

# ANDREA J. BOYACK

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## LAW SCHOOL TEACHING EXPERIENCE

### **WASHBURN UNIVERSITY SCHOOL OF LAW.** Topeka, KS.

Professor of Law. June 2016 - Present

Associate Professor of Law. August 2012 – May 2016.

William O. Douglas Professor of the Year (2014-2015).

Co-Director of the Business and Transactional Law Center.

Assisted in planning and hosting a Center/Law Journal sponsored symposium at Washburn in February 2015, "*The Future of Housing - Equity, Stability and Sustainability.*"

Active in Related Projects:

- National Center for Commercial Law and USAID's Judicial Independence and Legal Empowerment Project at Free University of Tbilisi School of Law, Tbilisi, Georgia.
- Institute of Law Teaching & Learning (ILTL).

Committees: Dean Search, Law Journal, Diversity, Strategic Planning, Faculty Development

*Teach: Contracts, Property, Real Estate Transactions, Debtor/Creditor Relations, Housing Law, Commercial Leasing (and prior iterations of these classes)*

### **FORDHAM UNIVERSITY SCHOOL OF LAW.** New York, NY.

Visiting Professor. Aug. 2011 – June 2012. (*Contracts, Property*)

### **GEORGE WASHINGTON UNIVERSITY SCHOOL OF LAW.** Washington, DC.

Visiting Professor. July 2008 – Dec. 2009; July 2010 – May 2011. (*Contracts, Property, Real Estate Transactions, Professional Responsibility*)

### **CATHOLIC UNIVERSITY OF AMERICA COLUMBUS SCHOOL OF LAW.** Washington, DC.

Visiting Professor. Jan. – May 2010 and Jan. – May 2008. (*Property, Public International Law.*)

### **GEORGE MASON UNIVERSITY SCHOOL OF LAW.** Arlington, VA.

Adjunct Law Professor. 2007– 2011. (*Commercial Real Estate Finance.*)

## PUBLICATIONS

### **LAW REVIEW ARTICLES**

- *Sustainable Affordable Housing*, ARIZONA STATE LAW JOURNAL (*forthcoming* 2018).
- *Limiting the Collective Right to Exclude*, 44 FORDHAM URBAN LAW JOURNAL 553 (2017).
- *Side by Side: Revitalizing Urban Cores and Ensuring Residential Diversity*, 92 CHICAGO-KENT LAW REVIEW 435 (2017).
- *Equitably Housing (Almost) Half a Nation of Renters*, 64 BUFFALO LAW REVIEW 109 (2016).

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## PUBLICATIONS (CONT'D)

### LAW REVIEW ARTICLES (CONT'D)

- *A New American Dream for Detroit*, 93 UNIVERSITY OF DETROIT MERCY LAW REVIEW 573 (2016).
- *Bankruptcy Weapons to Terminate a Zombie Mortgage*, 54 WASHBURN LAW JOURNAL 451 (2015) (co-authored with Judge Robert Berger).
- *American Dream in Flux: The Endangered Right to Lease a Home*, 49 REAL PROPERTY, TRUSTS, AND ESTATES LAW JOURNAL 203 (2014).
- *Muddying the Waterfall*, 67 ARKANSAS LAW REVIEW 225 (2014) (co-authored with William E. Foster).
- *Common Interest Community Covenants and the Freedom of Contract Myth*, 22 JOURNAL OF LAW & POLICY 767 (2014).
- *Community Covenant Alienation Restraints: The Hazard of Unbounded Servitudes*, 42 REAL ESTATE LAW JOURNAL 450 (2014).
- *Community Collateral Damage: A Question of Priorities*. 43 LOYOLA UNIVERSITY OF CHICAGO LAW REVIEW 53 (2011).
- *Laudable Goals and Unintended Consequences: The Role and Control of Fannie Mae and Freddie Mac*. 60 AMERICAN UNIVERSITY LAW REVIEW 1489 (2011)
- *Lessons in Price Stability from the U.S. Real Estate Market Collapse*, 2010 MICHIGAN STATE LAW REVIEW 925 (2010).

### LAW REVIEW NOTE

- *Independence and Group Rights in the Baltics: The Case of a Double Minority*, 35 VIRGINIA JOURNAL OF INTERNATIONAL LAW 485 (1995).

### BOOK REVIEW ESSAY

- *Sovereign Debt and The Three and a Half Minute Transaction: What Sticky Boilerplate Reveals About Contract Law and Practice*, 35 WHITTIER LAW REV. 1 (2013).

### CHAPTERS IN BOOKS

- "Banking, Commercial & Contract Law" (chapter 2), *Kansas Annual Survey* (Kansas Bar Association, annually, 2013, 2014, 2015, 2016, 2017, and 2018 (forthcoming)) (co-authored with Amy Deen Westbrook and Lori A. McMillan).

## PUBLICATIONS (CONT'D)

### OTHER LAW JOURNALS

- *More Talking, More Writing*, 22 THE LAW TEACHER 2 (Spring 2016).
- *Comparative Contract Damages and Penalty Provisions*, 3 GEORGIAN COMMERCIAL LAW JOURNAL 2 (2014).
- *A Conversation on Financial Literacy*, FORDHAM LAW REVIEW'S *Res Gestae* (online companion to written journal), Fordham University School of Law, New York, New York, March 28, 2012.
- *Who Owns the Meteorite?* NATIONAL LAW JOURNAL, March 22, 2010.
- *U.S. Real Estate Finance: Cooking Up A Crisis*. REPORT OF 9<sup>TH</sup> ANNUAL CONFERENCE ON PORTUGUESE AND AMERICAN LAW 2010 (Symposium).

### BLOGS AND OTHER PUBLICATIONS

- Institute for Law Teaching and Learning BLOG (regular contributor 2013 – 2016).
- Prawsblawg.com BLOG (guest blogger August – September 2015 and November 2016).
- *Multi-Family Residential Development: Where There's Smoke*. VIRGINIA BUILDER MAGAZINE, November 2008.
- *Condominium Risk Management*. VIRGINIA BUILDER MAGAZINE, August 2007.

## EDUCATION

UNIVERSITY OF VIRGINIA SCHOOL OF LAW. Charlottesville, VA. J.D. May 1995.

- Top quarter of class. (Note: UVA law school does not provide a precise class rank).
- *Virginia Journal of International Law*, Notes Editor.
- Director, Philip C. Jessup International Moot Law Court Competition.

FLETCHER SCHOOL OF LAW AND DIPLOMACY, TUFTS UNIVERSITY. Medford, MA. M.A.L.D. May 1995 (4 year joint degree program with UVA Law).

*Fields of concentration:* International Law, East European Studies. *Language:* Russian. *Oral Thesis:* "Investment in the Ruble Zone: Navigating the Murky Waters of Currency Control." *Written Thesis:* "Independence and Group Rights in the Baltics: The Case of a Double Minority."

- Ford Foundation Fellow (full tuition fellowship for joint degree candidate).
- Editor, *De Facto*, a student publication.
- Newscaster, "Fletcher World Focus" radio program.
- Director, Fletcher A-Chords (*a capella* group)

## EDUCATION (CONT'D)

BRIGHAM YOUNG UNIVERSITY. Provo, UT. B.A. with University Honors. April 1991.

Major: Russian (Honors) and International Relations.

- Presidential Scholar (4 years, full tuition).
- Mae Covey Gardner Fellowship for study in Vienna, Austria.
- Phi Kappa Phi Honor Society.
- American Council of Teachers of Russian semester language study in Moscow, USSR.

## FEDERAL CLERKSHIP

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK. Brooklyn, NY.

Law Clerk to the Hon. John Gleeson, U.S. District Judge. October 1995-September 1996.

## LAW PRACTICE EXPERIENCE

REED SMITH, LLP. Falls Church, VA.

Of Counsel. February 2006 – January 2010.

Developed, prepared and negotiated commercial, mixed-use, and residential condominium and planned development projects in multiple states.

TOLL BROTHERS, INC. Dulles, VA.

Regional Counsel. March 2003 – February 2006.

As Regional Counsel, managed risks, corporate governance and liability for largest region of a booming Fortune 500 public company, expanding business into new sectors, and managing record growth. As the company's supervising commercial attorney, interfaced with affiliated REIT; oversaw regional commercial development and lease transactions.

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON. Washington, D.C.

Senior Associate, Corporate/Real Estate Finance. October 2000 – February 2003.

Directed a variety of large, multi-faceted international, corporate and real estate finance transactions, including securitizations, leveraged financings and portfolio acquisitions.

*Pro Bono*: represented battered women in asylum applications.

ORRICK, HERRINGTON & SUTCLIFFE LLP. Washington, D.C.

Associate, Asset Backed Securitization. July 1999 – September 2000.

Represented financial institutions in asset-backed securities transactions, worked with development of new "Owner Trust" securitization structure, and assisted in drafting chapters for *Mortgage-Backed Securities Handbook*.

GOODWIN, PROCTER & HOAR LLP AND\* O'MELVENY & MYERS LLP New York, NY.

*\*Assisted in establishing NYC office of to Goodwin Procter with O'Melveny & Myers partners.*

Associate, Capital Markets. November 1996 – May 1999.

Worked on structured finance, securitization, acquisitions, real estate development and sports financing transactions. Negotiated title insurance in connection with large real estate financing transactions. Organized complex financings, drafted and negotiated documents, supervised closing.

## LAW PRACTICE EXPERIENCE (CONT'D)

DONOVAN, LEISURE, NEWTON & IRVINE and WEIL, GOTSHAL & MANGES. New York, NY. Summer Associate, May - August 1995 and 1994 (respectively).

## PRESENTATIONS

- Presenter, "Residential Segregation, Rental Unaffordability, and Neighborhood Decline: Taming the Three-Headed Housing Hellhound," Class Crits X Conference, Tulane University School of Law, New Orleans, Louisiana, November 10-11, 2017.
- Presenter, "The Scary Truth about Housing Segregation," Business and Transactional Law Center, Washburn University School of Law, Topeka, Kansas, October 31, 2017 (with Michelle Ewert and Janet Jackson).
- Discussant, Rule of Law Colloquium, Liberty Fund and the Federalist Society, Charlotte, North Carolina, October 13-14, 2017.
- Presenter, "Prevention or Cure: Comparing European and American Approaches to Consumer Financial Distress," session on Business, Bankruptcy, and Financial Distress, National Business Law Scholars Conference, University of Utah S.J. Quinney College of Law, Salt Lake City, Utah, June 8, 2017.
- Presenter, "Limiting the Collective Right to Exclude," Association for Law, Property and Society (ALPS) 8th Annual Meeting, University of Michigan, Ann Arbor, Michigan, May 20th, 2017.
- Presenter, "Sustainable Affordability," Sustainable Housing panel program, Association for Law, Property and Society (ALPS) 8th Annual Meeting, University of Michigan, Ann Arbor, Michigan, May 19, 2017.
- Presenter, "Sustainable Affordable Housing," Third Annual Sustainability Conference of American Legal Educators, Program on Law and Sustainability, Sandra Day O'Connor College of Law, Arizona State University, Phoenix, Arizona, May 12, 2017.
- Presenter, "Residential Segregation, Housing Unaffordability, and Neighborhood Decline: The Three-Headed Housing Hellhound, Creighton University School of Law, Omaha, Nebraska, April 6, 2017.
- Presenter, "The Chicken or Egg Conundrum of Consumer Financial Protection: Comparing European and American Approaches," ASCL Younger Comparativists' Committee Third Workshop on Comparative Business & Financial Law, Lawrence, Kansas, February 10-11, 2017.
- Presenter: "Residential Segregation, Rental Unaffordability, and Neighborhood Decline: Taming the Three-Headed Housing Hellhound," Federalist Society's Annual Faculty Conference, San Francisco, California, January 5, 2017.
- Presenter: "Urban Renewal and Housing Desegregation," J. Reuben Clark Society National Scholarship Dinner, San Francisco, California, Jan 3, 2017.
- Presenter/Discussion Group Leader: "Fee-Only Chapter 13s - Problem or Solution?," American Bankruptcy Institute, 36th Annual Midwestern Bankruptcy Institute, Kansas City, Missouri, September 30, 2016.

## PRESENTATIONS (CONT'D)

- Panelist/Discussant "Has Fair Housing Law Gotten Its Groove Back?" 2016 SEALS (Southeastern Association of Law Schools) Annual Conference, Amelia Island, Florida, August 3, 2016.
- Presenter, "Bankruptcy Weapons to Terminate a Zombie Mortgage," Wichita Bar Association Bankruptcy CLE, Wichita, Kansas, June 23, 2016.
- Presenter, "Housing Law and Policy for (Almost) Half A Nation of Renters," American Bar Association, Real Property Trusts and Estates Section Annual Meeting, Boston, Massachusetts, May 13, 2016.
- Presenter, "Zombie Mortgages: Bankruptcy Alternatives and Strategies," Topeka Area Bankruptcy Council CLE, Topeka, Kansas, March 23, 2016 (with Robert D. Berger).
- Presenter, "A New American Dream for Detroit," University of Detroit Mercy Law Review Centennial Symposium, University of Detroit Mercy, Detroit, Michigan, March 4, 2016.
- Presenter, "Integrated Communities, Housing Equities, and a New American Dream," Symposium on Housing for Vulnerable Populations and the Middle Class: Revisiting Housing Rights and Policies in a Time of Expanding Crisis, University of San Francisco School of Law, San Francisco, California, January 29, 2016.
- Presenter, "Nudging Servitudes Into the 21st Century," Central States Law Schools Association, 2015 Annual Scholarship Conference, The University of Toledo College of Law, Toledo, Ohio, October 10, 2015.
- Presenter, "Current Laws Regarding Mortgage Disclosures and Foreclosures," 2015 Selected Topics and Miscellany CLE, Washburn University School of Law, Topeka, Kansas, June 26, 2015.
- Presenter, "Zombie Mortgages and the Foreclosure Issues Raised for Lenders and Homeowners in Chapter 13 Bankruptcy," Professors' Corner webinar sponsored by the Legal Education and Uniform Laws Group, American Bar Association Real Property, Trust, and Estate Law Section, June 10, 2015.
- Panelist, *Banking in a Free Society*, Federalist Society Symposium, Annapolis, Maryland, June 5-6, 2015.
- "Bankruptcy Weapons to Terminate a Zombie Mortgage," 8th Annual Regional Junior Faculty Works-In-Progress Workshop, Washington University School of Law, St. Louis, Missouri, May 1, 2015.
- Presenter, "Recent Developments in Banking, Commercial & Contract Law," Legislative and Case Law Institute, Kansas Bar Association CLE, Topeka, Kansas, April 28, 2015.
- Panelist, "Bankruptcy Weapons to Terminate a Zombie Mortgage," The Future of Housing: Equity, Stability and Sustainability, Washburn University School of Law, Topeka, Kansas, February 26, 2015 (with Robert D. Berger).
- "American Dream in Flux: Neighborhood Diversity and Community Covenants," Washburn University School of Law Lunch & Learn, Topeka, Kansas, October 1, 2014.

## PRESENTATIONS (CONT'D)

- “American Dream in Flux: The Endangered Right to Lease a Home,” 2014 SEALS (Southeastern Association of Law Schools) Annual Conference, Amelia Island, Florida, August 2, 2014.
- Presenter, “Recent Developments in Banking, Commercial & Contract Law,” Legislative and Case Law Institute, Kansas Bar Association CLE, Topeka, Kansas, July 11, 2014.
- “A Multi-Disciplinary Approach to Real Estate Investment and Finance Law,” 2014 AALS (Association of American Law Schools) Mid-Year Meeting, Workshop on Blurring Boundaries in Financial and Corporate Law, Washington DC, June 8, 2014.
- Panelist, *Avenues into Legal Academia*, J. Reuben Clark Law Society 2014 Annual Conference, Kansas City, Missouri, February 15, 2014.
- Presenter, *Current Issues in Common Interest Community Law*, ABA Real Property, Trust and Estate Law Section’s Legal Education and Uniform Laws Group, Professors’ Corner Webinar, October 9, 2013.
- “Freedom of Contract and the Endangered Right to Transfer,” Central States Law Schools Association 2013 Scholarship Conference, October 5, 2013.
- “Curricular Integration and Cat Herding,” Central States Legal Writing Conference, Lawrence, Kansas, September 28, 2013.
- “Muddying the Waterfall,” Central States Law Schools Association 2013 Scholarship Conference, October 5, 2013.
- “Liquidated Damages Clauses in Contracts, US and Georgian Perspective,” Commercial Law Week, National Center for Commercial Law, Free University, Tbilisi, Republic of Georgia, May 18, 2013.
- “Lien System: Loan Security through a Hierarchy of Rights to Collateral Value,” Commercial Law Week, National Center for Commercial Law, Free University, Tbilisi, Republic of Georgia, May 14, 2013.
- Panelist, *Cases Ripped from The Headlines (Riverview Community Group v. Spencer & Livingston)*, ABA Real Property, Trust and Estate Law Section's Legal Education and Uniform Laws Group, Professors’ Corner Teleconference, March 13, 2013.
- Panelist, *Freedom and Financial Markets*, Federalist Society Symposium, Warrenton, Virginia, September 21 - 22, 2012.
- “A Conversation on Financial Literacy,” Fordham Law Review’s *Res Gestae* (online companion to written journal), New York, NY, March 28, 2012.
- Instructor, *Boot Camp: Foreclosure and Loan Workout Procedures*, National Business Institute Seminar, Fairfax, VA, April 11, 2011.
- “The U.S. Legal System Basics: Civil Cases,” *Rule of Law and Judicial Reform*, U.S. Dep’t of State’s International Visitor Leadership Program, Washington, DC, March 15, 2011.

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## PRESENTATIONS (CONT'D)

- “The Future Secondary Mortgage Market and Consumer Protection,” *Is Financial Reform Too Big to Fail? Emerging from the Financial Crisis with the Help of Increased Consumer Protection and Corporate Governance*, American University Washington College of Law Review Symposium, Washington, DC, March 3, 2011.
- “Cooking Up a Crisis: The Capital Valuation Connection in U.S. Real Estate Markets,” National Democratic Law Students Council 2010 National Convention, Washington, DC, March 14, 2010.
- “U.S. Real Estate Finance: An Engine of the Crisis,” *The Financial Crisis: How We Got Here and How We Get Out*, Conference on Portuguese and American Law, Lisbon, Portugal March 8, 2010. Moderator, “Judging War Crimes,” Initiative for Portuguese and American Law and the Columbus School of Law, Washington, DC, January 27, 2010.
- “Legal Context of Distressed Property Opportunities,” *Real Estate Workout Negotiations*, Urban Land Institute Professional Development Workshop, Washington, DC, November 19-20, 2009.
- “Legal Issues in the Workout Process,” *Valuation and Acquisition Strategies in a Distressed Market*, Urban Land Institute Professional Development Workshop, Washington, DC, August 24-25, 2009.
- “Today’s Business World: Crucial and Creative Roles,” The Corporate & Business Law Society, George Washington University Law School, Washington, DC, February 2, 2009.
- “Pro Bono Practice Seminar: Asylum Applications.” District of Columbia Bar Association, Washington, DC, March 2003.

## BAR ADMISSIONS & PROFESSIONAL MEMBERSHIPS

### Admitted to practice in:

- the State of New York (1997)
- the District of Columbia (1998)
- the Commonwealth of Virginia (2005)

### Current Member of:

- American Bar Association
  - ABA RPTE Section
  - ABA Business Law Section
- J. Reuben Clark Law Society
- Society of American Law Teachers
- Law & Society Association
- Association of Law, Property & Society
- Institute of Law, Teaching & Learning

## LANGUAGES

Proficient in Russian.

Knowledge of German, French, and Spanish.