

DEBRA POGRUND STARK

Professor of Law
The John Marshall Law School
315 S. Plymouth Court
Chicago, IL 60604

EDUCATION:

Northwestern University School of Law, Chicago, IL
J.D. Cum Laude, May, 1985

Brandeis University, Waltham, MA
B.A., May, 1982
Phi Beta Kappa, Summa Cum Laude

Oxford University in England with the International Summer School Program at Exeter College
Oxford, summer of 1981
Field of Study: British Political and Constitutional History 1870 to present.

SCHOLASTIC HONORS:

Articles Editor and Member of the Northwestern University School of Law Journal of International Law and Business (invited on the basis of grades)

Recipient of the Lila A. Pearlman Memorial Award for Outstanding Senior in History at Brandeis University, May 1982.

Co-Recipient of the Doris Brewer Cohen Award for the best undergraduate research paper in the Social Sciences, May, 1982.

High honors on senior thesis, "Individual Freedom and State Control: A Comparison of Court Rulings in Britain and America During World War I".

PUBLICATIONS:

A. Articles

"A License To Deceive: Enforcing Contractual Myths Despite Consumer Psychological Realities" Spring 2009 edition of NYU Journal of Law & Business

"Does Fraud Pay? An Empirical Analysis of Attorney's Fees Provisions In Consumer Fraud Statutes" 56 Cleveland State Law Review 483 (2008)

"How Do You Solve A Problem Like In Kelo?" 40 John Marshall Law Review 609 (2007)

“Navigating Residential Attorney Approvals: Finding A Better Judicial North Star,” 39 John Marshall Law Review 171 (2006)

“Unmasking the Predatory Loan In Sheep’s Clothing: A Legislative Proposal,” 21 Harvard BlackLetter Law Journal 129 (Spring 2005)

“Become A Hero To A Family In Need: Predatory Lenders Beware,” 18 Probate & Property 8 (July/August 2004)

“Pay It Forward: A Proactive Model To Resolving Construction Defects And Market Failure,” 38 Valparaiso University Law Review 1 (2003)

“If You Build It They Will Come” 2 J. Marshall L. School Real Est. L. Ctr. Nwsl. 10 (Spring 2002)

“Examination of Registered Titles”, Chapter 4 in *Patton on Land titles*, 2d ed., pocket part, West Publishing (2000)

“See Jane Graduate. Why Can’t Jane Negotiate A Business Transaction?” 73 St. John’s Law Review 477(1999)

"Foreclosing on the American Dream: An Evaluation of Federal Foreclosure Laws", 51 Oklahoma Law Review 229 (1998)

Handling Interest Rate Swaps: A Reassessment Based On Recent Cases", Probate and Property, (May/June 1997)

"Facing The Facts: An Empirical Study of Foreclosures and Proposal For Reform", 30 University of Michigan Journal of Law Reform, 639(1997) (the lead article)

"What *BFP* Really Means for Fraudulent Conveyance Challenges" The Practical Lawyer, Vol. 42, No. 4 (June 1996).

"The Emperor Still Has Clothes: Fraudulent Conveyance Challenges After the BFP Decision", 47 South Carolina Law Review, 563 (1996).

"Avoiding the Recharacterization of Certain Deed-in-Lieu of Foreclosure Transactions: Ensuring That What You Draft Is What You Get," The Banking Law Journal, July-August 1993.

"Contaminated Loans: EPA Rule Clarifies Lenders' Environmental Liability," Business Law Today, November-December 1992.

"New Developments in Enforcing Prepayment Charges After an Acceleration of a Mortgage Loan," Real Property, Probate and Trust Law Journal, Spring 1991.

"The Use of Interest Rate Exchange Agreements in Real Estate Transactions, a Look at Current Issues and Practices," Real Estate Finance, Fall 1990.

"Prepayment Charges in Jeopardy: The Unhappy and Uncertain Legacy of In Re Skyler Ridge," Real Estate Finance, Spring 1989, and Real Property, Probate and Trust Law Journal, Summer 1989.

"Rules of the Road for Developing a Successful Auto Service Center," Journal of Real Estate Development, Summer 1989.

"Enforcing Prepayment Charges: Case Law and Drafting Suggestions," Barrister, Fall 1987 and Real Property, Probate and Trust Law Journal, Fall 1987.

"Negotiating Interest Rate Exchange Agreements," Real Estate Finance, Spring 1987.

"The Marc Rich Decision: An Expansion of United States Criminal Jurisdiction Over Foreign Defendants," Vol. 6, No. 2 Northwestern University School of Law Journal of International Law and Business.

B. Books

Author of the textbook, "Residential Real Estate Law: A Transactional Skills Analysis", published by Carolina Academic Press in 2003.

Editor and Co-Author of the textbook, "Commercial Real Estate Transactions: A Project and Skills Oriented Approach", published by Lexis Law Publishing in 2001.

Co-Author of the book, "Anatomy of a Mortgage: Understanding and Negotiating Commercial Real Estate Loans" published by the American Bar Association in 2001.

Editor and Author of the book, "Consensual Transfers of Distressed Real Estate", published by the American Bar Association, 1998.

Contributing Editor of the book, "Foreclosure Law and Related Remedies--A State-by-State Digest", published by the American Bar Association, 1994.

SPEECHES/PRESENTATIONS OF PAPERS:

Featured Speaker, "Sacrificing Consumers on the Alter of 'Market Efficiency': The Need for Mandatory Mortgage Counseling Intervention" at Pembroke College, Oxford University at the Oxford Round Table on March 24, 2009

Featured Speaker, “Protecting Victims of Domestic Violence: One Law School’s Response” on March 17, 2009 at Charles University in Prague and on March 24, 2009 at Masaryk University in Brno

Panelist, “Pedagogical Techniques to Incorporate GLBT Issues into the Family Law Course” at the annual meeting of AALS in San Diego, Cal. On January 7, 2009

Panelist, “Incorporating Transactional Skills Into The First Year Curriculum: An Example Taken From Property Law” at the Emory Law School Transactional Skills Conference on May 31, 2008

Panelist, “Scholarship: Best Practices & Implementation,” at The John Marshall Law School New Faculty Academic Orientation Program on July 16, 2007

Television Commentator, “Ways to Avoid Predatory Loans,” Cable network program sponsored by the Black Women’s Bar Association in July, 2007

Panelist, “Preventing Predatory Loans” at the Norman Amaker Retreat in Indiana in the fall of 2005

Moderator, “Predatory Home Lending—Moving Towards Legal and Policy Solutions: Research Findings in Sub-Prime Lending” at the John Marshall Law School in Chicago, Illinois on September 9, 2005

Panelist, “Pro Bono Opportunities for Law Students” at the John Marshall Law School in Chicago, Illinois in the spring of 2005

Panelist, “Barriers to Affordable Housing” at the American Bar Association’s Real Property, Probate and Trust Section Spring Meeting in Seattle, Washington, in May 2004.

Comment to a Panelist Presenter, “Real Estate in Bankruptcy: A Look Backwards for a Better View Forward” at the John Marshall Law School in Chicago, Illinois on May 21, 2004.

Moderator and Panelist, “Moving From Sub-Standard to Decent Affordable Housing” at the John Marshall Law School in Chicago, Illinois on March 29, 2004.

Moderator and Panelist, “Is There Hope After HOEPA: Initiatives To Prevent Predatory Loans” at the American Bar Association’s 2003 Annual Meeting in San Francisco, California on August 9, 2003.

Panelist, “What We Wish We Had Known...Our Experiences With Collaborating on Scholarship” at the LSAC Academic Assistance Program in Seattle, Washington, in June 2002.

Featured Speaker and Panelist, “Integrating Pro Bono Experiences Into the Classroom or as an Extension of the Classroom” at the New Ideas for Experienced Teachers Conference sponsored by AALS on June 12, 2001 in Calgary, Canada.

Featured Speaker and Panelist, “Creating Pro Bono Partnerships (it’s easier than you think but just as worthwhile)” at the 2001 AALS Annual Meeting on January 3, 2001.

Presentation of Paper “Predatory Lending: A Cautionary American Tale” at Trinity College in Dublin Ireland in April 2001.

Presenter at Workshop, “Why Can’t Jane Close the Deal?” at the Gonzaga University’s Fresh Looks at Teaching and Learning Law Conference on June 11, 1999.

Featured Speaker and Panelist, “Anatomy of a Mortgage: Part I”, at the Real Property Section of the American Bar Association’s Spring CLE and Committee Meeting on May 21, 1999.

Featured Speaker, “New Developments in Enforcing Prepayment Charges and Defeasance Provisions”, at the meeting of the Real Estate Finance Subcommittee of the Real Property Law Committee of the Chicago Bar Association in March 1999.

Panelist, “How Technology Has Impacted the Real Estate Law Practice” at the Robert Kratovil Memorial Seminar in Real Estate Law sponsored by the Real Estate Law Center of The John Marshall Law School in October 1998.

Presentation of Paper at Haifa University School of Law “Foreclosure Data and Policy Implications” in March 1998.

Moderator, "Careers in Real Estate Law" Program co-sponsored by the Young Lawyers Section of the Chicago Bar Association and The John Marshall Law School's Real Estate Law Center on September 18, 1997.

Panelist, "Are We Moving Towards A National Foreclosure Law" 1997 Annual Meeting of the American Bar Association in San Francisco, California on August 3, 1997.

Program Chair, "Real Estate Finance Hot Tips and Workshop" Annual Meeting of the Real Property Section of the ABA in August 1997.

Featured Speaker at the Real Estate Finance Subcommittee of the Real Property Law Committee of the Chicago Bar Association on April 4, 1997 "Interest Rate Swaps: A Reassessment".

Program Chair, "New Developments in Loan Documentation: Drafting Documents in Light of Changes in the Bankruptcy and Tax Codes" Spring Meeting of the Real Property Section of the ABA on May 16, 1997.

Featured Speaker at the Real Property Hot Topics Luncheon at the Spring Meeting of the Section "Interest Rate Swaps: A Reassessment" on May 16, 1997.

Presentation of Paper at the Kansas State University 6th Annual Cultural Studies Symposium, "Culture, Rights and The Rule of Law: The Modern Sacrifice of Isaac" on March 6, 1997.

Moderator, "Living With What You Have Drafted: Real Estate Finance Hot Tips and Workshop" American Bar Association ("ABA") Annual Meeting in Orlando, FL, August 1996.

Panelist, "Anatomy of a Workout: You Decide The Outcome," 1995 CLE and Committee Meeting of the Real Property Section of the ABA in San Diego, CA.

Moderator, "Real Estate Financing Potpourri," ABA Annual Meeting in Chicago, IL, August 1995.

Panelist, "Durrett May Be Dead But Fraudulent Conveyance Challenges To Foreclosure Sales Remain Alive and Well" ABA Annual Meeting in Chicago, IL, August 1995.

Moderator, "Enforcing the Odd Duck Real Estate Loan," ABA Annual Meeting in New Orleans, LA, August 1994.

Speaker, "The Triumph of Foreclosure Law Over Bankruptcy Law--BFP v. Resolution Trust Corporation," I-2 Committee Meeting, ABA Annual Meeting, New Orleans, LA, August 1994.

Program Chair and Moderator, "Structuring and Negotiating a Friendly Foreclosure or Deed-in-Lieu of Foreclosure Transaction," ABA Annual Meeting in New York, NY, August 1993.

Panelist, "Foreclosure Workshop and Hot Tips Outline," ABA Annual Meeting in San Francisco, CA, August 1992.

Featured speaker, "Ensuring That What You Draft Is What You Get -- The Recharacterization of Certain Deed-in-Lieu of Foreclosure Transactions," 1992 Fall Council Meeting of the Section in Williamsburg, VA.

Featured speaker, "New Developments in Enforcing Prepayment Charges," 1992 Meeting of the Real Estate Finance Subcommittee of the Real Property Section of the Chicago Bar Association.

Panelist, "Prepayment and Yield Maintenance in Bankruptcy," ABA Annual Meeting in Atlanta, GA, August 1991.

Panelist, "Commercial Real Estate Lending Practices Update," discussing various loan commitment and pre-closing issues, 1991 Spring CLE and Committee Meeting of the Real Property Section of the ABA in Orlando, FL.

Featured speaker in 1991 at a seminar of the Real Estate Finance Subcommittee of the Real Property Section of the Chicago Bar Association.

Panelist at Katten, Muchin & Zavis Seminar on Deed-in-Lieu of Foreclosure Transactions, Winter, 1991.

Featured speaker at Katten, Muchin & Zavis Seminar on Interest Rate Exchange Agreements, Fall, 1990.

LEGAL EXPERIENCE:

Full Professor, The John Marshall Law School

2002 to the Present

(Chairperson of the following faculty committees: Tenure and Promotion Committee, Academic Affairs Committee, Admissions Committee, Adjunct Committee, and Placement Committee) (Also elected to the Dean Search Committee)

Associate Professor of Law, with tenure, The John Marshall Law School
1998 to 2002

Assistant Professor of Law, The John Marshall Law School
August 1994 to 1998

Associate at Katten Muchin & Zavis
February, 1986 through May, 1994

Associate at Greenberger & Kaufmann
May 1985 until February, 1986
(Greenberger & Kaufmann merged with Katten Muchin & Zavis)

See Attachment One for a summary of major transactions handled

PROFESSIONAL ACTIVITIES:

Member of the Executive Committee of the Real Estate Section of the American Association of Law Schools 2008 through today and Treasurer of the section 2009/2010

Member of the American Bar Association ("ABA") and the Real Property Section thereof (the "Section")

- *Vice-Chairperson of the B-4 Pro Bono Committee of the Section 2003- 2005
- * Senior Acquisitions Editor of the Section's Books/Media Program 1992- 2002
- *Assistant Secretary of the Section 1997-1998
- * Member of the Publications Committee (a standing committee) 1996-1997
- *Chairperson of the 200 member Committee on Foreclosure and Related Remedies, 1993-1997
- * Vice-Chairperson of said committee 1992-1993
- * Chairperson of the Subcommittee on Deeds-in-Lieu of Foreclosure Transactions 1991-1992

Member of the American College of Real Estate Lawyers (an organization comprised of leading real estate lawyers in the nation) 2003-today; Member of the Task Force on Changes in the Practice of Real Estate Law 2009/2010

Member of the Ely Chapter of Lambda Alpha International (an honorary land economics society) 1997-today

PRO BONO ACTIVITIES/COMMUNITY ACTIVITIES:

Founder and Faculty Advisor of the John Marshall Law School Chapter of Habitat for Humanity (the Chapter provides legal assistance to Chicago area affiliates and assists in home building, community education, and fund raising for the local affiliates and international organization) 2002 to the Present.

Member of the Board of Directors of Lawyers Committee for Better Housing 2003-today (Chair of the Program Committee 2004-2008).

Provided mortgage loan counseling to parents at the Swift School in 2004.

Testified at two public hearings in 2004 before the Illinois Office of Banks and Real Estate with respect to proposed changes to the Residential Mortgage License Act of 1987 relating to predatory lending.

Member, Advisory Board, Lawyers Committee for Better Housing (1992-1994). Recipient, with her student volunteers, of a Certificate of Appreciation, for their monitoring of the eviction court in Cook, County, Illinois on November 7, 2002.

Member of Judge Salyer's (Presiding Judge, Child Protection Division of the Circuit Court of Cook County, Illinois) Child Protection Advisory Work Group 1995-1999:

Member of the Termination and Adoption Subcommittee (the committee's proposal to expedite the termination of parental rights in certain cases was enacted by the State of Illinois in 1997) and the Non-Adversarial Decision Making Subcommittee (the subcommittee issued a proposal to Judge Salyers to provide a non-adversarial process to work towards an expedited reunification of children with their biological parents in certain cases).

Legal representation of women seeking emergency orders of protection and plenary orders of protection against abusive spouses/boyfriends in the Maywood, Illinois Court call (1998).

Legal representation of Neighborhood Housing Services, a non-profit corporation, in connection with their efforts to revitalize the East Garfield Park Neighborhood, in Chicago, IL (1993-1994).

Legal representation based on referrals from Community Economic Development Law Project and the American Jewish Congress, including obtaining real estate tax exemption for a shelter for abused women, negotiation and documentation of a construction contract for a new shelter,

and issuing an opinion to a non-profit organization which analyzed various potential lobbying and campaigning activities and their impact on maintaining tax-exempt status (1992-1994).

Volunteer attorney for the Cook County Illinois Public Guardian's Office in connection with investigating Illinois DCFS' handling of allegations of child abuse (1992-1993).

Recipient of the Outstanding Volunteer Attorney Award in 1993 from the Public Guardian's Office of Cook County, Illinois.

ATTACHMENT ONE TO RESUME

A. Financings

1. Sears Tower Finance and Option to Purchase:

Research and opine on the enforceability of an option to purchase Sears Tower (in light of the prohibition against clogging the equity of redemption).

Client: A pension fund

2. \$250 million refinance secured by a Chicago Landmark Project (a confidential project):

Assist in negotiating, documenting and performing due diligence in connection with the refinancing.

Client: A life insurance company

3. \$1 billion refinancing:

Handle all real estate features of the refinancing

Client: A Fortune 500 company

4. \$70 million refinancing on One South Wacker:

Assist in negotiating and documenting the refinancing

Client: A life insurance company

5. Refinancings on One and Two Illinois Center:

Prepared loan documents and assisted in the negotiation of the refinancings

Client: A life insurance company

6. \$31 million loan secured by multi-state real estate collateral:

Negotiate and document the loan transaction

Client: A multi-state lender

7. \$20 million refinance on Sports Club

Negotiated, documented and closed the refinancing

Client: A sports club

8. \$15 million energy finance transaction:

Coordinated due diligence on receipt of permits and other governmental approvals and preparing opinion

Client: An energy provider

9. \$7.4 million multi-state commercial loan transaction:

Prepared mortgages and assignments of leases and handled title, zoning and survey issues

Client: A multi-state finance company

10. Negotiated and documented numerous financings between \$3M-\$15M secured by shopping centers, office buildings, business parks, surgi-centers and apartment buildings:

Client: A life insurance company

B. Interest Rate Hedges

1. Interest rate swap in connection with a financing for the Northwestern Atrium:

Structure, negotiate, document and opine on the swap transaction

Client: A major real estate development company

2. Numerous interest rate swaps tied to working capital loans and loan secured by real estate:

Structure, negotiate, document and opine on the swaps

Client: A major real estate development company

3. Interest rate swap tied to a financing on NBC Tower:

Structure, negotiate, document and opine on the swap transaction

4. Ritz Hotel refinancing:

Structure, negotiate and document interest rate cap

Client: A major real estate development company

5. Interest rate hedge with Chicago Park District:

Serve as local counsel on interest rate swap transaction

Client: A securities firm

6. Create forms of domestic and foreign counterparty interest rate hedge documentation:

Draft forms of documents and render general advice

Client: A major U.S. city

7. Various interest rate hedge transactions:

Issue local counsel opinions for the interest rate swaps

Client: A major real estate development company

C. Acquisitions and Sales

1. Purchase of Aspen Skiing Company:

Assisted in preparation of documentation in connection with the purchase

Client: A major real estate development company

2. Sale of a major shopping center:

Prepared closing documents in connection with the sale

Client: A major real estate development company

3. The purchase of five regional shopping centers:

Title and survey review in connection with the acquisitions

Client: A life insurance company

4. Purchase of Evanston Plaza shopping center:

Assisted in documenting and performing due diligence in connection with the purchase

Client: A pension fund

5. A sale and leaseback of an office and warehouse building:

Structure, negotiate and document the sale/leaseback transaction

Client: A mid-sized corporation

6. Acquisition and financing of acquisition of apartment complex from HUD:

Assisted in negotiating and documenting the acquisition and financing

Client: A developer of affordable housing

D. Leasing

1. A major Chicago office lease and several smaller office leases:

Negotiate and document the leases

Client: A foreign real estate development company

2. Office and research laboratory space leases:

Negotiate and document leases

Client: A life insurance company

3. Industrial and office leases:

Negotiate and document various office and industrial space

Client: A mid-sized corporation

E. Workouts

1. Various deed-in-lieu of foreclosure transactions:

Structure, negotiate and document the transactions

Client: Various real estate developers

2. Workout of loan from limited partner to limited partnership:

Negotiate and document the workout

Client: A foreign investor

3. Loan workout:

Negotiate and document workout of loan

Client: A life insurance company

F. Pro Bono

1. Child abuse allegations:

Investigate allegations of child abuse and recommendation of follow-up actions

Client: Cook County Public Guardian's Office

2. Guidance on permitted actions:

Research, prepare opinion and advise client on certain political campaigning and lobbying activities and their impact on a 501(c)(3) or (4)'s tax exempt status

Client: Illinois Pro-Choice Alliance

3. Real estate tax exemption:

Obtain real estate tax exemption for shelter for abused women

Client: Rainbow House

4. Construction contract:

Negotiate and document construction contract

Client: Deborah's Place

G. Litigation

1. Prepayment charge litigation:

Prepare amicus curiae brief on the enforceability of prepayment charges after a default by the borrower

Client: American Council of Life Insurers

2. Contract dispute:

Research and advise client on issue of specific performance and damages in connection with the breach of an agreement to build and occupy an 80 story office building

Client: A major real estate developer

3. Lake Point Tower litigation:

Research, prepare memorandum and aid in the discovery process

Client: A national bank