

Michael A. Valenza

Associate Professor, Legal Studies in Business

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Research Interests: Real Estate Law and Land Use Policy, Employment Law, International Law

I. Education

1. Temple University School of Law, Post-Graduate Courses, Taxation, 1975 and 1992.
2. Temple University School of Law, Juris Doctor, 1974.
3. University of Pennsylvania, Master of Arts, International Relations, 1971 (two separate theses: Modernization Processes in Colombia and The Application of Systems Theory to Middle East Conflict).
4. Georgetown University, School of Foreign Service, Bachelor of Science in Foreign Service, 1970.

II. Employment

A. Academic

1. Temple University, Fox School of Business, Associate Professor, Legal Studies (Temple faculty 1981-present).
2. Temple University School of Law, Adjunct Assistant Professor of Law, 1990.
3. Drexel University School of Business, Adjunct Assistant Professor, Business Law, 1980-81.

B. Non-Academic

1. Attorney, 1974- present (Licensed to practice in state and federal courts).
 - a. Currently limited to consulting on issues related to business contracts and business transactions, domestic and international licensing, land use practice, property development and leasing, and estate and tax counseling for families with disabled members (pro bono).

b. Prior practice areas included business litigation, civil rights, employment law, and intellectual property licensing.

c. Associate Attorney at Thomas B. Rutter Ltd., 1979-81: involved in complex civil litigation in both state and federal courts.

d. Blue Cross of Greater Philadelphia (now Independence Blue Cross), Associate Corporate Counsel, 1978-79: involved in general corporate transactions, drafted proposed insurance language and legislation.

e. LaBrum & Doak, Associate Attorney, 1975-78: involved in complex civil litigation in both state and federal courts.

f. Law Clerk to the Honorable D. Donald Jamieson, President Judge of the Philadelphia Court of Common Pleas, 1974-75.

2. Licensed title insurance agent (Commonwealth of Pennsylvania) since 1984.

3. U.S. Army Reserve, 1970-75, non-commissioned officer (honorably discharged in 1975).

III. Teaching

A. Regularly teach the following courses: International Law, Real Estate Fundamentals, Real Estate Practice, Law for the Business Enterprise (including Honors), Law and American Society, and Law and Ethics in the Enterprise (Temple U. Japan Executive MBA Program and Temple/IEEC Singapore). I completely revised the law and ethics components of the Temple Japan (TUJ) Executive MBA law course during the period 2005-07 and 2010-11 and added ethics case studies in 2010 (BP oil spill) and in 2011 (Asbestos in India); also revised the Business Ethics course as taught in the Temple Singapore EMBA program. I have also taught the Law of Health Administration (legal aspects of the health care business - MBA Program).

B. Teaching Awards:

1. Received Fox School of Business Andrisani-Frank Undergraduate Teaching Award in May, 2011.

2. Received Legal Studies Department Excellence in Teaching Award (Crystal Apple), December, 2010.

3. Received Legal Studies Department Golden Apple Award in 1985.

IV. Service Contributions

A. At Temple University

1. Department level: served on hiring, merit, journal, and promotion and tenure committees for multiple years; currently serving on merit and journal committees (chair of journal committee that has revised and received approval of legal studies journal list); currently chair a committee to review curriculum revision and addition of corporate compliance and public policy modules to existing undergraduate legal studies curriculum; member of department committee formed to create a master's degree program in corporate compliance, ethics, and public policy studies (recently approved by Fox School of Business).

2. College level: have served previously as department representative to Fox School of Business graduate affairs, promotion and tenure, undergraduate programs, core coordinators, and GenEd committees (three-year participation for each committee). I am currently a member of the Fox School of Business Merit Committee and the Journal Vetting Committee.

3. University level: have served on the Faculty Senate International Programs Committee. Participated as a member of the Faculty Circle for On-line Teaching and Learning (2011-12). I served on the 13th Street Development Committee in the 1980's, providing legal advice, and prepared the preliminary legal documents for licensing off-street kiosks. I worked actively with the Director of Campus Planning over a period of several years with respect to main campus planning and issues related to land acquisition and development.

B. Outside the University Community

1. Currently a member of the American Academy of Legal Studies in Business. I actively participate in national as well as regional business law faculty events.

2. Have served as a contributor/contributing editor to the Real Estate Law Journal, 2009-present, and am currently also a member of the editorial advisory board of the Journal. Have served as an articles reviewer for the American Business Law Journal, 2005-present. Served as co-editor of volume 11 of the Atlantic Law Journal, published in 2009.

3. Have served for more than twenty years as a "pro bono" counselor for families with disabled children, providing advice on public education rights, estate counseling, and special needs trusts.

4. Multiple presentations made during the period 2001-2006 to parent and school groups on the topic of economic and estate planning for disabled individuals and their families.

5. Multiple presentations made during the period 2001-2004 to school parent organizations on the topic of school district obligations to disabled children and on the topic of due process hearings. I was an invited speaker, based upon many years of having provided pro bono counseling to the parents of disabled children.

6. Guest Lecturer to the Philadelphia Society of Oral Surgeons at its annual meetings in late 1980's. I developed and presented coursework on the topic of avoiding dental malpractice, with

particular reference to the dental procedures performed by oral surgeons. All of these lectures were given at the Thomas Jefferson University School of Medicine, each to several hundred participants.

7. Seminar presentation, “Dental Malpractice,” Pennsylvania Dental Association, Second District Annual Meeting, 1983.

8. Seminar presentation, “Real Estate Law: Practice and Procedures in the Purchase of Residential Real Estate,” (held at Temple University, 1982).

9. Seminar presentation, “Office Management and Dental Malpractice,” Pennsylvania Association of Dental Surgeons, 1981.

V. Research Contributions

A. Publications

Valenza, M., “Digest of Selected Articles (Termination and Modification of Conservation Easements),” *Real Estate Law Journal*, to appear Fall 2014.

Valenza, M., “Digest of Selected Articles (Biggert-Waters Flood Insurance Reform Act of 2012),” *Real Estate Law Journal*, Summer 2014.

Valenza, M., “Digest of Selected Articles (Beach Dunes and Eminent Domain),” *Real Estate Law Journal*, Spring 2014.

Valenza, M., “Digest of Selected Articles (Natural Gas Pipelines),” *Real Estate Law Journal*, Winter 2013.

Valenza, M., “Digest of Selected Articles (Public Trust Doctrine and Privatization of Public Property),” *Real Estate Law Journal*, Fall 2013.

Valenza, M., “Digest of Selected Articles (Concurrent Causation in Property Insurance),” *Real Estate Law Journal*, Summer 2013.

Valenza, M., “Digest of Selected Articles (National Flood Insurance Program),” *Real Estate Law Journal*, Spring 2013.

Valenza, M., “Digest of Selected Articles (Homeowner Association and Condominium Association Issues Related to Unpaid Assessments, Mortgage Foreclosures, and Lien Priority),” *Real Estate Law Journal*, Fall 2012.

Valenza, M., “CIGNA v. Amara et al.: U.S. Supreme Court Resolves Some ERISA Law Disputes but Leaves Other Issues for Decision in the Lower Courts,” *Transactions: The Tennessee Journal of Business Law (The Clayton Center for Entrepreneurial Law of the University of Tennessee College of Law)* (Fall 2011).

Valenza, M., “Digest of Selected Articles (Mortgage Electronic Registration Systems, Inc.),” *Real Estate Law Journal* (Fall 2011).

Valenza, M., “Digest of Selected Articles (Land Use Issues Arising from Hydraulic Fracturing),” *Real Estate Law Journal* (Fall 2010).

Valenza, M. and Lammendola, J., “Understanding Voluntary Real Estate Auctions,” *The Practical Real Estate Lawyer* (November 2009).

Valenza, M., “Digest of Selected Articles (Sub-Prime Mortgage Loans, Predatory Lending, and Abusive Loan Practices),” *Real Estate Law Journal* (Summer 2009).

Lammendola, J. and Valenza, M. "Practicing Fair Housing Principles in Southeastern Pennsylvania before the 1968 Fair Housing Act: Margaret H. Collins and Suburban Fair Housing, Inc.," *The Atlantic Law Journal* (Volume 11, Summer 2009).

Valenza, M. "International Law," (Book Chapter) in Hodge, Samuel D., Jr., *Law for the Business Enterprise*, First and Second Editions (McGraw Hill, 2008 and 2011).

Valenza, M., Frank, Alan, and Kulzer, Kyle, "Successfully Getting to Arbitration: What Courts Look For When Enforcing An Arbitration Clause," *The Practical Lawyer* (December 2008).

Valenza, M. and Valenza, Pamela, "College Student Suicide: Liability For Administrative Policies," *North East Journal of Legal Studies*, (Volume Twenty, Fall 2008).

Lammendola, James and Valenza, M., "The Pennsylvania Real Estate Seller Disclosure Law: Does It Require Disclosure of Off-Site and On-Site Non-physical Conditions?" *Real Estate* (A Supplement to *The Legal Intelligencer* and *Pennsylvania Law Weekly*), March 2008.

Valenza, M., "Accuracy Is Not a Lot to Ask: Decisions in the Second and Third Circuits Set the Tone for Litigation Over Conflicts Between ERISA Plan Documents and Summaries," *Transactions: The Tennessee Journal of Business Law* (The Clayton Center for Entrepreneurial Law of the University of Tennessee College of Law), Volume 6, Spring 2005.

Valenza, M., "Telework and the ADA: Is Working at Home Finally a Reasonable Accommodation?" *Business Law Journal*, University of California, Davis, School of Law, 2004.

Valenza, M., "Hospital Liability for Negligence in Drug Testing of Prospective Employees for Employers," *Pennsylvania Bar Quarterly*, January, 2004, Volume LXXV, No. 1.

Valenza, M. (Contributor), *The Pennsylvania Transactions Guide*, sections 185.20-185.30 (Real Estate Financing sections), Joseph N. Bongiovanni, III, Editor.

Valenza, M., "Are Damages for Pain and Suffering Available in Age Discrimination Litigation?" *National Proceedings: Selected Papers of the American Business Law Association*, Portland, Oregon, 1985.

Valenza, M., "Front Pay in Lieu of Reinstatement as a Remedy for Age Discrimination in Employment," *Proceedings, District One of the American Business Law Association*, Virginia Beach, Virginia, March 1985.

Valenza, M., "Interpretation of the Term 'Occupant' in Motor Vehicle Insurance Policies," *National Proceedings: Selected Papers of the American Business Law Association*, San Antonio, Texas, 1984.

Valenza, M., "The Locality Rule: Its Diminishing Significance in Medical Malpractice Litigation," *Proceedings, District One of the American Business Law Association*, Baltimore, Maryland, March 1984.

Valenza, M., "IRC section 1031: Tax-Free Exchanges of Real Estate and Other Property," *National Proceedings: Selected Papers of the American Business Law Association*, Cambridge, Massachusetts, 1983.

Valenza, M., "Understanding and Avoiding Malpractice: 'Case and Comment'," *Montgomery-Bucks Dental Society Bulletin*, June, 1984.

Valenza, M., "Understanding and Avoiding Malpractice: 'Case and Comment'," *Montgomery-Bucks Dental Society Bulletin*, April, 1984.

Valenza, M., "Understanding and Avoiding Malpractice: 'Case and Comment'," *Montgomery-Bucks Dental Society Bulletin*, January, 1984.

Valenza, M., "Understanding and Avoiding Malpractice: 'Case and Comment'," *Montgomery-Bucks Dental Society Bulletin*, November, 1983.

Valenza, M., "Understanding and Avoiding Malpractice: 'Case and Comment'," Montgomery-Bucks Dental Society Bulletin, October, 1983.

Valenza, M., "Understanding and Avoiding Malpractice: Part VII: Reports on Actual Cases," Montgomery-Bucks Dental Society Bulletin, May-June, 1983.

Valenza, M., "Understanding and Avoiding Malpractice: Part VI: Recommendations," Montgomery-Bucks Dental Society Bulletin, April, 1983.

Valenza, M., "Understanding and Avoiding Malpractice: Part V: Documentation and Testimony," Montgomery-Bucks Dental Society Bulletin, February, 1983.

Valenza, M., "Understanding and Avoiding Malpractice: Part IV: Defenses," Montgomery-Bucks Dental Society Bulletin, January, 1983.

Valenza, M., "Understanding and Avoiding Malpractice: Part III: Res Ipsa Loquitur, Informed Consent, and Vicarious Liability," Montgomery-Bucks Dental Society Bulletin, November, 1982.

Valenza, M., "Understanding and Avoiding Malpractice: Part II: Standard of Care," Montgomery-Bucks Dental Society Bulletin, October, 1982.

Valenza, M., "Understanding and Avoiding Malpractice: Part I," Montgomery-Bucks Dental Society Bulletin, September, 1982.

Valenza, M., "Is the No-Fault Motor Vehicle Insurance Act, H.B. 1285, a Positive Proposal for Pennsylvania Motorists? Con," Lawyers' Digest, 1982 (the author was invited to prepare this article as part of a proposed series on the Pennsylvania No-Fault Act).

B. Book Reviews

Assisted authors Schaffer, Earle, and Agusti in reviewing Seventh Edition of International Business Law and its Environment (which was published in 2009).

Reviewed the Sixth Edition of Schaffer, Earle, and Agusti, International Business Law and its Environment (Thomson Southwestern Publishers), 2007.

Reviewed French and Lusk, Real Estate Law, Fourth Edition, and provided editorial assistance to the publisher in connection with revisions and preparation of Fifth Edition.

C. Academic Paper Presentations

Valenza, M., "The Public Trust Doctrine and Public Land and Infrastructure Privatization," Annual Conference of the American Academy of Legal Studies in Business, Boston, Massachusetts, August 10, 2013.

Urban, Wendy and Valenza, M., "Assessing Student and Faculty Expectations in On-Line Courses," presented at Temple U. Technology Day, April 13, 2012 (Brief discussion of expectations, concentrating on current Temple U. on-line classes).

Huffman, F. and Valenza, M., Legal and Investment Aspects of Real Property Subject to Natural Gas Drilling, with an Emphasis upon the Marcellus Shale States (presented at the annual meeting of the American Real Estate Society on April 20, 2012).

Valenza, M., "MERS Litigation Update," Annual Conference of the Rocky Mountain Academy of Legal Studies in Business, Vail, Colorado, October 1, 2011.

Lammendola, J. and Valenza, M., "Practicing Fair Housing Principles in Southeastern Pennsylvania before the 1968 Fair Housing Act: Margaret H. Collins and Suburban Fair Housing, Inc.,"

Annual Conference of the Mid-Atlantic Academy of Legal Studies in Business, Philadelphia, PA, March, 2009.

Valenza, M. and Lammendola, J., “Private Real Estate Auctions: Counseling the Buyer,” Annual Conference of the North East Academy of Legal Studies in Business, Cooperstown, New York, May, 2008.

Valenza, M. and Lammendola, J., “Insiders in Bankruptcy: Expanding the Scope of Non-Statutory Insiders,” Annual Conference of the Mid-Atlantic Academy of Legal Studies, Philadelphia, PA, April, 2008.

Lammendola, James, and Valenza, M., “Real Estate Disclosures,” Annual Conference of the Tri-State Business Law Association, East Lansing, Michigan, October, 2007.

Valenza, M. and Valenza, P., “Public School Activity Fees: Fair or Foul?” Annual Conference of the American Business Law Association, Indianapolis, Indiana, August, 2007.

Valenza, M. and Valenza, P., “Commercial Landlords’ Duty to Mitigate Damages: Reflections on Law and Practice,” Annual Conference of the Northeast Regional Business Law Association, Galloway, New Jersey, April, 2007.

Valenza, M. and Valenza, P., “College Student Suicide: Liability for Administrative Policies?” Annual Conference of the Mid-Atlantic Business Law Association, St. Michael’s, Maryland, March, 2007 – Paper was selected for Conference Best Paper Award.

Valenza, M., “Are Damages for Pain and Suffering Available in Age Discrimination Litigation?” Annual Conference of the American Business Law Association, Portland, Oregon, 1985.

Valenza, M., “Front Pay in Lieu of Reinstatement as a Remedy for Age Discrimination in Employment,” Annual Conference of the Mid-Atlantic Regional Business Law Association, Virginia Beach, Virginia, 1985.

Valenza, M., “Interpretation of the Term “Occupant” in Motor Vehicle Insurance Policies,” Annual Conference of the American Business Law Association, San Antonio, Texas, 1984.

Valenza, M., “The Locality Rule: Its Diminishing Significance in Medical Malpractice Litigation,” Annual Conference of the Mid-Atlantic Regional Business Law Association, Baltimore, Maryland, 1984.

Valenza, M., “IRC section 1031(a): Tax-Free Exchanges of Real Estate and Other Property,” Annual Conference of the American Business Law Association, Cambridge, Massachusetts, 1983.

Valenza, M., “The Impact of Product Liability Law Upon International Business,” Annual Conference of the Mid-Atlantic Business Law Association, Philadelphia, Pennsylvania, 1982.

D. Completed Research

Employer Risks With Non-Traditional Employees
The “Unconscionable” Defense to Mandatory Arbitration
Legal Restraints Upon Pennsylvania’s Sale and Commercialization of Public Lands
Legal and Ethical Considerations Involving Unpaid Internships

E. On-Going Research

Legal Issues for International Business Decision-Makers
Helms-Burton and Real Estate Investment in Cuba: Conflict of Law and Practice
Surcharge as an Equitable Remedy for ERISA violations

South China Sea Disputes

F. Creative Work (Non-Academic)

Granted two patents, one, a powder or liquid brush applicator and, two, a design patent for an applicator device with a breakaway base (both patents now expired). In the process of preparing application for at least one additional product patent.

In addition to teaching real estate law and practice, completed six single and multi-family residential projects (major renovation and new construction, eleven units), two commercial office projects (17,000 square feet, new construction), and a five-lot residential development. The commercial and five-lot projects included preparation of all preliminary designs, securing zoning and land development permits, coordination of road construction and utility installation, and construction supervision. A four-unit multi-family project involved a historically certified Philadelphia property and required analysis of and adherence to U.S. Department of the Interior Standards for Historic Buildings.