

Katharine Rosenberry
Professor Emeritus of Law
California Western School of Law
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EDUCATIONAL BACKGROUND:

University of San Diego
San Diego, California
J.D. - 1975

University of Illinois
Champaign, Illinois
M.Ed. - 1967

Northwestern University
Evanston, Illinois
B.A. - 1965

PROFESSIONAL EMPLOYMENT:

Gray, Cary, Ames & Frye, now merged with DLA Piper (1975 - 1977)

California Western School of Law

Assistant Professor of Law (1978 - 1981)

Associate Professor of Law (1981 - 1984)

Professor of Law (1984 B 2007)

Professor Emeritus of Law (2007 B present)

Associate Dean (1991 - 1993)

Courses Taught: AProblem Identification in a Multicultural Setting@ (course focused on indentifying core values in a various cultures with the goal of problem prevention), AIntroduction to Creative Problem Solving@, AReal Property@, “Land Use Regulations@, ACommon Interest Development Law (condominium and homeowner association law)”

Academic Director of the Center for Creative Problem Solving (2001 - 2007)

PUBLICATIONS

Books:

Sproul, Curtis and Rosenberry, Katharine, **Advising California Common Interest Communities** (Continuing Education of the Bar, 2003) (a revised edition of the following).

Sproul, Curtis and Rosenberry, Katharine, **Advising California Condominiums and Homeowner Associations** (Continuing Education of the Bar, 1992, Supplements from 1994 to 2002).

ABC's For Community Associations (Community Associations Institute, 2002) (a revised edition of the following). **ABC's For Community Association Leaders** (Community Associations Institute, 1992).

ABC's Facilitator Guide (Community Associations Institute, 2002).

Rosenberry, Katharine and Robertson, Douglas, **Home Ownership with Responsibility: Practice Governance Remedies for Britain's Flat Owners** (Joseph Rowntree Foundation, 2001).

Commonhold Law: Problems and Potential Solutions (Joseph Rowntree Foundation, 2000)

Treese, Clifford and Rosenberry, Katharine, **Community Associations Insurance** (Community Associations Institute 1993).

Paradise Lost Community Association Liability for Criminal Activities of Others (Community Associations Institute 1987).

Books -- Contributing Author:

Residential Community Associations: Private Governments in the Intergovernmental System, "Condominium and Homeowner Associations: Should They Be Treated Like Mini-governments?" pp. 69-73 (Advisory Commission on Intergovernmental Relations 1989)

Condominium and Homeowner Association Litigation "Theories of Liability," pp. 59-92 (Wiley & Sons 1986).

Zoning and Planning Law Handbook, "The Rise of Homeowner's Associations: Have They Become Mini-Governments?" pp. 291-303 (Clark Boardman, 1986).

Zoning and Planning Law Handbook, "Master Plans and Local Land Use Regulation," pp. 95-109 (Clark Boardman, 1981)

Edited supplement to **California Condominium and Planned Development Practice** (California Continuing Education of the Bar, 1986).

Published Reports

Response to Consultation Paper Commonhold Proposals for Commonhold Regulations (Joseph Rowntree Foundation, 2002).

Treese, Clifford, Diamond, Robert, and Rosenberry, Katharine, "A Changing Perspective on Community Association Mortgage Underwriting and Credit Analysis," **Research Institute for Housing America Institute Report No. 01-02** (RIHA, Nov. 2001).

Comments on the English/Welsh Draft Commonhold and Leasehold Reform Bill, 2000 (Joseph Rowntree Foundation, 2000).

Response to the Department of Environment, Transport and The Regions Consultation Paper: Residential Leasehold Reform in England and Wales (Joseph Rowntree Foundation, 1999).

Articles:

"Creative Problem Solving Requires Identifying the Real Problem," **Echo Journal** pp. 12-19 (November 2010).

"Organizational Barriers to Creativity in Law Schools and the Legal Profession," 41 **California Western Law Review** pp. 423-57 (Spring 2005).

"Creative Problem Solving: Mixing the Traditional with the Nontraditional," **San Diego Lawyer** p. 44 (March/April 2004).

"Creative Techniques in Law School Reflect Changes in Society," **San Diego Business Journal** p.22, Sect. C, col. 2 (April 28, 2003).

"Land Use Regulation In a Free Market Society," **Middle East Technical University Journal** pp. 1-29 (1999).

"Issues Shaping the Creation and Operation of Common Interest Communities in the United States," 25 **Real Estate World** pp. 45-50 (Krakow Real Estate Institute 1998/1999).

"An Introduction to Constitutional Challenges to Covenant Enforcement," 1 **CAI's Journal of Community Association Law** pp. 23-32 (Winter 1998).

"Home Business, Llamas, and Aluminum Siding: Trends in Covenant Enforcement," 31 **John Marshall Law Review** pp. 443-87 (Winter 1998).

Rosenberry, Katharine and Sproul, Curtis, "A Comparison of California Common Interest Development Law and the Uniform Common Interest Ownership Act," 38 **Santa Clara Law Review** pp. 1009-1080 (Spring 1998).

Treese, Clifford and Rosenberry, Katharine, "Purchasing Insurance For The Common Interest Community," 27 **Wake Forest Law Review** pp. 397-454 (1992).

"You Can't Raise Assessments. I Have A Contract! The Legislature and Impairment of Contract," 8 **California Real Property Journal** 16-24 (Winter 1990).

"Mandatory Continuing Legal Education It's Here!" 37 **Dicta** 25-29 (February 1990).

"Fair Housing Act Amendments More Employment for Attorneys," Part I, **Dicta** 7-10 (January 1989); Part II, **Dicta** 19-24 (February 1989).

"An Update on the Law of Common Interest Developments," 6 **California Real Property Journal** 33-43 (March 1987).

"Operating Common Interest Developments in California: The Dilemmas Created By Recent Judicial Decisions," 10 **Real Property Law Reporter** pp. 61-67 (March 1987).

"The Davis-Stirling Common Interest Development Act," 8 **Real Property Law Reporter** 172-78 (1985).

"Actions of Community Association Boards: When Are They Valid and When Do They Create Liability?" 13 **Real Estate Law Journal** pp. 315-333 (Spring 1985).

"The Legislature Addresses Problems in The Law of Condominiums, Planned Developments and other Common Interest Projects," 2 **California Real Property Journal** 24-28 (Fall 1984).

"The Application of the Federal and State Constitutions to Condominiums and Planned Developments," 19 **Real Property, Probate and Trust Journal** 1-31 (Spring 1984).

"The Impact of the Endangered Species Act on Housing Construction," 33 **Hastings Law Journal** 551-82 (1982).

"Federal Influence on Housing Construction A Case Study of the Endangered Species Act," **Zoning and Planning Law Report** pp. 81-87 (December 1982).

HONORS AND AWARDS:

Selected for membership in the American Law Institute: served as member of the Consultative Group to Restatement (Third) of Property (Servitudes).

Selected for membership in the American College of Real Estate Lawyers - member of Publication Committee.

Selected to be a founding Board of Governors of the College of Community Association Lawyers.

Selected for membership in Lambda Alpha International Land Economics Society – elected to the Board of Directors of San Diego Chapter.

Appointed Professorial Research Associate at the Center for East Asian Studies at the University of London School of Oriental and African Studies.

Elected National President of the Community Associations Institute an organization of approximately 15,000 homeowner associations, realtors, property managers, attorneys, developers and others involved in the creation and operation of common interest developments.

Selected for the Board of Directors of Community Associations Research Foundation.

Selected to be a founding member of the Board of Directors of the National Board of Certification for Community Association Managers

Appointed by the California State Bar to the Executive Committee of Real Property Section.

Elected to the Board of Directors of the San Diego County Bar Association.

Selected for the Board of Directors of the San Diego County Bar Foundation.

Received the Bernard Witkin Award from the Law Library Justice Foundation for civic leadership and excellence in teaching.

Received Author of the Year from the Community Associations Institute for contribution to understanding of shared ownership law.

Recognized by the International Institute for Conflict Prevention and Resolution for development with her co-directors of the Center for Creative Problem Solving.

Selected by the California State Legislature to be Senior Consultant to California Assembly Select Committee on Common Interest Developments. Responsible for advising the legislature and assisting in drafting legislation controlling shared ownership housing in California.

Selected to be the consultant to the Lord Chancellor's Office and the Department of Environment, Transport and the Regions in England and Wales regarding the introduction of shared ownership housing law in England and Wales.

Selected to be Consultant to the Krakow Real Estate Institute and Cooperative Housing Foundation in Warsaw, Poland regarding shared ownership housing law.

Appointed by the City Government of the City of San Diego to the following:
Chair of the Historical Sites Board for the City of San Diego
To the Citizens Advisory Board to the Redevelopment Agency
To the Parks and Recreation Board

PRESENTATIONS

“So What’s His Problem: Identifying Problems in a Multi-Cultural Setting”, His Highness Prince Aga Khan Shia Imami Ismaili Conciliation and Arbitration Training Program (Orlando, Florida)

“Less Costly Ways to Solve Homeowner Problems,” ECHO Annual Seminar (Santa Clara, California)

“Problem Identification in a Multicultural Environment,” University of Hong Kong School of Law (Hong Kong, China)

“Creative Problem Solving and Problem Prevention,” University of London School of Oriental and African Studies (London, England)

"So What's the Problem?" University of London School of Oriental and African Studies (London, England)

"Role of Government Dispute Resolution," National Conference of Community Associations Institute (San Diego, California)

"Barriers to Preventing and Solving Legal Problems Creatively," Conference on Preventing and Solving Problems Creatively, Center for Creative Problem Solving (San Diego, California)

"Teaching Creative Prevention and Solution Throughout the Law School Curriculum," Conference on Preventing and Solving Problems Creatively, Center for Creative Problem Solving (San Diego, California)

"Barriers to Creativity," Annual conference of the International Society for the Advancement of Socio-economics (Aix-en-Provence, France)

"How to Make Almost Any Dream Come True," Witkin Award Dinner sponsored by the San Diego County Public Law Library (San Diego, California)

"Condo and Homeowner Associations Issues," All Things Considered KPBS Radio Program (San Diego, California)

"Commonhold: the Dawning of a New Age?" Blundell Lectures, Inner Temple Inn of Court (London, England)

"Common Interest Developments: Legislative Update 2000-2001," California Western School of Law (San Diego, California)

"Commonhold and Leasehold Reform: The Government's Legislative Proposals," South Bank University (London, England)

"Global Solutions to Association Management Challenges," Community Associations Institute National Conference (Anaheim, California)

- "Management Issues and Commonhold Law," Association of Residential Managing Agents (London, England)
- "Commonhold Law," Royal Institute of Chartered Surveyors Annual Conference (London, England)
- "Tenants and Commonhold Law," CARL Annual Meeting (London, England)
- "Profiting From Management - Learning from the Ex-Colonies," Association of Residential Managing Agents Annual Conference (London, England)
- "Common Interest Developments: Legislative Update 1999-2000," (San Diego, California)
- "Creative Solutions to Common Problems," Community Associations Institute Semi-Annual Conference (Denver, Colorado)
- "International Community Associations," Community Associations Institute Law Seminar (Washington D.C. and Marina Del Rey, California)
- "English Leasehold Reform - An American View," Southbank University Conference on Leasehold Reform: The Government's Proposals. Have They Got The Balance Right? (London, England)
- "Common Interest Developments: Legislative Update 1998-99," California Western School of Law (San Diego, California)
- "New Property Management Challenges in Today's Poland," Community Associations Institute (Washington D.C.)
- "Creating A Sense Of Community," Community Associations Institute (Washington, D.C.)
- "Land Use Regulation in A Free Market Society," Masarykovy University, School of Law (Brno, Czech Republic).
- "Local Planning Groups," International Conference on Cross Cultural Issues: Land Development (Brno, Czech Republic)
- "Processing a Residential Development In The United States," The Institute For Urban Studies, Technical Institute (Budapest, Hungary)
- "A Comparative Analysis of Polish and U.S. Condominium Laws," Conference of Condominiums sponsored by the Cooperative Housing Foundation and the Krakow Real Estate Institute (Warsaw, Poland)

"Land Use Regulation In The United States," Conference of Polish Housing Authority sponsored by the Krakow Real Estate Institute (Warsaw, Poland)

"Issues Shaping the Creation and Operation of Common Interest Communities," European Network For Housing Research Annual Conference (Cardiff, Wales)

"Common Interest Developments: Legislative Update 1997-98," California Western School of Law (San Diego, California)

"Trends in Covenant Enforcement," Community Association Law Seminar (Washington, D.C. and Marina Del Rey, California)

"Trends in Director and Officer Liability," Community Associations Institute Law Seminar (Washington D.C.)

"Common Interest Developments: Legislative Update 1996-97," California Western School of Law (San Diego, California)

"Common Interest Developments: Legislative Update 1995-96," California Western School of Law (San Diego, California)

"The Future of Community Associations," Community Associations Institute Conference (Scottsdale, Arizona)

"Trends in Case Law and Legislation," California Legislative Action Committee Annual Meeting (Sacramento, California)

"Common Interest Developments: Legislative Update 1994-95," California Western School of Law (San Diego, California)

"Trends in Case Law and Legislation," California Legislative Action Committee Annual Meeting (Sacramento, California)

"National Legislative Update," Community Associations Institute Law Seminar (Washington D.C. and Marina Del Rey, California)

"Common Interest Developments: Legislative Update 1993-94," California Western School of Law (San Diego, California)

"Community Association Law for Volunteers," Community Associations Institute Conference (Denver, Colorado)

"Creation of Common Interest Developments," Lambda Alpha (San Diego, California)

"California Law and Community Associations," Executive Council of Homeowner Associations Annual Meeting (San Francisco, California)

"Common Interest Developments: Legislative Update 1992-93," California Western School of Law (San Diego, California)

"The Nature of Community Associations," Conference sponsored by the Institute of Urban and Regional Development, U.C. Berkeley (Berkeley, California)

"Why the Judiciary Should Be Concerned About Homeowner Association Issues," California Association of Judges Annual Meeting (Coronado, California)

"Association Liability for Criminal Activities," Community Association Law Seminar (Washington, D.C.)

"Common Interest Developments: Legislative Update 1991-92," California Western School of Law (San Diego, California)

"Common Interest Developments: Legislative Update 1990-91," California Western School of Law (San Diego, California)

"Homeowners' Associations," Continuing Education of the Bar Seminar (San Francisco, Los Angeles, and San Diego, California)

"1990 National Legislative Update," Community Associations Institute Law Seminar (Washington D.C.)

"Common Interest Developments: Legislative Update 1989-90," California Western School of Law (San Diego, California)

"Associations: Business, Government or Group of Owners," Los Angeles County Bar Association Meeting (Beverly Hills, California)

"Constitutional and Other Issues," University of Miami Institute for Cluster Housing Annual Meeting (Miami, Florida)

"Lobbying for Associations," Community Associations Institute Annual Conference (Dallas, Texas)

"Common Interest Developments: Legislative Update 1988-89," California Western School of Law (San Diego, California)

"Federal Fair Housing Act," National Association of Women in Construction Meeting (San Diego, California)

"Hot Issues in Real Estate Law," Real Property Section of The State Bar of California Annual Meeting (Napa, California)

"Director and Officer Liability," Community Association Law Seminar (Washington, D.C.)

"Common Interest Developments: Legislative Update 1987-88," California Western School of Law (San Diego, California)

"Defenses to Covenant Enforcement," Community Association Law Seminar (Washington D.C.)

"Common Interest Developments: Legislative Update 1986-87," California Western School of Law (San Diego, California)

"New National Homeowner Association Legislation," Community Association Law Seminar (Washington D.C.)

"Common Interest Developments: Legislative Update 1985-86," California Western School of Law (San Diego, California)

"Homeowner Association Issues Facing the Courts," National Conference of Judges Annual Meeting (Coronado, California)

"How to Influence the Legislature," California Apartment Association Annual Meeting (San Diego, California)

"Constitutional Issue Facing Community Associations," Community Associations Institute Law Seminar (Washington D.C.)

"Changes in the California Common Interest Development Law," California Association of Realtors Annual Meeting (San Diego, California)

"Common Interest Developments: Legislative Update 1984-85," California Western School of Law (San Diego, California)

"Proposed Changes in Legislation," California Subdivision Planners Association Annual Meeting (San Diego, California)

"Problems with California Common Interest Developments," California Building Industry Department of Real Estate Task Force Meeting (San Francisco, California)

"Raven's Cove and Fiduciary Duty," Community Associations Law Seminar (Washington D.C.)

Honors and Awards:

Selected for membership in the American Law Institute - member of Consultative Group to Restatement (Third) of Property (Servitudes). Served on Consultative group that assists the American Law Institute in drafting model laws in the field of real estate law.

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To the Citizens Advisory Board to the Redevelopment Agency

To the Parks and Recreation Board