

GERALD KORNGOLD

New York Law School
185 West Broadway
New York, NY 10013

Email:
gkorngold@nyls.edu
Tel: 646.957.0801

ACADEMIC EXPERIENCE

NEW YORK LAW SCHOOL, New York, NY

Professor, July 2008 – present

Director, Center for Real Estate Studies, July 2012 - present

LINCOLN INSTITUTE OF LAND POLICY, Cambridge, Massachusetts

Visiting Fellow, July 2006 – June 2018

Distinguished Scholar, July 2018 - present

NEW YORK UNIVERSITY, SCHOOL OF LAW, New York

Adjunct Professor, July 2008 -present

HEBREW UNIVERSITY OF JERUSALEM, FACULTY OF LAW, Jerusalem, Israel

Visiting Professor, May-June 2013; June 2018

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW, Cleveland, OH

Dean, August 1997—June 2006

Everett D. and Eugenia S. McCurdy Professor of Law, Fall 1994 – June 2008

Professor, Fall 1987 - June 2008

CASE WESTERN RESERVE UNIVERSITY, WEATHERHEAD SCHOOL OF
MANAGEMENT, Cleveland, OH

Interim Dean, January 2004 - November 2004

NEW YORK UNIVERSITY, SCHOOL OF LAW, New York

Visiting Scholar, July 2006 - June 2007

NEW YORK LAW SCHOOL, New York, NY

Professor, Fall 1984 - Summer 1987

Associate Dean for Academic Affairs, Fall 1984 - Spring 1986

Associate Professor, Fall 1981 - Spring 1984

Assistant Professor, Fall 1979 - Spring 1981

TEACHING AREAS:

Property; Real Estate Transactions and Finance; Conservation Law and Policy
Clinic; Advanced Real Estate Transactions; International Real Estate
Transactions; Real Estate: Transactional Skills; Land Use Planning;
Condominiums, Homeowners Associations, and Cooperatives Seminar; Urban
Development Lab; Wills, Trusts and Future Interests; Legal Method

TEACHING AWARDS:

- Class of 2015 Teaching Award, Commencement Exercises, New York Law School, May 2015
- 1L Professor of the Year, 2007-2008, Case Western Reserve University School of Law
- Professor of the Year, 1996-1997, 1995-1996 and 1989-1990, Case Western Reserve University School of Law
- Professor of the Year, 1982-1983, New York Law School

PUBLICATIONS

Books:

Land Value Capture: A Policy and Legal Analysis (working title, under contract with Lincoln Institute Press, in progress)

G. Korngold & P. Goldstein, Real Estate Transactions: Cases and Materials on Land Transfer, Development and Finance, seventh edition (Foundation Press, in progress) and Statute, Form and Problem Supplement, seventh edition (Foundation Press, in progress)

S. French & G. Korngold, Cases and Text on Property, seventh edition (Aspen Publishers 2019) (successor to Casner & Leach property casebook)

Private Land Use Arrangements: Easements, Real Covenants, and Equitable Servitudes, third edition (Juris Publishing, 2016) and Supplement 2020 (forthcoming)

G. Korngold & A. Morriss (eds.), Property Stories, second edition, Mandarin translation (China Renmin University Press, 2015)

G. Korngold & P. Goldstein, Real Estate Transactions: Cases and Materials on Land Transfer, Development and Finance, sixth edition (Foundation Press, 2015) and Statute, Form and Problem Supplement, sixth edition (Foundation Press, 2015)

S. French & G. Korngold, Cases and Text on Property, sixth edition (Aspen Publishers, 2015) (successor to Casner & Leach property casebook)

G. Korngold & P. Goldstein, Real Estate Transactions: Cases and Materials on Land Transfer, Development and Finance, fifth edition (Foundation Press, 2009) and Statute, Form and Problem Supplement, fifth edition (Foundation Press, 2009)

G. Korngold and A. Morriss (eds.), Property Stories, second edition (Foundation Press, 2009)

Private Land Use Arrangements: Easements, Real Covenants, and Equitable Servitudes, second edition (Juris Publishing, 2004); Annual Supplements from 2008 through 2014

A.J. Casner, W.B. Leach, S. French, G. Korngold & L. Vander Velde, Cases and Text on Property, fifth edition (Aspen Publishers, 2004)

G. Korngold & P. Goldstein, Real Estate Transactions: Cases and Materials on Land Transfer, Development and Finance, fourth edition (Foundation Press, 2002) and Statute, Form and Problem Supplement, fourth edition (Foundation Press, 2002)

A.J. Casner, W.B. Leach, S. French, G. Korngold & L. Vander Velde, Cases and Text on Property, fourth edition (Aspen Law and Business 2000)

P. Goldstein & G. Korngold, Real Estate Transactions: Cases and Materials on Land Transfer, Development and Finance, revised third edition (Foundation Press, 1997), third edition (Foundation Press, 1993), and Statute, Form and Problem Supplement, revised third edition (Foundation Press, 1997), third edition (Foundation Press, 1993)

Private Land Use Arrangements: Easements, Real Covenants, and Equitable Servitudes (Shepard's/McGraw-Hill, 1990), and supplement (1993)

Articles and Book Chapters:

"Land Use Regulation as a Framework to Create Public Space for Speech and Expression in the Evolving and Reconceptualized Shopping Mall of the Twenty-first Century," 68 Case Western Reserve Law Review 429-494 (2017)

"Community Benefit Agreements: Flexibility and Inclusion in U.S. Zoning," book chapter in 100 Years of Zoning and the Future of Cities, pp. 95-120 (Amnon Lehavi ed., Springer 2018)

"An Empirical Study of Modification and Termination of Conservation Easements: What the Data Suggest About Appropriate Legal Rules," 24 New York University Environmental Law Journal 1-58 (2016) (with S. Munteanu & L. E. Smith)

"Commentary on Evan McKenzie, 'The Relationship Between the Rise of Private Communities and Increasing Socioeconomic Stratification,'" in Land and City, (G. McCarthy, G. Ingram & S. Moody, eds.), pp. 390-393 (Lincoln Institute of Land Policy 2016)
http://www.lincolninst.edu/pubs/dl/3589_2953_Land_and_the_City_full_web.pdf

- "Private Regimes in the Public Sphere: Optimizing the Benefits of Common Interest Communities," *Land Lines*, vol. 27, no. 1, pp. 15-23 (Winter 2015)
- "Conservation Easements and the Development of New Energies: Fracking, Wind Turbines, and Solar Collection," 3 *LSU Journal of Energy Law and Resources* 101-152 (2014) (symposium issue on property rights and energy development)
- "Governmental Conservation Easements: A Means to Advance Efficiency, Freedom from Coercion, Flexibility, and Democracy," 78 *Brooklyn Law Review* 467-519 (2013)
- "Cutting Municipal Services During Fiscal Crisis: Lessons Learned from the Denial of Services to Condominium and Homeowner Association Owners," 15 *New York University Journal of Legislation and Public Policy* 109-155 (2012) (reprinted at 65 *State Tax Notes* 243 (2012))
- "Real Estate Brokers Are Not 'Fiduciaries': A Call for Developing a New Legal Framework," 40 *Real Estate Law Journal* 376-391 (2011)
- "Globalizing Conservation Easements: Private Law Approaches for International Environmental Protection," 28 *Wisconsin International Law Journal* 585-638 (2011)
- "Legal and Policy Choices in the Aftermath of the Subprime and Mortgage Financing Crisis," 60 *South Carolina Law Review* 727 (2009) (symposium on subprime crisis)
- "Sanborn v. McLean: Beyond the Limits of Inquiry Notice," book chapter in Property Stories, pp. 241-264 (Foundation Press, second edition, 2009)
- "Private Conservation Easements: Balancing Private Initiative and the Public Interest," book chapter in Gregory K. Ingram & Yu-Hung Hong (eds.), Land Policies and Property Rights, pp. 358-377 (Lincoln Institute of Land Policy Press, 2009)
- "Private Conservation Easements: A Record of Achievements and the Challenges Ahead," *Land Lines*, vol. 21, no. 4, pp. 8-13 (Oct. 2009)
- "Solving the Contentious Issues of Private Conservation Easements: Promoting Flexibility for the Future and Engaging the Public Land Use Process," 2007 *Utah Law Review* 1039
- "Resolving the Intergenerational Conflicts in Real Property Law: Preserving Free Markets and Personal Autonomy for Future Generations," 56 *American University Law Review* 1525 (2007)

- "The Emergence of Private Land-Use Controls in Large-Scale Subdivisions: The Companion Story to *Village of Euclid v. Ambler Realty Co.*," 51 Case Western Reserve Law Review 617 (2001) (symposium on *Euclid*; reprinted in 2003 Zoning and Planning Handbook (Patricia Salkin, ed.))
- "Whatever Happened to Landlord-Tenant Law?," 77 Nebraska Law Review 703 (1998) (symposium honoring Professor Lawrence Berger)
- "Enforcement of Restrictions by Homeowners Associations: Balancing Individual Rights and Community Interests," 13 Colloqui: Cornell Journal of Planning & Urban Issues 71 (1998)
- "Seller's Damages from a Defaulting Buyer of Realty: The Influence of the Uniform Land Transactions Act on the Courts," 20 Nova Law Review 1069 (1996) (symposium on Uniform Land Transactions Act)
- "Comparing the Concepts of 'Property' and 'Value' in Real Estate Law and Real Property Taxation," 25 Real Estate Law Journal 7 (1996)
- "Resolving the Flaws of Residential Servitudes Associations: For Reformation Not Termination," 1990 Wisconsin Law Review 513 (received the 1991 Community Associations Institute Research Foundation Award for Excellence)
- "Single Family Use Covenants: For Achieving a Balance Between Traditional Family Life and Individual Autonomy," 22 U.C. Davis Law Review 951 (1989) (symposium on family issues)
- "For Unifying Servitudes and Defeasible Fees: Property Law's Functional Equivalents," 66 Texas Law Review 533 (1988) (excerpted in R. Chused, A Property Anthology (Anderson 1993 and 2d ed. 1997))
- "Legal Education for Non-Litigators: The Role of the Law Schools and the Practicing Bar," 30 New York Law School Law Review 621 (1985) (symposium on the future of legal education)
- "Privately Held Conservation Servitudes: A Policy Analysis in the Context of In Gross Real Covenants and Easements," 63 Texas Law Review 433 (1984)
- "Construction Loan Advances and the Subordinated Purchase Mortgagee: An Appraisal, A Suggested Approach, and the ULTA Perspective," 50 Fordham Law Review 313 (1982)
- "Can Distraint Stand Up as a Landlord's Remedy?," 5 Real Estate Law Journal 242 (1977)

Other:

"Kelo v. City of New London and the Use of Eminent Domain for Economic Development," (online video, 30 minutes), Lincoln Education Online, <http://leo.lincolninst.edu/login/index.php> (2010)

"Private Land Use Controls: Balancing Private Initiative and the Public Interest in the Homeowners Association Context," Lincoln Institute of Land Policy Working Papers (Cambridge, Massachusetts, 1995)

Revision author of selected chapters in Powell on Real Property and Warren's Weed, New York Real Property

SELECTED PROFESSIONAL ACTIVITIES

American Law Institute

- Adviser, Restatement of Property (Third) - Servitudes
- Member of Members Consultative Group for Restatement of Property (Fourth); Restatement of Property (Third) - Mortgages; Restatement of Suretyship (Third); Restatement of Trusts (Third)

Association of American Law Schools

- Committee on Curriculum and Research (2002-2006)
- Real Property Section: Chair (1991); Chair Elect (1990); Secretary (1989); Member, Executive Committee (1988, 1992)

American Bar Association, Section on Legal Education and Admissions to the Bar, Committee on Government Relations and Student Financial Aid, 2001-2004

Investing Across Borders, Accessing Land Project (a program of the World Bank and the International Finance Corporation), member of group of expert advisers, 2010- present

Real Estate Law Journal, Advisory Board, member (current)

Western Reserve Historical Society, Cleveland, Ohio, Board of Trustees, member 2004- 2006

SELECTED PRESENTATIONS

U.S.:

University of Chicago, Harris School of Public Policy, speaker on “Land Value Capture as a Revenue Raising Tool for State and Local Governments,” part of program on municipal finance for planners, Chicago, IL, March 2019

Webinar, “Can Land Use Regulation Be Used to Require Public Space in 21st Century Malls?,” American Bar Association, Section on Real Property, Trusts and Estates Law, February 2019

Gifford Lecture, University of Hawai’i, William S. Richardson School of Law, “Land Value Capture: Should Owners and Developers Have to Contribute Extra Payments for New Public Infrastructure?,” Honolulu, HI, November 2018

American Planning Association Policy and Advocacy Conference, speaker at opening plenary session on “Infrastructure Finance: The Legal Calculus,” Washington, DC, September 2018

American Planning Association Annual Meeting, speaker on “Land Value Capture for Community Benefits: Tools and Legal Framework,” New Orleans, LA, April 2018

New England Public Policy Center of the Federal Reserve Bank of Boston, conference on Economic Perspectives on State and Local Taxes, speaker on the “The Potential for Value Capture as a Revenue Raising Tool in the U.S.,” May 2017

University of Chicago, Harris School of Public Policy, speaker on “Land Value Capture as a Revenue Raising Tool for State and Local Governments,” part of program on municipal finance for planners, Chicago, IL, March 2018

Association of Law, Property, and Society Conference, speaker on "Governmental Conservation Easements: Balancing Perpetuity with Democracy," Minneapolis, MN, April 2013

Government Finance Officers Association, Committee on Economic Development and Capital Planning, speaker on “Value Capture as a Revenue Raising Tool for State and Local Governments,” Washington, DC, December 2017

U.S. Senate and House Agriculture Committees, briefed staff and counsels on pending conservation easement legislation (by invitation), Washington, DC, February 2008

Community Associations Institute National Conference, Research Foundation Award for Excellence Lecturer, "Reforming Community Associations," Las Vegas, NV May 1992

Community Associations Institute Law Seminar, Lecturer, "Conflicts in Homeowners Associations," Orange County, CA, January 1991

Law School Presentations (selected):

New York University School of Law

New York Law School

Rutgers Camden School of Law

Rutgers Newark School of Law

Temple University School of Law

Villanova University School of Law

Brooklyn Law School

University of Utah S.J. Quinney College of Law

Brooklyn Law School/Pratt Institute Graduate Center for Planning and the Environment, Property Law Colloquium

International Association of Assessing Officers, 28th Annual Legal Seminar, Moderator, "Effective Representation in Property Tax Disputes," Chicago, IL, December 2007

Property and Environment Research Center (PERC) conference, paper presenter, "Conservation Easements and the Development of New Energies," Bozeman, MT, December 2013

University of South Carolina, Speaker, Symposium on "Subprime Mortgages, the Credit Crisis, and Restoring the American Dream," Columbia, SC, October 2008

Lincoln Institute of Land Policy, Cambridge, Massachusetts

- Commentator on Evan McKenzie speech on "Private Communities," at Lincoln Institute of Land Policy 2014 Policy Roundtable, June 2014

-Public Lecture, "Condominium and Homeowners Associations as Private Governments: Positive Force for the Public Welfare and Individual Rights?," October 2013

-Speaker, Conference for Journalists, "Perspectives on Property Rights, Growth, and Regulation," April 2007

-Lecturer, Easements, Covenants, and Servitudes: Traditional Limitations and Future Trends, May 2001

-David Fullmer Lecturer, "Residential Private Governments," March 1995

-Faculty Associate, "Legal Issues in Valuation of Property for Tax Purposes," December 1995

-Developed and chaired series of Workshops on Conservation Easements:

“Conservation Easement Modification,” February 2011; “Valuation, Conservation Values, and Value Judgments,” March 2010; “Globalizing Conservation Easements,” March 2009; “Termination and Modification of Conservation Easements,” February 2008; “Intergenerational Challenges of Conservation Easements,” March 2007.

New York Law School, Center for Real Estate Studies

- Organizer and moderator of public program on “The Future of Retail Real Estate,” March 2017
- Organizer and moderator of public program on "The Keys to the Future of NYC Real Estate," March 2016
- Speaker at public program on "Payments in Lieu of Taxes (PILOTs) by Nonprofit Organizations: The Next Property Tax Revenue Measure for New York?," October 2011

New York Law School, The Rooftops Project Annual Conference, speaker on "New York Law School's Homes Throughout Its 125 Years: Tying Locus to Program," April 2016

Thirty-first Annual National Conference of State Tax Judges (sponsored by Lincoln Institute of Land Policy), Lecturer, "Conservation Easements: Benefits and Challenges," September 2011

International:

IDC (Interdisciplinary Center), Radzyner Law School, Herzliya, Israel, speaker on "Community Benefit Agreements" at international conference on "100 Years of Zoning and the Future of Cities," June 2016

International Research Conference on Land Value Capture Research Symposium, Speaker, “Legal Foundations and Regulatory Frameworks for Value Capture in the U.S.,” (law professors from Spain, Brazil, and Israel also discussed these issues under their respective systems), Lincoln Institute of Land Policy, August 2017

Chinese Ministry of Land Resources-New York University School of Law, addressed visiting Chinese delegation on "U.S. Real Estate Transactions and Finance," New York, NY, November 2013

International Conference on Land Policies and Property Rights, Speaker, "Private Conservation Easements: Balancing Private Initiative and the Public Interest," Lincoln Institute of Land Policy, June 2008

PRC Ministry of Land and Resources-Lincoln Institute of Land Policy, Joint Training Seminar on Public Land Management, Lecturer, "U.S. Real Estate Transactions and Finance," November 2010, November 2011, November 2013

Instructor, New York Law School Summer Program in London and Paris, co-taught simulation-based course on Global Real Estate Transactions, interfacing with in-country lawyers, financiers, brokers, chartered surveyors, construction managers, and other real estate and business professionals, June 2010

New York Law School, Symposium on "Twenty Years of South African Constitutionalism: Constitutional Rights, Judicial Independence, and the Transition to Democracy," Commentator on panel on "Housing and Land," November 2014

University of Science and Technology Beijing, Faculty of Humanities and Law, Lecturer, "American Real Property Law," October 2005

Universita di Roma Tre, Faculty of Law, Lecturer "Government Regulation of Private Land in the U.S.: The Tension Between Private Property and Community Interests," December 2006

EDUCATION

LAW SCHOOL, UNIVERSITY OF PENNSYLVANIA, Philadelphia, PA
J.D., May 1977
Graduated Cum Laude
Editor, University of Pennsylvania Law Review

THE COLLEGE, UNIVERSITY OF PENNSYLVANIA, Philadelphia, PA
B.A., May 1974; Major: History
Graduated Summa Cum Laude
Elected to Phi Beta Kappa (after junior year)

MEMBERSHIPS

American Law Institute, Elected Member
Phi Beta Kappa
American College of Real Estate Lawyers, Elected Member

LAW PRACTICE

WOLF, BLOCK, SCHORR & SOLIS-COHEN, 12th Floor, Packard Building, 15th and Chestnut Streets, Philadelphia, PA
Associate, Real Estate Department, September 1977 - June 1979
Represented a diverse group of clients, including financial institutions, developers, commercial enterprises, a REIT and brokers in a broad range of real estate practice including mortgage financing, leasing, sales, condominiums, shipping center development and management, tax free loans, real estate partnerships, and asset swap programs

BAR ADMISSIONS

New York (2009); Pennsylvania (1977) (voluntary inactive); District of Columbia (1979) (voluntary inactive); Ohio (1995) (voluntary inactive)