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Interviewee: John Pollock

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KURIS: This is Gabriel Kuris with John Pollock in Montgomery, Alabama on December 4th. Why don't you walk me through the formation of the Heirs' Property Retention Coalition (HRPC)? You had already been working on this issue, you had put together I guess a draft of this Act. You had known the people involved. So how did this idea for a coalition come together?

POLLOCK: *Well it was really—when I realized that the problem was national, as I mentioned to you I had started the work on Alabama, that had been the reason I started and when I realized the problem was so big it made me realize this is the problem we should be dealing with on a national level, not just Alabama. When I started thinking about—when I started comparing the laws in different states and seeing there were these consistent problems with the law in each state. I started working on the draft and I realized I was diving into an area that some other people had been working in for a very long time. It would be presumptuous at best and damn near dangerous at worst to put something forward, even if I myself could have done so, without getting the input of the organizations that had been doing this work for a long time.*

After I had looked at the law, started to get a sense of what might make for a good template for the law, I actually started researching who was out there who had actually talked about this issue. It turned out to be an incredibly small number of people. If you do a Law Review search for heirs' property—certainly for partition it is almost no one and heirs' property is a little bit bigger but still not very many people.

Because Thomas Mitchell was one of the most significant people that had written—he had written more than one article which alone made him a preeminent scholar on the issue so, I just called him up. He was at the University of Wisconsin and I said I'm working on this issue; I see that there is a big problem. I've got ideas.

KURIS: And you knew him from your fellowship?

POLLOCK: *I actually didn't know him. In fact, I didn't know that he had formed the Land Tenure Center at Wisconsin. We discovered that—he actually mentioned that to me at some point when I told him why I had even heard of heirs' property. He said, oh, I actually helped start that program. It was a really small world kind of thing.*

I said, I have these ideas but I don't really feel I can do it alone, I need other people to give input. We're certainly going to need more than just me to advocate for this. He said, "Here are a few people I know who have been working on this issue." I actually struggle to remember at this point who specifically he named first but some of those people, when I called them, said there is also X, Y and Z. So, I just started making phone calls and saying we've got this idea.

I think Thomas at the same time also mentioned the ABA (American Bar Association) taskforce, which he was on so we had a hook to actually get people interested. This wasn't just some sort of theoretical "we're interested in this problem", but we actually had a plan for how to approach it and actually achieve something. You know people are busy and this is a hard issue to fix. I think a lot of people might have been skeptical that this would actually go anywhere. But when we said we had the possibility of the property preservation taskforce of the ABA to submit something, I think that got people interested.

Also, the fact that I actually had a draft, something concrete for people to look at and not just saying let's talk about what to do because that's just too big. You have to have something to look at. That got people interested.

We had our first call. We had I think—the Land Loss Prevention Project was easy because I had worked there before, I knew them.

KURIS: Okay.

POLLOCK: *That was where I had done my internship over the summer.*

KURIS: Okay.

POLLOCK: *So, I knew that we were going to use—I was going to talk to them. Then the Federation of Southern Cooperatives and—*

KURIS: The Heirs' Property Center in Charleston?

POLLOCK: *I don't actually know that that existed at the time. I think Jennie (Jennifer) Stevens founded CHPP (Center for Heirs Property Preservation)—the timing was right around that time if I remember correctly. But we were working with Jennie. I'm struggling to remember how that could have been, if her organization—but I remember, it was funny because when we created the name, HRPC, there was a conversation about I think her organization and the name—the original name was closer to what she had. So, we actually had to rename ourselves to not create any confusion.*

I could be wrong, but I think she came into existence around the same time. The UNC (University of North Carolina) Center for Civil Rights, which at that time was working on heirs' property. I can't remember which else. I talked to some folks here in Alabama who had done some research. Everyone was interested. I think this was a very specific idea to work on. Everyone knew about partition sales, yeah, this is a real problem, but no one had really seriously thought about trying to fix it. Certainly not at the national level.

I think there actually had been a legal reform done in South Carolina, a buyout option which is part of the Uniform Act, that passed I think in 2006. So, it passed right around the time that we did this. That was not related—I don't even know what the impetus for that was. Anyway, there was a lot of interest. We started having calls. At that time, this was the only thing we were going to work on. We were focused exclusively on the heirs' property, what became the (Uniform) Partition of Heirs' Property Act (UPHPA).

KURIS: Okay.

POLLOCK: *Then as time evolved we started talking about there were other things we should be dealing with, and I can talk about that in a minute, but we did expand our scope of the coalition beyond partition sales for a while. Then we ultimately decided that our best use of our time and the most effective we could be would be to focus on the Uniform Act.*

KURIS: So with the property preservation taskforce, the ABA taskforce, from the beginning the development of the Uniform Act was the main goal?

POLLOCK: Of theirs? Of the taskforce? They had—I think there had been a proposal put forward for partition reform and I don't remember if the taskforce had done it or someone else.

KURIS: So then do you mean more that it was your goal in creating the coalition?

POLLOCK: My goal in creating the coalition was the partition—I didn't know about uniform acts, but some sort of national—.

KURIS: Some kind of model.

POLLOCK: That was the whole goal, to bring everyone together. I can't do this alone; I don't have the expertise. I don't have the on-the-ground resources, we need more people.

KURIS: Okay.

POLLOCK: Also, as I started to talk to people it became clear that there was a lot of siloing of this issue, generally, heirs' property. There were these groups in different states who weren't talking to each other. They didn't really know what they were each doing. There was some similarity to the problems. For example, outreach, which was something we wound up talking about a lot as a coalition, a lot of the same development of outreach materials which could have been cross state but wasn't. So, everyone was sort of reinventing the wheel.

KURIS: Yes, I was going to ask you about that. So, was knowledge sharing a key kind of priority?

POLLOCK: For me. My job, my current job is actually—I run a coalition for my day job, that's what I do, about Right to Counsel. So, I've always been a big believer in bringing people together and saying let's all work together, let's not each do the same thing. The one thing I hate is when you see the same—people saying let's do this. But someone has already done it. You don't need to start over. They've already done it over here but you just didn't know about it.

That for me, we have to get everyone on the same page first. Figure out what we've already done, what we already know and where we need to go from there.

KURIS: Especially when it comes to these kinds of state-level issues.

POLLOCK: Yes, partition law is somewhat state specific but in general the underlying issues are the same everywhere. You do have to change the law a little bit to fit each state but basically it is the same problem.

KURIS: That's why it is great for this model.

POLLOCK: For the Uniform Act, yes. So, we started talking. At first, we were talking about the Uniform Act. It all went very fast actually. We formed the coalition in the summer of 2006 and I don't remember why but I felt like there was some kind of deadline that was discussed. Basically, the taskforce submitted our proposal in early 2007 maybe, like February. It went really fast.

Now again, I had done an initial draft so we weren't starting at zero. There was a lot of conversation about some provisions of it, and getting language the way we wanted, and then getting all the groups to sign off on it, and then getting the taskforce to sign off on it. I think that was also tricky because whether they could speak for the ABA or the Real Property section was also a big question. They just kind of got it out. I don't know how the chair did it but he got it done.

We were really focused on that. Then after the draft was in the hands of the Uniform Law Commission but before we knew if they were going to accept it, we started saying "what else should we be doing?" We don't know what is going to happen with this. So, we started a conversation about some of the other issues, like backing off partition, just heirs' property in general. What kinds of things could we all do together that would benefit each other.

Outreach was one. We started talking about sharing the materials. Our website, if you see it, has some of the outreach materials developed by some of the different organizations, making sure that those were being shared between groups, talking about the challenges in reaching people. One of the biggest problems with heirs' property is the misinformation about the issue and sharing—making sure everyone is on the same page about what people are believing about the problem.

It is astounding. It is one of the few problems I know of where people have the exact opposite idea about how it works. It is not just simply wrong, it is literally 180 degrees the wrong direction, that heirs' property is safer than regular land ownership. They have this idea that leads them to—some people to intentionally allow the property to become heirs' property which is of course a disaster.

It is hard enough to control the creation of it without people doing it on purpose. There is a lot of "how do we talk" about the issue in a way to get people to understand. The distrust of the legal community is something we talked about. We talked about the—at one point we were trying to create some standardized forms for people to use. We talked about LLC (Limited Liability Company) creation because that's a big way you can consolidate property.

We talked about—and then at one point we actually created a formal project called the Resource Center which was, we ran for three or four years. The goal of the Resource Center was to provide assistance to the organizations that were directly assisting families. So, we were not going to directly assist families ourselves, we didn't have the capacity as a coalition.

The thing to remember is that the coalition: unincorporated association, zero dollars. The only money that we had—there were two times we had money. One was the grant that we got to travel to the meetings. The second one which I'll explain in a minute, was related to the Resource Center.

KURIS: It was you doing this kind of—.

POLLOCK: *With other people, but yes, there was no money involved, it was all done on a shoestring. It still is done on a shoestring. It is just done as we can do it in our own time. The thing we started talking about was—assisting families with heirs' property is very difficult. It takes a long time and there are certain things that you can wind up needing like mediation—mediation is a big thing. Then certain land*

planning things like conservation planning and other sort of expertise planning things.

We started talking about how we can bring those resources to the groups that are assisting families right now because some of them had access and some of them didn't. So, we came up with the idea of a resource center. The idea was organizations within the coalition would apply to the coalition and say "we have a case of this family and we need this kind of assistance." Then the coalition's resource center would provide it. We actually partnered with several different places, Harvard's Mediation Program as well as the Lawyers' Committee for Civil Rights and some other places to try and find—we also talked a lot with the Conservation Trust from North Carolina and other places.

One of the concrete things that came out of the resource center was a guide saying if you're working with a family here are all the things you need to think about in terms of what are the different options that you could have with the property. That is something some of the organizations are very familiar with, some of them maybe less so. They might not necessarily know all the things to talk about. We came together and we pooled together to create this guide, which actually some law firms helped us write and draft, and then we all worked together to finish.

For a while we did that. We actually had some mediations and we had some—we helped connect some of the groups—but it turned out to be more work than was actually benefiting the groups that we were trying to assist. It wasn't turning out to help as many families as we had hoped and it was taking a lot of time. So after—we actually got a grant from, I think it was the ABA—I'd have to check my notes—to actually run the resource center for a couple of years. We did. Then we ran it past the time the grant was over also.

We actually applied to a couple of places to get seed funding. We had a really strong lead on a grant from a North Carolina-based organization that was very interested in what we were doing. We went a couple of rounds with them and then ultimately, they didn't fund us. I think the lack of funding really—again trying to do this without any money was just so hard. We were trying to do it in our spare time.

I think the inability to concentrate fully on it made it eventually just become more difficult than it was. Plus, also once the Uniform Act was done in 2011—because we were doing the Resource Center between 2007, 2008 and then when the Uniform Act got done and suddenly there it was, being released to the states, then there were all these things popping up and we're saying whoa, we need to focus on the Act because the Act takes a lot of time. Especially the first couple of years when it was popping up in a number of states and we didn't really know what we were doing yet. Some of us had never really done legislative work before. So, it was kind of learning on the go.

There was also a lot of work to get support letters from key organizations, getting those support letters was a lot of work and then of course planning each state's strategy, talking to the organizations on the ground, talking to the commissioners and our liaison with the ULC [Uniform Law Commission], anyway all of that, it just made it obvious that we weren't going to have the time, certainly without any money to do the Resource Center.

Sometimes people would say to me, “why don’t you just do this full time, why don’t you try to get a grant to be the full time?” A, I had a job that I really loved which was Right to Counsel and B, this is a very hard issue to work on full time. It is so—heirs’ property is so—it is like the victories are so few and far in between and the cases are so complicated. It takes a lot of endurance. There is so much politics in the heirs’ property world.

Even within our own coalition there have been times when there was like—it was building the trust between different organizations has been very difficult. There are trust issues in general between people who don’t know each other. I’d worked with people in coalitions before but this issue in particular I found to be an especially pernicious one in building that trust.

KURIS: Because of the differences in approaches?

POLLOCK: *Differences in approaches, differences in who has been there longer and doing it longer and who speaks for the community. Just a lot of different issues. It was really hard to run the coalition. When I thought about trying to do it full time I was like I don’t know that I have whatever is necessary to be able to do this full time. It would be great if someone did but I didn’t know that I was the right person for it. Even though I think it is obviously an extremely important issue—that’s why I’ve been doing it for the last decade but I just felt like I couldn’t personally see the path to be effective in a full-time role.*

It may have been different if I’d actually had the money and time to concentrate on it full time instead of trying to squeeze it in but when I tried to project the work I had been doing onto a full-time position, I just didn’t see how it was going to work.

So anyway, we did the Resource Center, we did help some families and then when the Uniform Act came out we just shifted to—we still continued to talk about how—one of the other things that was really important was referrals. That was another big part of the coalition. An organization in North Carolina gets a call from someone in South Carolina. A lot of times people will just google and call whatever place they can find and in the past, the organizations didn’t know where to send someone. Making sure we had a good network in place, not just in the states where we had our core members but also trying to find people in the other states if we could that could send us—they could say yes, I’m willing to talk to someone or I know where to send them. Having somewhere to send them was really essential.

KURIS: Most of the progress at this point was in the south, just by the nature of the organizations I guess?

POLLOCK: *It was, although the calls we get—I have a form set up on the website and people e-mail me there from all over the place. Unfortunately, a lot of the times we don’t know anyone in the states they’re writing about so we just—all I can do is say write to your state bar lawyer referral service and I know that’s a dead end. These cases are so—there is no way that your average lawyer is going to take a case like this. This is something only a specialized lawyer or a specialized organization is going to take on. But unfortunately, we just don’t have the resources in these other states. Even in the places where we do know*

organizations a lot of times they don't have the capacity to take on the cases. It depends what the family needs.

Sometimes all they need is brief advice, like they're just trying to get their heads around—we have this property, we're just trying to figure out what to do with it. They just need some guidance, they need to understand the law. Those are easy. Where they actually want to actually move on doing something with it, that's where it gets hard. Then sometimes you're talking about—you could have a hundred owners of the property. You're trying to figure out who they are. Just figuring out who they are, that's an expensive and time-consuming proposition. Then how you get them all to agree on doing something.

They all have to agree. You can't just get most of them because if you only get most of them then those remaining owners, that's where your partition vulnerability comes in. As long as they're out there, the property will never be secure, someone will eventually buy out an interest and then the whole thing is—you have 99 out of 100 owners in the LLC, that one owner that isn't can shoot the whole thing to hell. That's the problem.

Getting that kind of assistance is really difficult but we do try to at least get some people to connect the families, to someone who can at least give them some advice and assistance. It would be great if—the problem—the reason I can't give them that general advice is because state law is different from state to state. I'm not licensed in the states they're usually calling from. I can't risk unauthorized practice of law by giving them advice, even if it is very general.

The line in the law between what is advice and what is just information, is a very tenuous one. It is one that is not always easy to tell. The last thing you want to do is talk to someone you don't really know, don't have a legal client/lawyer relationship with, and then have them get upset by something you told them later and then say well he told me—this lawyer told me—and suddenly you're in trouble.

KURIS: I want to step back for one second.

POLLOCK: Sure.

KURIS: Knowing that this was such a complicated tangle of issues—what motivated you to really focus on it so much in the first place. Did you not realize this was going to become such a major focus for your life? Did it just kind of grow organically or—it seems that you took on quite a large project on the side.

POLLOCK: *I think it was—the problem itself just horrified me. The idea that you had these families that were living on this property. Most of the families we talked to or many of them, had been—their families were on the property over a century. The idea that they would suddenly be booted off with almost no warning and no way to protect themselves. People would tell me these heartbreaking stories about what happened to their family and the loss of the property and what it did to their families. It just really—the more I read about it and the more I realized how could this be legal? When I first learned about it I just thought—it was really partition that got me interested in this issue in the first place. That's where I started.*

Then I think it was when we realized that even if we made the partition law perfect it couldn't actually fix the underlying problem. All it does is stop the

bleeding. At the end of the day even if you stop a partition action dead in its tracks, you still have something that is heirs' property; it is still unusable and to a large degree you still have to do something with it. It felt like to just deal with partition and not the rest of it felt like it was not really a solution, it felt like just halfway dealing with the problem.

I felt, I guess you could say sort of obligated, to try to deal with the problem on a larger level and not just stop the bleeding.

KURIS: Okay.

POLLOCK: *What became obvious after an amount of time, especially when my life got more complicated, I got married, had a baby and just the idea of trying to manage this—beyond the scope of the Uniform Act became impossible. Life got too—when the Uniform Act was at its peak and when the coalition was at its peak I was spending a lot of hours. When I first left SPLC (Southern Poverty Law Center) and was doing fair housing work, my boss basically felt that partition, that heirs' property was related enough to fair housing, because especially it affected communities of color, that she let me do some of it on my work time. But it wasn't really my job. It was a little bit of a blurry line.*

When I left in 2009 and went to my current position it had nothing to do with it. At that point, it had to be fully on my own time. So, from 2009 onward it had to be whenever I could find the time to do it. My work—being a telecommuter I make my own schedules so I'm able to adapt to do what I need to do but it doesn't change the number of hours I have to work. It just became increasingly difficult over time to make it work.

Even though I feel some pain only focusing on the partition stuff, I feel that it does make a difference and I'm more effective that way than trying to stretch myself so thin that I can't actually achieve anything effectively. The Resource Center was becoming like that, it was becoming more work than product. I think again getting all the groups to work together, especially when money started to be part of the conversation—when we were doing without money it was like—but then once you start talking about grants it's like who is going to get it. Then it starts to become very complicated.

KURIS: Yes.

POLLOCK: *I remember when we were talking about—the coalition doesn't have, it is not a 501C3, it can't take money, it doesn't have any structure for it so we needed a fiscal agent. When we talked about which group was going to be the fiscal agent it was "wow, why them?" Who cares? They're just acting as a pass through, it doesn't even matter. They're not getting the money; they're just holding it. But there was still like a conversation about who that was going to be. "Are they going to be making the decisions about who—?" No, we are deciding as a group who is going to get it; this is a communal grant, they're just acting as a fiscal agent. There were just a lot of—it just got very difficult.*

KURIS: Okay.

POLLOCK: *I just realized this is not our highest and best use right now, the Act is where we started and the Act is where we're going to go.*

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- KURIS: Great, so let's move towards that. You guys became an observer in the drafting process. Were you a singular observer as the coalition, or every group that wanted to could participate?
- POLLOCK: *Observers are people from that perspective and we just sent—I think we had at least three and sometimes four people at each meeting and we were able to get grant funds to go.*
- KURIS: When the coalition found out about this, that this was accepted as a potential act, was everybody excited and on board about this? Were some groups hesitant about focusing on this?
- POLLOCK: *No one was hesitant about it. I don't think we realized how significant it was that they had accepted it actually. None of us really understood anything about this process. I don't think we knew—whether we even knew that they had previously rejected a proposal on the same subject I'm not sure. They do get a lot of proposals and I don't know what percentage they accept but it is not a huge percentage.*
- We were excited but I don't think we realized—we certainly did not know what we were getting ourselves into. I think we just thought now they're going to tinker with the draft a little and put it out and it's done. We had no idea there was going to be this extensive two and a half year drafting process. When we started we just threw ourselves into it without any knowledge of what we were getting into.*
- Slowly the details started to come out after the proposal was accepted about how they actually work and how they do this. Then when we realized these meetings moved around to different places, none of which were close to any of us, then it was like, "what are we going to do?" If we're not there—we had no idea what would happen to this thing if we weren't there.*
- I remember also, the ULC reporter—which Thomas wound up being, we had some conversations with the ABA because we were very concerned about who they were going to choose to be the reporter. I remember talking to the chair of the committee—of the property preservation taskforce and saying we have to do something about this. We have to try to influence who they pick.*
- KURIS: You were on the taskforce, right?
- POLLOCK: *No, but by that point we were very close. We had been talking a long time. He was a big supporter. I just remember—I don't remember—the ABA and the ULC (Uniform Law Commission) don't have any formal relationship.*
- KURIS: But they—.
- POLLOCK: *They're both big, whatever. All I know is that we had that conversation and not long after that they picked Thomas to be—I don't think that was an accident. I think that there probably was some intervention from somewhere to help make that happen. I don't think it was just that they on their own chose Thomas. I don't know but I'm skeptical.*
- That was obviously really important. When we knew Thomas was going to be there as the reporter—now the reporter doesn't actually make decisions per se. The reporter's job is to research the issue, present it and then write up the drafts*

that the committee as a group agrees on. They have power within that to kind of guide the thing but the decisions are not made by the reporter. So even Thomas being there was extremely important, he is a preeminent authority on the issue, he would have been respected tremendously by them. But we felt that without anyone else, Thomas by himself against the rest of the drafting committee—who knows who is on it, what their agenda is.

We started to hear that there was going to be some opposition. There were a couple of groups that submitted their names to be observers—we got the observer list is what happened. I think we were—we need to find out who is thinking about this and a couple of the people really scared us that we saw on there. It was like the National Association of Shopping Center Owners. I've heard that is a group that just gobbles up land. So that for us—that's enemy number one, groups like that.

When we saw that they were—they didn't actually wind up sending anyone but they may have been monitoring what was going on.

KURIS: Talking to people—.

POLLOCK: *Of course, they could have been influencing the process without us ever knowing it but they weren't sitting at the table. When we saw that we thought jeez, we need to get there.*

KURIS: I'm sure like attorneys—there must have been an association of attorneys or title insurers, were there other groups there?

POLLOCK: *The funny thing is ALTA (American Land Title Association), not ALTA, ACREL, the American College of Real Estate Lawyers sent someone, Greg Stein, who was hugely supportive of us.*

KURIS: Really?

POLLOCK: *Yes, it really shocked me. I was really surprised by that.*

KURIS: What do you think explains that?

POLLOCK: *Greg and I talked many times but I never learned why. Maybe I didn't want to—Greg was great, he was a huge supporter. There was no question, lawyers have been a problem for us. There was no other group at the table—there were many people at the table of course, the drafting committee itself, whether they were talking to groups behind the scenes we will never know, but they never said to us this group thinks anything.*

KURIS: Okay.

POLLOCK: *There were clearly people on the drafting committee that did not like us, that did not like this proposal, who were more or less there to try to make the proposal as weak as possible. They very nearly succeeded a couple of times. We were on the ropes various times during the drafting process. I'm sure Thomas mentioned this.*

There were several moments—I'm just trying to think. One when they tried to downgrade the Act to a model act. That was a big moment when we were looking

like we were really in trouble. There were a couple moments where key provisions of the Act were in danger of being taken out.

KURIS: You mentioned the one about attorneys' fees.

POLLOCK: *The attorneys' fees we did lose and that one still bugs me because their whole approach to it was so dumb. They [the drafting committee] tried to go further than we wanted them to and then they argued it was unactable. We knew that, that's why we didn't propose what you're suggesting. But the problem is we were in our last drafting session at that point and it would have delayed everything to try and get it back so we just said, fine, we just let it go.*

There were many times just in talking about the act in general people were saying, "no one is going to pass this, we have to take all this stuff out or it is not going to be"—there were specific provisions—they would try to take them out or make them so weak or—. One of the biggest battles and this is an anecdote that we always talk about—they said that the Act was too broad, that it was affecting too many properties.

KURIS: Right.

POLLOCK: *We actually had said, we don't want this to affect business property, that's not the goal. We actually wrote—very early in the process we agreed to an amendment that said if there is a tendency-in-common agreement in governing the property, the Act isn't applicable.*

KURIS: Okay.

POLLOCK: *That's basically—anybody who owns tenancy in common heirs' property—some businesses do it on purpose.*

KURIS: So, it's a deliberate agreement for the—.

POLLOCK: *They do heirs' property on purpose because there are tax benefits to owning the property in that way. But if they do that, they would have an agreement governing disposition of the property in the event somebody is unhappy. They would not just leave it with no agreement. This is the part where Greg Peterson, our commercial lawyer was like—they kept saying this is going to hurt business, this is going to hurt business. Greg would say "if you have heirs' property as a business and you don't have a TIC (Tenancy in Common) agreement, you are committing malpractice. We don't need to protect those people." He was able to say that in a way that we couldn't and could convince them and be heard and respected. If we had said that they would just say "what do they know, they're just nonprofit lawyers."*

Anyway, we agreed to the TIC agreement. Then they said it is still too broad. So, we had a meeting—I'll never forget, it was in Arizona and we were sitting by the pool and it was Thomas and I and Craig and Greg and we're like "what are we going to do? We can't narrow the scope of this Act." So, we were like, we're just going to come up with a definition that is so absurd that it basically covers everyone and they'll realize the futility of actually engaging this.

So, we're going to say 20% of the owners have to be related or 20% of the total property has to be related to—we came up with these very tangled meaningless

percentages but basically, we figured out that between all of these that we would get almost every one. We were laughing, this is great, we literally wrote it on a cocktail napkin. We handed it to them. And they said "Okay, yes, let's go with this." We were like are you serious? This is what you want. They actually took the cocktail napkin and put it into the Uniform Act. That is now what is in the law, is our cocktail napkin.

Whether they believed that actually narrowed the scope or they were just satisfied that they could say they had tried or it looked like it was, it clearly did not narrow it in any appreciable way. The only thing it really—it eliminated property that had literally just become heirs' property through purchase as if there had been no actual intestacy, like if there had been no descendants. The whole thing about our act was that it was supposed to affect intergenerational property. There had to be at least one passage down of property. If you had two people that just suddenly—that went and bought a piece of property as heirs' property, the Act was never intended to cover that. That really doesn't happen, that's not the case we worry about.

Anyway, the definition was so broad and absurd and we're just like they'll never—we figured we were going to be in negotiation over that for a long time and they just [sound effect.] You never know what is going to happen. That was another big battle. They were trying to narrow the scope. At one point, they proposed a scope definition that would have eliminated a significant portion of the people we cared about. We were in a real fight at that point over the life of this act.

I remember at one point we actually had a conversation saying if they make it too weak we have to withdraw our support. The conversation you always have about legislation. If it waters down enough then it looks like you're doing something when you actually aren't. Then at some point you have to actually oppose the thing you originally came to support. So, we had—there were conversations about if they weaken this thing too much, we're going to have to talk about what we're going to do.

Fortunately, we won most of the battles. We lost the attorneys' fee battle but we won the buyout. The buyout was a big fight. The scope of the Act was a big fight. Even the sales process with the realtor was a big fight. There were just some things that we didn't expect were going to be a big fight that were. I remember some of the provisions I didn't really care about we spent a long time battling over.

I will say that they really respected us. The people on the drafting committee—Carolyn Gaines Varner who was there—thirty years of heirs' property cases for legal services in Alabama, Craig Baab who was with Appleseed for a long time, Thomas obviously who is a preeminent speaker and me, whom they didn't really have any reason to listen to but I had been studying the issue for a long time. I couldn't talk about what was happening on the ground but I could say look, I've looked at this law everywhere.

KURIS: You had that chart.

POLLOCK: *I had the chart and I looked at the case law and said this is a real problem. But they really listened to us. They didn't—there could have been a danger that they would have just looked down on us but they didn't, they treated us with respect, I*

will say that. Even when they didn't agree with us. We were able to convince them, especially when we would say this is not what happens on the ground.

They would say "oh this will be fine" and we would say, "this is what is going to happen if you leave it like this. This is what people will do based on what we're seeing right now." That had a lot of sway. The people at the table were not practitioners in this area. This is not an area that they were deeply embedded in from their own practice.

KURIS: Were they horrified when you told them about what was going on?

POLLOCK: *I think it took them a while to believe some of what we were telling them. I don't think they realized that the abuse was as rampant as it was but—you know, one of the people on the drafting committee was a judge so he had a very different perspective on how you think about this issue and on some things, took a little more convincing. It was a very interesting group of people who were on the committee.*

I just remember—I'd have to go over my notes but there were a number of moments during the drafting process where I thought we're really in trouble and we managed to get past it each time which was an absolute miracle. I still can't believe that we got out of there with the draft that we did. We were so close at times.

Again, I think they really believed that no one was going to—no state—I mean property acts in general are very tough to get passed. They thought probably this one had no chance. They probably thought this is a civil rights kind of thing, no one is going to care, no state is going to pass this. I think we probably—I don't know if the drafting committee members have been following what happened but some of them actually have gotten the Act passed in their state. One of the guys from Connecticut got it passed.

KURIS: Oh yes, I was wondering about Connecticut.

POLLOCK: *He was on the drafting committee, one of the commissioners who got it passed there and a couple of other states where a few of the drafting people have been involved. I don't know if the rest of them even know what happened to it, or if they follow it at all.*

KURIS: About how many people were on the drafting committee?

POLLOCK: *I'd say ten to twelve. It is always variable as to who shows up. Not everyone always came to every meeting. You never knew who was going to be there each time although probably our biggest opponent was there every time. I remember there were a couple of sessions where there were people we really wanted, big supporters and in one meeting or another they weren't there. We lacked a more vocal—some of the people on the drafting committee were just kind of neutral, they didn't say a lot. Then there were some people who were very vocal in support and then some people were vocal in opposition. So, if we were missing a vocal support person that was a big issue. At the end of the day we got there, we got out of there.*

I think the ULC was really happy to have been able to produce something like this; this was not their typical act. I think I told you the ULC President told us that.

I saw her in the hallway and she said, "We're so glad that you all are here." I said to her, "If you were really glad you would actually help people get here instead of just hoping it would happen. We had to get a grant to make it happen."

KURIS: Was it hard to get that grant by the way?

POLLOCK: *It was from SPLC.*

KURIS: I guess you had a personal relationship with them.

POLLOCK: *Yes, my boss basically made it happen. I just said to her look—this is—actually I think we got the grant—I don't even know if I was still at SPLC officially when we got the grant but it obviously kick-started there and they were very interested in the issue. It was, from their perspective, not a huge amount of money. It was a huge amount from our perspective but not from theirs so that made it easier.*

KURIS: That's interesting if they don't work on this directly.

POLLOCK: *SPLC often will—you don't hear about it because they don't publicize it but they'll sort of explore different issues. They may even do work on it but if it is not a core issue they may not report on it in their newsletters and on the website and stuff but they have ventures that they engage in. In fact, after I left SPLC I wound up coming back as a consultant for a number of years because they were interested in starting something new. I was talking to them and I said I think what you should start is a consumer law project.*

They hired me to sort of flesh out what it might look like which I did. It actually has gone in a different direction than I even imagined but they did start it. So, they do that; that's something they do. So, the heirs' property thing I think was like that, it was an exploration. I think they might have hired me to be that person but again I wasn't at that point thinking I really wanted to do it full time.

Actually, I think we did talk about that at some point. I was saying you should have someone do this. They're like, if it's not you we're not doing it. Who else is going to—who are you going to find that can just jump into this. We can't train someone. Anyway, the grant was not hard to get because of the relationship.

KURIS: One more thing looking back. When you came up with your original proposal for a Uniform Act that was based on your research in all different states to try and collect the best provisions from different states?

POLLOCK: *Yes. It was seeing patterns emerge in both the bad things and the good. Occasionally, I'd see a little tidbit of something good. I'd see a court say you have to consider more than economic value. Or I'd see a court say historical value has significance or I'd see a court say—the buyout option, when I saw I think it was South Carolina or Louisiana or one state that had one, and I was like hmm, that just makes sense.*

The thing about the buyout—the whole purpose of partition, this was another thing that motivated me to do this in the first place. The whole purpose, the whole reason why partition sale was created—partition by division has been around for centuries. It is a concept—and it makes sense.

KURIS: For the agricultural land where it is easy to divide or?

POLLOCK: *Any property. The idea is if you have property that you can divide you divide it, but the idea of selling it against the will of people who want it—that did not exist in the common law. That was something that was created by statute. The courts say that all the time. They also talk about it being an extreme remedy, only appropriate—they say all this and then they approve it in every instance so it is just lip service to the idea.*

The rationale that was originally created for sale—you have an owner who was part of an ownership structure. They don't want to be there and they have to have some way to get out. This was the way to basically get them out of the ownership structure, just put the property up for sale. But if you can get them out of it without forcing the people who don't want to sell to sell, why wouldn't you do that? If the motivation is to get this guy out then why would you sell everyone's interest? So the buyout makes perfect sense.

If you say this person has the right to be bought out and you don't buy them out, it is going to go on to a sale which is exactly what the Act says. The Act says if the buyout falls apart you go on to the rest of the process, it doesn't stop. Someone has to actually buy it out. I was like "that is just common sense." That fixes the alleged—. What we know in reality is the motivation of partition sale is not to let one owner out. In fact, usually the owner asking for sale wants to buy it themselves, they're not trying to get out, they're trying to get the whole thing.

The myth, or the legend, is that it is done to let this person out. Buying the property—you have no right to buy the property. It is whoever gets it at auction but you have no right to that. Anyway, seeing that in the law, seeing the buyout option, the lightbulb—of course, that's where—every state, absolutely every state should have that in their law. That just makes sense.

And then, when I found other bits and pieces, those also made sense. The thing about the commissioners, I think I told you about. The people running the sale, being the attorney that brought the action is an appalling state of the law right now. We did get something in the Act about that, not as strongly as I think we would have liked, there was a bit of contention about that. We fought a long fight in North Carolina about that issue, about the commissioners being the attorneys.

KURIS: Right.

POLLOCK: *I don't know if I mentioned this to you but we—in 2010, the Act—not the Act. In 2009 an heirs' property—a partition reform law was introduced in the legislature. It was not the Uniform Act of course because the Uniform Act wasn't done, nor was it—.*

KURIS: Okay.

POLLOCK: *I don't remember who did the draft or how it came out but we were very involved in it. Ultimately the legislature stripped out so much of the Act that what was left was essentially meaningless. What passed was a minor revision to the law, it wasn't anything significant. Our primary opposition was the Bar.*

One of the fights we had was over who could run the sale. So, we actually approached the Ethics Commission, the Bar's Ethics Commission and said we want an opinion on whether or not an attorney who is bringing a partition act can

also act as a neutral sale commissioner. So, they actually issued a draft opinion that said no. You could hear the collective scream come out from the real property section. I could hear it from Alabama. All of a sudden, they [the Ethics Commission] withdrew that opinion and said we're taking it back.

KURIS: Really?

POLLOCK: *Then they issued one saying it is absolutely fine. I'm like, are you kidding me? You can't go from it's not right to it's absolutely fine. We had this long battle with the commission and finally they issued something, which was a compromise, which said that if the lawyer wanted to be the commissioner they had to step down from representation of their client before they did it. Now that's not what we wanted and it is not really going to meaningfully change anything, but it was the best we could get. At least it indicated that there was something stinky going on, which was the goal. That was really an eye opener to me when that happened, when they just flip-flopped on that because of pressure from the bar.*

The Act ultimately, again the one that passed, was nothing. I don't even remember what was in the final version but it was almost nothing. Everything had gotten stripped out. We've actually been talking again about North Carolina again this year.

KURIS: Because they haven't passed the Act.

POLLOCK: *No, they haven't and South Carolina has, and Alabama has, and Georgia has. So, come on North Carolina, you're supposed to be slightly ahead of these other states and it passed unanimously in all these other states and we can't even get it—. So actually, the General Statutes Commission in North Carolina met this summer to talk about the Act and they actually rejected it.*

That is also another part of this that makes me motivated to want to do something. I really don't like that aspect of this. If that's your reason be upfront about it. Say "I do not like this act because I make money off of this, I'm going to lose money." Say that. Don't make this about how it is going to hurt the property owners which is BS. Don't make this about how it is going to take longer. It is because it matters for your own pocketbook. That's like people in eviction actions saying it is going to take longer if you start giving tenants lawyers. Yes, because eviction should take longer than two seconds, which is what they take now. The landlord has an attorney, the tenant doesn't. The actions are pushed through in no time at all and if it slows down that's exactly what should happen.

KURIS: Yes.

POLLOCK: *That's not the problem; that's the actual answer. That is the thing I talk about for my current job. The idea—some of these partition actions happen with no due process at all. There is an attorney who brings it, the families have no lawyer. They [the attorneys] say "judge, it can't be divided." Judge rubber stamps "Sold. We're going to sell." They have an auction, it sells in thirty days and it sells for a tenth of what it is worth. The person who brought the action buys it, kicks everyone else off, and suddenly in six months you've taken away property that people have owned for a hundred years. It's astounding, there's no process there.*

The idea that it would slow it down is not—.

KURIS: So most of these opponents with interest are related to the lawyers working on this or—?

POLLOCK: *Yes lawyers. We haven't heard from the property—the actual—like the shopping center owners, those guys. We haven't heard from them directly as much. The lawyers are the group that we hear from.*

KURIS: What about the title insurers? I don't know as much about this, the title side of things?

POLLOCK: *The title people could have legitimate, could have concerns about this. Partition sales clear title so they like that. Actually—we've talked at ALTA before, the American Land Title Association. They haven't really come down strongly one way or the other, I think they're neutral. They watch what's going on. A couple of times they weighed in on the act in a couple of states but not to try and kill it. They try to tinker with it to do certain things that they think will make it easier for them, but they're not outright opponents, not that I've seen.*

KURIS: All right. Are there any particular states besides North Carolina that you've been working on or hoping for or concerned about?

POLLOCK: *Mississippi.*

KURIS: Do you know why there is no action in Mississippi on this?

POLLOCK: *It has been introduced twice actually. We don't have a strong group on the ground in Mississippi which is part of the problem.*

KURIS: Is that just a coincidence? Is it a smaller state, a smaller population?

POLLOCK: *It is just a coincidence really. The Federation of Southern Cooperatives has a small office there but not one that we've worked with extensively. Actually, I've been talking with SPLC about it because they have a field office and lobbyists that work with them. We've been in conversations about—however, we discovered—we do know why the Act didn't pass through which was that the—it was assigned to the Judiciary Committee which is actually where it almost always gets signed in every state. The chair of the judiciary committee is a vocal opponent because he brings property partition actions. This is exactly the kind of thing that drives me crazy.*

He sent an e-mail, which I've read, explaining his opposition and it is all—.

KURIS: Theoretical and high winded.

POLLOCK: *Right, none of it is pointing to things in the Act and saying exactly what the problem is. It's "this is going to destroy everyone" and "everyone is fine with this", "no one has a problem with partition actions," "this is just going to slow things down and make it harder for everyone," blah, blah, blah. The same generalized opposition we hear. The problem is of course unless we get the Act assigned to another committee we're dead. He's going to be chair for a long time. We'd have to get someone to assign the bill to another committee, like the lieutenant governor or the Speaker which is what we're trying to find out if we can bypass him. Not to say that he might not get it killed anyway.*

KURIS: Right.

POLLOCK: *Certainly, when it comes to the full floor he might kill it but we have to at least get it out of committee.*

KURIS: Anything out of the south that you're working on or do you feel it is not as urgent?

POLLOCK: *There are states that we talk about. It has been introduced in some states that were surprises to us. It was introduced in Oregon, it was introduced in Jersey, it was introduced in Maine. Actually, all three states I mentioned there was a single lawyer who basically killed it. A lawyer of influence who basically wrote a letter, spoke up and said, "I oppose this." I can almost guarantee you that that lawyer was making a lot of money off of this. I don't know in each case but it is impossible to believe that they were just generally concerned. In those states, again we didn't have the resources to mount a formal opposition to it.*

KURIS: So that's the difference, the states where it didn't pass it was because there weren't enough people on the ground to push back?

POLLOCK: *That's part of it and how strong the commissioners are, the ULC's commissioners and how hard they're willing to fight for the Act, how much influence they have. These are big questions. It passed in some states. One of the strangest states it passed in is Hawaii. I say strange because—I have my theories about it—it was introduced, not by us. In fact, it was a total surprise and then it ran into a buzz saw from I think the property section of the bar. Then it died. Then the next year it wasn't introduced and the next year after that—we would talk about it each year and there was a sense that we hadn't—we needed to find people in Hawaii, actual affected owners, to be able to overcome the opposition and we were having trouble.*

Then all of a sudden it got introduced again and it passed. We were like, "What just happened? How did it pass this time?" The commissioners were not responsible, I don't know how it got through, honestly, but it passed. It passed in fact I think without revision, which doesn't even make any sense. We had proposed some amendments to try to assuage the concerns that had been raised and I think it passed without those amendments. I don't know what happened there. So that's an example. Sometimes there are forces beyond what you understand. We certainly didn't have an organization. We used to joke about sending a contingent out to Hawaii to help. All of us want to go to Hawaii and the Virgin Islands. That's another place where it was either introduced or was going to be introduced. We were all like "I'll go."

Yes, so some places we had a surprise. I think that the states I care most about are the states where people call me most from. We do get the occasional call from a state out in the Midwest or the Southwest or the Northwest, but it is not as frequent as the ones that we get from the states that we've been focused on.

KURIS: What about in Florida?

POLLOCK: *Oh yes, Florida. We did explore it in Florida. The Bar again sent us a lengthy explanation of why they wouldn't support it. When the Bar tells us they're not going to support, it is really hard—we can overcome the Bar's opposition but it is very, very difficult. We actually need them as a supporter, let alone not having*

them as opposition. We actually need them to help. So, when they oppose us it's like—they have a lot of influence in the state legislature. It is pretty hard to overcome that.

So, Florida, we go back to Florida to talk about it but again we lack the strong—we had a rep, a person in Florida but she kind of drifted away. We haven't had the capacity to figure out a strategy for Florida. I think if we get Mississippi and North Carolina—North Carolina is dead for this year, there is no way it is going to happen. They actually proposed—the General Statute Commission proposed revisions that would make the law even worse than it is now which is—I couldn't believe some of the stuff that came out of there. We're now in kind of crisis mode trying to figure out how to deal with it.

The states that we're prioritizing for 2018, Mississippi, D.C. still hasn't passed although it has been pending all year long but they have a very weird session, it is expected to pass there. West Virginia where it was introduced. It is planned to be introduced; it has been introduced in the past. Who else is on the list? We talked about Kansas and Michigan but I don't know how likely those are. We have four states that we're focused on for 2018. I know for sure that Mississippi is one and West Virginia but I can't remember the other two offhand.

KURIS: This is still the coalition you're talking about?

POLLOCK: *Yes, and the ULC. Each year the ULC commissioners meet in the summer. The commissioners submit a plan to the ULC saying here are the Acts that we intend to focus on this year. So, every once in a while, our act will appear on their list, on a state's list where I'm really surprised because we didn't know they were interested. But we also outreach to the commissioners and try to convince them to include us. I would say if we get Mississippi and Louisiana we're actually going to tackle in 2019 because they're in every other year—.*

KURIS: I talked to them and they said, I guess there is some perception there—they've had more incremental reforms.

POLLOCK: *They have but they also—in the past that was the plan, to deal with it incrementally but now there is a discussion about actually going for the whole thing. That's new. We won't be talking about it until next summer. They have a buyout option already for instance. That is one big piece that they already have but there are other—so we could do it piece by piece but it is just a lot of work to do it that way.*

Yes, Louisiana would be really good, certainly Mississippi. Florida would be obviously a big win. Tennessee is another state we talked about where we have some help. Texas was a real surprise too. The Bar was originally going to run with our Act and then they all of a sudden decided to back out. Thomas being in Texas was absolutely essential. Texas passing was huge; that was really amazing. But we also got the Bar turned around because we lost them and then they came back around.

KURIS: Does the coalition ever meet in person or is it always a phone call or—.

POLLOCK: *We had one in-person meeting which we had to—it was an incredibly difficult thing to arrange. I think that—I don't remember if we got money to help some people get there, we may have. We may have gotten a small grant from*

somewhere, but I remember that that meeting was incredibly difficult and also incredibly, incredibly useful because some of the trust issues we were having, I felt, were assuaged to some degree by people being able to see each other face-to-face and have that full-day conversation. I found it incredibly valuable but also it was a resource issue.

KURIS: That was during the drafting process?

POLLOCK: *I think so; I don't actually remember when it was—it was definitely before the Act was done so it probably—I don't think—yes, I'm pretty sure it was during the drafting process at some point. We were talking about the resource center and the grants. It was when there was a feeling that we really need to talk in person because there is a lot of stuff, a lot of simmering stuff that we need to talk about in person. It was really helpful I thought.*

KURIS: Was there a lot of interchange between the simple siding groups working on this and more and more an academic community, more and more researchers working on this?

POLLOCK: *Yes, there are some and they have—to some degree they may have a different perspective on the issue. It can be important to just get everyone on to the same page about what we're trying to do.*

KURIS: Were you surprised when I guess the Federal Reserve of Havana had a meeting on this?

POLLOCK: *That was totally shocking. An entity like that being interested in this issue and gathering. When I walked into the room I just thought—I didn't know there were this many people who even knew what the term heirs' property meant, let alone actually thinking about this. It was really interesting to hear what people's perspectives on the issue were.*

One of the cross issues that we talked about a lot was Indian land. It is not heirs' property exactly, but it has a lot of the same fractional interest problems and they have much more complicated issues with trusts and the fee land, passing in and out of trusts, and how to protect land like that. There is some commonality there. We talked with them for a while about how we could try and work together but we never really were able to capitalize on it as much.

Cris Stainbrook from the Indian Land Tenure Foundation was there and he made a strong presentation about why people should care about Indian land. I can't think about Indian land without crying, because of how wronged the native people in this country have been.

KURIS: How about—I've been seeing some hints about how this affects urban blight. I guess there are some scholars who see this—I guess maybe in the D.C. group. Do you see that, how in more of the country, cities like Philadelphia or Detroit, there might be heirs' property issues?

POLLOCK: *There certainly could. Any property that passes down without a will to multiple people is heirs' property whether it is a single house or a hundred-acre property. It doesn't matter. The size or the nature of the property does not control it, it is how it descends. I think I mentioned in NOLA (New Orleans, Louisiana), they found they had a tremendous amount of heirs' property that not anyone was*

really aware of because it was just being passed down. The houses were being passed down from generation to generation with no will. That creates real problems. Yes, it creates real problems for urban blight, it creates real problems for any revitalization efforts, reuse of the property. You have to get—who decides what happens to the property.

The city can take it through eminent domain and it doesn't matter who the owners are at that point, they're going to lose it but that's not really the outcome you want. You don't want everyone to just be dispossessed of it.

KURIS: I guess they have to condemn it and everything.

POLLOCK: *Yes, and if the city takes it by eminent domain, they have to compensate the owners and then they're going to have to figure out who the owners are. But then you often have—the primary beneficiary is often not the person who is living on the property because they may not own a significant portion of it. So, it doesn't even—they could end up being dispossessed with not enough resources to be able to find a new place to go. They may only own 2% of the property. It depends how many owners there are.*

So yes, that can really unearth, when you actually get into digging into those urban areas, you can really find some really big property problems. I know that in New Orleans they did a lot of work after Katrina to try and figure out ways to make proving ownership of the property easier. It was done through the use of affidavits and other things, which they may have talked to you about.

KURIS: Yes, the heirship affidavit.

POLLOCK: *Yes, that was big. That was key to getting the money, the state money. I know even there it wasn't just about proving ownership, it was a question about, what if there is a disagreement amongst the owners whether to take the money the state is offering to rebuild or take the lesser amount of money to not rebuild, because that's how they structured it. It was that you could either get X amount to rebuild your home or X minus some amount to just give up your property.*

People who weren't living there a lot of them may chose X minus because they don't want to rebuild it, they're not the ones who are benefitting from the house being there.

KURIS: And that was to incentivize not rebuilding on the flood plains?

POLLOCK: *No, they were trying to incentivize rebuilding. They were giving you more money if you rebuilt than if you took the money and ran. But the owners who were not living there and were remote, in other states or whatever, they might not have any interest in the house being rebuilt; they don't benefit from that whereas they do benefit from getting cash.*

KURIS: I do want to ask you about these other reforms. Do you think heirship affidavits, like in Louisiana, do you think that can benefit other states?

POLLOCK: *Sure. Anything that can help. When we started talking about partition reform, there was one other big thing we talked about, which was changing intestacy law because right now, there are so many people the property can descend to that it just keeps fractionating. So, we talked about what if you tightened the heirship so*

that you couldn't have so many people inheriting it or so fewer people—the percentages would work differently or something that would reduce the number of owners that you keep getting. That would be—if changing partition law is hard, that would be like a hundred times harder. Just because of the depth of the law. Instead of centuries old, it goes back to Roman times practically, and how deep-rooted it is, it would have been really, really hard.

So, then we started talking about adverse possession. You may have talked to Heather (Way) about.

KURIS: A little bit, yes.

POLLOCK: *I think they actually got their law passed eventually in Texas or maybe not. They had one introduced and I think it actually eventually passed.*

KURIS: Was this the transfer on death deed?

POLLOCK: *No. Are you familiar with adverse possession?*

KURIS: Yes.

POLLOCK: *The common law says that co-tenants, heirs' property owners cannot adversely possess against each other. That's like the general law. So that basically if you're an heirs' property owner and you've lived on the property, you're the only one and you lived on the property for twenty years, continuous, notorious, unopposed, normal adverse possession it doesn't matter. You can't then become the sole owner of the property.*

KURIS: Wow.

POLLOCK: *That's because there is a tenancy in common that any owner who occupies the property is doing it for the benefit of all the owners. They're maintaining it. It's a myth but it's a myth that sustains the law. So, we started talking about what if you change that so that instead they actually could—because the idea about risk possession is that you tell everyone, look, you are out of this ownership. I'm telling you, you are no longer welcome here. You put up a fence, you put up signs, you put up notices. Whatever it is, you tell people you are no longer welcome on this property. If they do nothing for twenty years then why not.*

KURIS: Right.

POLLOCK: *We talked about that as a coalition and that raised a lot of concerns. In fact, in Texas's law, even I raised concerns about the original draft of the bill saying that I felt that it didn't have sufficient notice to the owners, the out of possession owners. They actually changed the draft after I talked to them to try to address that. But I'm not sure we ever assuaged the concerns of people in our coalition. It raises issues like instate versus out-of-state, who is the rightful owner of the property.*

It is a rather charged issue. I'm not saying that in the future we would never lead into it but while we're busy with the partition act we're certainly not. But adverse possession is actually one of the things that could actually go backwards in time and actually reconsolidate the property. If you have one owner adversely possessed suddenly, you have one owner, and then no more heirs' property, it's

gone. It's consolidated. Granted you dispossessed a whole bunch of people to do it and that's the problem but if you've given them adequate notice, if they really had notice and they really don't care, then why shouldn't we do that as a form of land consolidation.

So, we have talked about it but it is very tricky. Texas did introduce a law, it didn't pass the first time. Then I think it may have actually passed. Heather would know about that.

KURIS: I'll check in with her. Heather is a big supporter of transferring death deeds. I don't know if you're aware of this but I guess it is making it so that people, it is simple form that people—.

POLLOCK: *It's automatic basically to transfer. It is like writing a will essentially.*

KURIS: Yes, it is like a simplified will. What do you think about that, do you think that's a good way to prevent heirs' property?

POLLOCK: *Anything that is going to make people's intentions clear as to what they want to dispose of property is a good thing, there's no question. As easy as we can make that is important. There are reasons why people don't write wills, especially down here. I mean a) sometimes they simply don't know the importance of it. They have myths again about heirs' property and the fact that they think it is actually better not to give it to one person. The myth goes that basically if there are five owners or ten owners or twenty, that someone will have to go get all of them to sell in order to be able to get the property, so you have more protection because you have all these owners that person would have to buy out. That's how they think. It's wrong.*

KURIS: They don't know the default for actual partition sales—

POLLOCK: *You just need one owner. So, some of it is the myth, some of it is money, not having access to resources to hire a lawyer. They may be living in places where they don't know about Legal Zoom or other websites that could help them write a will themselves. Then some of it is just plain old distrust of the legal system which, as we discussed, is probably well warranted in many cases. Lawyers have ripped them off for a long time. They don't trust a lawyer to write a will for them. Even Legal Aid. They don't even trust anyone doing it for free. They think the only reason they would do it for free is that they're getting something out of it.*

Anything we can do to try and break down those barriers, get people to write documents that will—the thing that pains me to think about though is even if today every person in America wrote a will we would still have a load of heirs' property because it already exists. All the wills can do now is stop it from breaking down any further. To actually put Humpty Dumpty back together again you have to do something more than just write wills. You have to actually get all those owners who own the property together and they have to all agree to put it back into a single form of ownership.

KURIS: So you have partition sale, the Uniform Act, stop the bleeding, and you have maybe some of these preventive actions that could stop the creation of new heirs' property.

POLLOCK: Yes.

KURIS: Is there any systemic action that could be taken to ameliorate the situation with the current heirs' property that exists?

POLLOCK: *That is why we were talking about the adverse possession thing. That's one way to do it. Obviously, it has a lot of concerns. Partition in kind actually can fix the problem because when the court partitions in kind each person gets their own deed and the properties—every piece is separate and there now is a single owner for each piece. So that can actually fix the problem, the courts just never do it.*

KURIS: Because it would only really work with agricultural land property, right? It would be hard to do with structures.

POLLOCK: *Yes, it is hard to do with structures but there are ways the courts can deal with that. They can use something like owelty to—like if one piece of the property is worth more than another then they can say to the owner to get the more valuable piece you have to pay a certain amount of money to the owner to even it out. They have ways that they can do that.*

KURIS: Really.

POLLOCK: *There are some properties, truly if you have a one-acre parcel and you have a hundred owners, it's just impossible to divide that into a hundred pieces.*

KURIS: Yes.

POLLOCK: *It's just not possible. But I've seen situations where counts will have a hundred-acre parcel and four owners and they'll say it can't be divided. Come on, I understand it may not just like going like this, but you can divide a hundred-acre parcel between four people, it is possible. The thing is the courts don't want to get into it. It is much more complicated for them to figure out how to divide it then to just order a sale and that's why they order sales.*

KURIS: They think the market would divide it.

POLLOCK: *No, the market doesn't divide it because one person buys it and then you have a single owner of the property; there is no division at that point. Or if there is it's because a developer buys it and then they do a plat plan and they divide it into parcels. But a partition sale is exactly the kind of consolidation we don't want. It does consolidate the property, it just dispossesses everyone else in the process. But it does accomplish the goal of consolidating the ownership into a single owner, it just does it in a horrible way so we're trying to find better ways.*

Partition in kind can do it. The Act is very careful to protect partition in kind. If that's all that anyone wants. For instance, if the buyout successfully gets rid of the people who are seeking sale and the only thing that is left are people that want division in kind then that's what happens. You don't keep going for sale if the people who wanted sale are out. If no one requests sale, the court proceeds as a partition in kind, it doesn't go to sale.

If the court found that division in kind was not conceivable, it would be a question about whether they could even order a sale if no one is asking for it. That would be an odd thing for the court to do. Now, I'm sure it happens. In fact, I think we've

heard of cases where owners have lost control of a partition in kind action they started because the court finding they didn't want to divide it and then ordering it to be sold. They have to suddenly try to stop their own action.

KURIS: Interesting.

POLLOCK: *It could happen.*

KURIS: Any other kinds of systemic approaches that can help?

POLLOCK: *It is really—I can't—it's why we go parcel-by-parcel because it is so hard. You just try to work with the individual families to consolidate it and pick on priority properties. This is a really big problem that just keeps getting worse as every decade passes, as every generation passes. It is why you feel a little bit of despair when you think about how big this problem can really get over time. Until it is all lost to business. That's the inevitable end result, it's that eventually all the property is bought up by businesses.*

KURIS: By the speculators.

POLLOCK: *Yes. Then you have a single owner and they turn into business property. The only property that won't happen to is the property that is worthless, that is out so far in the country around nothing that no one is interested in it from that perspective. So, it just stays there as property.*

But you really want these owners of the property, some of this is about protecting their ancestral, historical value and the meaning it has to them and some of it is about the fact that this is an economic interest to them that they deserve to have themselves and not lose to someone else.

KURIS: Yes.

POLLOCK: *If this property can be timber land it should be their timber land, not someone else's, not some speculator that buys it to turn it into timber land. If they can develop it into a business property or use it for hunting and fishing, license it for hunting and fishing, whatever—that's revenue that those families should be getting, not someone else. Often it is the only revenue they might have.*

KURIS: I want to talk to you about—one of the hard things here is measuring results. I'm sure that is hard for you and maybe what the academic people are working on. Have you found any way to start seeing the impact of the Act?

POLLOCK: *We just have been talking about this recently because we get questions about it. I will say this. The Act was not finished until 2011. It didn't pass in its first state, I think, until 2012 so we're talking about five years. A partition action that is actually well defended can take five years to be done. So, there are a couple of issues.*

First of all, these actions take a long time so it is going to take time before the results start to come in for some of these partition actions. The other problem is that a lot of these decisions are not reported. The partition sales are not appealed so we don't get to see what the trial courts are doing. Actually, seeing trial court decisions is so impossible because partition actions are not neatly segregated in the court records. In a lot of the places we care about they don't

even have electronic records at all, so you have to go review paper records if you want to. You're going to the Probate Court and trying to look through all their probate records trying to find partitions, in particular, because they're not individually marked.

So, you're talking about a data project that is extremely difficult. But we have been talking to our advocates in Georgia and Alabama and South Carolina to start getting anecdotal information about what they're hearing from practitioners about the Act. We have heard anecdotally that it has slowed down the rate of these actions being filed, which is not surprising.

KURIS: Right.

POLLOCK: *That was one thing we expected to happen. In one state, there were actually some unintended consequences that we're dealing with. I actually can't remember the nature of those at the moment. I think it was something about some of the fees associated with some of the things that the Act requires to happen and how expensive they turned out to be. That's things like you have to do a fair market assessment for the buyout and stuff like that and how much people are charging for that or something.*

KURIS: Okay.

POLLOCK: *But we have anecdotally—the little bit of information we've gotten has suggested it's been helpful but we haven't gotten enough yet. We're hoping—we're actually in the process of trying to dig into that right now to get more information.*

KURIS: And try to find a way to—

POLLOCK: *Yes, talking to the judges, to the probate judges for instance to get their take on it and what they're seeing, that's one way to do that. We're starting that process now.*

KURIS: The final thing to talk about, after having gone through all this, although it was very hard it was mostly a success I'd say, right? Do you have any lessons for other reformers in other areas? It's a very unique approach, this top-down and bottom-up approach. It was high risk and it paid off. Do you have lessons for others or that you took away personally?

POLLOCK: *I wish I could say that we had sort of methodically planned this whole movement out, but it didn't happen that way. It was very perfect "storm-ish". I happened to do this project, Thomas happened to be there. The ABA happened to be positioned at that exact moment to do something. Then it kind of organically developed. I feel like if had more methodically planned I could have—more methodic planning would be—I think we were very fortunate in the way things had broken. Things worked out that could have gone much differently.*

Lessons? I think that—with the Uniform Act I think honestly there weren't many things I think I would do a whole lot differently. I would have understood the ULC process better when we started.

KURIS: I guess that would be difficult, you could talk to other people but there are no materials out there about it.

POLLOCK: *There probably are and you could call them and just talk to them and say "what do you do, how does this work. You could talk to people, find people who have been through the process and say how does it work. I think that again, being—if you're going that route you absolutely have to have people there so you're going to have to figure out how to get your people there every time, every meeting. You can't miss one. There were four meetings and if we'd missed any one of them it would have been a disaster. They're all day, sometimes day and a half, each of those meetings.*

KURIS: Over the course of two and a half years there were only four meetings?

POLLOCK: *Yes, but they're long, long meetings. Some of them may have been two full days. Then there is some conversation that happens in between the meetings over e-mail. Yes, they're marathon sessions. If at any one of those we had not been there, that would have been killed because every single time we were fighting to keep what we had.*

KURIS: Wow.

POLLOCK: *And there were things also happening between meetings. Understanding the politics of that, understanding how that works. As far as once we got out the door and we're trying to get it passed, probably the same lessons that would be true for any legislative strategy. Know who your enemies are. Our single, biggest problem was lack of data. Without question. Being hammered by our opponents saying you don't have the evidence to prove that this is a serious problem. Anecdotes alone don't get you there. "Show us how many partition actions there are. Show how many of them the defendants didn't have a lawyer. Show me how many of them resulted in sale. How many the property resulted in a fraction of the sale value. Until you prove that to us, you haven't shown us there is a real problem."*

KURIS: Yes.

POLLOCK: *I actually understand that; I get it. I get why they're saying that. And the organizations themselves, our organizations probably could have done a better job of keeping track of that kind of information to the extent possible. Or we could have tried to get the money to do a deep dive into the court records. We actually did talk about it many times, about trying to get a grant to do a deep dive. But even if we did it would have been one probate court and one county. How much can you extrapolate on that for the whole state? You certainly can't get statewide data; that's out of the question. It's impossible. These individual courts are not reporting the stuff anywhere that you can find. You'd have to go county by county, court by court to get information.*

In fact, Anita (Earls)'s organization, the Southern Center for Social Justice did put out a report where they put out some partition data that was extremely helpful. They looked at three counties and that was really, really helpful but that's one of the few reports we have. It was very expensive, very time consuming.

KURIS: The county may have multiple probate courts.

POLLOCK: *Absolutely it will. Again, if there are no electronic records and even within that, if in the paper records the partition cases aren't marked in some way, you literally just have to start going through all their probate records and figure out where the*

partition actions are. It's daunting. It is, without question, I deal with this in my current job on Right to Counsel. Fortunately, we have a lot of data on the effect of counsel, the effect on outcomes that counsel provides. But in other areas—like a lot of people are talking about—"we should have better forms to download or more non-lawyers." My answer to that ironically in the context of this conversation is show me the data. Show me that non-lawyers can actually make that same difference in cases that we know that lawyers make because we have the data that shows that when you have lawyers the outcomes are two, three, five, ten times better than without lawyers. Show us that that is true for a non-lawyer. Show us that's true when people download a form or visit a self-help center.

Then of course with this movement, with heirs' property we went in without the data. In fact, that's one of the reasons it is such an incredible success story. We were able to—despite the lack of data, and I think again, it came down to practitioners with substantial experience saying "I know this to be true, I have talked to too many families." We do have some anecdotal data we gathered. I have stories, individual stories. We told those stories.

Some of the things that happen—I'll just give you one example. This one family that spoke to me. There was a property—I'm going to make up the numbers to make the story work—they had a property and they were trying to get it divided but it went to auction. The court ordered it sold for \$20,000 which is not the real amount.

The family owned—the defendants owned 75% of the property. So, they bid at auction and they were the successful bidders for that \$20,000. Then they put—they advanced to the court \$5,000 because of course they owned 75% of the \$20,000 which is \$15,000 there was only 25% they didn't own so they paid \$5,000 to the court. The court said oh no, you have to pay the \$20,000 into the court and then we'll divide it up and you'll get your money back.

This was a poor family. Five thousand dollars—it was a miracle they had gotten \$5,000 together and the court said you have to give us the full \$20,000 and then we'll divide it up. I spoke to the attorney—I found the case law that showed that the judge was wrong. I think we were able to convince the judge to let them pay their \$5,000 to the court. But these kinds of stories, these were the stories that we told during the drafting process. We're not just theoretically talking about this issue. We talked to families, we know—the things in the Act are dealing with specific things that we dealt with on the ground. That is what carried the day in the conversation we had with the drafting committee and then ultimately—most of the Act—we didn't even have people testify, that wasn't the way it was done. That wasn't desired or needed. It was carried through without that, either the anecdotal or the data. But where we'd run into opposition, the lack of data has really hamstrung us because that's the thing.

I suspect that even if we had the data they would still oppose us tooth and nail and we might still lose but at least we'd be able to overcome that argument about it not being a problem.

KURIS: That reminds me, when you talk about the educational side of this, with educating families who have at risk property, but what about educating the courts? I imagine all these probate court judges are not always keeping tabs on

legislative developments or whatever. Even once the reforms are in place is it hard to make sure it's carried out?

POLLOCK: *Yes. It is kind of like Right to Counsel, the issue I do for my day job. We work on getting the Right to Counsel established in civil cases and when we do, we don't actually—we're not the ones who figure out who is going to represent these people, how much are they getting paid, what standards of practice—we're done. It feels a little unfair to do part of the battle and not the other half but we do what our expertise allows us to do. We don't really have expertise in how you actually implement it because that's so state and local specific.*

It's kind of like that with heirs' property. We get the Act passed but how it actually gets implemented and who is tracking to make sure that the probate judges are following law and know it exists, as a coalition that's not much of what we've done. Some of our individual member groups have actually done trainings for judges, probate judges, on the Act which is great but again it is a resource issue. The organizations that do this are stretched so thin do they have the ability to do that on top of everything else they're doing, the other outreach to families.

I've done outreach in Alabama to families. The Alabama Extension Program, are you familiar with the Cooperative Extension Programs covered by the land-grant universities run them?

KURIS: Yes.

POLLOCK: *They actually paid for me and someone else in Alabama to go around and talk about heirs' property and the Uniform Act and partition sales to rural owners all over the state. I did that for a little while. Actually, they didn't pay me, the money went to my organization, the Fair Housing Center I was working for. I was like, "if you're going to let me do this work during the day I want to do a little outreach and it will bring some revenue to the center so that's what we did."*

Anyway, so I went out and did that and I found that incredibly valuable to talk to these owners. These were in far-flung rural centers. These are really places that needed to hear this information. A lot of the groups in our coalition do wills writing clinics also in a lot of rural places so they can do double duty and talk about wills and also talk about partition and heirs' property while they're talking about wills.

KURIS: That's making people aware that they should find out whether they have heirs' property and then go through the long process to make sure there are no other heirs or whatever?

POLLOCK: *Know how the law works, definitely write wills today to make sure the property doesn't get any more fractionated and then start the process of talking to their family members about—I will say that one of the other big problems of heirs' property is the sleeping dog problem. That is, you have this heirs' property and you have some family members living on it, using it. If they start talking to the other owners who aren't there, one of those owners might say, wait a minute, I own property that can be sold for some money? That's a real danger.*

I remember one really great case we were working on, it was a huge agricultural property. It had tremendous value. It was worth many hundreds of thousands of dollars. We were working with the family. The lawyers we were working with—we were working with a private firm that was pro bono. They were working with this

family and the firm sent out a letter. That letter, because it came from a private law firm it just triggered the sleeping dog problem. Suddenly there was a real concern that some of the—there were only I think four or five owners of the property, that's what made this so beautiful. But one of the out-of-state owners got this letter and it raised all sorts of red flags and there was a real sleeping dog problem.

We were worried that we'd actually risked turning this property which was not in danger of partition to suddenly being in danger of partition. That is always a risk with heirs' property. Either leave it alone and try to hope that nothing bad happens or you deal with it at which point you can make something bad happen. That's one of the complicating factors in this whole thing.

The outreach is helpful with that. You can talk to people about how you talk to your family members about it and try to not make them think about the money part of it. Rather you focus on the non-economic part. Or, if you do talk about the economic part, you can talk about how the fact is—if you force a sale of this thing we could all lose it, including you. You go to auction, someone else may outbid you and then you're going to lose everything. Or you force a sale and it sells for pennies whereas if we actually make use of it we might get some real revenue out of the property.

KURIS: With the partition sale sometimes, you have speculators who come in with a plan to find an heir and trigger the whole thing.

POLLOCK: Yes.

KURIS: Then sometimes you have speculators who are more monitoring and may become aware of property that comes up.

POLLOCK: *Sure, they might just buy stuff that is at auction because it is cheap. The family members usually have almost no money. Even if the property is hugely valuable, they don't have any actual cash to bid at auction.*

KURIS: So, it becomes very cheap.

POLLOCK: *Yes, they could own 99% of a million-dollar property but they're not going to get any bank to lend them the money to bid at auction because they don't have clear title. Someone could come in and bid \$10,000 on a million-dollar property, if they don't have \$11,000 to outbid that person they could lose that. We've seen that. We've seen properties literally been turned around from \$10,000 to \$1 million in the same year, the same property being bought for \$10,000 and sold for a million.*

KURIS: That is a speculator being aware of the situation.

POLLOCK: *Yes, they know it is valuable and the families have no resources to bid. It is just a straight auction, it has nothing to do with the value of the property, the value is whatever someone is willing to pay for it. There is no attempt to market the property; there is no fair market value requirement, nothing. It is just whatever it sells for. That is why the Act changes that by requiring marketing, a realtor, an attempt to sell at fair value.*

Now of course the property could be worth a hundred thousand dollars but no one is willing to pay for it, that can happen. At that point, you can't force—you can't say well then, we're done. But there has to be an attempt to sell it for full value. Then if it doesn't sell then you try again at a lower value until—but you're not just putting it out there and saying how much—a hundred? Sure, that works. Because that's what happens now.

KURIS: I think that was very comprehensive. I really appreciate you walking me through the whole thing. Is there anything else you think I should know, anything I should be aware of?

POLLOCK: *I'm glad—it's funny because it has been such a crazy process and we've talked about it a lot of times—Thomas and I often reminisce about how unlikely all of this was. It just happened.*

KURIS: I wonder if this could be a model for other issues, maybe once the case study comes out we'll see.

POLLOCK: *You just have to have—having me at SPLC and being able to have the resources to focus my job on doing the research and then—there had to have been people in the field already knowledgeable about this. Again, if we had submitted—if I had created the HPRC and we had submitted the proposal under HPRC's cover I suspect strongly they would not have accepted it, even if it had been the same proposal.*

I think just coming from the ABA it had that weight. I think the rejected one came from the ABA also. I saw the rejected proposal and it was not—it was actually more of an analysis of the problem than it was about specific—it didn't have a lot of specific solutions.

KURIS: That's interesting. So, when you come to the Uniform Law Commission to help—

POLLOCK: *We had an actual draft that was workable. The fact that what we finished with was not that far off from where we started suggests that—now the buyout option got much more complicated than the drafting process because it turned out we hadn't thought through all of the many layers, cycles, it would have to go through to make it fair.*

In fact, the laws of the states that have one have a very simple one that is not really well thought out. We tried to make ours really comprehensive. I think that having the specific proposal, having crystal clear language that was workable, gave the ULC something to look at that said, oh yes, we can work with this. Then coming from the ABA. But all those perfect storm things had to happen and then the grant.

If SPLC hadn't given us the money I can't imagine what would have happened with Thomas there to fend for himself without us there to help him. It would have been really, really hard. We tried to actually have people on the phone. A couple of ULC meetings we had a conference line and we had people listening in but it was impossible. Trying to stay on the phone for an entire day and you can't hear everything. It is just really hard to meaningfully contribute that way.

We had a couple of people call it. It was somewhat helpful but nowhere near as what having people in the room was like. I keep coming back—that's why I say

it's so improbable because all these pieces had to happen. If any one of them had not happened—and they were all not structurally put into place, they were just things that happened because people happened to be in the right place at the right time.

KURIS: Of course, I think the contingency of Katrina, probably Katrina was a big trigger here.

POLLOCK: *I think, I actually don't know how big a factor Katrina really was in any of this to be honest. It was certainly in Louisiana but for the Act itself and for the partition reform it really wasn't a trigger, it was almost a coincidence.*

KURIS: I guess that's more for the civil society to come around. I've been talking to Appleseed and more of the civil society leaders coalesced around.

POLLOCK: *Oh yes, there's no question. There's definitely land stuff that has happened around Katrina but actually for us it really wasn't even something—I think where it did come into effect is the Lawyers' Committee for Civil Rights which was a huge player for us, they were invested in this in part because of Katrina, that's how they came to the table. They were working with us on the Uniform Act and other things because of Katrina. But for the rest of our players I don't think it was really part of our—it certainly—we were aware of it of course and we knew the devastation it had brought, but it wasn't really a factor in thinking about heirs' property as much for us until the stuff about the Road Home Program in New Orleans came out. Then we said, oh, there is that. We weren't aware of that.*

KURIS: Because you were talking more to the established civil society groups like the Land Loss Center and FSC (Federation of Southern Cooperatives) that definitely predate Katrina.

POLLOCK: *Of course. There are many ways in which they were doing work outside of our work together on this where I'm sure Katrina was a big factor. But to the degree we talked about this issue and how to advance it, Katrina wasn't really part of the conversation. It just wasn't. I don't know why but it wasn't.*

I happen to think that probably most movements need some of the luck that we had to happen. Probably no matter how well you plan, you need some things to break the right way for any movement to be successful, but we had a lot of providence, just things being in the right place at the right time, not through incredible and careful planning on my part or anyone else's, but just because it organically developed the way we needed it to.

Even after we got the Act done, the fact that it has passed in so many states, I couldn't have predicted that. I thought maybe we'd get three or four. The fact that we've already gotten eight or nine and we're not done yet and it has passed unanimously. Some of the really difficult states like Alabama—I could not have predicted it. Part of me still doesn't understand how we got it passed in some of these states. It was so quiet, we didn't have to make a lot of noise and bring family members in. The people we were working with didn't want that; they specifically said we're going to do this.

Normally Acts like this, how would it even get on the radar of the legislature. How would you get a hearing? How would it get out of committee? How would it get a full floor vote, to get the speakers involved? There are so many things that have

to happen for a bill to pass. How did we get—it is so hard to believe, even after it happened, that we were successful.

But we had the ULC, we had the on-the-ground people, we had—some of the sponsors were really influential legislators and I think in almost every state our primary sponsor was a Republican, not a Democrat which was essentially because we're talking about states where Republicans control the legislature. Democrat bills don't go very far.

KURIS: Have you found that in general one party is more supportive or I guess it varies with some state issues? You're talking about the Bar as the opponent so that would be—.

POLLOCK: *This issue is not a very red/blue one, I think everyone is sort of sympathetic to the idea of—there is a very sort of libertarian concern about people losing their property. In fact, I don't know if you remember a decision called Kelo (Kelo v City of New London) from the United States Supreme Court?*

KURIS: Yes.

POLLOCK: *When that happened there was a tremendous outcry from all levels of America, especially the right.*

KURIS: Some were more upset, as it was seen as...government intrusion.

POLLOCK: *Government intrusion. So, we often make the argument that if you look at what a partition sale is, yes, it is technically a private party that brings the action but it is forcibly dispossessing a private party of their property through a mechanism that would not be possible without the government's assistance; it is the court that does it. The private party alone couldn't do it, they have to get the court to help them.*

We basically say, if you're upset about Kelo you should definitely be upset about partition sales. Both situations involve people who don't want to sell their property being forced off their property by government action. We tried to use that rhetoric to some degree in our advocacy.

KURIS: Very interesting. Great, thank you again.