

DANIEL B. BOGART

Bolinger Chair in Real Estate, Land Use and Environmental Law
Dale E. Fowler School of Law
Chapman University
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ACADEMIC EMPLOYMENT

At Chapman University:

November, 2012 to May, 2017: Associate Dean for Academic Affairs
June, 2010 to January, 2012: Associate Dean for Administration
August, 2007 to Present: Donley and Marjorie Bollinger Chair in Real Estate Law
August, 2006 to 2010: Director of the Center for Land Resources
August, 2008 to May, 2010: Director of the Law School's Certificate Program in
Environmental Law, Land Use and Real Estate

August, 1999 to Present: Professor of Law
August, 1998 to 1999: Visiting Professor of Law

At Drake University:

August, 1990 to 1998: Assistant, Associate and Full Professor of Law (awarded tenure
and full professorship in 1996)

HONORS AND AWARDS

* Chapman University Valerie Scudder Award, recognizing outstanding achievement in
teaching, scholarship, advising, and service (university-wide award) 2009.

* Professor of the Year (by the student body of the Chapman University School of Law)
2004

* Leland Forrest Outstanding Professor (by the Drake Law School graduating class)
1996

* Editors' Prize of *The American Bankruptcy Law Journal* (by the Endowment for
Education of the National Conference of Bankruptcy Judges, for an article in Volume 68
demonstrating "special excellence") 1995

PUBLICATIONS

Books:

JERRY L. ANDERSON AND DANIEL B. BOGART, PROPERTY LAW, PRACTICE, PROBLEMS, AND PERSPECTIVES, Aspen Casebook Series (Aspen, 2014) (and Teacher's Manual)

JOHN MAKDISI & DANIEL B. BOGART, ESTATES IN LAND AND FUTURE INTERESTS, PROBLEMS AND ANSWERS, 6thth ed. (Aspen Publishers, 2014) (Replacing 5th ed., 2008, 4th ed., 2004)

DANIEL B. BOGART AND CAROL NECOLE BROWN, INSIDE PROPERTY LAW: WHAT MATTERS AND WHY, 2d ed. (Aspen Publishers, 2012) (Replacing 1st ed., 2009)

DANIEL B. BOGART AND CELESTE HAMMOND, COMMERCIAL LEASING, A TRANSACTIONAL PRIMER, 2d ed. (Carolina Academic Press, 2011) (and Teacher's Manual) (Replacing 1st ed., 2007)

ROGER BERNHARDT, DANIEL B. BOGART, STEPHEN W. DYER AND DANIEL S. SCHECTER, CALIFORNIA REAL ESTATE FINANCE, CASES AND MATERIALS, 5th ed. (Carolina Academic Press, 2008) (and Teacher's Manual)

Articles:

The Right Doctrine in the Wrong Transaction: Good Faith and Fair Dealing in Commercial Leasing, 41 J. Marshall L. Rev. 275 (2008) (solicited in connection with Keynote Lecture at John Marshall Law School's annual Kratovil Conference on Real Estate & Practice, 2007)

Resisting the Expansion of Bankruptcy Court Power under Section 105 of the Bankruptcy Code: the All Writs Act and an Admonition from Chief Justice John Marshall, 35 Ariz. St. L. J. 793 (2003)

The Right Way to Teach Transactional Lawyers: Commercial Leasing and the Forgotten "Dirt Lawyer," 62 U. Pitt. L. Rev. 335 (2000).

Unexpected Gifts of Chapter 11: The Breach of a Director's Duty of Loyalty Following Confirmation, and the Post Confirmation Subject Matter Jurisdiction of Bankruptcy Courts, 72 Am. Bankr. L. J. 303 (1998).

Finding the Still Small Voice: The Liability of Bankruptcy Trustees and Work of the National Bankruptcy Review Commission, 102 Dickinson L. Rev. 703 (1998) (solicited in connection with Dickinson Law School / Pennsylvania State University Symposium on the Report of the National Bankruptcy Review Commission)

Games Lawyers Play: Waivers of the Automatic Stay in Bankruptcy and the Single Asset Loan Workout, 43 U.C.L.A. L. Rev. 1117-1266 (1996)

Liability of Directors of Chapter 11 Debtors in Possession: "Don't Look Back-- Something May Be Gaining On You." 68 Am. Bankr. L. J. 155 - 267 (1994)

Note, *Mismatching Convertible Debentures and Common Stock under Section 16(b)*, 1985 Duke L. J. 1057

Book Reviews:

AYER & BERNSTEIN, *Bankruptcy in Practice*, 10 Norton Bankr. L. Adviser 3 (2002)

A Casebook for Teaching Teachers: Dukeminier and Krier, Property, 22 Seattle Law Review 921 (Spring, 1999) (solicited in connection with Seattle Law Review's annual casebook review)

Panel Publications:

Skills is Not a Dirty Work: Identifying and Teaching Transactional Law Competencies, (with Sue Payne, Barbara Wagner, Ann Marie McGaughey, William Bates, forthcoming Transactions, Tenn. J. of Bus. Law (2015), in connection with keynote panel of fourth biannual Conference, June 7, 2014, Emory University School of Law Center for Transactional Law and Practice

Simulations in Clinics, Contract Drafting, & Upper Level Courses (with David M. Epstein, Helen S. Scott, and Carole Heyward), 12 Transactions, Tenn. J. of Bus. Law 55 (2011), in connection with Second Biannual Conference, June 6, 2010, Emory University School of Law Center for Transactional Law and Practice

Treatise Material:

MILTON R. FRIEDMAN AND PATRICK A. RANDOLPH, JR., FRIEDMAN ON LEASES (5th ed., Practising Law Institute), Contributing Editor 2009-2011, Co-Editor 2011-2013, Senior Contributing Editor, 2013 - 2015 (responsible for preparing all loose leaf supplements for the three volume treatise)

SELECTED SYMPOSIA AND PRESENTATIONS

Panelist: *ABA Learning Outcomes Compliance and the Real Estate Course Trajectory – Reflections of an Outgoing Associate Dean*, **Keeping the ‘Real’ World in Real Estate Transactions: New Ideas, Best Practices, and Partnership Opportunities to Strengthen Teaching and Scholarship**, Real Estate Transactions Section, 2017 Annual Meeting, Association of American Law Schools, San Francisco, California, January 5, 2017

Panelist: Proposed California Experiential Learning Requirements, 5th Annual Western Regional Legal Writing Conference, Loyola Los Angeles School of Law, August 7, 2015

Presenter: Structuring the Commercial Lease: Problems and Perspectives, Real Estate Section of the Orange County Bar Association, July 28, 2015

Workshop Planner and Facilitator: Workshop for Associate Deans and other Administrators on California’s Bar Mandated Experiential Learning Proposal, Chapman University School of Law, February 201, 2015

Panelist, Keynote Panel: *Educating the Transactional Lawyer of Tomorrow*, Emory University Center for Transactional Law, 2014 Transactional Teaching Conference, Atlanta, Georgia, June 7, 2014

Panelist: *Professors' Roundtable, An In-Depth Analysis of the Year's Most Important Legal Developments*, 30th Annual California Real Property Law Section Retreat, Tenaya Lodge, Yosemite, California, May 3, 2014

Panelist, *Teaching and Teaching Tools for Interdisciplinary Law*, Annual Southeastern Association Law Schools 2013 Annual Conference, Palm Beach, Florida, August 8, 2013

Panelist: *Professors' Roundtable, An In-Depth Analysis of the Year's Most Important Legal Developments*, 30th Annual California Real Property Law Section Retreat, Torrey Pines, La Jolla, California, April 30, 2011

Presenter: *The Doctrine of Good Faith in American Real Estate Transactions*, Sino-U.S. Conference on Real Estate Law, Renmin University School of Law, Beijing, China, June 17-19, 2010

Panelist, Moderator and Member of Conference Steering Committee: *Simulations in Commercial Leasing Course*, Transactional Education: What's Next, Second Biannual Conference on Teaching Transactions, hosted by the Center for Transactional Law and Practice of Emory University School of Law, Atlanta, Georgia, June 4-5, 2010

Conference Co-Chair: *Beyond Copenhagen, An International Conference on Climate Change*, Chapman University, Orange, California, April 21-23, 2010

Presenter: *A Visit to the Courthouse -- "Waste" is Back: Borrower Beware and Recent Issues in Mortgage Loan Enforcement*, Seminar Program "Commercial Real Estate Financing 2009: How the World Changed" Practising Law Institute, Chicago, Illinois, March 27, 2009.

Program Planner and Moderator, *Real Estate Transactions in Troubled Times*, 2009 Annual Meeting of the Association of American Law Schools, (as Chair of Real Estate Transactions Section), Jointly Sponsored with Section on Creditors' and Debtors' Rights

Workshop Planner and Presenter, *Commercial Landlords as Good Citizens: The Implied Duty to Disclose Threats to People and Property*, Property Transactions and Transitions in an Age of Globalization, Joint Scholarly Workshop sponsored by Chapman Law School's Center for Land Resources and Syracuse College of Law's Center for Property, Citizenship and Social Entrepreneurism, Chapman University School of Law, Orange, California, February 15-16, 2008

Keynote Speaker, 2007 Kratovil Conference on Real Estate Law & Practice, John Marshall Law School, Chicago, Illinois, October 19, 2007

Moderator, *Real Estate Development and Home Construction*, 3rd Annual Judicial Symposium on Critical Issues in Construction Defects Litigation, AEI-Brookings Joint Center for Regulatory Studies, Chapman University School of Law, Orange, California, March 8, 2007

Panelist, *Professors' Roundtable -- A Survey of the Year's Most Important Real Property Law Developments*, 25th Annual Real Property Retreat, Real Property Section of the State Bar of California, Huntington Beach, California, April 29, 2006

Panelist, *Law Professors' Review of Recent Developments*, 17th Annual Real Property Symposium, Section of Real Property, Probate & Trust Law of the American Bar Association, San Diego, California, May 4, 2006

Panelist, *Post Confirmation Jurisdiction of Bankruptcy Courts*, Annual Meeting of the National Conference of Bankruptcy Judges, Nashville, Tennessee, October 11, 2004

Panelist and Discussion Leader, *The Powers of the Bankruptcy Court: The Source of Power*, Workshop for Bankruptcy Judges III, Cleveland, Ohio, May 6, 2002; Sponsored by the Federal Judicial Center

Panelist, *Recent Developments in Real Property Law*, 21st Annual Retreat of the Real Property Law Section of the State Bar of California, Rancho Mirage, California, April 27, 2002

Panelist and Discussion Leader, *The Powers of the Bankruptcy Court: The Source of Power*, Workshop for Bankruptcy Judges II, San Diego, California, January 14, 2002; Sponsored by the Federal Judicial Center

Participant, Spring 2000 Financial Lawyers Conference Retreat, Rancho Mirage, California, February 25, 2000

Speaker, Symposium on the Findings and Work of the National Bankruptcy Review Commission, February 5-6, 1998; Organized by The Dickinson Law Review and The Dickinson School of Law, The Pennsylvania State University

TEACHING

Courses Taught: Property, Debtor/Creditor and Bankruptcy Law, Real Estate Transactions, Commercial Lease Law and Practice, Chapter 11 Reorganizations, Agency and Partnership, and Economic Analysis of the Law

Teaching Conferences:

Emory University Law School Second Biannual Transactional Teaching Conference, Summer, 2014

Emory University Law School Second Biannual Transactional Teaching Conference, Summer, 2010

AALS Workshop on Transactional Law, Summer, 2009

Emory University Law School Transactional Teaching Conference, Summer, 2008

AALS Property Teachers Workshop, Spring, 2004

AALS Debtor/Creditor Teachers Workshop, Spring, 2001

AALS Property Law Teachers Workshop, Spring, 1997

AALS Debtor/Creditor Teachers Workshop, Spring, 1991

NATIONAL SERVICE ACTIVITIES

Chair, Law Teaching Committee, American College of Real Estate Lawyers, 2018 - present

Chair, Real Estate Transactions Section, Association of American Law Schools, 2007-2008, **Chair-elect** 2006-2007, **executive committee** 2015-16

Editor (May 2003 to July 2006), **Contributing Editor** (May 2002 to May 2003 and July 2006 to March 2007) *Keeping Current – Property*, Probate & Property, The Bimonthly Magazine of the Real Property, Probate and Trust Law Section of the American Bar Association

Director, American Board of Certification (formerly, the American Bankruptcy Board of Certification) (completed second and final three-year term in December 2002)

SIGNIFICANT UNIVERSITY AND LAW SCHOOL ADMINISTRATION AND SERVICE

At Chapman University School of Law:

Chair, Learning Outcomes and Assessment Committee, 2016-2017, (tasked with comprehensive review and revision of law school learning outcomes, performance indicators and measures in light of new ABA standards)

Chair, Strategic Planning Committee, 2012-2013, (tasked with comprehensive curricular review, revision of required courses and incorporation of additional experiential learning into the academic program)

Chair, ABA Self Study and Site Visit Committee 2011-2012, in connection with March 11, 2012 ABA site visit to the Chapman Law School (directed preparation of ABA Site Visit Report and Site Evaluation Questionnaire)

Chair, AALS Membership Committee, 2002-2005 (directed successful efforts of Chapman Law School to obtain full membership status in the Association of American Law Schools)

Chair, Law School Admissions Committee, 2002-2004

Chair, Law School Appointments Committee, 1999-2000; 2008-2009

Chair, Long Range Planning Committee, 2007-2008

Chair, Law School Promotion and Tenure Committee, 1999-2000; 2000-2001

Coach, Conrad Duberstein Bankruptcy Court Competition, 2008, 2009

Coordinator, 9th Circuit Bankruptcy Appellate Panel Hearings at the School of Law, 2007, 2008

Other Selected Law School Service, membership on the following committees: Academic Standards, Curriculum, Joint JD/MBA Program Planning Committee

At Chapman University:

Member, Law School Dean Evaluation Committee (created by the University Chancellor and chaired by the Dean of the School of Education), Fall 2009

Member, Law School Dean Search Committee (created by the University Chancellor and chaired by the Dean of the School of Business) 2006-2007

Faculty Senator, 2000-2001(Inaugural University Senate); 2002-2003; 2003-2004

Chair, Ad Hoc University Tenure Grievance Committee 2000-2001

Other University Service, membership on the following University committees and councils: Governance Council, 2003-2004, Long Range Planning, 1999-2002, WASC (Western Association of Schools and Colleges) Accreditation Graduate Studies Committee, 2000-2001

At Drake Law School:

Chair, Admissions Committee

Chair; Ad Hoc Search Committee for Career Services Director

At Drake University:

Membership on following committees: Assessment Committee; Committee on Academic Freedom and Tenure

BAR MEMBERSHIPS AND RELATED ACTIVITIES

Member, American Law Institute

Fellow, American College of Real Estate Lawyers

Life Fellow, American Bar Foundation

Member, American Bankruptcy Institute

Member, American Bar Association

Member, State Bar of Georgia (inactive status)

NON-ACADEMIC EMPLOYMENT

Attorney, Vincent, Chorey, Taylor and Feil, Atlanta, Georgia. January 1990 to July 1990

Attorney, Sutherland, Asbill and Brennan, Atlanta, Georgia. September 1986 to January 1990

EDUCATION

Duke University Law School, J.D. 1986 (Note Editor, Duke Law Journal)

Duke University Graduate School, M.A. (Economics), 1986

Duke University, B.A. magna cum laude, 1982