

INTRODUCTION

Know Real Estate

*Property is the fruit of labor; property is desirable; it is
a positive good in the world.*

—Abraham Lincoln

Justice Louis Brandeis wrote an important note to himself: “I know not only whole cases, but whole subjects . . . know not only those facts which bear on direct controversy, but know all the facts and law that surround.”

Real estate litigation is a unique and complicated area of the law. To be successful, you need to love property law and you need to have a solid understanding of real estate. Sit down with texts and statutes in your jurisdiction. Learn everything you can about boundaries, easements, deeds, warranties, surveys, roads, mortgages, and liens.

Go to the Registry of Deeds and learn how to do a title search. Study the indices and the plan depositories at the Registry. Go into the field with a surveyor. Learn the instruments, the concepts, and the mathematics involved in surveying a piece of land. Watch how the surveyors find old boundaries and monument markers.

Go to the closing of a real estate transaction. Pay close attention to the transaction, and all of the documents associated with it. Learn how the Purchase and Sale Agreement is negotiated and how the deeds and loan documents are drafted.

Meet with a landlord. Learn everything you can about the acquisition, financing, management, and sale of real estate. It is an extremely complicated and sophisticated business, if done correctly. The best-run

commercial building will fail if not structured and financed properly. The best-financed buildings will fail if not managed properly.

Real estate development and acquisition also involves a tremendous amount of entrepreneurship and independent spirit. You cannot fully comprehend real estate law—or your own clients—without a keen understanding of what motivates people who play in this field. You need to walk in their shoes and breathe their air in order to be successful and to enjoy what you do.

If you know and enjoy the business, you will be stimulated by real estate litigation—and it will show. While most judges may not have expertise on real estate issues, they know who does, and that should be you. Jurors and judges alike pick up on confidence, and confidence is acquired through experience, expertise, and love of the topic.