



The State Bar of California

Real Property Law

Education

- Webinar: ADR Under the C.A.R. Residential Purchase / Sale Agreement: What You Need To Tell Your Clients, Wednesday, January 10, 2018, 12 noon - 1 p.m.
- Save the Date: Real Property Retreat in 2018

Recent Legal Developments

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- **New!** Letter from the Co-Chairs About the Future of the Real Property Law Section
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Education

Webinar: ADR Under the C.A.R. Residential Purchase / Sale Agreement: What You Need To Tell Your Clients

Wednesday, January 10, 2018, 12 noon - 1 p.m.

This program offers 1 hour participatory credit. You must **register in advance** to attend.

Discussion of the dispute resolution provision found in Section 22 of the California Association of Realtors (C.A.R.) form agreement for residential sales regarding mediation and arbitration of disputes between buyers and sellers. Presentation will include the requirements for compliance with the section, consequences of failure to comply, and making effective use of compelled ADR processes. Practical tips based on the speaker's experience will be offered in the use of ADR in disclosure disputes under the statutorily mandated transfer disclosure statement as well as in conflicts over deposit retentions as liquidated damage when sales do not close escrow. Relevant statutes and case law will be discussed and cited in the presentation material.

Speaker: **Joseph L. Stine**

Save the Date: 2018 Real Property Retreat

Network and share ideas with Real Estate Professionals from around the State.

Save the Date!

Thursday - Sunday, April 19 – 22, 2018

37th Annual Real Property Law Section Retreat

April 19 – 22, 2018

Hyatt Regency San Francisco

Check back **here** for all the details as we get closer to the date.

Recent Legal Developments

Current Real Property Tweets From CEB

Following are California real property law tweets and links, provided courtesy of CEB. See California, U. S. Supreme Court, and 9th Circuit daily case tweets on Twitter.com at CEB_CA:

Pacific Gas and Electric Co. v. Superior Court (First Dist., Div. Two, 4/5/17) **[Real Property, Tort Law]**

Consideration exception to recreational use immunity applies to PG&E even though campground fee was not paid to it.

Danger Panda, LLC v. Launiu (First Dist., Div. Four, 4/4/17) **[Real Property]**

Minor displaced by Ellis Act eviction is not “tenant” under local rent ordinance for relocation purposes.

Young v. City of Coronado (Fourth Dist., Div. One, 4/4/17) **[Administrative Law, Civil Procedure, Government Law, Real Property]**

Administrative mandamus petition properly denied when City's designation of property as historical resource was supported by appropriate.

[Read More](#)

Selected Developments in Real Property Law—California Real Estate Finance Practice

Courtesy of CEB, we are bringing you selected legal developments in areas of California real property law that are covered by CEB's publications. This month's feature is from the January 2017 update to ***California Real Estate Finance Practice (Cal CEB)***. References are to the book's section numbers. See CEB's RPLS landing page for special discounts for section members.

In *In re Arce Riverside, LLC* (2015) 538 BR 563, the court ruled that the broker acting for itself as a principal in the lending transaction could not avail itself of the usury exemption. See §3.40.

In *First Intercontinental Bank v Ahn* (9th Cir 2015) 798 F3d 1149, the court in a diversity action recognized California's fundamental policy of favoring reciprocity of attorney fee agreements embodied in CC §1717 by applying California law even though the loan documents had a valid clause electing application of Georgia law to the documents. See §§3.45, 8.63.

[Read More](#)

CEB Programs

Landlords, Tenants, and Marijuana Laws (Livecast • 1.0 hour MCLE)

Thursday, May 25 • 12:00 pm to 1:00 pm

What does the further decriminalization of marijuana under the Adult Use of Marijuana Act (AUMA) mean for landlords and tenants in California? This seminar analyzes the multitude of regulations affecting how cultivation and consumption could be addressed in residential leasing. For more information or to enroll, please see the following link: [Tenants and Marijuana](#)

Section News

Letter from the Co-Chairs About the Future of the Real Property Law Section

Dear Section Members:

We are excited to share with you an update on the future of the Real Property Law Section! On October 2, 2017, Governor Jerry Brown signed SB 36, a bill which will separate all practice area sections (Sections) from the State Bar as of January 1, 2018. The State Bar will continue as the sole entity in charge of lawyer admissions, discipline, and MCLE compliance. The 16 Sections and California Young Lawyers Association (CYLA) have come together to create the California Lawyers Association (CLA), which will be the bar of California attorneys responsible for producing MCLE and networking programs, and providing the attorney services currently provided by the Sections.

The CLA will consist of approximately 108,000 members, including the members of the 16 Sections and the CYLA. It will operate as a private 501(c)(6) non-profit corporation and become the second largest voluntary association of lawyers in the nation, smaller only than the American Bar Association. The CLA will be governed by a board of directors comprised of representatives from each Section and the CYLA, selected by the individual Section executive committees. Of particular note is that the CLA will be completely self-funded and will not receive any money from the State Bar's mandatory membership fees. The Sections will rely primarily on voluntary Section membership dues to fund ongoing programs. Attorneys paying their State Bar dues will not automatically become members of the CLA, but can become members by joining any of the current 16 Sections or CYLA.

This is great news for our members! The Real Property Law Section will have greater autonomy and flexibility, which will translate into an overall better member experience. As always, you will be able to count on the Real Property Law Section to provide easily accessible MCLE credits through webinars and live lectures as well as networking events throughout the State. We will also be increasing our members' access to and awareness of new legal developments through a new online platform.

Your membership with the Real Property Law Section will allow you to continue enjoying the following services:

1. A subscription to the Real Property Law Journal, a top-flight journal of scholarly articles about the most interesting trends and developments in California real property law;
2. A subscription to the E-Bulletin, a monthly compilation of hot topics and upcoming events; and
3. Access to webinars and reduced registration fees at all of Real Property Law Section MCLEs and networking events.

Your Real Property Law Section will continue to organize and sponsor the following events in 2018:

1. The Annual Real Property Retreat which will take place in San Francisco from April 19 – 22, 2018;
2. Real Estate and Law Symposium ("REAL") at Stanford University;
3. Southern California Real Estate Symposium ("the RES") in Irvine;
4. Fair Housing and Public Accommodations Symposium, location TBD;
5. Inaugural Southern California Women in Leasing Law Symposium in Glendale;
6. 4th Annual Women in Leasing Law Symposium in San Francisco; and
7. Landlord-Tenant Unlawful Detainer MCLE in San Diego.
8. Inaugural Commercial Real Estate Symposium in Los Angeles

We are exploring all the ways to take advantage of this new freedom to better serve the needs of our members and encourage you to reach out to us to provide input as to what you would like to see from your Real Property Law Section. Please remember to join the Real Property Law Section the next time you pay your Bar dues.

Interested in getting more involved in our Section, e.g., writing in the Real Property Law Journal or monthly E Bulletin, organizing or speaking at a local MCLE program or webinar, planning the Annual Retreat, a RPLS Symposium, organizing a local networking event, or applying for membership on the Executive Committee? We would love to hear from you! Please contact either Gary Laturno or Christine Gregorak, RPLS co-chairs at the contact information below."

With best regards,

The Co-Chairs

Gary M. Laturno (gary@landkrealty.com); 619-741-9652

Christine Gregorak (cgregorak@relg.com); 415-331-2555

Thank You for Being a Section Member in 2017 - Your Free Self-Study MCLE Is Here!

We're very grateful for your membership in the Section.

As a token of that, we're offering self-study MCLE credit in the areas of Legal Ethics, Competence Issues, and Recognition and Elimination of Bias in the Legal Profession and in Society. The programs are posted in our **Member's Only Area**.

THANKS FOR BEING A SECTION MEMBER!

*ENJOY SELF-STUDY MCLE CREDIT
IN LEGAL ETHICS, COMPETENCE ISSUES,
AND ELIMINATION OF BIAS*

ON US!

Simply watch the programs and keep track of having done so. You can report this to the State Bar when it's time to demonstrate your compliance with the MCLE requirements.

The Real Property Law Section Is Now on Facebook and Twitter

We're pleased to announce that the Real Property Law Section has its own social media presence now. Please like us on Facebook and follow us on Twitter. We're looking forward to interacting with a wider community and reaching out to people who are not currently members.

Save Money with CEB

Continuing Education of the Bar, California (CEB) is extending some special discount offers to our section. As a member of the Real Property Law Section, you're eligible for:



- 10% off selected CEB print or online books
- A rebate on your section dues that can be applied to the cost of a CEB CLE Passport or a CLE program ticket

Information about the section dues rebate program can be found on the CEB Web site.

Contact Us

Real Property Law Section
The State Bar of California
180 Howard Street
San Francisco, CA 94105-1639
RealProperty@calbar.ca.gov
415-538-2564
FAX 415-538-2368

The Real Property Law Section is a State Bar of California-approved MCLE provider.