

2005 Leasing Institute
April 14-15, 2005 • Crowne Plaza Houston-Downtown • Houston, TX
April 28-29, 2005 • Cityplace Conference Center • Dallas, TX

Thursday Morning, Apr. 14, 2005

Presiding Officer:

Reid Wilson, Wilson, Cribbs & Goren, P.C. - Houston, TX

9:00 am In Houston Only 0.50 hr	<p>Current Cases</p> <p>A discussion of key cases involving leasing and landlord/tenant issues over the past year.</p> <p>Richard Melamed, Attorney At Law - Bellaire, TX</p>
9:30 am In Houston Only 0.75 hr	<p>Office, Retail and Industrial Leases: Understanding the Unique Aspects of Each</p> <p>This session compares and contrasts office, retail and industrial leases—with special consideration of the unique aspects of each type of lease—presented from a landlord’s perspective, and a tenant’s perspective.</p> <p>J. Kent Newsome, Fulbright & Jaworski - Houston, TX</p>
10:30 am In Houston Only 0.50 hr	<p>Landlord Remedies and Tenant Defenses</p> <p>An overview of the causes of action and remedies available to landlords upon the tenant’s default and tenant defenses to those actions.</p> <p>Thomas M. Whelan, McGuire, Craddock & Strother P.C. - Dallas, TX</p>
11:00 am In Houston Only 0.50 hr	<p>Drafting around <i>Austin Hill Country Realty</i> - Landlord's Duty to Mitigate</p> <p>This session provides advice, tips and techniques, in light of <i>Austin Hill Country Realty</i>, with particular emphasis on the work letter, expansion rights, rights of first refusal and renewal right.</p> <p>Robert Harms Bliss, Robert Harms Bliss, Attorney - Dallas, TX</p>
11:30 am In Houston Only 0.75 hr	<p>Build-to-Suit Leases</p> <p>This session provides an overview of a build-to-suit lease, including specific provisions to be included and pitfalls to avoid in negotiating such a lease.</p> <p>S. Priya Coffey, Houston, TX Kurt Nondorf, Jackson Walker LLP - Houston, TX</p>

Thursday Afternoon, Apr. 14, 2005

Presiding Officer:

Reid Wilson, Wilson, Cribbs & Goren, P.C. - Houston, TX

1:30 pm In Houston Only 0.50 hr	Lender's Lease Review Checklist - A Guide for Borrowers Lease form and related issues borrowers should be aware of early in the loan process, including several related lease checklists. David Sour, NAI Commercial Industrial Properties - Austin, TX Brent G. Stahl, Stahl Bernal & Davies, L.L.P. - Austin, TX
2:00 pm In Houston Only 0.32 hr	Assignment of Real Estate Rents - Protecting the Lender's Interest Perfecting and enforcing an assignment of rents is problematic. Obtaining a security interest in the deposit account in which rents are deposited mitigates many problems. David P. Derber, Kelly Hart & Hallman LLP - Fort Worth, TX
2:20 pm In Houston Only 0.32 hr	Subordination, Nondisturbance and Attornment Agreements (SNDAs) The SNDA is often an afterthought in the leasing process: this presentation covers the role of SNDA agreements, including a review of key provisions and drafting advice. Robert A. McCulloch, Haynes And Boone LLP - Dallas, TX
2:40 pm In Houston Only 0.50 hr	Implied Covenants: How a Court Will Help You Draft Your Lease (Years after You've Done it) Despite what may be a deliberate omission, many covenants are implied with the same effect as a full expression. This paradox is considered with respect to landlords and tenants operating and good faith covenants. Mark A. Senn, Senn Visciano Kirschenbaum Merrick P.C. - Denver, CO
3:25 pm In Houston Only 0.00 hr 0.50 hr ethics	Letters of Intent A review of practical, legal, and ethical issues, with forms. Reid Wilson, Wilson, Cribbs & Goren, P.C. - Houston, TX
3:55 pm In Houston Only 0.50 hr	Lease Clauses: Looking before You Leap A discussion and analysis of key lease clauses with particular emphasis on risks faced by small tenants, e.g., condemnation, CAM, relocation, exclusivity clauses, etc. Kevin M. Kerr, Atty At Law - Dallas, TX
4:25 pm In Houston Only 1.00 hr	Negotiation Strategies What kinds of behaviors and thought patterns contribute to good negotiated outcomes? In this session, we'll briefly explore some best practices, and some frequent pitfalls, evident in common business negotiations. Gaylen D. Paulson, UT McCombs School of Business - Austin, TX

Friday Morning, Apr. 15, 2005

Presiding Officer:

Richard L. Spencer, Johnson DeLuca Kennedy and Kurisky - Houston, TX

8:30 am In Houston Only 0.00 hr 0.50 hr ethics	Ethics - Top 5 Ways to Avoid Malpractice A discussion and analysis of leading errors and mistakes which most often lead to malpractice claims that result in a recovery for the plaintiff. Jimmy Williamson, Williamson & Rusnak - Houston, TX
9:00 am In Houston Only 0.50 hr	Tenant's Top 10 Issues in Lease Negotiations A broker's perspective on a tenant's key deal points and negotiation postures, with an emphasis on lease issues and site selection for office space. Robert Strake Parsley, Colliers International - Houston, TX
9:30 am In Houston Only 0.50 hr	Landlord's Top 10 Issues What are the top issues for landlords in commercial leases? This session covers both the business and legal perspectives. J. Kenneth Kopf, Dallas, TX
10:00 am In Houston Only 0.50 hr	Brokerage Agreements: How to Get Paid A look at common mistakes—and how to avoid them—to insure you get paid under a brokerage agreement. Charles J. Jacobus, Charter Title Company - Houston, TX
10:45 am In Houston Only 0.75 hr	Restructuring Leases A practical guide to identifying and negotiating (1) early renewals of leases, (2) rent buy downs, (3) leveraged lease restructuring, and (4) lease-to-own transactions. Bruce Rutherford, Jones Lang LaSalle - Houston, TX
11:30 am In Houston Only 0.50 hr	Model Provisions for Lease Renewals and Expansions Discussion and examples of provisions for lease renewal and expansion options, including considerations arising from relevant case law. Philip D. Weller, Dla Piper Rudnick Gray Cary US LLP - Dallas, TX

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1:00 pm
In Houston Only
0.50 hr

The Great Escape - Is Your Tenant Tunneling Out? A Landlord's Guide to Dealing with the Tenant in or Approaching Bankruptcy

This speaker will cover the various practical—and tactical—approaches to dealing with the bankrupt (or near bankrupt) tenant, including both the limitations and liberties conferred upon landlords under the Bankruptcy Code.

John S. Brannon, Thompson & Knight - Dallas, TX
Joe E. Marshall, Munsch Hardt Kopf & Harr, P.C. - Dallas, TX

1:30 pm
In Houston Only
1.50 hrs

Insurance and Indemnity

An overview of insurance and indemnity concepts pertaining to leases and detailed discussion of common drafting errors relating to casualty restoration and waiver of subrogation provisions.

Aaron Johnston Jr., Munsch Hardt Kopf & Harr, P.C. - Dallas, TX