

Stewart E. Sterk

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Employment

Benjamin N. Cardozo School of Law

Mack Professor of Law, 1990 - Present
Senior Associate Dean, 2000-01; Acting Dean, 8/01-11/01
Professor of Law, 1984 - 1990
Associate Professor of Law, 1981 - 1984
Assistant Professor of Law, 1979 - 1981
Courses: Trusts and Estates, Real Property, Land Use, Conflict of Laws, Copyright Law, Contract Drafting
“Best Professor” or “Best First-Year Professor” Awards: Classes of 1990, 1994, 1996, 1999, 2000, 2002, 2005, 2006, 2007, 2008, 2011, 2013, 2016, 2017, 2019, 2021

Columbia University School of Law

Adjunct Professor, Fall Terms 2002, 2003; Spring Term 2014
Visiting Professor, Spring Terms 1985, 1986, 1987, 1989, 1991

New York University School of Law

Adjunct Professor, Spring Terms, 1993, 2011, 2012, 2013, 2015, Fall Term 2015

University of Pennsylvania Law School

Visiting Professor, Spring Term 1992

Law Clerk to Chief Judge Charles D. Breitell, New York Court of Appeals, 1976 - 1978

Education

Columbia University School of Law (J.D. 1976) (September 1973-May 1976)

Managing Editor, Columbia Law Review
Harlan Fiske Stone Scholar, 1973 - 74, 1974 - 75, 1975 - 76
Holder of the Morris Berick Faculty Assistantship, 1974 - 75

Columbia College, Columbia University (A.B. 1973)(September 1969-May 1973)

Awarded Robert Lincoln Carey prize for excellence in academic work and extracurricular activities.

Major: Mathematics

Academic Honor

Brigham-Kanner Award for Property Scholarship, 2018

Writings

Editorship

Editor, *New York Real Estate Law Reporter*, 1987-date

Books

Land Use Regulation, Cases and Materials (with Peñalver)[Foundation Press, 2011]

Second Edition (with Peñalver and Bronin)[Foundation Press, 2016]

Third Edition (with Peñalver and Bronin)[Foundation Press, 2020]

Fourth Edition (with Peñalver and Bronin) [Foundation Press 2025]

Estates and Trusts, Cases and Materials (with Dobris) [Foundation Press, 1998]

Second Edition (with Dobris and Leslie) [Foundation Press, 2003]

Third Edition (with Dobris and Leslie) [Foundation Press, 2007]

Fourth Edition (with Leslie and Dobris)[Foundation Press, 2011]

Fifth Edition (with Leslie) [Foundation Press, 2015]

Sixth Edition (with Leslie) [Foundation Press, 2019]

Seventh Edition (with Leslie) [Foundation Press, 2024]

Trusts and Estates – Concepts and Insights (with Leslie) [Foundation Press, 2011]

Second Edition (with Leslie)[Foundation Press, 2016]

Third Edition (with Leslie)[Foundation Press, 2021]

Chapter on Neponsit Property Owners Association v Emigrant Industrial Savings Bank

in Property Stories, edited by Korngold and Morriss, Second Edition [Foundation Press, 2009]

Articles

Internal Affairs Revisited, 48 Cardozo L. Rev. __ (2026).

Joint Bank Accounts: Who Needs Them?, 111 Iowa Law Rev. 1647 (2026) (with Weisbord)

A New Framework For Condominium Structural Safety Regulation, 14 U.C. Irvine Law Review 521 (2024) (with Weisbord).

Title Theft, 81 Wash & Lee L. Rev Online 161 (2023)

Rethinking Party Autonomy in Trust Law, 97 Tulane Law Review 1097 (2023)

Mitigating Catastrophe Risk for Landowners, 74 Hastings Law Journal 869 (2023)

The Commodification of Public Land Records, 97 Notre Dame L. Rev. 507 (2022)(with Weisbord)
Title Insurance: Protecting Property at What Price, 99 Wash. U. L. Rev 519 (2021).
Incentivizing Fair Housing, 101 B.U. L. Rev 1607 (2021)
Defined Benefit Plans Are Not “Trust”worthy, 62 Wm & Mary L. Rev Online 25 (2021)
The Roles of State and Federal Law in Energy Condemnations, 9 Brigham-Kanner Property Rights Conference Journal 205 (2020)
Accommodating Legal Ignorance, 42 Cardozo L. Rev. 214 (2020)
A Knock on Knick’s Revival of Federal Takings Litigation, 72 Fla. L. Rev 419 (2020)(with Pollack)
Federal Land Use Intervention as Market Restoration, 99 B.U. L. Rev 1577 (2019)
The Impact of Law on the State Pension Crisis, 54 Wake Forest L. Rev 105 (2019) (with Goldman)
Dueling Denominators and the Demise of Lucas, 60 Arizona L Rev 67 (2018)
Maintaining Condominiums and Homeowner Associations: How Much of a Priority?, 93 Ind. L. J. 807 (2018)
Trust Decanting: A Critical Perspective, 38 Cardozo L. Rev 1993 (2017)
An Empirical Study of Implicit Takings, 58 Wm. & Mary L. Rev 35 (2016) (with Krier)
Revisiting the Revolution: Reintegrating the Wealth Transmission System, 56 B.C. Law Rev. 61 (2015) [with Leslie]
Accidental Inheritance: Retirement Accounts and the Hidden Law of Succession, 89 N.Y.U. L. Rev 165 (2014) [with Leslie]
Moral Obligations of Landowners: An Examination of Doctrine, 2 Brigham-Kanner Property Rights Conference Journal 135 (2013)
Exploring Taxation as a Substitute for Overregulation in the Development Process, 78 Brooklyn L. Rev. 417 (2013)
Personal Jurisdiction and Choice of Law, 98 Iowa L Rev 1163 (2013)
Strict Liability and Negligence in Property Theory, 160 U. Pa. L. Rev 2129 (2012)
Zoning Finality: Reconceptualizing Res Judicata Doctrine in Land Use Cases, 63 Fla L Rev 1139 (2011) (with Brunelle)
Structural Obstacles to Settlement of Land Use Litigation, 91 B. U. L. Rev, 227 (2011)
How Prudent is the Modern Prudent Investor Rule? 95 Cornell L Rev 851 (2010)
Property Rules, Liability Rules, and Uncertainty About Legal Rights, 106 Mich. L. Rev 1285 (2008)
Leaving More than Money: Mediation Clauses in Estate Planning Documents, 65 Wash & Lee L. Rev 539 (2008) (with Love)
The Demise of Federal Takings Litigation, 48 Wm & Mary L Rev 251 (2006)
Trust Protectors, Agency Costs, and Fiduciary Duty, 27 Cardozo L Rev 2761 (2006)
Property Tax Reassessment: Who Needs It? [with Engler], 81 Notre Dame L Rev 1037 (2006)
Intellectualizing Property: The Tenuous Connections Between Land and Copyright, 83 Wash U L Q 417 (2005)
The Federalist Dimension of Regulatory Takings Jurisprudence, 114 Yale L J 203 (2004)
The Inevitable Failure of Nuisance-Based Theories of the Takings Clause: A Reply to Professor Claeys, 99 Nw U L Rev 231 (2004)
Retrenchment on Entrenchment, 71 George Washington Law Review 231 (2003)

Jurisdictional Competition to Abolish the Rule Against Perpetuities: R.I.P. for the R.A.P.,
 24 Cardozo L Rev 2097(2003)
Information Production and Rent-Seeking in Law School Administration, 83 B U L Rev 1141
 (2003).
The Muddy Boundaries Between Res Judicata and Full Faith and Credit, 58 Wash & Lee L. Rev.
 47 (2001)
Asset Protection Trusts: Trust Law's Race to the Bottom?, 85 Cornell L Rev 1035 (2000)
Estoppel in Property Law, 77 Nebraska L Rev 756 (1998)
The New York Court of Appeals: 150 Years of Leading Decisions 48 Syracuse L Rev 1391 (1998)
Minority Protection in Residential Private Governments, 77 B U L Rev 273(1997).
Rhetoric and Reality in Copyright Law, 94 Mich L Rev 1197 (1996).
Publicly Held Servitudes in the New Restatement, 27 Conn L Rev 157 (1994)
The Marginal Relevance of Choice of Law Theory, 142 U Pa L Rev 949 (1994)
Restraints on Alienation of Human Capital, 79 Va L Rev 383 (1993)
Competition Among Municipalities as a Constraint on Land Use Exactions,
 45 Vand L Rev 831 (1992)
Environmental Review in the Land Use Process: New York's Experience with SEQRA, 13
 Cardozo L Rev 2041 (1992)
Controlling Legislative Shortsightedness: The Effectiveness of Constitutional Debt Limitations,
 1991 Wisc L Rev 1301 (1991) [with Goldman]
Nollan, *Henry George, and Exactions*, 88 Colum L Rev 1731 (1988)
Foresight and the Law of Servitudes, 73 Cornell L Rev 956 (1988)
The Continuity of Legislatures: Of Contracts and the Contract Clause, 88 Colum L Rev 647
 (1988)
Neighbors in American Land Law, 87 Colum L Rev 55 (1987)
Freedom from Freedom of Contract: The Enduring Value of Servitude Restrictions, 70 Iowa L Rev
 615 (1985)
Government Liability for Unconstitutional Land Use Regulation, 60 Ind L J 113 (1984)
Full Faith and Credit, More or Less, to Judgments: Doubts about Thomas v. Washington
Gas Light, 69 Geo L J 1329 (1981)
Enforceability of Agreements to Arbitrate: An Examination of the Public Policy Defense, 2
 Cardozo L Rev 481 (1981)
Testimonial Privileges: An Analysis of Horizontal Choice of Law Problems, 61 Minn L Rev 461
 (1977)

Professional Organizations

Member, American Law Institute

Adviser, Restatement (Third) of Property (Servitudes)

Members Consultative Group, Restatement (Fourth) of Property

Members Consultative Group, Restatement (Third) of Property (Wills and Other Donative Transfers)

Members Consultative Group, Restatement (Third) of Trusts

Members Consultative Group, Restatement (Third) of Conflict of Laws

