



J. Bushnell Nielsen Shareholder

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J. Bushnell Nielsen is a shareholder in Reinhart's Litigation and Real Estate practices. He began practicing law in 1981 and for 16 years served as in-house counsel to two national title insurers. He serves as a consultant and expert witness on title insurance, wire transfer fraud, escrows, closings and the title to real estate. He has been engaged in matters involving property in every region of the country. Mr. Nielsen lectures on these subjects nationally and also serves as a consulting and testifying expert witness. View Mr. Nielsen's experience and complete curriculum vitae [here](#).

In 2015, Mr. Nielsen produced a series of [videos](#) and an [article](#) about Closing Protection Letters and lender vetting of title agent loan closers. These instructional videos are intended to be helpful to people who reside in any part of the United States. Mr. Nielsen describes certain practices, cases and laws that are different from state to state. Certain statements may not be an accurate description of the rules in your state. Also, Mr. Nielsen provides his own views and interpretations, which may not represent the views of any title insurer, regulator or the title insurance business generally.

Education

- J.D., Marquette University Law School
- B.S., cum laude, University of Wisconsin-Stevens Point

Bar Admissions

Wisconsin

Practices

- Litigation
- Real Estate

Services

- Insurance
- Real Estate Litigation
- Appellate Litigation
- Securitized Mortgages and Loan Fraud

Matters

- *ABKA Limited Partnership v. DNR*, Wisconsin Supreme Court 2002 WI 106, 255 Wis. 2d 486, 648 N.W.2d 854. Amicus counsel for one of the parties that sought passage of this law. in Wisconsin, the first state to establish a ban on future marina condominiums as a statement of public policy. Lead author in creating Wis. Stat. § 30.1335 adopted in 2007 as part of the budget bill which prohibits the recording of declarations for marina condominiums after June 1, 2007, but grandfathers and protects the validity of marina condominiums whose declarations were recorded before the cut-off date
- *Solowicz, et al. v. Forward Geneva National, et al.* Appeal No. 2008AP000010, Wisconsin Court of Appeals (2nd Dist.). Counsel for amicus curiae Wisconsin REALTORS® Association in significant case which will determine the manner of governance for master planned communities in Wisconsin
- *Johnson 1988 Trust v. Bayfield County*, F.3d (7th Cir. 2008), Appeal No. 07-1348. Counsel for amicus curiae Wisconsin Land Title Association in a case concerning federal rails-to-trails legislation
- *AKG Real Estate, LLC v. Kosterman*, 2006 WI 106, 717 N.W.2d 835 (2006). Counsel for easement holder whose rights were affirmed by Wisconsin Supreme Court in a decision rejecting a proposed change concerning the right to unilaterally terminate or move easements
- *First American Title Ins. Co. v. Dahlmann*, 2006 WI 65, 291 Wis.2d 156, 715 N.W. 2d 609 (2006). Counsel for First American Title Insurance Company. Wisconsin Supreme Court ruled that title insurance policy coverage is triggered by the encroachment of improvements into a neighboring street, if that encroachment is substantial, when the insurer has removed the so-called "survey" exceptions from the policy
- *Megal Development Corp. v. Shadof*, 2005 WI 151, 286 Wis 2d 105, 705 N.W.2d 645 (2005). Counsel for amicus curiae Wisconsin Land Title Association. Wisconsin Supreme Court reversed trial court and declared that a judgment lien may be satisfied after discharge of the judgment debt in bankruptcy, adopting reasoning of WLTA
- *Houston v. Bank of America Federal Savings Bank*, 78 P.3d 71 (Nev. 2003). Counsel for amicus curiae Nevada Land Title Association. Decision adopted Restatement (Third) of Property view of equitable subrogation, favorable to lenders and their title insurers
- *Greenberg v. Stewart Title Guar. Co.*, 171 Wis. 2d 485, 492 N.W. 2d 147 (Wis. 1992). Counsel for amicus curiae Wisconsin Land Title Association. Wisconsin Supreme Court rejected abstractor liability on title insurance



policy, adopting position of WLTA

Honors & Affiliations

Honors

- Selected for inclusion in Wisconsin Super Lawyers since 2006
- Best Lawyers' Litigation-Real Estate "Lawyer of the Year (2022)
- Best Lawyers in America (Litigation-Real Estate Law)
- Wisconsin Top Rated Lawyer Martindale-Hubbell AV® Preeminent™ Peer Review Rated

Affiliations

- State Bar of Wisconsin
- Waukesha County Business Alliance's Economic Development Policy Committee (2017-2020)
- Wisconsin Land Title Association (Legislative Committee, 1990 - present; former vice-president, president, director-at-large)
- Michigan Land Title Association (former president)
- American Land Association (Title Counsel Committee)
- American College of Real Estate Lawyers

Presentations

- Important Title Insurance Decisions of 2023, American College of Mortgage Attorneys webinar, March 6, 2024.
- Title Nerds Podcast, [Episode: Season 3, Episode 1](#) (March 2024)
- FNF Unplugged Podcast, "[Title & Escrow 101: A Refresher Course in Settlement Services with Bush Nielsen](#)" (February 2024)
- Important Title Insurance Decisions of 2023, Minnesota State Bar Annual Real Estate Institute, November 3, 2023.
- A Semi-Deep Dive Into Title Insurance Loss Calculations, Minnesota State Bar Annual Real Estate Institute, November 3, 2023.
- 2022 Title Insurance Case Update, webinar for Minnesota State Bar Annual Real Estate Institute, January 27,

2023.

- Important Title Insurance Decisions of 2022, American College of Mortgage Attorneys webinar, January 18, 2023.
- Drafting Understandable and Enforceable Exceptions, Conestoga College 2023, 200 agents of Conestoga Title Insurance Company, Lancaster, Pennsylvania, January 16, 2023.
- ALTA Policies, Unsolved Problems with the Definition of Public Records, and Other Topical Issues, American Bar Association National Caucus of Title Insurance Litigators Annual Meeting, Austin, Texas, February 25, 2022.
- Title Insurance Case Law Update, Minnesota State Bar Annual Real Estate Institute, St. Paul, Minnesota, November 11, 2021.
- Title Insurance Policy Coverage and Claims In-Depth, Minnesota Continuing Legal Education Foundation, May 16, 2021.
- ALTA Policies, Unsolved Problems with the Definition of Public Records, and Other Topical Issues, American Bar Association National Caucus of Title Insurance Litigators Annual Meeting, Austin, Texas, February 25, 2022.
- Title Insurance Case Law Update, Minnesota State Bar Annual Real Estate Institute, St. Paul, Minnesota, November 11, 2021. Title Insurance Policy Coverage and Claims In-Depth, Minnesota Continuing Legal Education Foundation, May 16, 2021.
- ALTA Policies and Recent Title Insurance Coverage Decisions, Alliant National Title Claims Department, February 19, 2021.
- ALTA Policies and Recent Title Insurance Coverage Decisions, Fidelity National Title Group Claims Department, January 20, 2021
- [Closing Protection Letters and Lender Vetting of Title Agent Loan Closers](#)
- Important Recent Title Insurance Decisions, First American Title Claims Center, Warrenville, Illinois, November 18, 2016.
- Claims on Loan Title Insurance Policies, Including Forced Removal, Zoning and Encroachments, Minnesota State Bar Annual Real Estate Institute, St. Paul, MN, November 4, 2014
- Important Recent Title Insurance Decisions, Minnesota State Bar Annual Real Estate Institute, St. Paul, MN, November 3, 2014
- Title Insurance Policy Coverage, guest lecturer, Real Estate Transactions 1 course at University of Wisconsin Law School, October 14, 2014

- Closing Protection Letter Legislative Proposal, panel discussion, Wisconsin Land Title Association convention, September 17, 2014
- Interesting New Title Insurance Decisions, Fidelity National Title Omaha Claims Center, May 20, 2014
- Duties of a Title Company in Closings and Escrows, Minnesota State Bar Annual Real Estate Institute, St. Paul, MN, November 15, 2013
- Claim Avoidance Strategies, Wisconsin Land Title Association graduate course, member of seminar panel, Madison, WI, November 6, 2013
- Closing Protection Letters, Indiana Land Title Association Super Seminar, Carmel, IN, July 10, 2013

Publications

- "RESPA Class Action Survives in Ohio," Title News, Volume 101, Number 2 (February 2022), page 15
- Author of Title & Escrow Claims Guide, a national treatise on title insurance, escrows and conveyancing. This publication is available as a secondary source on Westlaw.
- Editor and principal author of The Title Insurance Law Journal, formerly The Title Insurance Law Newsletter, a monthly national report of recent legal decisions concerning title insurance, closing and escrow issues, RESPA and conveyancing law, published by American Land Title Association. Since 1998, he has written more than 3,000 articles that have appeared in the Journal. "Commercial Real Estate Transactions in Wisconsin," Chapter 7, Title Insurance and Closing Protection Letters, with Richard Donner, State Bar of Wisconsin, published in 2010, last revised in 2021.
- "Attorney Closer Personally Liable for Assisting in Loan Fraud," Title News, Volume 98, Number 10 (October 2019), page 26.
- "[Real Estate Closing, Title Examination and Title Insurance Policy Procedures and Customs in the United States by Region](#)," The Real Estate Finance Journal. (Fall 2018)
- "Florida Loan Closer Convicted for Borrower's Loan Fraud," Title News, Volume 97, Number 10 (October 2018), page 18
- "Real Estate Closing," Title Examination and Title Insurance Policy Procedures and Customs in the United States by Region, Real Estate Finance Journal, Fall 2018, page 19.
- Quoted in "New Vetting Tool for Loan Closers: Protect your bank from losses due to title agent fraud," Wisconsin Banker magazine, October 2018, page 11.
- "Methods of Practice (4th Edition)," Wisconsin Practice Series, Chapter 9, Title Insurance, West Publishing Group, published in 2004, revised in 2012.



- Quoted in "Wisconsin Passes Bill that Eases Curing of Simple Conveyance Mistakes," ALTA Title News, August 26, 2010.
- "[No More Marina Condos](#)," Wisconsin Lawyer. Volume 82, No. 3, page 36 (March 2009)
- "HUD Adopts New RESPA Regulations," with Robert W. Habich, Real Estate Finance Journal, Spring 2009, page 73.
- "Title Policy Blanket Restrictive Covenants Exception Enforceable," 26 ACREL News, No. 2 (May 2008), page 5.