

YEAR IN REVIEW FROM THE REAL PROPERTY SECTION

BY MICHAEL BUCKLEY, REAL PROPERTY SECTION CHAIR

Last year may not have seemed the best year to start a Real Property Section. As I heard mentioned at a conference in 2008, every real estate attorney knows that real estate comes in cycles – and every real estate lawyer hates them. On the other hand, misery loves company, and with real estate development and financing work down, many of us had more time to get the section off to a good start. Subcommittees were formed, meetings held, CLE projects undertaken, articles written and legislation drafted. All in all, as Sinatra sang, “It was a very good year” for the section.

The section has a general membership (\$25 per year), a 12-member executive committee and seven active subcommittees: general real estate, real estate financing, commercial leasing, common interest communities, professionalism, natural resources and land use, as well as ad-hoc committees for CLE programs. The executive committee meets once each month, as do each of the subcommittees. A general membership meeting is scheduled for the State Bar of Nevada Annual Meeting in June.

In many respects, last year’s annual meeting was our coming-out event, as we presented a timely program on foreclosures which was surprisingly well attended, considering it was up against wine-tasting in the Santa Ynez Valley. The section’s CLE concluded the year with the joint sponsorship (along with the Business Law Section) of an afternoon interactive ethics program held in Las Vegas and Reno and led by DeArmond Sharp’s professionalism subcommittee. The program was modeled on “Professionalism in a Box,” developed by the American College of Real Estate Lawyers. The sessions were well-received and followed by socials hosted by the section and open to all members of the bar. The section also sponsored October social events in Reno and Las Vegas.

Subcommittee work has been diverse. The general real estate subcommittee, through Mary Drury, organized an informational campaign on regulations proposed last June by the Department of Taxation governing the Real Property Transfer Tax. The natural resources subcommittee, chaired by Craig Howard, authored an informative article on the Uniform Environmental Covenants Law (NRS 445D); it is available on the section’s website at www.nvbar.org/sections/Sections_Real_Property_Law.htm. A forthcoming article is planned on water rights. The land use subcommittee, through Pierre Hascheff, worked with local government representatives to address how best to

deal with Nevada laws affecting development, given the delays encountered by many projects in today’s market. The commercial leasing subcommittee chaired by Matt Watson, the real estate financing committee chaired by Doug Flowers, and the common interest communities subcommittee chaired by Karen Dennison and myself have proposed minor, but important, legislative fixes to NRS Chapters 118, 106, 119 and 116. Included in the 116 “fixes” are amendments governing plats, based on input from local government officials in Clark County.

As I mentioned in my article about the section last year, perhaps the best thing about the section is getting to know your colleagues. Participation in a subcommittee is not that different from sitting down with your coworkers in the office and figuring out how different laws affect your clients. Each meeting is a great opportunity to sound out your ideas and find out what attorneys in your field are doing and thinking. Perhaps even more interesting, the section has helped

Nevada lawyers find a place in the broader discussions around us. This past week I received a call from Professor Roger Bernhardt concerning the results of an ABA task force on how real estate law is taught in law school, a subject we will discuss at upcoming meetings of the executive committee in order to make a recommendation to the Board of Governors. (A report on the work of the task force appeared in the September/October 2007 issue of *Probate and Property*.)

With the Legislature in session, many of the section subcommittees are monitoring legislation in their areas of interest. As you are no doubt aware, many of the proposals being considered by the 2009 Legislature will affect real property practitioners. Participation in a subcommittee is a great way to not only learn what’s coming, but to participate in the legislative process.

If any of this interests you, let us know! Plans are in the works for a CLE program at the annual meeting as well as later on in the summer. Meet us at the annual meeting, where the thought of “talking law” on a porch overlooking Lake Tahoe in June sounds pretty sweet. **NL**

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