



Levin College of Law
Office of the Dean

Merritt McAlister
Interim Dean and Levin, Mabie & Levin Professor of Law

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December 3, 2024

MEMORANDUM

TO: Full-Time Faculty, Levin College of Law

FROM: Merritt McAlister, Interim Dean

RE: Faculty Meeting Agenda, December 11, 2024

Our eighth Faculty Meeting of the 2024-2025 academic year will take place on Wednesday, December 11, 2024. The meeting will be held exclusively on Zoom and will begin at 12:00 noon.

The agenda is as follows:

1. Action Item: Approve Faculty Meeting Minutes for December 6, 2024, attached (Dean McAlister)
2. Action Item: Presentation of revised grade appeal policy from the Academic Standards Committee (Arnow-Richman, chair)
3. Action Item: Presentation of Post-Tenure Review Standards from the Promotion and Tenure Committee (P&T Committee, Faculty Council)
4. Action Item: Presentation of Tyle Lattimore for Heirs Property Clinic visiting faculty. (Dean McAlister)

If you are unable to attend, please contact Peter Molk, who will discuss available options. Otherwise, I look forward to seeing you.

UF Levin College of Law Faculty Meeting Minutes
December 6, 2024 - 12:00 noon

PRESENT IN PERSON: Annie Brett, Juan Caballero, Dennis Calfee, Julian Cook, Lisa De Sanctis, Teresa Drake, Donna Eng, Ben Fernandez, William Hamilton, Christopher Hampson, Thomas Hawkins, Berta Hernandez-Truyol, Jiaying Jiang, Benjamin Johnson, Lea Johnston, Matthew Kim, Heather Kolinsky, Gary Lawson, Lyriisa Lidsky, Sabrina Lopez, Lynn LoPucki, Charlene Luke, Tracey Maclin, Jonathan Marshfield, Merritt McAlister, Grayson McCouch, Timothy McLendon, Silvia Menendez, Peter Molk, Thinh Nguyen, Lars Noah, Jane O'Connell, Katheryn Russell-Brown, Joan Stearns Johnsen, John Stinneford, Wentong Zheng

PRESENT ON ZOOM: Rachel Arnow-Richman, Derek Bambauer, Judy Clausen, Robert Rhee, Sarah Wolking

NOT PRESENT: Stacy Biggart, Yariv Brauner, Karen Burke, Charles Collier, Donna Erez-Navot, Barbara Evans, Mark Fenster, Thomas Haley, Kristen Hardy, David Hasen, Mindy Herzfeld, Elizabeth-Ann Katz, Zachary Kaufman, Elizabeth Lear, Pedro Malavet, Paige Snelgro, Amy Stein, Stacey Steinberg, Lee-ford Tritt, Derek Wheeler, Steven Willis, Michael Wolf, Danaya Wright

Meeting called to order at 12:00 pm.

1. Action Item: Approve Faculty Meeting Minutes for November 26, 2024. (Dean McAlister)

Interim Dean McAlister presented, and faculty considered the faculty meeting minutes for November 26, 2024.

Outcome: Minutes were approved.

2. Action Item: Approve retiring faculty for emeritus status (Dean McAlister)

Dean McAlister presented Professors Teresa Drake and Katheryn Russell-Brown for emeritus status.

Outcome: approved

3. Action Item: Presentation of candidates for promotion from the Non-Tenure Track Appointments and Promotion Committee (Menendez, chair)

Professor Menendez presented the promotion of: Juan Caballero from Legal Skills Professor to Senior Legal Skills Professor; Donna Erez-Navot from Legal Skills Professor to Senior Legal Skills Professor; Kristen Hardy from Legal Skills Professor to Senior Legal Skills Professor; Derek Wheeler from Legal Skills Professor to Senior Legal Skills Professor; and Bill Hamilton from Senior Legal Skills Professor to Master Legal Skills Professor.

Outcome: candidate voting will take place electronically on Monday, Dec 9 from 8 am to 5 pm.

4. Action Item: Presentation of candidates for promotion and tenure from the Promotion and Tenure Committee (Lidsky, chair)

Professor Lidsky presented the promotion of: Christopher Hampson from Assistant Professor of Law to Associate Professor of Law; Jiaying Jiang from Assistant Professor of Law to Associate Professor of Law; Annie Brett from Associate Professor of Law to Professor of Law with tenure; and Benjamin Johnson from Associate Professor of Law to Professor of Law with tenure.

Outcome: candidate voting will take place electronically on Monday, Dec 9 from 8 am to 5 pm.

Meeting adjourned at 1:25 pm.

Levin COL Policy on Finality of Grades & Grade Grievances

I. Finality of grades

All grades are final. Instructors are not permitted to alter a grade once they have submitted their final grades to the registrar. The sole exception to this policy is a numeric error by the instructor. Examples of numeric errors include a mistake in adding up points or in entering values into a grade calculation worksheet. The amount of points/percentage an instructor assigns to any portion of an assessment and the amount awarded to a student's performance on any portion of an assessment are a matter of academic judgment and not a numeric error.

II. Course performance review

All students are encouraged to review their course performance with their instructors as a learning experience. Students may not argue or bargain for better grades. If during the course of review, the instructor identifies a numeric error, the correction of which would justify a change in the student's assigned final grade, the professor must submit a Grade Error Certification to the registrar. The Grade Error Certification must include the revised grade, an explanation of the error, and the appropriateness of the revised grade. Determining whether the correction of a numeric error justifies a change in a student's grade is a matter of academic judgment by the instructor.

III. Grade grievances

In narrow circumstances, a student may grieve a final grade. The student is ultimately responsible for providing sufficient evidence to establish grounds for their grievance and the appropriateness of any requested relief. Grounds are limited to the following:

- A. The instructor has failed to provide relief following the identification of a numeric error that justifies a change in the student's grade.
- B. The student's grade was the result of discrimination or personal animosity and, in a case where the grievance relates to a grade assigned anonymously, there is evidence of breach of anonymity.
- C. The student's grade was determined by criteria that constitute a substantial and manifestly unreasonable deviation from the instructor's officially posted grade criteria (e.g., in the course syllabus) made without reasonable notice to the class.

IV. Grievance Procedure

- A. Preliminary meeting. A student must meet with their instructor no later than thirty days after the posting of their grade as a prerequisite to pursuing a grievance. If the instructor is not responsive to the student's attempts to meet, the student may bypass this requirement as indicated below.

- B. Notice of grievance. A student must notify the Academic Affairs Office of their intent to grieve a grade no later than 15 days from the preliminary meeting or 45 days from the posting of the grade, whichever is sooner. The notice must be by email to gatoraid@law.ufl.edu with a copy to the instructor. The email must:
1. State the date, time and place of the preliminary meeting and a brief statement of the outcome of the meeting. In the event the student has not met with the instructor due to the instructor's non-responsiveness, the student must demonstrate that they have made at least two attempts to contact the instructor.
 2. Identify the grounds for the grievance, which must be one of the three grounds listed in Section 3 above.
 3. Contain a short statement, not to exceed 500 words, of the basis for the grievance and the relief sought.

The student may provide no more than 5 pages of additional information or documentary evidence in support of the grievance.

- C. Initial assessment. No later than 45 days after receiving a Notice of Grievance the Academic Affairs Office will make an initial assessment as to whether the grievance has merit and notify the instructor and the student. In making its initial assessment, the Academic Affairs Office may seek any information that it deems relevant from the student and/or the instructor.
- D. Notice of Appeal. If the student is dissatisfied with the assessment of the Academic Affairs Office, or if the student does not receive an initial assessment within 45 days of submitting the Notice of Grievance, the student may submit a Notice of Appeal to the Academic Standards Committee. The Notice of Appeal must be submitted by email to the Committee Chair with a copy to the instructor and Academic Affairs Office no later than 15 days after the student receives the Academic Affairs Office's initial determination or 45 days after submitting the Notice of Grievance, whichever is sooner. In the event that the committee chair is the instructor who issued the grade being appealed, the student may send the Notice of Appeal to any member of the committee.
- E. Determination by subcommittee. A subcommittee consisting of all faculty members of the Academic Standards Committee will decide the appeal. In the event that the instructor who issued the grade is a faculty member of the Academic Standards

Committee, that member will recuse themselves and the Dean will appoint a replacement. In deciding the appeal, the subcommittee may seek any additional information that it deems relevant from the student, the instructor, and/or the Academic Affairs Office. No later than 45 days from receipt of the Notice of Appeal, the subcommittee will decide the appeal and notify the student, the instructor, and the Academic Affairs Office of its determination. The notification will include a statement of any relief to be granted. The decision of the subcommittee is final and may not be further appealed.

DRAFT

Memorandum

To: Interim Provost Joe Glover
From: University of Florida Levin College of Law Faculty
Date: XXX
Subject: College of Law Faculty's Proposed Modifications to the University's Post-Tenure Review Standards

The College of Law faculty appreciates the opportunity to propose modifications to the post-tenure review ("PTR") standards specific to the College of Law approved by the University on March 13, 2024 ("PTR Standards"). The only request by the College of Law faculty concerns the PTR Standard's numerical considerations for research. This memorandum explains this concern. A markup of the College-specific PTR Standards showing the proposed modifications is attached.

Inappropriate Numerical Standards for Scholarly Output

The numerical components of the current PTR Standards are anomalous among law schools. The PTR Standards require 5 or more scholarly works for "exceeds expectations," 3 to 4 scholarly works for "meets expectations," 1 to 2 scholarly works for "does not meet expectations," and 0 scholarly works for "unsatisfactory." The College of Law faculty believes these thresholds should be revised downward.

Of the top 100 U.S. law schools ranked by the U.S. News & World Report, the College of Law library identified 22 schools that require a post-tenure review process pursuant to publicly available standards. All but one of those 22 schools do not use numerical standards in their PTR process. This absence reflects the reality that, in the field of law, numerical standards can be too arbitrary and rigid to adequately account for the varied and diverse nature of scholarly work conducted by post-tenure law faculty. After receiving tenure, law schools encourage faculty members to pursue a diverse array of research activities, which may vary starkly from one subspecialty to the next within the field of law. The College of Law faculty confirmed this by studying the scholarly output of the tenured members at several highly ranked law schools. There is no quantitative or qualitative standard that cuts across all legal disciplines and subspecialties.

The only peer U.S. law school that employs a numerical standard in post-tenure reviews, the University of Minnesota Law School (which is a peer law school at a major research university), requires 2 scholarly works in 5 years for post-tenure faculty and recognizes justified variations around that norm. Minnesota has the following policy:

The qualitative standards for evaluating scholarship, teaching, service, and integrity in section II, Criteria for Tenure, shall be used to evaluate the post-tenure scholarship, teaching, service, and integrity of a tenured faculty member during post-tenure review, but the candidate's scholarship, teaching, and service should reflect the candidate's greater seniority. It is expected that a tenured professor of law shall continue to contribute regularly and substantially

to the Law School's missions of research, teaching, and service. Normally, tenured faculty will continue to publish the equivalent of at least one substantial article every two years. As recognized in Faculty Tenure, however, some faculty members may "contribute more heavily to the accomplishment of one mission of the unit and others to the accomplishment of other missions." Thus, there may be variations over time in the careers of individual faculty members as they may focus their contributions more in one or two domains among teaching, scholarship, and service.¹

The College of Law faculty believes that the final PTR standards should not have numerical standards more onerous than the one employed by the University of Minnesota. Accordingly, the College of Law faculty proposes lower numerical thresholds for the PTR standards.

¹ University of Minnesota, Law School Statement of Standards for Tenure, Promotion, and Post-Tenure Review Required by Section 7.12 of the Regulations Concerning Faculty Tenure, Adopted September 25, 2007, Approved by the Senior Vice President for Academic Affairs and Provost October 15, 2007, Revised April 26, 2011, Revision Approved by the Senior Vice President for Academic Affairs and Provost June 28, 2011, at 6.

ATTACHMENT

The College of Law Faculty’s Proposed Modifications (Shown in Tracked Changes) to the Existing PTR Standards

**College of Law Proposed Research Clarifications
XXX, 2024**

...

A faculty member who **exceeds expectations** is generally expected to have produced evidence of the following over the prior 5 years:

- ~~Three to five~~ high-quality, solo-authored articles, or the intellectual equivalent including coauthored articles, books, or other research products
- Evidence of a high level of professional impact, for example including regular participation in invited presentations at key meetings, conferences, or other venues; seminar presentations at major universities or state/federal agencies; professional awards; and citations to or critically acclaimed reviews of one’s scholarly work
- Where applicable, grant awards or external financial support commensurate with an outstanding level of scholarly performance
- Leading and serving on national advisory committees for research foundations, federal agencies or other authoritative bodies
- Receipt of awards or recognition for excellence related to research or scholarship

Deleted: Five or more

A faculty member who **meets expectations** is generally expected to have produced evidence of the following over the prior 5 years:

- ~~Two~~ high-quality, solo-authored articles, or the intellectual equivalent including coauthored articles, books, or other research products.
- Evidence of professional impact, for example including regular participation in invited presentations at key meetings, conferences, or other venues; seminar presentations at major universities or state/federal agencies; professional awards; and citations to or critically acclaimed reviews of one’s scholarly work
- Where applicable, grant awards or external financial support commensurate with a high level of scholarly performance

Deleted: Three to four

A faculty member who **does not meet expectations** exhibits the following performance characteristics over the prior 5 years:

- ~~One~~ high-quality, solo-authored article, or the intellectual equivalent including coauthored articles, books, or other research products
- Inconsistent evidence of professional impact, for example including regular participation in invited presentations at key meetings, conferences, or other venues; seminar presentations at major universities or state/federal agencies; professional awards; and citations to or critically acclaimed reviews of one’s scholarly work

Deleted: to two

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A faculty member who is **unsatisfactory** exhibits the following performance characteristics over the prior 5 years:

- Substantial and chronic deficiencies or failure to meet expectations in research or scholarship as expected, with minimal to no efforts to follow previous advice or other efforts to make corrections
- No high-quality, solo-authored articles, or the intellectual equivalent including coauthored articles, books, or other research products
- Absence of professional impact, for example as measured by regular participation in invited presentations at key meetings, conferences, or other venues; seminar presentations at major universities or state/federal agencies; professional awards; and citations to or critically acclaimed reviews of one's scholarly work

UF PTR Research Criteria: College of Law

March 13, 2024

During the post-tenure review process the University will review the cumulative level of accomplishment and productivity over the previous five years relative to the faculty member's assigned duties in research. This guiding document outlines general quantifiable criteria for assignment of performance ratings for faculty with a typical research assignment and should be scaled in accordance with the faculty member's research assignment. Note that scholarly impact, which may include journal quality, peer evaluations, citations, and/or other measures, may be considered when applying the research criteria below to evaluate a faculty member's contributions. Accepted and/or forthcoming works may count toward the current 5-year PTR review period or the subsequent 5-year PTR period but not both.

A faculty member who **exceeds expectations** is generally expected to have produced evidence of the following over the prior 5 years:

- Five or more high-quality, solo-authored articles, or the intellectual equivalent including coauthored articles, books, or other research products
- Evidence of a high level of professional impact, for example including regular participation in invited presentations at key meetings, conferences, or other venues; seminar presentations at major universities or state/federal agencies; professional awards; and citations to or critically acclaimed reviews of one's scholarly work
- Where applicable, grant awards or external financial support commensurate with an outstanding level of scholarly performance
- Leading and serving on national advisory committees for research foundations, federal agencies or other authoritative bodies
- Receipt of awards or recognition for excellence related to research or scholarship

A faculty member who **meets expectations** is generally expected to have produced evidence of the following over the prior 5 years:

- Three to four high-quality, solo-authored articles, or the intellectual equivalent including coauthored articles, books, or other research products.
- Evidence of professional impact, for example including regular participation in invited presentations at key meetings, conferences, or other venues; seminar presentations at major universities or state/federal agencies; professional awards; and citations to or critically acclaimed reviews of one's scholarly work
- Where applicable, grant awards or external financial support commensurate with a high level of scholarly performance

A faculty member who **does not meet expectations** exhibits the following performance characteristics over the prior 5 years:

- One to two high-quality, solo-authored articles, or the intellectual equivalent including coauthored articles, books, or other research products
- Inconsistent evidence of professional impact, for example including regular participation in invited presentations at key meetings, conferences, or other venues; seminar

presentations at major universities or state/federal agencies; professional awards; and citations to or critically acclaimed reviews of one's scholarly work

A faculty member who is **unsatisfactory** exhibits the following performance characteristics over the prior 5 years:

- Substantial and chronic deficiencies or failure to meet expectations in research or scholarship as expected, with minimal to no efforts to follow previous advice or other efforts to make corrections
- No high-quality, solo-authored articles, or the intellectual equivalent including coauthored articles, books, or other research products
- Absence of professional impact, for example as measured by regular participation in invited presentations at key meetings, conferences, or other venues; seminar presentations at major universities or state/federal agencies; professional awards; and citations to or critically acclaimed reviews of one's scholarly work

Proposal for the University of Florida Levin College of Law
HEIRS' PROPERTY AND ESTATE PLANNING CLINIC
at the Virgil D. Hawkins Civil Clinic
Submitted by Tyler Damon Lattimore
October 18, 2024

I. Executive Summary

The faculty within the Virgil D. Hawkins Civil Clinic at the University of Florida Levin College of Law plans to establish the Heirs' Property and Estate Planning Clinic ("HPEPC")—the first of its kind in the state. The stated goal of this clinic is to "assist clients with clearing title to their homes through probate and to help them create modest estate plans to ensure the smooth transition of property at death."¹

This proposal outlines my vision for HPEPC, a community-centric law clinic in which UF Law students provide supervised legal counsel and representation to low-income individuals and families seeking to clear or quiet title to heirs' property, determine clear property ownership of such property, generate sustainable plans for ancestral lands, and develop reliable estate plans to preserve and effectively transfer real property at death.

II. Background

The Heirs' Property Issue. Florida law defines "heirs" as "those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the property of a decedent." § 731.201(20), Fla. Stat. (2024). In other words, when someone dies without a will or another mechanism to transfer their property at their death, the property automatically transfers to members of the decedent's family in accordance with state law—not the decedent's wishes. In families where generations die without executing testamentary documents or deeds, property ownership can be impenetrably difficult to determine. Often, several members of such families share joint ownership of the land as tenants in common, which can lead to unclear title and land-use stagnation. Overtime, families risk losing heirs' property through tax certificate sales and subsequent tax deed auctions due to unpaid taxes, adverse possession, forced partition, or exploitation. Even when heirs' property is not lost, owners often struggle to improve, develop, insure, mortgage, lease, sale, or otherwise realize the benefits of land ownership.

Individuals and families living in poverty or in rural areas and descendants of enslaved people are disproportionate owners of heirs' property. This contributes to stagnant economic growth and opportunity, impedes generational transfers of wealth, and deprives individuals and families of the opportunity to own and develop ancestral land. "Historically, . . . lower-income African American families are most affected because of their history of disenfranchisement in the South. Years of restricted access to learning and legal services have disadvantaged this community."²

Personal Connection. My own family has suffered the insecurities inherent to heirs' property ownership. One such parcel was lost through a forced partition and exploitive sale prior to Florida's enactment of the Uniform Partition of Heirs Property Act. I have worked

for several years to prevent the loss of another family property to the same or similar fate. This property is located in Alachua County on the former Serenola Plantation, where approximately 120 Black people, including my ancestors, were enslaved.³ I have traced the land from an 1816 Spanish land grant to the last recorded deed from my great-great grandfather to his six children and a grandchild in the late 1970s. By my calculation, approximately 50 heirs owned the land when it was listed for a tax certificate sale in 2017 (the year I intervened). With limited options at the time, I devised a plan to use Florida's adverse-possession-without-color-of-title statute to clear title to the land. Now, the owners-heirs group has ballooned to nearly 70 family members across four generations, most of whom I have tracked down across the country for a federal lawsuit to quiet title.

Heirs' Property in Alachua County. With over 1,600 parcels in Alachua County currently listed as "heirs' property," the Alachua County Property Appraiser, Ayesha Solomon, has recognized the importance of this issue. Ms. Solomon's office has engaged the community in addressing it through publishing resources like the "Alachua County Heirs' Property and Estate Planning Overview"⁴ and various probate and estate planning summits. Additionally, organizations like Gainesville Community Reinvestment Area, through their Heirs Property Assistance Program,⁵ are establishing initiatives to assist owners with this problem. Nevertheless, more community input is needed to help address the "heirs' property" issue, and HPEPC can make meaningful contributions to that endeavor.

Through community engagement and action, HPEPC can help families avoid loss of land, detangle complicated ownership interests, and prevent unwieldy ownership quagmires through effective estate planning.

III. Clinic Design

Similar Law School Clinics. Four other law school clinics⁶ are dedicated to addressing heirs' property issues: (1) Howard University School of Law's Estate Planning and Heirs' Property Clinic,⁷ (2) Wake Forest University School of Law's Heirs' Property Project within their Environmental Law and Policy Clinic,⁸ (3) Faulkner University Thomas Goode Jones School of Law's Generational and Ancestral Property (GAP) Clinic,⁹ and (4) Texas Southern University Thurgood Marshall School of Law's Wills, Probate, and Guardianship Clinic.¹⁰ The following clinic design proposal for HPEPC was developed after a review of the publicly available information published about these clinics as well as other resources and materials concerning the heirs' property issue.

Teaching and Training. UF Law is "committed to preparing students to become future lawyers, leaders, and public servants."¹¹ Teaching law students about the real-world issues that people face is essential to helping them understand the reach and material impact that attorneys can have in their communities. While this education necessarily includes basic

property law; wills, estates, and trusts law; and attorney ethics—which could be prerequisites for HPEPC—the Clinic should also help students understand the historical context of why certain communities are disproportionately affected by the heirs’ property issue and, relatedly, the impact that unclear title has on heirs’ property owners.

Equally important, training students on how to engage with and represent clients and help solve legal issues is essential to preparing UF Law students to be future lawyers, leaders, and public servants. A primary goal for HPEPC, therefore, should be to train students in practical lawyering skills that prepare them for real-world practice. To that end, the Clinic should provide students supervised, hands-on experience advising and representing clients in matters including land-title disputes, creative ownership-related problem solving, probate proceedings, and effective estate planning.

Client Services. Heirs’ property owners face diverse issues related to clouded title. The Clinic should offer services that solve problems presented by heirs’ property owners and help other clients create estate plans that effectively transfer property at death. HPEPC students should be trained to assess and identify client-specific issues and apply various strategies to address the legal issue presented. The services the Clinic should provide clients include:

- Last Will and Testament Drafting
- Land Trust Formation
- Durable and Limited Power of Attorney Drafting
- Clearing Property Title Through Probate Proceedings or Adverse Possession Actions
- Property Deed Drafting and Execution (including Transfer-on-Death Deeds)
- Representation in Property Disputes/Defense of Title Actions (including Mediation, Litigation, and Extra-Judicial Resolution)
- Property-Related Research (including Title Searches, Ownership Investigations, and Land-Use Options)
- Investigating Land Theft

Community Outreach and Education. For HPEPC to have a meaningful, lasting impact in the community, the Clinic must engage in substantive community outreach and education (e.g., at County-sponsored events, local houses of worship, community festivals, and other

events). Many families lose or are unfairly compensated for heirs' property because of misinformation or disinformation. Educating the community through HPEPC and its student-participants combats this issue in at least two ways: *First*, it provides reliable information directly to community members who need it. *Second*, because community education is a form of outreach, it establishes HPEPC as a local, community resource hub for estate planning and heirs' property problem solving. Additionally, these advantages have the added benefit of connecting the Clinic with potential clients. HPEPC can only be successful with community buy-in; substantive community outreach and education ensures that success.

Collaboration. HPEPC's efforts to garner community support and buy-in can be enhanced through collaboration with other organizations with demonstrated commitments to offering accessible estate planning and addressing identified heirs' property issues. Collaborating with these organizations reduces unnecessary, duplicative efforts and conserves community resources. For example, HPEPC could collaborate with the Alachua County Property Appraiser's Office to host future probate, estate planning, and heirs' property summits or map potential heirs' property hubs or focus areas throughout the county.

Within UF Law, HPEPC should collaborate with the Center for Governmental Responsibility on its Heirs' Property and Community Preservation Initiative to efficiently mobilize the College's resources dedicated to the heirs' property issue. Within the University system more generally, the Clinic should engage with other Colleges and Programs to foster holistic representation and problem solving for clients. Some examples include:

- Engaging Geomatic students in the College of Agricultural and Life Sciences to assist with clients' surveying and mapping needs;
- Retaining Counselor Education students in the College of Education to assist families with resolving internal disputes and conflicts related to estate planning or heirs' property issues;
- Partnering with UF's Institute of Food and Agricultural Sciences (UF/IFAS) to help clients identify practical land-use options; and
- Utilizing UF Libraries' resources to assist clients with genealogy research necessary to identify heirs' property owners.

Additionally, HPEPC should collaborate with private organizations that have specific heirs' property or general real property expertise. Specifically, the Clinic should create partnerships with legal aid organizations like Three Rivers Legal Services, Inc. and Florida Legal Services, Inc. to identify potential clients, increase estate planning capacity, and

consolidate community engagement efforts. HPEPC should also engage with private law firms and practitioners to identify attorneys with relevant expertise to lead discussions, case studies, and workshops with Clinic students. These partnerships could also help to identify attorneys willing to assist Clinic efforts through pro bono service.

Overall, these collaboration efforts also help to identify potential partnerships that may provide Clinic funding and support grant-seeking efforts.

Public Policy and Reform. The initial focus areas of HPEPC should be on teaching and training UF Law students, building relationships and partnerships within the local community, identifying deliverable, high-impact legal services to communities affected by the heirs' property problem, and ultimately serving clients. As those areas of focus are established and strengthened, the Clinic should also engage in public policy analysis and advocacy. Florida's enactment of the Uniform Partition of Heirs Property Act, which outlines the process for partitioning disputed heirs' property in the state, is a significant achievement in the effort to provide legal protections for owners of heirs' property. The Act, however, does not solve or even address many issues associated with ownership of heirs' property, including competing or conflicting heirs' objectives, clouded title, and barriers to full use and enjoyment of the property, among other common issues.

Given the substantial and persistent heirs' property issues unaddressed by current state law, a long-term goal for HPEPC should be to consider what statutory, regulatory, or policy changes or reforms should be made to address the issue more fully. Students' supervised representation of clients, engagement with the community (including listening sessions), and the Clinic's partnerships with other organizations can help inform where policy advocacy efforts are most needed and impactful.

IV. Clinic Impact

Benefiting UF Law Students. While client service and community engagement are essential to HPEPC success, UF Law students' achievements will necessarily be the most important measurement of the Clinic's success. Under the supervision of the Clinic director, students will gain the following substantive experience:

- Developing and applying practical knowledge and skills in property law; wills, estates, and trusts law; and other applicable areas of law;
- Drafting estate planning documents (e.g., wills, trusts, and powers of attorney);

- Representing clients directly in legal matters related to heirs' property issues, including conducting client interviews, providing legal counseling, and employing problem-solving skills to find creative solutions;
- Learning effective case management and timekeeping strategies and skills;
- Working with and in the community to learn about the issues facing heirs' property owners and educate community members of their property rights;
- Employing holistic, cross-discipline solutions to address legal problems through partnerships across the University system; and
- Engaging in policy advocacy to address the root causes of the heirs' property problem and identify policy initiatives to reduce the historic limitations of heirs' property ownership.

Benefiting the University and the Community. HPEPC has the potential to solidify UF Law as the state's legal hub for resources related to the heirs' property issue, including problem-solving expertise, policy reform advocacy, scholarship, and community partnerships. This can be achieved through strategic partnerships and collaborations with Alachua County, legal aid organizations, community coalitions, and other stakeholders to pool resources. The Clinic can also have a lasting impact on the public by graduating lawyers trained in helping clients beyond HPEPC's reach solve various heirs' property issues and developing estate planning practices to help reduce the problem through billable, low bono, or pro bono service.

End Notes

- ¹ LECTURER – Heirs’ Property and Estate Planning Clinic, UF, CAREERS AT UF, <https://explore.jobs.ufl.edu/en-us/job/533381/lecturer-heirs-property-and-estate-planning-clinic>.
- ² Danielle Ivanov, *City to look at ‘heirs property’ changes*, THE GAINESVILLE SUN, <https://www.gainesville.com/story/sports/columns/dooley/2020/08/12/city-to-look-at-heirs-property-changes/42205181/>.
- ³ See *Florida Historical Markers Programs - Marker Detail: SERENOLA PLANTATION, FLA. DEP’T OF STATE*, <https://apps.flheritage.com/markers/markerDetail.cfm?id=417&keyword=serenola&city=&county> (located in Alachua County’s Squirrel Ridge Park). This historical marker was sponsored by the Florida Department of State and Serenola Community Cemetery, Inc., the organization (of which I am a committee member) that manages the cemetery where many of the people enslaved on the Serenola Plantation and their descendants are buried—including members of my family. The information included on the historical marker was researched and gathered primarily by my cousin and genealogist, Bertha Lee.
- ⁴ Dr. Danaya Wright and Anna Prizzia, *Alachua County Heirs’ Property and Estate Planning Overview*, ALACHUA COUNTY, <https://www.alachuacounty.us/Depts/Communications/Documents/ADACompliant/AlachuaCounty-Heirs-Property-and-Estate-Planning-Overview.pdf>.
- ⁵ *Assistance Available for Heirs’ Property Owners*, GAINESVILLE COMMUNITY REINVESTMENT AREA, <https://gainesvillecra.com/assistance-available-for-heirs-property-owners/>.
- ⁶ Matt Reynolds, *Law school clinics tackle challenging issue of heirs’ property rights*, ABA JOURNAL, <https://www.abajournal.com/web/article/law-school-clinics-tackle-challenging-issue-of-heirs-property-rights>.
- ⁷ *Estate Planning and Heirs’ Property Clinic*, HOWARD UNIVERSITY SCHOOL OF LAW, <https://law.howard.edu/academics/clinical-law-center/estate-planning-and-heirs-property-clinic>.
- ⁸ *Heirs’ Property Project*, WAKE FOREST LAW, <https://law.wfu.edu/academics/experiential/clinics/environmental/heirs-property/>.
- ⁹ Rebecca Burylo, *Faulkner Law Adds First Pro-Bono Generational and Ancestral Property (GAP) Clinic in the State*, FAULKNER UNIVERSITY THOMAS GOODE JONES SCHOOL OF LAW, <https://law.faulkner.edu/news/faulkner-law-to-add-first-pro-bono-generational-and-ancestral-property-gap-clinic-in-the-state/>.
- ¹⁰ *Wills, Probate, and Guardianship Clinic*, TEXAS SOUTHERN UNIVERSITY THURGOOD MARSHALL SCHOOL OF LAW, https://www.tsulaw.edu/legal_clinic/wills_probate_guardianship.html.
- ¹¹ *Welcome to Florida Law*, UF LAW, <https://www.law.ufl.edu/about>.

Tyler Damon Lattimore

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Professional References

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October 18, 2024

Silvia Menendez
Non-Tenure Track Appointments Committee Chair
University of Florida Levin College of Law
309 Village Drive
Gainesville, Florida 32611
menendezs@law.ufl.edu

Dear Ms. Menendez:

I am thrilled to apply for the University of Florida Levin College of Law's Lecturer position to teach and direct the Heirs' Property and Estate Planning Clinic ("HPEPC"). I currently serve as a Civil Assistant United States Attorney in the U.S. Attorney's Office for the District of Colorado. A proud Gainesville native (where I was born and raised and where most of my family still resides), I am eager to return home to be near family, continue my legal career, and serve the community that raised me.

Before moving to Denver to be closer to my wife's family, I was an associate in the Dallas office of Akin Gump Strauss Hauer & Feld LLP, where I focused on complex commercial litigation and maintained an active pro bono practice. I learned a great deal in commercial litigation, but my pro bono practice—in which I primarily represented indigent clients in housing and asylum cases—had the greatest influence on my personal and professional growth at the firm. My pro bono practice confirmed that I needed to tailor my legal career with an eye toward serving individuals and the public interest.

As an AUSA, I primarily handle civil defense cases. I also investigate and prosecute civil cases based on civilian complaints of civil rights and environmental law violations. Additionally, I conduct trainings to educate migrant communities about their civil rights. In this role, I have been grateful for the autonomy to manage my own caseload of approximately 20 cases from complaint to resolution. I am challenged every day to use my legal skills to reach just results.

As a Lecturer, I would draw from my experiences as a practicing attorney to teach, mentor, and advise UF Law's exceptional students. Clinics were a formative part of my law school experience. For many law students, a clinic is their first opportunity to work directly with clients and fully realize the significant impact attorneys can have as advisors and advocates. The value of my clinical experience has been matched only by my continued pro bono practice, including participating in clinics with the local Metro Volunteer Lawyers organization and my ongoing representation of an Alachua County church in a property dispute. This service-oriented work is why I became a lawyer and what I want to share with UF Law students.

The heirs' property issue is near and dear to me, both personally and professionally. In general, property is an underrated area of public interest law in terms of potential reach and impact on individuals. Although there is great need in the community for attorneys who are well-versed in property and estate law, very few attorneys offer these services affordably and accessibly. Further, many families do not realize the importance of obtaining such services until it is unfortunately too late. As a Gainesville native, I know firsthand the need for broader education and outreach with respect to the heirs' property issue.

Silvia Menendez
Non-Tenure Track Appointments Committee Chair
University of Florida Levin College of Law
October 18, 2024
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There are approximately 1,665 listed heirs' properties in Alachua County. Included in this number is property that my ancestors were enslaved on and subsequently purchased after the Civil War. In 2017, this remaining two-acre parcel of land was at risk of a tax certificate sale due to unpaid taxes. Over 50 family members had an interest in the property, and no one took responsibility for it. Seven years ago, before attending law school, I devised and followed a plan using Florida's adverse-possession-without-color-of-title statute to quiet title and keep the land in my family. To see the plan through, I am filing an unprecedented federal lawsuit to quiet title against the now nearly 70 heirs that span four generations.

Two acres may seem insignificant to some, but property ownership has historically equated freedom and self-determination in this country. It touches almost every part of our common law system and is frequently at issue in the courts in some capacity. Decades of discriminatory laws ensured that not all groups shared in the benefits of property ownership equally. Though many of those laws are long gone, their impact is not—particularly in Alachua County. I know, from my personal experience and research, that families across Florida and the rest of the South are at risk of losing land and history, due to ignorance of the purpose and importance of estate planning or insufficient resources to obtain legal counsel.

This clinic represents a crucial step toward educating and training a new generation of lawyers in a neglected and nuanced field, while providing much-needed outreach to communities across Alachua County and surrounding areas. It would be my honor to expand on this work and serve as the Lecturer for HPEPC to teach aspiring attorneys, work with and in the community, and help families find solutions to their unique "heirs' property" issues through creative problem-solving and estate planning.

Please let me know if you need anything further in your review of my application. I appreciate your time and consideration.

Sincerely,



Tyler D. Lattimore

Tyler Damon Lattimore

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EDUCATION & ADMISSIONS

Bar Admissions: Florida | Colorado | Texas

The Florida Bar Young Lawyers Division – Board of Governors, *Out-of-State Rep*

Federal Court Admissions: Northern District of Florida | District of Colorado

Juris Doctor

The University of Texas School of Law

May 2021

Austin, TX

- Children’s Rights Clinic, *Student Attorney*
- Domestic Violence Clinic, *Student Attorney*
- Travis County District Attorney’s Office, *Prosecution Intern*
- THE REVIEW OF LITIGATION (Vol. 39), *Staff Editor*
- TEXAS REVIEW OF LAW & POLITICS (Vol. 23, No. 3), *Staff Editor*
- Duberstein Bankruptcy Moot Court Competition (2020), *Brief Writer*
- Thurgood Marshall Legal Society, *Member* (2018-2021)
- Lloyd Lochridge Inn of Court, *Law Student Member* (2020-2021)
- SEO Law Fellow (2018)

Bachelor of Arts in Political Science and Economics

Emory University, College of Arts and Sciences

May 2016

Atlanta, GA

Benjamin A. Gilman International Scholar (U.S. Department of State)

University of Cape Town (Exchange Program)

Fall 2015

Cape Town, South Africa

WORK EXPERIENCE

Assistant United States Attorney – Civil Division

August 2023 – Present

United States Attorney’s Office, District of Colorado

Denver, CO

- Defend the interests of the U.S. Government in various suits brought against it, its agencies, and its officers—including immigration, employment discrimination, bankruptcy, and tort actions.
- Investigate and litigate affirmative civil enforcement cases related to civil rights and environmental law violations.
- Represent the Federal Government in certain Federal Bureau of Prisons cases in the Northern District of California as a Special Attorney to the United States Attorney General.
- Manage individual caseload by creating and implementing litigation strategies, handling depositions and motions practices, working with and directing agency counsel, and engaging with opposing counsel and pro se litigants.
- Supervise staff supporting litigation efforts on assigned cases.

Associate – Complex Commercial Litigation

April 2022 – April 2023

Akin Gump Strauss Hauer & Feld LLP

Dallas, TX

- Assisted with pretrial case management and strategy development in a multi-billion-dollar telecommunications case—e.g., second-chaired a deposition, drafted discovery documents, and conducted client communications.
- Conducted legal/investigative research for an international corporation defending a potential visa fraud indictment.
- Assisted with the mediated settlement of a complex contractual dispute, including drafting the mediation statement, second-chairing the mediation, and drafting the settlement agreement.
- Maintained an active pro bono practice, including an asylum appeal before the Board of Immigration Appeals, a COVID-related eviction case, and advising a nonprofit organization advancing racial and economic justice on the Texas Heartbeat Act (SB 8).

Judicial Law Clerk

August 2021 – February 2022

United States District Courts

Dallas, TX

- Conducted legal research and drafted opinions, orders, and memoranda in criminal and civil cases before the Court.
- Assisted with the preparation and management of criminal and civil trials, hearings, and conferences.
- Managed half of the court’s docket, including party/attorney communications and scheduling matters.

Paralegal Specialist

January 2017 – May 2018

U.S. Department of Justice – Civil Division, Commercial Litigation Branch

Washington, D.C.

- Edited and cite checked briefs, memoranda, and other legal documents submitted to courts, agencies, and officials.
- Submitted formal recommendations in response to various federal agencies’ requests to terminate delinquent debt.