




ALICLE

ANNUAL ADVANCED COURSE
and LIVE VIDEO WEBCAST

Commercial Real Estate Leases



THURSDAY - FRIDAY
FEBRUARY 8 - 9, 2018
AUSTIN, TX

PLANNING CHAIRS *(also on faculty)*

Peter Aitelli
Shartsis Friese LLP

Mark A. Senn
Senn Visciano Canges P.C.

CHAIR EMERITUS *(also on faculty)*

Richard R. Goldberg
Ballard Spahr LLP (ret.)

FACULTY

Mark S. Hennigh
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Brad A. Molotsky
Duane Morris LLP

Jamie P. Schwartz
Bernstein, Shur, Sawyer & Nelson, PA

ALI CLE Staff:
Robert Rushton (rrushton@ali-cle.org)

“ *This was the best CLE I've attended in a long time. Informative, useful, and kept my attention. Very well done!* ”

“ *The presentations with multiple panel members 'chiming in' were most helpful. It was beneficial to get multiple opinions in schools of thought on an issue.* ”

13.00 CLE CREDIT HOURS,
INCLUDING

1.00 HOUR OF ETHICS

15.50 CREDIT HOURS IN
BUSINESS LAW

Go to **www.ali-cle.org/CZ013** to register online or for more information about the program, hotel accommodations, study materials, and CLE/CPE credit.

PROGRAM OVERVIEW

“ I really appreciate the experience, comments, and insight provided by the faculty. Well done! Informative, interesting, and lively. ”

The process of negotiating, documenting, and enforcing commercial real estate leases is often fraught with potential pitfalls for landlords, tenants, and lenders, and can be further impacted by market forces and business trends. As commercial real estate lease deals grow in complexity, practitioners must stay ahead and be able to resolve the common – and not-so-common – issues encountered by their clients in lease transactions.

Come to **Commercial Real Estate Leases** to update your knowledge and learn cutting-edge techniques for handling new and problematic points of lease agreements. Each year our national faculty chooses the most relevant topics in the current leasing environment, offers their unique perspectives on hot-button issues, and provides real-world guidance for addressing clients' needs during pivotal periods that could make or break a deal.

AGENDA

ALL TIMES EASTERN

THURSDAY, FEBRUARY 8

8:00 AM Registration and Continental Breakfast

8:55 AM Welcome and Announcements

WEBCAST SEGMENT A

9:00 AM Introductory Remarks and Course Overview

9:10 AM Letters of Intent: Be Afraid – Be Very Afraid

- Making your client's intentions clear
- What should be included and what omitted?
- What should be binding and how to say it?

9:30 AM Term: When Will It Begin? When Will It End?

- Commencement date
- Work letters
- "Kick-out" rights
- Renewals and Extensions

10:30 AM Networking and Refreshment Break

10:45 AM Rent: What Does This Space Cost?

- Basic rent
- Operating expenses
- Utilities and building services
- Gross-ups
- Telecommunications
- Percentage rent

11:45 AM Premises: The Space Race

- Space measurement
- ROFRs and ROFOs
- Expansion options and contraction options

12:45 PM Lunch with Registrants and Faculty (*provided by ALI CLE*)

WEBCAST SEGMENT B

1:45 PM What's Different About Retail Leases?

- Use
- Co-tenancies
- Exclusives
- CAM strategies
- Retail gross-ups
- Tax aspects of tenant improvement allowances

2:45 PM *Networking and Refreshment Break*

3:00 PM Assignments and Subleases: Making a Graceful Exit

- Maintaining control and limiting liability
- Subleases: complexities and difficulties
- Office and retail differences
- Recapture and profit sharing

4:00 PM Ground Leases: The Play and the Players

- Terms specific to ground leases
- Financeable ground leases

5:00 PM Questions and Answers

5:15 PM *Adjournment for the Day*

FRIDAY, FEBRUARY 9

8:00 AM *Networking Session and Continental Breakfast*

WEBCAST SEGMENT C

8:30 AM **Role of Lenders: Don't Forget Them**

- Estoppels
- SNDAs

9:00 AM **I Say What I Mean – Or – I Mean What I Say**

- The words that don't add up
- The numbers that make no cents

9:30 AM **Insurance: Allocating and Avoiding Risk**

- Waivers
- Indemnity
- Subrogation

10:00 AM *Networking and Refreshment Break*

10:15 AM Recent Statutory and Case Law Developments

- Co-tenancy
- Remedies for breached exclusives
- California's new access statute
- Is Montgomery County's proposed operating expenses law a new trend?

10:45 AM Emerging Leases: Green, Medical Office, and Marijuana

- What are green leases?
- Statutory limits to medical leases
- Legal and ethical issues of marijuana leases
- What "form provisions" are modified?

11:45 AM *Lunch Break (on your own)*

WEBCAST SEGMENT D

1:00 PM The Best Laid Plans (and Leases): Security Deposits (including Letters of Credit), Guarantees, Default, and Litigation

- Cash or letter of credit?
- Defending the guarantor
- What remedies really work?
- What must be done to mitigate damages?

1:45 PM Bankruptcy: The End or a Fresh Start?

- How the automatic stay works
- Avoiding preferences when terminating a lease
- "Caps" on claims for rejecting a lease
- Consequences of cure and assumption

- 2:30 PM** How Outside Counsel Becomes a Valuable Asset to Inside Counsel
- From the mind of the landlord – lease provisions of greatest concern to in-house counsel and business team members
 - Lease provisions that are most frequently litigated
 - Resolving possible conflicts among landlord and tenant clients and getting waivers tactfully

3:00 PM Networking and

- 3:15 PM** Troubling Ethical Issues in the Leasing Practice
- Handling unexpected conflicts when two parties on the same side disagree
 - Dealing with the un-(or under-) represented party
 - Advance waivers of conflicts
 - Drafting engagement letters
- 4:15 PM** Questions and Answers
- 4:35 PM** Adjournment for the Day

HOTEL ACCOMMODATIONS

A limited block of rooms is available until **January 17** unless the block sells out before that time, at the **AT&T Hotel and Conference Center** at a rate of \$224 per night, single or double occupancy. Registrants must make their own reservations by calling the hotel at (512) 404-3600. Please indicate that you are attending the ALI CLE Commercial Leases program to qualify for the discounted rate.

STUDY MATERIALS

Course materials will be available in electronic format for download the week before and during the course. **Print materials will not be distributed.** All registrants are advised to bring laptops or tablets to the course to view the course materials, including updates.

Go to www.ali-cle.org/CZ013 for more info about: **Registration/cancellation/requirements for persons with disabilities/scholarships.**

MANDATORY CLE CREDIT

ALI CLE programs are accredited in all MCLE jurisdictions. Credit in CO is available by reciprocity; credit in ID, LA, and RI is available upon request. For specific information on CLE, CPE, or other professional accreditation in your state, e-mail TeamMCLE@ali-cle.org, go to <http://www.ali-cle.org/mcle>, or call 1-800-CLE-NEWS.

NASBA

ALI CLE is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: www.nasbaregistry.org. For information on ALI CLE's complaint and refund policies, call Customer Service at (800) CLE-NEWS. **CPE Credit hours for this course: 15.5 in Business Law** (live program and group internet based program). **Objectives:** Acquisition of knowledge and skills to develop proficiency as a practitioner; maintenance of professional competence as a practitioner. **Suggested Prerequisite:** Limited experience in practice in subject matter or completion of Basic CLE/CPE Course in subject matter. **Level of Instruction:** Advanced

PRICING DETAILS

STANDARD RATE \$1,499 | **WEBCAST RATE** \$1,199

SAVE 30%

GOVERNMENT RATE CONTACT ALI CLE CUSTOMER SERVICE AT 800-CLE-NEWS [253-6397] OR CUSTSERV@ALI-CLE.ORG

SAVE 50%

GROUP RATE \$749*
FOR EACH ADDITIONAL REGISTRANT, \$1,499 FOR FIRST REGISTRANT

*Discounts valid on new registrations for in-person course only; may not be combined with other discounts. ALI CLE makes a limited number of full and partial scholarships available; for more information visit www.ali-cle.org/CZ013.