation of American Law, 1977 Wisconsin Law Review 1253-1276

School Desegregation, 54 Texas Law Review 822-835 (1976)

Books

Friedman and Smith on Contracts and Conveyances of Real Property (PLI 8th ed. 2017 with biannual updates 2017-2019; 7th ed. 2005 with biannual updates 2005-2017; 6th ed. biannual updates 1999-2005)

Real Estate Transactions: Problems, Cases, and Materials (Wolters Kluwer 5th ed. 2017; 4th ed. 2013; 3d ed. 2007; 2d ed. 2002; 1st ed. 1998) (with Professor Robin Malloy)

Property: Cases and Materials (Wolters Kluwer 4th ed. 2018; 3d ed. 2013; 2d ed. 2008; 1st ed. 2004) (with Professors Larson & Nagle)

Neighboring Property Owners (Thomson Reuters 1988 & Supplements 1990 through 2019)

Federal Taxation of Real Estate (Law Journal Seminars-Press 2014) (with Professor Allan Samansky; originally published, first edition, 1985; releases 1 – 43 since 1986)

Glannon Guide to Property (Wolters Kluwer 4th ed. 2018; 3d ed. 2015; 2d ed. 2011; 1st ed. 2008)

Real Estate, Emanuel law outline (Wolters Kluwer 3d ed. 2015; 2d ed. 2010; 1st ed. 2006) (with Professor Robin Malloy)

Property and Sovereignty: Legal and Cultural Perspectives (editor) (Ashgate Publishing 2013)

Real Estate Roadmap (Aspen Law & Business 2000) (with Professor Robin Malloy)

Chapters in Books

"Energy Efficiency, Conservation, and Fuel Switching in Existing Buildings," in *Legal Pathways to Deep Carbonization in the United States* (Michael B. Gerrard & John C. Dernbach eds.) (Environmental Law Institute 2019)

"Some Reflections on the Merits of the Property Tax," in *Beyond Economic Efficiency in United States Tax Law* (David A. Brennan, Karen B. Brown & Darryll K. Jones eds. Wolters Kluwer 2013)

"Managing the Risks of Natural Disasters in Public Housing," in *Affordable Housing and Public-Private Partnerships* (Nestor Davidson & Robin Malloy eds. Ashgate Publishing 2009)

"*Tulk v. Moxhay*: The Fight to Develop Leicester Square," in *Property Stories* (Gerald Korngold & Andrew Morriss, eds., Foundation Press, 2d ed. 2009)

"Article 9 and the Law of Real Estate Financing" (with Professor Julian B. McDonnell) in *Secured Transactions under the Uniform Commercial Code* by Coogan, Hogan, Vagts & McDonnell (Matthew Bender & Company 2009)

"Private Property, Community Development, and Eminent Domain" (with Professor Robin Malloy), in *Private Property, Community Development, and Eminent Domain* (Ashgate Publishing 2008)

"Restraints on the Creation of Security Interests," Chapter 2C (45 pages) in *Secured Transactions under the Uniform Commercial Code* by Coogan, Hogan, Vagts & McDonnell (Matthew Bender & Company Sept. 2006)

"Initial Financing Statements: The Impact of Revised Article 9" (74 pages) in *Secured Transactions under the Uniform Commercial Code* by Coogan, Hogan, Vagts & McDonnell (Matthew Bender & Company 2006; with Professor McDonnell; earlier version published 1999)

"Leases of Personal Property," Chapter 30 (pp. 30-1 to 30-215) in *Secured Transactions under the Uniform Commercial Code* by Coogan, Hogan, Vagts & McDonnell (Matthew Bender & Company 2004; originally published 1990)

"The Security Agreement: Requirements for Validity," Chapter 2A in *Secured Transactions under the Uniform Commercial Code* by Coogan, Hogan, Vagts & McDonnell (Matthew Bender & Company 1999)

"Defenses to Mortgage Foreclosures in Ohio," published in *Ohio Mortgage Foreclosures* 174-197 (Professional Education Systems, Inc. 1983)

Magazine and Newspaper Articles and Columns

"When Inquiring Minds Ought To Know . . . , Part II" 32 Probate & Property 48 (Jan. Feb. 2018) (with Professor Donald J. Kochan)

"When Inquiring Minds Ought To Know . . . ," 31 Probate & Property 57 (July Aug. 2017) (with Professor Donald J. Kochan)

"The Epidemic of Residential Mortgage Fraud," 45 The Advocate 7 (Univ. of Georgia School of Law 2011)

"Modern Mortgage Markets and How Mortgage Fraud Has Flourished," 24 Probate & Property 32 (Nov. / Dec. 2010)

"*Kelo v. City of New London*: Supreme Court Refuses to Hamstring Local Governments," 20 Probate & Property 17 (Jan. / Feb. 2006)

"*Kelo* Makes State Courts Arbiters of Eminent Domain Power," Savannah Business Report & Journal, Aug. 1, 2005

"Pollen Drift and the Bystanding Farmer," Georgia Law Advocate (Fall 2005) (with Professor Paul Heald)

"A Federal Hold on Wetlands," Fulton County Daily Report, Sept. 9, 1991

Encyclopedia Entries

Author of entries on Homestead Laws, Liens, Subdivision Controls, and Warranties in The Encyclopedia of Housing (Andrew T. Carswell ed., Sage Publications 2d ed. 2012)

Teaching Materials

CALI Lessons in Property Law (2001 & 2002): Distinction between Real Property and Personal Property and nine Landlord and Tenant lessons: An Introductory Lesson, Constructive Eviction, Delivery of Possession and Title Covenants, Periodic Tenancy, Quiet Enjoyment, Statute of Frauds, Tenancy at Sufferance (Holdover Tenants), Tenancy at Will, Tenancy for Years

Teachers' Manual to *Property: Cases and Materials* (4th ed. 2018; 3d ed. 2013; 2d ed. 2008; 1st ed. 2004)

Teachers' Manual to *Real Estate Transactions: Problems, Cases, and Materials* (5th ed. 2017; 4th ed. 2013; 3d ed. 2007; 2d ed. 2002; 1st ed. 1998)

Documentary Problem Supplement to *Real Estate Transactions: Problems, Cases, and Materials* (3d ed. 2007; 2d ed. 2002, 1st ed. 1998)

Paddy's Plumbing & Supply, Inc. v. Sandra R. Ertel: A Case of Adverse Possession, in Carlson & Imwinkelried, *Dynamics of Trial Practice* 517-542 (West 2d ed. 1995)

SPEECHES AND PRESENTATIONS (SINCE 2014)

"Constitutional Property," Association for Law, Property, and Society (ALPS), Syracuse College of Law, May 18, 2019

"Constitutional Property," University of Kentucky faculty workshop, March 21, 2019

"Understanding Inquiry Notice: Its Utility, Risks, and Doctrinal Complexities," State Bar of Virginia, Annual Advanced Real Estate Seminar, Williamsburg, Feb. 28, 2019

"Hot Topics in Appraisals Utilized for Transactions and Litigation," ABA Real Property, Trust & Estate Law section, Spring Symposia, May 10, 2018

"Constitutional Property," Syracuse College of Law, April 26, 2018

"A Deep Dive into Easements: Creation, Scope, Changing Conditions and Termination of Easements," ACREL Annual Meeting, Los Angeles, October 20, 2017

"Green Neighborhoods," Association for Law, Property, and Society (ALPS), University of Michigan, May 19, 2017

"Making Existing Homes Greener," Emory – University of Georgia summer workshop, Emory University, July 19, 2016

"Making Existing Homes Greener," Association for Law, Property, and Society (ALPS), Queens University, Belfast UK, May 20, 2016

"Making Existing Homes Greener," Sustainable Communities Symposium, Texas A&M School of Law, April 22, 2016

"Understanding Inquiry Notice: Its Utility, Risks, and Doctrinal Complexities," American Bar Association Professors Corner webinar, Mar. 8, 2016

"Green Home Voluntary Standards," Colloquium on Environmental Law Scholarship, Vermont Law School, Oct. 3, 2015

"Using CALI Lessons in Teaching Substantive Law Classes," CALI Annual Conference, University of Denver School of Law, June 19, 2015

The Green Home Movement," University of Oxford Environmental Change Institute, Oxford, England, May 7, 2015.

Book Panel: "Response to Malloy, Land Use Law and Disability" (Cambridge Univ. Press 2014) (book panel), Association for Law, Property, and Society (ALPS), Univ. of Georgia, May 1, 2015

"When is Less More, and More Less?' A Professors' Corner on Deficiency Judgments: Recent Cases Involving Mortgagees' Title Insurance and Guarantor Liability," Teleconference by American College of Real Estate Lawyers (ACREL), Mar. 18, 2015

"Academics as Instrumentalists: Engagement in Law Reform Activities," Central States Law Schools Association annual conference, Louisiana State Law Center, Oct. 11, 2014

"Servitudes as Relational Contracts," Association for Law, Property, and Society (ALPS), Univ. of British Columbia, May 3, 2014

PROFESSIONAL ACTIVITIES AND AWARDS (SINCE 2010)

Reporter, Uniform Law Commission, Uniform Common Interest Ownership Act (revisions), 2019-2022

Reporter, Uniform Law Commission, Home Foreclosure Procedures Act, 2011-2015

President (2015-2016) and President Elect (2014-2015), Association for Law, Property and Society (ALPS)

Probate and Property: Departments Editor, since May 2014; Associate Departments Editor, 2007-2014; Keeping Current – Property Editor, 2006-2009; Contributing Editor for Keeping Current – Property, 2003-2006

Member of Board of Directors of CALI (Center for Computer-Assisted Legal Instruction) 2008-2020; Treasurer 2011-2015; Editorial Board Member since 2002

Reporter, 2010 amendments to UCC Article 9 – Secured Transactions, State Bar of Georgia, 2012

American College of Real Estate Lawyers (ACREL), elected to membership (2011)

Member, E-Filing Advisory Committee of the Georgia Superior Court Clerks' Cooperative Authority, 2009-2010

Reporter, Revision of UCC Article 9 – Secured Transactions, State Bar of Georgia, 1999-2001, and Reporter for 2010 amendments to Article 9

Member, State Bar of Texas

Member, American Bar Association

LAW SCHOOL AND UNIVERSITY ACTIVITIES

Professor in residence, Georgia Law at Oxford Program, Spring 2016

Lecturer, University of Parma, Italy, May 2013

Order of the Coif (Georgia chapter), President 2002-2011; Secretary and Treasurer 1996-2000

Faculty Member, London Law Consortium, Spring 2003

Faculty, Workshop on Commercial Law, Developing the Palestinian Legal System (UPLINK), August 2001

University System of Georgia, Faculty Development Institute, 1998-1999

Lecturer, University of Regensburg, Germany, Basic Principles of Modern Property Law: A Comparative Approach, June 1997

Lecturer, Brussels Seminar, Basic Principles of Property Law in the United States and their Modern Application, May 1995

Teacher, Graduate Seminar (LL.M. Program), Principles of Property Law, 1989-2010

Participant, Environmental Ethics Certificate Program

Secretary, Law Faculty 1985-1987

Committee Memberships (since 2000):

University of Georgia:

University Appeals Committee (promotion & tenure), 2011-2015

Richard B. Russell Outstanding Teaching Awards Selection Committee, 2004

Chair, University Curriculum Committee, 2001-2002

University Review Committee for Promotion and Tenure, 1997-2000, 2007

University of Georgia School of Law:

Chair, Faculty Recruiting Committee, 2005–2007, 2008-2010

Chair, Promotion and Tenure Committee

Chair, Woodruff Chair Search Committee

Committee to Study First-Year Committee

Strategic Planning Committee

Special Advisory Committee on Transnational Legal Studies, Research and Service

Chair, Curriculum Working Group

Admissions Committee

PUBLIC SERVICE (SELECTED)

Member and Vice-Chairman, Board of Commissioners, Athens Housing Authority (Member since 2003, Vice-Chairman since 2010)

Board Member, Georgia Options, 2012-2016

Elder, Covenant Presbyterian Church (serving on the Session, 2011-2013 & 1996-1998)

Editorial Review Board member and Affiliated Faculty, Property, Citizenship, and Social Entrepreneurism (PCSE), Syracuse University

Testified by invitation on Takings Issues related to River Buffer Zones, at Hearing before Natural Resources Committee, State of Georgia, Jan. 14, 1999

Testified by invitation on State Taxation of Non-resident Employees at Certain Federal Facilities, at Hearing before the Senate Committee on Government Affairs, Washington D.C., Oct. 24, 1997

Testified by invitation on State Taxation of Employees at Certain Federal Facilities, at Hearing before the Subcommittee on Commercial and Administrative Law of the House Committee on the Judiciary, Washington D.C., April 17, 1997

Testified by invitation on State Taxation of Nonresidents' Pension Income, at Hearing before the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, U.S. House of Representatives, Washington D.C., June 28, 1995

Treasurer, University Gymnastics Center Parents Association, Athens, Georgia, 1995-1996

PERSONAL

Married to Donna Hurd Smith

Two daughters, Nicole and Kristin

Participant, Boston Marathon, 5 times between 1981 and 2002