

2007

BERNARD O. DOW LEASING INSTITUTE

Earn up to 12.00 Hours of MCLE Credit Including 1.25 Hours of Ethics Credit
Specialization Credit Expected for Real Estate
TREC Credit: 9 Hours of General Elective Credit Available



April 19-20, 2007

Center for American and International Law • Plano, Texas

Video Replay

May 17-18, 2007

Hyatt Regency on Town Lake • Austin, Texas

2007

BERNARD O. DOW LEASING INSTITUTE

April 19-20, 2007 • Center for American and International Law • Plano, Texas

Video Replay : May 17-18, 2007 • Hyatt Regency on Town Lake • Austin, Texas

Earn up to 12.00 Hours of MCLE Credit Including 1.25 Hours of Ethics Credit

THURSDAY MORNING

**Presiding Officer: Aaron Johnston, Jr.,
Houston, TX**

8:00 a.m. Registration Opens

Includes continental breakfast.

8:15 a.m. Welcoming Remarks

9:00 a.m. .75 hr

Office, Retail and Industrial Leases: Understanding the Unique Aspects of Each

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.

J. Kent Newsome, Houston, TX

9:45 a.m. .75 hr

Retail Leases: The Unholy Trinity

This session covers key aspects and provisions of retail leases including radius clauses, exclusivity, and co-tenancy. This session also includes negotiation and drafting tips from the lessor and the lessee perspectives.

Consuella D. Simmons, Houston, TX

10:30 a.m. Break

10:45 a.m. .50 hr

Federal Taxation of Leases and Tenant Improvement

An overview of federal income tax considerations affecting leases. This session explores the tax treatment of rental inducements, leasehold improvements, lease terminations and other rental arrangements.

William H. Hornberger, Dallas, TX

11:15 a.m. .33 hr

Article 9 and Abandonment Issues Involving Leases

This session addresses the procedures a landlord must consider to safely dispose of personal property left on the premises by a vacating tenant.

Philip D. Weller, Dallas, TX

11:35 a.m. .33 hr

Mitigation of Damages and Calculation of "Future Rentals": The Difference Between Rent and Damages

Rent accrues by reason of the lease while damages are compensation for a breach of the lease; rent is past tense while damages are future tense. A mitigation factor is built into the measure of damages for anticipatory breach of a lease. This measure of damages is a formidable weapon for tenants wishing to disengage from the obligations of an oppressive long-term lease. This article, with its Tenant Ledger Appendix, shows how to use this weapon.

Robert Harms Bliss, Dallas, TX

LUNCHEON PRESENTATION

11:55 a.m. Pick Up Box Lunch

Included in conference registration fee.

12:10 p.m. .50 hr

Dallas-Fort Worth Commercial Real Estate Market—2006 was HUGE!

Will it continue? What are the trends for 2007?

Kirby D. White, Dallas, TX

1:00 p.m. .75 hr

Avoiding Mix-Ups in Mixed Use Leases

A review and analysis of issues unique to mixed-use leases complete with drafting considerations and pitfalls to avoid.

T. Andrew Dow, Dallas, TX

1:45 p.m. .75 hr

Build-to-Suit Leases

This presentation will explore the reasons build-to-suit leases are used, contrast build-to-suit leases to other types of leases, and explore considerations and provisions peculiar to build-to-suit leases.

Aaron Johnston, Jr., Dallas, TX

2:30 p.m. .50 hr

Ins and Outs of Work Letters

Learn the ins and outs of designing and constructing your tenant space.

Scott Greer, Houston, TX

3:00 p.m. Break

3:15 p.m. .50 hr

Post-Lease Checklist: What Do You Do after Your Lease Has Been Signed?

This presentation will address common questions posed by either a landlord or a management company in administering a lease. Materials include practical advice, tips and hints, as well as numerous examples of documents and correspondence that will facilitate an efficient landlord-tenant relationship.

Kevin M. Kerr, Dallas, TX

Co-Author: Gregory A. Kline, Dallas, TX

3:45 p.m. .50 hr

All About Eviction

How to evict a tenant using Chapter 24 of the Texas Property Code and Rules 738 - 755 of the Texas Rules of Civil Procedure.

Michael G. Foster, Dallas, TX

4:15 p.m. .75 hr

Tenant's Remedies for Landlords Failure to Provide Services

This presentation examines service terms and remedies—if any—in a typical landlord's form. Abatement, repair-and-deduct, and other contractual remedies for landlord's failure to provide services will be discussed, along with suggestions and strategies for overcoming the landlord's objections. This session concludes with practical advice on managing conflicts arising from service interruptions.

Thomas M. Whelan, Dallas, TX

5:00 p.m. Adjourn

FRIDAY MORNING

**Presiding Officer: Robert Harms Bliss,
Dallas, TX**

8:30 p.m. 1.00 hr ethics

The Ethics of Negotiation: Are There Any?

The Texas Disciplinary Rules of Professional Conduct are filled with gray areas and traps for the unwary transactional lawyer. Is everything short of fraud allowed in negotiations? A fascinating and fast-paced presentation will give you points to ponder, conditions to consider, and something to smile about.

Michael H. Rubin, Baton Rouge, LA

ECONOMIC ISSUES THAT AFFECT TENANTS

9:30 a.m. 1.00 hr

Avoiding Operating Expense Traps: When and How to Gross-Up Expenses

How to handle expense pro-ration and allocation equitably in an office environment with fluctuating occupancy.

Candace S. Baggett, Houston, TX
Anthony Collura, West Long Branch, NJ

10:30 a.m. Break

10:45 a.m. .50 hr

The Incredible Growing Building: Square Foot Calculations, Common Area Charges, and Escalators

This session deals with the negotiation and drafting of clauses relating to square foot calculations, common area charges and escalators, and their impact on rental income.

K. Gregory Erwin, Houston, TX

11:15 a.m. .50 hr

Lease Audit Rights: Effective Drafting and Exercise

Drafting effective audit clauses and strategic use of audit rights.

Anthony Collura, West Long Branch, NJ

11:45 a.m. .33 hr

How the New Margin Tax Affects Leases and Expenses

The new Texas Margin Tax unfairly affects the leasing industry because it requires payment of tax based on gross receipts from leasing activity, but severely limits deductions for expenses. This presentation will focus on whether there is any possibility for relief from the Texas Legislature or Comptroller and whether there are any opportunities to make the Texas Margin Tax more fair.

William O. Grimsinger, Houston, TX

12:05 p.m. .33 hr

Q&A—Economic Issues That Affect Tenants

Friday Morning Speakers

12:25 p.m. Lunch on Your Own

1:30 p.m. .75 hr includes .25 ethics

Leasing Case Law Update: Texas and National

Leading national authority discusses key case law developments, including Texas cases.

Patrick A. Randolph, Jr., Kansas City, MO

2:15 p.m. .50 hr

Subordination, Non-Disturbance and Attornment Agreements

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.

Justin V. Switzer, Houston, TX

2:45 p.m. .33 hr

Leasing and Mortgages: Avoiding Inadvertent Defaults and Other Nasty Surprises

This presentation discusses how to recognize and avoid lease provisions that can result in mortgage defaults and other nasty surprises.

J. Cary Barton, San Antonio, TX

3:05 p.m. Adjourn

REGISTRATION FOR LI07

Mail this registration form to:

The University of Texas School of Law, Attn. LI07
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: (512) 475-6876

PLEASE PRINT CLEARLY

Bar Card# TX Other State: N/A

Name [Mr. / Ms.]

Firm

Address

City State Zip

Telephone Fax

Registrant's Email (required)

Assistant's Email (optional)

Invoices, confirmations and receipts are emailed to these addresses.

CONFERENCE REGISTRATION, APRIL 19-20, 2007, PLANO

Registration includes Course Binder and Thursday Box Lunch Presentation

- Early Registration Fee due by Wed. April 11, 2007 \$450.00
Registration Fee after Wed. April 11, 2007 \$500.00

VIDEO REPLAY REGISTRATION, MAY 17-18, 2007, AUSTIN

- Early Registration Fee due by Wed. May 9, 2007 \$375.00
Registration Fee after Wed. May 9, 2007 \$425.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-4 weeks from conference date for delivery.

- Course Binder WITHOUT Conference Registration \$225.00
Audio CD Set \$175.00
eBinder on CD (PDF format) \$200.00/\$50.00
(\$200 purchased alone, \$50 with registration or purchase of Course Binder, DVD, or Audio CD Set)
DVD \$250.00

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

Allow 2-4 weeks from conference date for delivery.

- In-House CLE for 2—Includes DVD Set and 2 Course Binders \$800.00
Add participants (includes Course Binders) for \$200 each \$

TOTAL ENCLOSED \$

METHOD OF PAYMENT

- Check (make checks payable to: The University of Texas at Austin)
VISA or Mastercard (sorry, no AMEX or Discover)

Card #

Authorized Signature

Exp. Date (mm/yy)

PLANO

April 19-20, 2007

CONFERENCE LOCATION



Center for American and International Law

5201 Democracy Drive
Plano, Texas 75024-3561
972-244-3400

Please visit www.cailaw.org/contact.html for driving directions and area map.

Parking: Complimentary

Nearby Accommodations:

Embassy Suites Hotel & Frisco Conference Center

7600 John Q. Hammons Dr.
Frisco, TX 75034
972-712-7200

Special rate \$169
good through March 19, 2007
(subject to availability)

KEY DATES

Registration & Cancellation

April 11, 2007-5 p.m.

last day for early registration
add \$50 for registrations
received after this time

April 13, 2007-5 p.m.

last day for full refund

April 16, 2007-5 p.m.

last day for partial refunds
\$50 processing fee applied

April 19, 2007-9 a.m.

Conference begins

BERNARD O. DOW

The Leasing Institute has been named in honor of Bernard O. Dow, a leading scholar, authority, and practitioner in the fields of real estate law, mortgage lending and leasing. A longtime Houston attorney, Bernard Dow passed away on December 26, 2004 at age 72.

"Bernie" as he was known to many, served as a mentor, teacher and educator to real estate practitioners, both in Texas and nationally. His contributions have been long recognized by members of his professional community, including the lifetime achievement award in real estate law from the State Bar's Real Estate, Probate and Trust Law Section and the lifetime achievement award from The University of Texas School of Law.



CONFERENCE FACULTY

CANDACE S. BAGGETT*
The Calibre Group, Inc.
Houston, TX

J. CARY BARTON
Barton, Schneider & East, L.L.P.
San Antonio, TX

ROBERT HARMS BLISS—CO-CHAIR*
Attorney at Law
Dallas, TX

ANTHONY COLLURA
CRS Lease Specialists
West Long Branch, NJ

T. ANDREW DOW*
Winstead Sechrest & Minick P.C.
Dallas, TX

K. GREGORY ERWIN
Winstead Sechrest & Minick P.C.
Houston, TX

MICHAEL G. FOSTER
Munsch Hardt Kopf & Harr, P.C.
Dallas, TX

SCOTT GREER
King & Spalding
Houston, TX

WILLIAM O. GRIMSINGER
Chamberlain, Hrdicka, White,
Williams & Martin
Houston, TX

WILLIAM H. HORNBERGER
Jackson Walker L.L.P.
Dallas, TX

AARON JOHNSTON, JR.—CO-CHAIR*
Munsch Hardt Kopf & Harr, P.C.
Dallas, TX

KEVIN M. KERR
Attorney at Law
Dallas, TX

J. KENT NEWSOME
Fulbright & Jaworski L.L.P.
Houston, TX

KURT D. NONDORF*
Jackson Walker L.L.P.
Houston, TX

PATRICK A. RANDOLPH, JR.
University of Missouri
Kansas City School of Law
Kansas City, MO

MICHAEL H. RUBIN
McGlinchey Stafford
Baton Rouge, LA

CONSUELLA D. SIMMONS
Baker Botts L.L.P.
Houston, TX

RICHARD L. SPENCER*
Johnson, DeLuca Kennedy and Kurisky
Houston, TX

JUSTIN V. SWITZER
Haynes and Boone, LLP
Houston, TX

PHILIP D. WELLER*
DLA Piper Rudnick Gray Cary US LLP
Dallas, TX

THOMAS M. WHELAN
McGuire, Craddock & Strother, P.C.
Dallas, TX

KIRBY D. WHITE
Crescent Real Estate Equities LP
Dallas, TX

REID WILSON*
Wilson, Cribbs & Goren, P.C.
Houston, TX

*planning committee members

AUSTIN

May 17-18, 2007

VIDEO REPLAY



Hyatt Regency on Town Lake

208 Barton Springs Rd.
Austin, TX 78704
512-477-1234

Special Rate: \$145
good through April 25, 2007
(subject to availability)

Parking: \$5 self-parking
(subject to change)

KEY DATES

Registration & Cancellation

May 9, 2007-5 p.m.

last day for early registration
add \$50 for registrations
received after this time

May 11, 2007-5 p.m.

last day for full refund

May 14, 2007-5 p.m.

last day for partial refunds
\$50 processing fee applied

May 17, 2007-9 a.m.

Conference begins

ABOUT THE COVER



"Improv 99," oil on canvas,
is by David Newman.
For more information,
call 512-293-482 or visit
www.artworksbydavid.com

UTCLE

THE UNIVERSITY OF TEXAS AT AUSTIN
THE UNIVERSITY OF TEXAS SCHOOL OF LAW
P.O. Box 7759 • Austin, TX 78713-7759

This program is not printed or mailed at state expense.

M This course has been approved for
C Minimum Continuing Legal Education
L credit by the State Bar of Texas
E Committee on MCLE in the amount
of 12.00 hours, of which 1.25 credit
hour will apply to legal ethics/
professional responsibility credit.

E-mail us at

utcle@law.utexas.edu

or call us at

512-475-6700

for more information

2007

BERNARD O. DOW LEASING INSTITUTE

April 19-20, 2007 • Center for American and International Law • Plano, Texas
Video Replay : May 17-18, 2007 • Hyatt Regency on Town Lake • Austin, Texas

NON-PROFIT-ORG
U.S. Postage Paid
The University of
Texas
School of Law