

# 11

## Real Estate

### VI. SUBSTANTIVE LAW

#### **Themes:**

- Guiding the practice of real estate law.

#### **Conversation Starters:**

- What drew you to a practice in real estate?
- What do you believe a real estate practice looks like?
- Who do you represent, and where are the possible conflicts of interest?
- What does a real estate transaction entail; what is the attorney's role?
- What are the major differences between a residential and a commercial transaction?
- What are the pitfalls in litigation involving real estate?
- How do I find out information about a specific piece of real estate?
- If I think there may be a lawsuit, what steps do I need to take?
  - What is a lis pendes; does my client need one?
  - What is a litigation guarantee, does my client need one?

#### **Activities:**

- Discuss various types of real estate disputes. For example: contract issues, landlord/tenant disputes, zoning issues, liens, boundary line disputes, trespass and nuisance claims. Introduce mentee to attorneys with experience in these areas.
- Conduct a mock intake interview with mentor acting as the client and mentee acting as the attorney. Mentee should debrief to describe steps necessary to assist client or any necessary litigation plan.
- Discuss what is necessary for a buyer's due diligence.
- Discuss life of a real estate transaction: purchase and sales agreements; earnest money; UCC searches and title reports; closing documents and the closing process.
- Introduce mentee to other attorneys practicing in real estate.
- Introduce mentee to escrow agents, title companies, brokers, and lenders.
- Visit the courthouse and learn about commissioner's calendars (especially if practice will include show cause hearings).

## VI. SUBSTANTIVE LAW

### **Activities (continued):**

- Attend a Real Property, Probate and Trust Section CLE.
- Sign-up for the Real Property, Probate and Trust Section list serves.
- Review auditor and assessor websites from various counties. Review GIS for your county of practice. Learn how to retrieve recorded documents.

### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- WSBA Real Property, Probate and Trust Section:  
<http://www.wsbarppt.com/>
- Washington State UCC Search:  
<https://fortress.wa.gov/dol/ucc/search.aspx>
- Individual county's recorded document searches.
- Washington Law Help regarding evictions and landlord/tenant issues:  
<http://www.washingtonlawhelp.org/issues/housing>