

Real Estate Law



What is Real Estate Law?

Real estate law refers to the collection of laws that deal with residential real estate and commercial real estate transactions. Common residential real estate law cases include those related to purchasing a home, transferring titles and deeds, and easement, escrow, and zoning issues. Common commercial real estate cases include those related to commercial financing, Section 1301 exchanges in which a buyer avoids paying capital gains taxes by selling a similar property to finance the purchase; deeds, trusts, mortgages, environmental law, and estoppel certificates ([ABA](#)).

Most real estate laws are statutory or regulatory state laws. However, the Federal Aviation Administration regulates plane altitude over private property and the Federal Housing Administration protects individuals from discrimination in real estate transactions. Real estate law overlaps with contract law, inheritance law, family law, and some criminal and tort law that relates to real estate (such as trespassing). Real estate lawyers should also represent their clients in court in any breach of contract cases. ([Justia](#)). Real estate development law is a specialization of real estate law that involves legal issues of real estate developers. Real estate development lawyers assist their clients in achieving their business objectives by advising on such issues as tax law, finance law, contracts, corporate partnerships, securities, environmental law, bankruptcy, government relations and public policy, land use and zoning law, insurance law, and construction law ([Daley](#)). Some states require real estate attorneys to be present when signing house sales.

Where Do Real Estate Lawyers Work?

Government

[Memphis and Shelby County Division of Planning and Development](#)

Private Sector

Large firms with real estate or property law departments

In-house for large development corporations or banks

Small firms (usually handling residential real estate cases)

What Classes Should I Take?

Business Organizations

Commercial Law

Corporate Finance

Corporate Tax

Debtor/Creditor

Decedents' Estate

Estate Planning and Transfer Taxation

Housing Adjudication Clinic

Land Use Law

Realty Transactions

Secured Transactions

Securities Regulation

Tax Lawyering

Real Estate Law Resources



Resume Boosters for Real Estate Law

Consider becoming a licensed real estate agent

Consider pursuing an LLM in real estate law

Intern or extern with a real estate attorney or with a real estate development company

If you are interested in residential real estate law, get related experience by participating in the Housing Law track of Alternative Spring Break or the Eviction Settlement Project

Intern or extern with the [Federal Housing Administration](#)

If you are interested in commercial real estate law, intern or extern with a firm that handles business or tax law

Professional Associations

American Bar Association

All University of Memphis law students have free membership to the [American Bar Association](#). Their website provides routinely updated information and interest-specific career advice. Join different sections to find out what they offer. Check out [the Real Property, Trust and Estate Law Section](#).

American College of Real Estate Lawyers

The [American College of Real Estate Lawyers](#) is a prestigious invitation-only professional association for real estate lawyers.

Real Estate Law Links

[“LGBTQ Planning—What Skills Do Planners Need to Properly Serve the Modern Family”](#)

This article and case study provides an overview of concepts, terminology, and planning considerations to help real estate lawyers better serve LGBTQ clients in estate planning. Steven Kriz and Martin M. Shenkman, *RPTe eReport*, Summer 2020, American Bar Association.

[“Representing Immigrant Clients in Residential and Commercial Real Estate Closings”](#)

This article by Plinio De Goes Jr. explores the challenges of representing immigrant clients in real estate transactions. *Probate and Property Magazine*, February 2019, American Bar Association.