

JOHN A. LOVETT

Loyola University New Orleans
College of Law
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LAW SCHOOL EMPLOYMENT

Loyola University New Orleans College of Law

- De Van D. Daggett, Jr. Distinguished Professor (Appointed 2012)
- Associate Dean for Faculty Development and Academic Affairs (2012 – 2015)
- Professor (Appointed 2009)
- Tenure Granted (2008)
- Associate Professor (2005 – 2009)
- Assistant Professor (2002 – 2004)

Courses Taught: Civil Law Property I and II, Common Law Property I and II, Real Estate Transactions, Sales and Leases (Civil Law), Land Use, Comparative Property Law (in Budapest Summer Program), and Community Property.

University of Edinburgh Law School

- Honorary Visiting Professor (Sept 2017 to August 2020)

Tulane University School of Law

- Visiting Adjunct Professor (Fall 2007, Spring 2010)

Courses Taught: Real Estate Transactions

LEGAL EDUCATION

Tulane University Law School, New Orleans, Louisiana

- J.D. (1995) (magna cum laude)
- *Tulane Law Review*
Member (1993 – 1995)
Articles Editor (1994 – 1995)
- *Order of the Coif* (1995)

GRADUATE EDUCATION

Indiana University, Bloomington, Indiana

- M.F.A. Creative Writing (1991)

UNDERGRADUATE EDUCATION

Haverford College, Haverford, Pennsylvania

- B.A., English (1988) (high honors)
- Phi Beta Kappa (1988)

UNDERGRADUATE TEACHING

University of New Orleans, New Orleans, Louisiana

- Instructor in English (1991– 1992)

Courses Taught: Introduction to the Short Story and Novel, Introduction to Poetry and Drama, and Composition.

Indiana University, Bloomington, Indiana

- Associate Instructor (1989 – 1991)

Courses Taught: Introduction to Creative Writing, Intermediate Fiction Writing, and Composition.

NON-ACADEMIC LEGAL EMPLOYMENT

Liskow & Lewis, A.P.L.C., New Orleans, Louisiana

- Associate (1997 – 2002)
- Member of the firm’s commercial litigation section (practiced in the areas of securities litigation, bankruptcy, business torts, trusts and estates litigation, contract disputes, intellectual property litigation, director and officer liability litigation, legal malpractice litigation)

The Honorable Jacques L. Wiener, Jr., Judge, United States Court of Appeals for the Fifth Circuit

- Judicial Clerk (1996 – 1997)

The Honorable F.A. Little, Jr., Chief Judge, United States District Court, Western District of Louisiana

- Judicial Clerk (1995 – 1996)

PUBLICATIONS

Case Books

LOUISIANA PROPERTY LAW: THE CIVIL CODE, CASES, AND COMMENTARY (with Markus G. Puder and Evelyn L. Wilson) (Carolina Academic Press 2014).

Law Review Articles and Essays

Disseisin to Debate: Adverse Possession Scholarship in the U.S. (1881-1986), ___ Tex. A&M L. Rev. ___ (Forthcoming 2017)

Moving to Higher Ground, Protecting and Relocating Communities in Response to Climate Change, 42 VT. L. REV. ___ (Forthcoming 2017)

Precarious Possession, 77 LA. L. REV. 618 (2017).

One Fine Day in Stellenbosch: A Review of Bram Akkermans, Ernst Marais and Eveline Ramaekers (eds.), Property Law Perspectives II (Intersentia 2014), 4(3) EUR. PROP. L. J. 223-252 (Dec. 2015).

Tragedy or Triumph in Post-Katrina New Orleans?: Reflections on Possession, Dispossession, Demographic Change and Affordable Housing, 40 FORDHAM URB. L. J. CITY SQUARE 22 (2013), available at <http://urbanlawjournal.com/3-tragedy-or-triumph-in-post-katrina-new-orleans-by-john-a-lovett/>, reprinted in 23 *Journal of Affordable Housing and Community Development* 289 (2015).

Love, Loyalty and the Louisiana Civil Code: Rules, Standards and Hybrid Discretion in a Mixed Jurisdiction, 72 LA. L. REV. 923 (2012).

The Right of Responsible Access Meets the Right to Exclude: Scotland's Bold Experiment in Public Access Legislation, 26 PROB & PROP. No.2, 52 (2012)

Progressive Property in Action: The Land Reform (Scotland) Act 2003, 89 NEB. L. REV. 739 (2011).

Meditations on Strathclyde: Controlling Private Land Use Restrictions at the Crossroads of Legal Systems, 36 SYRACUSE J. INT'L L. & COMM. 1 (2008).

Creating and Controlling Private Land Use Restrictions in Scotland and Louisiana: A Comparative Mixed Jurisdiction Analysis, 2008 (2) STELLENBOSCH LAW REVIEW 231.

Property and Radically Changed Circumstances: Hurricane Katrina and Beyond, 74 TENN. L. REV. 463 (2007).

Doctrines of Waste in a Landscape of Waste, 72 MO. L. REV. 1209 (2007).

Rebuilding a Region: Housing Recovery Efforts in the Wake of Katrina and Rita, 20 PROB. & PROP. 49 (2006).

A New Way: Servitude Relocation in Scotland and Louisiana, 9 EDINBURGH L. REV. 352 (2005).

A Bend in the Road: Easement Relocation and Pliability in the New Restatement (Third) of Property: Servitudes, 38 CONN. L. REV. 1 (2005).

On the Principle of Legal Certainty in the Louisiana Civil Law Tradition: From the Manifesto to the Great Repealing Act and Beyond, 63 LA. L. REV. 1397 (2003).

Another Great Debate?: The Ambiguous Relationship Between the Revised Civil Code and Pre-Revision Jurisprudence as Seen Through the Prytania Park Controversy, 48 LOY. L. REV. 615 (2003).

The Alien Tort Statute: Subject Matter Jurisdiction and a Cause of Action in United States Courts for Suits by Aliens Alleging Torts in Violation of the Law of Nations, 47 ROCKY MTN. MIN. L. INST. 24-1 (2001) (with Donald R. Abaunza).

Tortious Interference and Unfair Trade Claims: Louisiana's Elusive Remedies for Business Interference, 45 LOY. L. REV. 395 (1999) (with George Denegre, Jr. and Shannon Holtzman).

Comment, Batture, Ordinary High Water and the Louisiana Levee Servitude, 69 TUL. L. REV. 561 (1994).

Book Chapters

Tacking in a Mixed Jurisdiction, in ESSAYS IN HONOUR OF GEORGE GRETTON, ANDREW STEVEN ED. (Edinburgh University Press, Forthcoming 2017).

Professor Longhair's Legacy, Revendicating Movable under Louisiana Law, in NORTHERN LIGHTS: ESSAYS IN PRIVATE LAW IN HONOUR OF DAVID CAREY MILLER, DOUGLAS BAIN, RODERICK PAISLEY AND ANDREW R.C. SIMPSON. EDS. (Aberdeen University Press, Forthcoming 2017), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2726062.

Possession, Prescription and Uncertain Land Titles: 1808-1825, in LOUISIANA: EUROPEAN LEGAL HISTORY IN A U.S. STATE, JOHN CAIRNS, ED. (Traditio Iuris Romani, Glasgow, Forthcoming 2017).

Can Charter Schools Save Cities?: Social Capital and Urban Public Education, in HOW CITIES WILL SAVE THE WORLD, EDS. JOHN TRAVIS MARSHALL AND RAY BRESCIA 159-187 (Routledge 2016).

“Somewhat at Sea”: Public Use and Third Party Transfer Limits in Two U.S. States, in *RETHINKING PUBLIC INTEREST IN EXPROPRIATION LAW I*, BJORN HOOPS ET. AL., EDS., 93-124 (Boom/Eleven International and Juta 2015), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2685860.

Commercial Title Conditions in Scotland and Louisiana, in *MIXED JURISDICTIONS COMPARED: PRIVATE LAW IN LOUISIANA AND SCOTLAND*, VERNON PALMER AND ELSPETH REID, EDS. 30-66 (Edinburgh University Press 2009).

Property and Radical Change: Observations on Property Relationships from Post-Katrina New Orleans, in *LAW AND RECOVERY AFTER DISASTER: HURRICANE KATRINA*, ROBIN PAUL MALLOY, ED., 7-36 (Ashgate 2008).

Tributes

Into Centuries of Centuries: Reflections on Marc. R. Poirier (1952-2015), 3 J. L. PROP. & SOC. 1 (2017), available at <http://alps.syr.edu/wp-content/uploads/2017/05/JLPS-2017-04-Lovett.pdf>.

Reports

REPORT TO THE LEGISLATURE ON SENATE RESOLUTION NO. 180 OF THE 2015 REGULAR SESSION: FEASIBILITY OF THE USE OF LEVEE ROADS BY OWNERS OF ENCLOSED ESTATES, PRIVATE USE OF LEVEE ROADS COMMITTEE, LOUISIANA STATE LAW INSTITUTE, (Oct. 10, 2016) (Reporter).

POTENTIAL UNIFORM EASEMENT RELOCATION ACT, THE JOINT EDITORIAL BOARD FOR UNIFORM REAL PROPERTY ACTS (Dec. 2010) (sole author).

THE CHALLENGES OF SUDDEN NATURAL DISASTERS FOR LAND ADMINISTRATION AND MANAGEMENT: THE CASE OF HURRICANE KATRINA IN NEW ORLEANS, J. DAVID STANFIELD, ED. (April 2008) (contributor to case study submitted to the United Nations-Habitat Program).

Symposia Introductions

Symposium Introduction, Fourth International Congress of the World Society of Mixed Jurisdiction Jurists (Conference Papers), 62 LOY. L. REV. 613 (Forthcoming 2016).

Symposium Introduction, Third International Congress of the World Society of Mixed Jurisdiction Jurists (Conference Papers), 57 LOY. L. REV. 703 (2011).

Symposium Introduction, Revitalizing Community Assets: Blighted, Abandoned and Tax Adjudicated Property and Land use in Post-Katrina New Orleans, 53 LOY. L. REV. 719 (2007).

Literature Reviews

Keeping Current: Property, 23 No. 5 PROB. & PROP. 19-20 (Sept./Oct. 2009).

Keeping Current: Property, 23 No. 4 PROB. & PROP. 49-51 (July/Aug. 2009).

Keeping Current: Property, 23 No. 3 PROB. & PROP. 21-23 (May/June 2009).

Keeping Current: Property, 23 No. 2 PROB. & PROP. 28-30 (Mar./Apr. 2009).

Keeping Current: Property, 23 No. 1 PROB. & PROP. 21-23 (Jan./Feb. 2009).

Keeping Current: Property, 22 No. 6 PROB. & PROP. 30-32 (Nov./Dec. 2008).

Keeping Current: Property, 22 No. 5 PROB. & PROP. 19-20 (Sept./Oct. 2008).

Keeping Current: Property, 22 No. 4 PROB. & PROP. 27-28 (July/Aug. 2008).

Keeping Current: Property, 22 No. 3 PROB. & PROP. 20-21 (May/June 2008).

Keeping Current: Property, 22 No. 2 PROB. & PROP. 31-33 (March/April 2008).

Keeping Current: Property, 22 No. 1 PROB. & PROP. 17-19 (Jan./Feb. 2008).

Keeping Current: Property, 21 No. 6 PROB. & PROP. 28-30 (Nov./Dec. 2007).

Newspaper Opinion-Editorial Articles

Turn Surplus into an Insurance Solution, THE TIMES-PICAYUNE (Dec. 23, 2006).
(with Raphael J. Rabalais, Jr.).

Road Home Flexibility Aids Recovery, THE TIMES-PICAYUNE (Nov. 4, 2006).

Why Can't Our Road Home Be As Simple as Mississippi's, THE TIMES-PICAYUNE
(Aug. 17, 2006).

Move-away Penalty is Unfair, Impractical, THE TIMES-PICAYUNE (April 18,
2006).

Our Future: Take it to the Land Bank, THE TIMES-PICAYUNE (March 11, 2006).

SELECTED LECTURES AND CONFERENCE PRESENTATIONS

The Symmetry Heuristic, 8th Annual Meeting of the Association of Law, Property and Society, University of Michigan, Ann Arbor, MI, May 19, 2017.

Precarious Possession, New Orleans Bar Association, Real Property Section, Feb. 22, 2017.

What We Talk About When We Talk About Adverse Possession, Texas A&M School of Law Property Roundtable, Feb. 3, 2017.

Moving to Higher Ground: Protecting and Relocating Communities in Response to Climate Change, 19th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations, Sponsored by Vermont Law School, held at Tulane Law School, New Orleans, LA, Nov. 4, 2016.

What We Talk About When We Talk About Adverse Possession, Property Works in Progress Workshop, Boston University Law School, Boston, MA, Sept. 17, 2016.

Dynamic Continuities and Discontinuities in Post-Katrina New Orleans, Law and Society Association Annual Conference, New Orleans, LA June 4, 2016.

An American Perspective on the Emerging Community Right to Buy, Glasgow University Law Faculty Forum on Land Reform, May 16, 2016, 7th Annual Meeting, Association of Law Property and Society (ALPS), Queens University, Belfast, N.I., May 21, 2016.

Precarious Possession, South African Research Chair in Property Law and the Faculty of Private Law, Stellenbosch University Law School, Stellenbosch, South Africa, Feb. 29, 2016 and March 3, 2016), The University of Cape Town Law Faculty, Cape Town, South Africa (March 8 2016).

Somewhat at Sea, The University of Cape Town Law Faculty, Cape Town, South Africa (March 10, 2016).

Reliance Interests and Access to Property in Louisiana (and Scottish) Property Law, University of Glasgow Law School, Glasgow, Scotland (Oct. 8, 2015).

Social Capital and Mixed Jurisdictions, Fourth Worldwide Congress of Mixed Jurisdiction Jurists, McGill Law School, Montreal, Canada (June 25, 2015).

Professor Longhair's Legacy: Revindicating Movable under Louisiana Law, New Orleans Bar Association Real Property Committee (April 29, 2015); Association of Law Property and Society (ALPS) University of Georgia Law School, Athens, Georgia (May 1, 2015).

The Pedagogy of Property, Plenary Panel, Association of Law, Property and Society (ALPS), University of British Columbia Law School (May 3, 2014).

The Natural Servitude of Drain: Cure or Curse: Louisiana State Bar Association, Environmental Law Section, Annual CLE Conference, New Orleans (Nov. 1, 2013).

Public Use, Compensatory Justice and Third Party Transfer Limits in States Responding to Economic Crisis and Natural Disasters, Rethinking Public Interest in Expropriation Colloquium, University of Groningen Faculty of Law, Groningen, Netherlands (Sept. 26-28, 2013).

Tragedy or Triumph in Post-Katrina New Orleans?: Reflections on Possession, Dispossession, Demographic Change and Affordable Housing, Progressive Property Workshop, Harvard Law School (May 2012).

Tragedy or Triumph in Post-Katrina New Orleans?: Reflections on Possession, Dispossession, Demographic Change and Affordable Housing, Property Works in Progress Workshop, Fordham Law School (May 2012).

Love, Loyalty and the Louisiana Civil Code: Rules and Discretion in a Mixed Jurisdiction, The Third International Congress of the World Society of Mixed Jurisdiction Jurists, Hebrew University, Jerusalem, Israel (June 21, 2011).

Possession, Prescription and Uncertain Land Titles in Louisiana: 1808-1825, Louisiana Legal History Workshop, Edinburgh University Law School, Edinburgh, Scotland (May 20, 2011).

Towards a Uniform Easement Relocation Act, Progressive Property Workshop, McGill University Law School, Montreal, Canada (May 16, 2011).

Why Scotland Should Matter to Louisiana Lawyers, New Orleans Bar Association, Real Property Committee (October 2010).

The Limits of Property Law, Lessons from Hurricane Katrina and the Global Financial Crisis, AALS Workshop on Property, New York, NY (June 2010).

The Right to Exclude Meets the Right of Responsible Access: The Land Reform Scotland Act 2003 through an American Lens, Progressive Property Law Workshop, Cornell University, Cornell Club, New York, NY (June 2010).

The Right to Exclude Meets the Right of Responsible Access: The Land Reform Scotland Act 2003 through an American Lens, Aberdeen University Law School, Glasgow University Law School, Edinburgh University Law School (Oct.-Dec. 2009).

From Katrina to the Global Financial Crisis, Law and Society Denver, CO; Property Works in Progress Conference, University of Colorado, Boulder, CO (May 2009).

The House Next Door, Tulane Environmental Law Summit, New Orleans, LA (April 2009).

The Winding Road to Recovery: Rebuilding Affordable Housing in Post Katrina New Orleans, Marquette Law School (October 23, 2008).

Strategies for Revitalizing Blighted and Abandoned Properties, New Orleans Bar Association, Real Property Section CLE (Oct. 2, 2008).

Meditations on Strathclyde, Property Works in Progress Workshop, University of Colorado Law School, Boulder, Colorado (June 14, 2008).

The Winding Road to Recovery: Observations on Property Relationships Three Years after Katrina, Law and Society Association Annual Meeting, Montreal, Canada (May 29, 2008).

Review of Recent Developments: Law Professors Perspectives, ABA Section of Real Property, Probate, Trust and Estate Law, Real Property Symposium, Washington, D.C. (May 2, 2008).

Property and Radically Changed Circumstances: Hurricane Katrina and Beyond, Visitor Colloquia Series, University of Wisconsin School of Law (Oct. 11, 2007).

Property Law Reform in the 21st Century: A Comparative Mixed Jurisdiction Perspective, Second Worldwide Congress of Mixed Jurisdiction Jurists, Edinburgh, Scotland (June 27, 2007).

Meditations on Strathclyde: Exploring the Limits of Private Land Use Restrictions, Property, Society and Social Entrepreneurism (PSCE) Workshop on Comparative, Transnational and Emerging Issues in Property Law, Durham, England (July 17, 2007).

Doctrines of Waste in a Landscape of Waste, A Festschrift in Honor of Dale A. Whitman, University of Missouri-Columbia School of Law (April 14, 2007).

Property and Radically Changed Circumstances, Tulane-Loyola Junior Faculty Workshop, Tulane Law School, New Orleans, LA (March 2, 2007).

Property and Radically Changed Circumstances, Center on Property, Citizenship and Social Entrepreneurism, 3rd Annual Workshop, Washington, D.C. (Nov. 11, 2006).

Housing Recovery Efforts on the Gulf Coast in the Wake of Katrina and Rita, 15th Annual Conference on Affordable Housing and Community Development Law, ABA Forum on Affordable Housing and Community Development Law, Washington, D.C. (May 24, 2006).

Eminent Domain and Disaster Restoration After Katrina and Kelo, (with Robert Verchick) Restoration 2006, New Orleans, Louisiana (May 17, 2006).

A Renovator's Perspective on the Louisiana Civil Law Tradition: Past, Present and Future, Scottish Association of Comparative Law, University of Edinburgh, Edinburgh, Scotland (February, 2005).

On the Principle of Legal Certainty in the Louisiana Civil Law Tradition: From the Manifesto to the Great Repealing Act and Beyond, Young Scholars Workshop at the Annual Southeastern Association of Law Schools Conference, Amelia Island, Florida (July, 2004).

On the Principle of Legal Certainty versus Discontinuity in the Law, Louisiana Bicentenary: A Fusion of Legal Cultures, Louisiana State University Law Center, Baton Rouge, Louisiana (May 2004).

BAR MEMBERSHIP AND COURT ADMISSIONS

Louisiana State Bar Association (1995 to Present)

American Bar Association

New Orleans Bar Association

United States Court of Appeals for the Fifth Circuit

United States District Courts for the Eastern, Middle and Western Districts of Louisiana

PROFESSIONAL AND BAR SERVICE

Council, Louisiana State Law Institute

- Appointed Proxy for Interim Dean Lawrence W. Moore, S.J., September 2015

Reporter, Committee on Private Use of Levee Roads, Louisiana State Law Institute

- Appointed July 2015

Possessory Action Committee Member, Louisiana State Law Institute

- Appointed November 2016

Common Interests Ownership Regimes Committee Member, Louisiana State Law Institute

- Appointed September 2014.

Joint Editorial Board for Uniform Real Property Acts, Uniform Law Commission

- Observer to Scope and Program Committee for Consideration of Uniform Easement Relocation Act (March 2011 to Present)

Louisiana State Bar Association, Committee to Review Proposed Changes to Louisiana Bar Examination

- Loyola University New Orleans College of Law Representative (2011)

Real Estate Transactions Section, American Association of Law Schools

- Chair (2013)
- Chair-Elect (2012)
- Secretary (2011)
- Treasurer (2010)

Property Section, American Association of Law Schools

- Chair (2006)
- Executive Committee (2004-2005)

New Orleans City Planning Commission, Planning Technical Advisory Committee

- Appointed by City Planning Commission, City of New Orleans, to advise on creation of new Master Plan for the City of New Orleans (served 2008-2009)

World Society of Mixed Jurisdiction Jurists

- Treasurer (2007-Present)

***Probate and Property*, a publication of the Real Property, Trust and Estate Law Section of the American Bar Association.**

- **Contributing Editor** (Wrote bi-monthly reviews of recent developments in property law scholarship) (Aug. 2007- June 2009)

Committee on Bar Admissions, Supreme Court of Louisiana

- Assistant Examiner – Federal Jurisdiction and Procedure (2001– 2002)

LAW SCHOOL AND UNIVERSITY SERVICE (At Loyola University New Orleans)

Loyola University New Orleans Faculty Senate (Fall 2016 – Present)

Presidential Advisory Group to Develop a Long Term Financial Equilibrium Plan, Revenue Generation Task Force (Spring 2015)

Admissions Committee (2002 - 2005, Chair 2011 – 2013, 2013- 2015)

Ad Hoc Committee on U.S. News Law School Rankings (2011 – 2014)

Curriculum and Bar Admissions Committee (2010 –2013)

Faculty Appointments Committee (2003- 2005, 2007-2008, Chair 2008 –2009)

Standing Council on Academic Planning (2004 –2006) (University Committee)

Ad Hoc Appointment Committee to fill the Gauthier-St. Martin Eminent Chair in Environmental Law (2003 - 2004)

Biever Guest Lecture Committee (2003 - 2006)

Law School's Ad Hoc Committee for Faculty Colloquia on Legal Education
(Fall 2004)

Facilities Planning Committee (August 2012 - May 2104) (University Committee)

Provost's Student Success Initiative, Pricing Subcommittee (Spring 2013)
(University Committee)

Provost's Academic Leadership Roundtable (Fall 2011 to Spring 2013)
(University Committee)

COMMUNITY SERVICE

LOOP (Louisiana Outdoor Outreach Program) NOLA

- Founding Board Member (2015 – Present).

Anti-Defamation League, South Central Regional Advisory Board

- Board Member (Current)

New Orleans Center for Creative Arts (NOCCA) Institute

- Board Member (2007 – 2013)

Alumni Board, Newman School, New Orleans, Louisiana

- Board Member (2012 to 2015)

Touro Synagogue Board of Directors

- Board Member
- Executive Committee Member
- Treasurer

Jewish Community Center of New Orleans

- Board Member

HONORS, FELLOWSHIPS AND PRIZES

Honorary Visiting Professorship, University of Edinburgh Law School

(Awarded Feb. 2017)

Fellow, American College of Real Estate Lawyers (Elected 2013)

University of Edinburgh School of Law

- MacCormick Fellow (Fall 2009)

Loyola University New Orleans College of Law

- Outstanding Research Award (2005-2006)
- Favorite First Year Teacher (2002-2003)

Tulane University Law School

- Dean Rufus C. Harris Law Review Award (for best writing on a civil law topic in the *Tulane Law Review*) (March 1995)
- Charles Janvier II Award (for outstanding contributions to the *Tulane Law Review*) (April 1994)

Haverford College

- The William Ellis Scull Prize in English (1988)