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Foreword, 39 J. Marshall L. Rev. i (2006)

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FOREWORD

Many students are motivated to attend law school in order to help others or to change society for the better. As a professor at The John Marshall Law School for the past twelve years, I have strived to help students recall their initial motivations for attending law school and to provide them with the knowledge and skills they need to achieve their lofty goals. I have been impressed by the enthusiastic responses of my property and real estate students when I have offered them opportunities to engage in pro bono legal assistance, from interning with the Lawyer's Committee for Better Housing, to representing lower income individuals purchasing their first home, to creating the John Marshall Law School Habitat for Humanity Chapter. In order to further expand pro bono opportunities at the law school, the Student Bar Association and I desire to create a business law clinic and plan to reach out to interested law firms to accomplish this major task.

Similar to my law students, I have also tried not to lose sight of why I am here at The John Marshall Law School. In addition to training a new generation of lawyers committed to public service, I also desired to influence the shape of law through my research and writing. My prior scholarship in the field of real estate has focused on devising an improved foreclosure system that would be fairer and more efficient based upon lessons learned from an empirical study of foreclosures, creating an express and detailed statutory warranty that would apply to new home construction which would include the establishment of a recovery fund for unpaid claims, and drafting a federal mortgage counseling law that could effectively prevent the most common and egregious predatory home lending practices without impeding the legitimate sub-prime market.

My most recent article, "Navigating Residential Attorney Approvals: Finding A Better Judicial North Star," published in this issue of The John Marshall Law Review, attempts to straddle both goals of training attorneys to be effective at helping others, in this context, with the purchase or sale of the single largest investment of their lives, and of reforming the law to better serve the public interest. The article outlines a transactional skills framework that competent attorneys should follow when representing a client entering into a business deal, and urges courts to consider this approach as a framework for ascertaining if an attorney has exercised an attorney approval clause in good faith. The article also addresses how some courts have misapplied contract law in a manner which encourages bad faith terminations of contracts and contends that courts, including the Illinois

Supreme Court, should reject the analysis in these cases and provide a better judicial north star for attorneys to follow.

Judge Abraham Lincoln Marovitz once advised a group of lawyers at a dinner, "Don't go to bed without being able to say to yourself 'I have done at least one good thing for someone today.'" Twenty years after graduating from law school, I have found that the practice of law provides daily opportunities to do something good for a person in need of the special knowledge and skills of a lawyer. I thank the editors of The John Marshall Law Review for providing me with the opportunity to share with you my reflections on my experience here at the law school, and my desire to rekindle in students the lofty aspirations that brought so many of them to our doors.

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