

# CGR News

The Center for Governmental Responsibility at UF Law



## Letter From the Directors

Dear CGR friends and family,

Fall is always an exciting time at a university, as students return to classes and faculty come back refreshed with new ideas and inspiration. Without question, that is the situation at CGR this fall. We are looking forward to the 50th Anniversary Reunion on October 13, 2023, as well as the new group of student research assistants and faculty affiliates who will be working on CGR programs this coming year.

Be sure to mark your calendar for October 13 and plan to travel to Gainesville to celebrate CGR's past 50 years and its next 50 years. The day's events will consist of a talk on artificial intelligence and government regulation, a trip down memory lane as guests visit exhibits from the various decades and projects in which CGR was involved, presentations on current and future initiatives, and some fond reminiscing by alums. The evening will culminate in a gala celebration to honor transformative donors, faculty, students, and alumni as well as recognize the outstanding leadership of Jon Mills, who is retiring after 50 years at UF Law. Information about the hotel block, gala reservations, and the day's events are included below.

Besides the reunion, CGR has plans for a number of events this fall. We are partnering with the College of Journalism and Communications on a workshop on rural AI which will examine the unique needs and concerns of rural communities dealing with the surge in AI. CGR is also sponsoring a roundtable to talk about the impact of the pandemic on fundamental rights/social justice as well as on democracy, governance, and elections in the US & Brazil. CGR is partnering with the Center for Latin American Studies and anticipates the attendance of Brazilian judges and prosecutors. And CGR is participating in numerous initiatives to help educate local homeowners about the dangers of heirs property.

## Newsletter Highlights

[Letter From the Directors](#)

---

[Academic Highlight](#)

---

[CGR's Initiatives](#)

---

[Donor Highlight](#)

---

[Student Highlight](#)

---

[CGR in the News](#)

---

[CGR's 50th Anniversary](#)

## CGR's Social Media

Follow us on [X](#)

Follow us on [LinkedIn](#)

Following in a long tradition, CGR is pursuing numerous grant opportunities to facilitate its important programming. We received a small grant from the UF Humanities in the Public Sphere to use art and education to inform local communities about heirs property. CGR has also received funding commitments from the Local Initiatives Support Corporation of Jacksonville to develop an heirs property clinic at the College. We are applying for additional funding from the National Science Foundation to engage in data analysis regarding regulatory policies and practices that impact home ownership. And we are applying for funding to support CGR's technology and privacy initiative in the realm of AI and cybersecurity.

CGR is also excited to be working with affiliate faculty on numerous initiatives to benefit students. We will be participating in a program to encourage students to go into public interest work upon graduation, and we will be working with The Florida Bar sections to encourage student participation in section events. We will continue to assist students in getting externships in local government offices and we will continue to support faculty research and programs that involve students. Student involvement with CGR has been fundamental to CGR's success and, as you can read below, it continues to provide myriad opportunities for students to discover their true passions.

We look forward to seeing many of you in October and encourage you to keep in touch.

Jon Mills  
Danaya Wright

## Academic Highlight

*Trapped Between the URPTODA and the UPPHA: Probate Reforms to Bridge the Gap and Save Heirs Property for Modest-Wealth Decedents*

127 Penn State Law Review 749 (2023)

Danaya Wright

The problem of heirs property is finally beginning to attract the attention of legislators and policy analysts as more and more people lose their family homes because of the cloudy title resulting from failure to probate an ancestor's estate, and the fractionation that comes when real property is inherited jointly by multiple heirs or devisees. In low-income and vulnerable communities lacking good estate planning services and an understanding of the importance of clearing title through probate, inherited homes are often lost through tax sales, blight designations, foreclosures, or natural disasters, resulting in tremendous loss of inter-generational wealth. Heirs property can affect people in a variety of ways, from lack of estate planning to complex probate proceedings to predatory partition actions.

Fortunately, legislation is beginning to address some of the intractable issues. For instance, 29 jurisdictions currently have some form of transfer-on-death deed for real estate that allows real property to pass outside probate just like that IRA or securities account. But nearly half of American jurisdictions do not have a mechanism to designate a beneficiary, which means real property title will need to be probated or set up in advance to pass through a revocable trust. A simple mechanism to designate a beneficiary for the family home is a game-changer for the millions of people whose only major asset is their home. Similarly, the Uniform Partition of Heirs Property Act attempts to protect legal heirs who inherit family property as tenants in common from predatory developers who purchase one heir's interest and then force partition sales. Often the proceeds from forced partition sales are drastically less than the fair market value of the property.

But little to nothing has been done to address the procedural complexities of probate for those families already in heirs property status. In many cases, the property will have descended through intestacy to multiple children, further passed to grandchildren upon the death of children, and the value of any single share may not be enough to justify paying the property taxes or administrative expenses of probate. When that happens, families often walk away from modest-value homes because no one person's interest is large enough to justify the often high costs associated with probate and clearing title.

This article, however, offers numerous modest reforms that could go a long way toward easing the complex procedures of probate, from allowing heirs-in-possession to adversely possess against heirs-out-of-possession, to allowing affidavits of heirship to replace complex probate proceedings, to simply passing heirs property to living heirs only. When we consider how many laws have been passed to facilitate inter-generational transfer of wealth among the wealthy, from fancy trusts to negating the transmissible remainder problem, it seems unethical that we have not addressed the problems facing minority and low-income homeowners who are losing their family homes because they do not have the wherewithal to hire fancy estate planning attorneys. The article concludes with sample legislation to create a streamlined process for addressing the millions of properties currently in heirs property status to preserve that wealth for the family.

Heirs property is a many-pronged problem that will require a concerted effort from estate planners, real estate attorneys, title companies, public interest law firms, and legislators to help protect family wealth. As part of CGR's Heirs Property and Community Preservation Initiative, this article will form the basis of a workshop on legislative changes to address the problem.

The article can be read in full [here](#).

## **CGR's Initiatives**

### Heirs Property and Community Preservation

CGR has received funding to continue its outreach work on education and assistance for people facing heirs property barriers. It has also received funding to institute an heirs property clinic. When funding is complete, we hope to hire a staff attorney to run the clinic sometime in the fall of 2023, with the ability to take on clients by early in the spring, 2024. Further research is continuing on the effects of climate disasters and government regulation and procedures in the loss of family homes and family wealth. CGR has identified partners at other institutions that are also interested in home loss, affordable housing, and the crisis of family wealth loss and is working to put together workshops and a conference on the subject.

### Equality of Rights and Social Justice

CGR is pleased that Professor Jonathan Barry-Blocker will continue to teach Social Justice Lawyering this fall and we will continue to advocate for a full curriculum of courses addressing social justice issues. We are also working with faculty in the College of Law to promote public interest externships and careers. Although the College has provided support to students going into public interest work, CGR is an invaluable partner in that effort. Through courses taught by CGR faculty, externships and internships directed by CGR faculty, and CGR's fundamental role in the Environmental and Land Use Law Program and Public Interest law fellowships, we continue to develop more opportunities for students and faculty to fulfill their public service interests.

### Law and Policy in the Americas

With travel restrictions finally easing, CGR's Law and Policy in the Americas program is getting back on track beginning with a roundtable this fall on comparative rule of law issues in the U.S. and Brazil, including fundamental rights/social justice as well as on democracy, governance, and elections. This small event will bring Brazilian federal prosecutors and one Brazilian judge to Gainesville to meet with UF Law and other faculty to discuss legal issues arising from the pandemic and its effect on democracy and governance. In addition, plans are underway to resume CGR's traditional summer program for Brazilian judges, prosecutors and attorneys next summer for a week of comparative law classes as well as site visits at courts, local governments and water management district facilities.

### Privacy and Technology

In conjunction with the College of Journalism and Communications, CGR is co-hosting a workshop on rural AI, which will take place in October of this year. Artificial intelligence is, necessarily, a topic of immense interest and concern because of the rapid development and deployment of various algorithmic and machine learning systems of varying stakes and complexity.

Research and investigations of fairness and bias in these systems and the need for adequate policy is being undertaken in various contexts, from health to finance, criminal justice to human resources. Less research has focused on geography as a context for AI deployment. Further, even within current areas of investigation, there is a distinct bias for scrutinizing technology and impacts within an urban context. This ignores the people and communities in non-urban spaces that, too, are and will be impacted by the creation and use of artificial intelligence and connected systems. Scholars have examined the impact of AI on agriculture, the majority focused on yields and productivity. This is, undoubtedly, important research. But rural does not mean agriculture alone, although that can be an important aspect of rurality. Further, to date, there is a dearth of research critically considering policy for rural AI, and what that might mean for its creation, deployment, governance and impacts. This 1.5-day workshop will bring together thought leaders and policymakers from government, rural and agricultural equity activists, and technologists and leading scholars, along with others in scholarly rural tech, policy, and ethics networks. The workshop will: identify the critical questions/issues surrounding AI in the rural context; build framework(s) for rural AI policy; build a network of practice surrounding rural AI; and identify further areas of inquiry and collaboration for the rural context.

### Overton Lectures

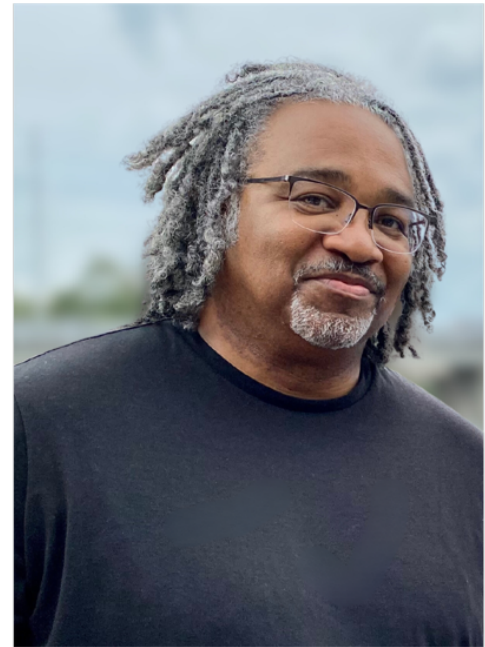
In January, Justice Jorge Labarga delivered the second Overton Lecture about the jurisdiction of the Florida Supreme Court. Justice Labarga led an invigorating discussion on one of most important concepts for the Court: Whether the Florida Supreme Court has the authority to review a given case. The Overton Lecture instilled in students and other attendees the pivotal nature of jurisdictional matters. Named for the late Florida Supreme Court Justice Ben Overton, the Overton Lecture Series will continue this year as part of Florida Constitutional Law, which is taught in the spring semester.

## **Donor Highlight**

### Kristopher Smith

Kristopher Smith, the Community Development Program Officer of the Local Initiatives Support Corporation of Jacksonville, is doing everything he can to solicit funding to create an Heirs Property Clinic at the College of Law. Smith oversees LISC's Jacksonville Urban Core Initiative and its efforts to advance economic growth in urban core neighborhoods. Kristopher brings nearly 20 years of experience in community engagement and development, grantmaking and capacity building to the Jacksonville area.

Kristopher has a long history of public service aimed at reducing poverty, revitalizing communities, strengthening education, and sponsoring workforce development. Kristopher was the director of leadership development for the Funders' Network for Smart Growth and Livable Communities and during that time he worked closely with the Older Industrial Cities funder working group to allocate resources and oversee project execution.



CGR is excited to be working with Kristopher and LISC Jax as they bring tremendous energy and resources to CGR's Community Preservation Initiative. Thanks to Kristopher's financial support, we hope to develop long-range solutions to affordable housing and heirs property barriers that disproportionately impact minority and low-income communities here in North Florida. This is a win-win partnership for CGR and LISC Jax where we aim to bring legal research and an awareness of local government policies and practices to bear on community needs.

## Student Highlight

### Shaina Autumn-Polin

CGR is excited to recognize Shaina Autumn-Polin, a CGR research assistant and remarkable young leader. Shaina has assisted CGR co-director, Jon Mills, with his forthcoming book on ethical leadership. Additionally, she has been vital to planning CGR's anniversary and helping CGR transition into its next 50 years. Shaina will be transferring to Columbia Law to finish her second and third years of law school. Following law school, she wants to become a civil rights lawyer, working for ACLU or another civil rights organization. This remarkable young woman is one to watch: She will have an illustrious career, and all the faculty and staff at CGR are honored to have worked with her.



## CGR in the News

Read Jon Mills on Florida Supreme Court Justice Appointments [here](#).

Read about the improvements at Boulware Springs [here](#).

Hear Danaya Wright discuss the Disney lawsuit involving the dissolution of the Reedy Creek Improvement District [here](#).

Read about and hear Danaya Wright moderate the Alachua County Property Appraiser's Estate Planning Summit in High Springs [here](#).

## CGR's 50th Anniversary

**Registration** – Don't forget to register for the CGR 50th Reunion and Gala on October 13, 2023. Registration for the event is [here](#).

**Hotel Accommodations** – the CGR Gala dinner will be held at the Hilton UF Conference Center, 1714 SW 34th Street, Gainesville, FL. The Reservation Link (expires 9/11/23) is: <https://group.hilton.com/xhmm7o>

If you need personal assistance contact Christina Rodenwoldt by email at [crodenwoldt@hiltongainesvilleuf.com](mailto:crodenwoldt@hiltongainesvilleuf.com) or phone (352) 384-3412.

**Gala Tickets** – Tickets for the Gala Dinner at the Hilton are \$150.00 per person. You may also purchase a table for 8 guests at \$1250.00.

**Videos** – Help us prepare for the Gala by sending in a short (<1 minute) video about an experience you had during your time at CGR or in practice as a result of your CGR connection. Videos can be sent to Adam Bent, [bent@law.ufl.edu](mailto:bent@law.ufl.edu).

**History** – Help us prepare for the Gala by reviewing the History of CGR and sending in your recollections or events that you think should be highlighted in the History. The History can be found [here](#). Please send your comments to Adam Bent, [bent@law.ufl.edu](mailto:bent@law.ufl.edu).