

2007 Leasing Institute
April 19-20, 2007 • • Plano,
May 17-18, 2007 • Austin

Thursday Morning, Apr. 19, 2007

Presiding Officer:

In Plano: **Aaron Johnston Jr.**, Munsch Hardt Kopf & Harr, PC - Dallas, TX

8:00 am In Plano Only	Registration opens
In Plano Only	Includes continental breakfast
8:50 am In Plano Only	Welcoming Remarks Welcoming Remarks
9:00 am In Plano Only 0.75 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, Greenberg Traurig, LLP - Houston, TX
9:45 am In Plano Only 0.75 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 Simmons Taylor, Baker Botts LLP - Houston, TX
10:30 am In Plano Only	Break Break
10:45 am In Plano Only 0.50 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, Jackson Walker L.L.P. - Dallas, TX
11:20 am In Plano Only 0.33 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, DLA Piper US LLP - Dallas, TX

11:35 am In Plano Only 0.33 hr	<p>Mitigation of Damages and Calculation of “Future Rentals”: The Difference Between Rent and Damages</p> <p>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.</p> <p>Robert Harms Bliss, Attorney at Law - Dallas, TX</p>
11:55 am In Plano Only	Pick up Box Lunch

Thursday Afternoon, Apr. 19, 2007

Presiding Officer:

In Plano: **Aaron Johnston Jr.**, Munsch Hardt Kopf & Harr, PC - Dallas, TX

12:10 pm In Plano Only 0.50 hr	<p>Dallas-Fort Worth Commercial Real Estate Market—2006 Was HUGE!</p> <p>Will it continue? What are the trends for 2007?</p> <p>Kirby D. White, Crescent Real Estate Equities, LP - Dallas, TX</p>
1:00 pm In Plano Only 0.75 hr	<p>Avoiding Mix-Ups in Mixed Use Leases</p> <p>A review and analysis of issues unique to mixed-use leases complete with drafting considerations and pitfalls to avoid.</p> <p>T. Andrew Dow, Winstead PC - Dallas, TX</p>
1:45 pm In Plano Only 0.75 hr	<p>Build to Suit Leases</p> <p>This presentation will explore the reasons build-to-suit leases are used, contrast to build-to-suit leases to other types of leases, and explore consideration and provisions peculiar to build-to-suit leases.</p> <p>Aaron Johnston Jr., Munsch Hardt Kopf & Harr, PC - Dallas, TX</p>
2:30 pm In Plano Only 0.50 hr	<p>Ins and Outs of Work Letters</p> <p>Learn the ins and outs of designing and constructing your tenant space.</p> <p>Scott Greer, King & Spalding - Houston, TX</p>
3:00 pm In Plano Only	<p>Break</p> <p>Break</p>

3:15 pm In Plano Only 0.50 hr	<p>Post-Lease Checklist: What Do You Do after Your Lease Has Been Signed?</p> <p>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.</p> <p>Kevin M. Kerr, Kevin M. Kerr, P.C., Federal Title, Inc. - Dallas, TX</p>
3:45 pm In Plano Only 0.50 hr	<p>All About Eviction</p> <p>How to evict a tenant using Chapter 24 of the Texas Property Code and Rules 738 - 755 of the Texas Rules of Civil Procedure.</p> <p>Michael G. Foster, Munsch Hardt Kopf & Harr, P.C. - Dallas, TX</p>
4:15 pm In Plano Only 0.75 hr	<p>Tenant's Remedies for Landlords Failure to Provide Services</p> <p>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.</p> <p>Thomas M. Whelan, McGuire, Craddock & Strother P.C. - Dallas, TX</p>
5:00 pm In Plano Only	<p>Adjourn</p> <p>Adjourn</p>

Friday Morning, Apr. 20, 2007

Presiding Officer:

In Plano: **Robert Harms Bliss**, Attorney at Law - Dallas, TX

8:30 am In Plano Only 1.00 hr ethics	<p>The Ethics of Negotiation: Are There Any?</p> <p>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.</p> <p>Michael H. Rubin, McGlinchey Stafford - Baton Rouge</p>
9:30 am In Plano Only 1.00 hr	<p>Avoiding Operating Expense Traps: When and How to Gross-Up Expenses</p> <p>How to handle expense pro-ration and allocation equitably in an office environment with fluctuating occupancy.</p> <p>Candace S. Baggett, The Calibre Group, Inc. - Houston, TX Anthony Collura, CRS Lease Specialists - West Long Branch, NJ</p>
10:30 am	<p>Break</p> <p>Break</p>

10:45 am In Plano Only 0.50 hr	<p>The Incredible Growing Building: Square Foot Calculations, Common Area Charges, and Escalators</p> <p>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.</p> <p>K. Gregory Erwin, Winstead PC - Houston, TX</p>
11:15 am In Plano Only 0.50 hr	<p>Lease Audit Rights: Effective Drafting and Exercise</p> <p>Drafting effective audit clauses and strategic use of audit rights.</p> <p>Anthony Collura, CRS Lease Specialists - West Long Branch, NJ</p>
11:45 am In Plano Only 0.33 hr	<p>How the New Margin Tax Affects Leases and Expenses</p> <p>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.</p> <p>William O. Grimsinger Jr, Chamberlain, Hrdlicka & White, et al. - Houston, TX</p>

Friday Afternoon, Apr. 20, 2007

Presiding Officer:

In Plano: **Robert Harms Bliss**, Attorney at Law - Dallas, TX

12:05 pm In Plano Only 0.33 hr	<p>Q&A—Economic Issues That Affect Tenants</p> <p>Friday Morning Speakers</p> <p>Candace S. Baggett, The Calibre Group, Inc. - Houston, TX Anthony Collura, CRS Lease Specialists - West Long Branch, NJ K. Gregory Erwin, Winstead PC - Houston, TX William O. Grimsinger Jr, Chamberlain, Hrdlicka & White, et al. - Houston, TX Michael H. Rubin, McGlinchey Stafford - Baton Rouge</p>
12:25 pm	<p>Lunch on your Own</p> <p>Lunch On Your Own</p>
1:30 pm In Plano Only 0.75 hr 0.25 hr ethics	<p>Leasing Case Law Update: Texas and National</p> <p>Leading national authority discusses key case law developments, including Texas cases.</p> <p>Patrick Randolph, University of Missouri - Kansas City</p>
2:15 pm In Plano Only 0.50 hr	<p>Subordination, Non-Disturbance and Attornment Agreements</p> <p>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.</p> <p>Justin V. Switzer, Haynes And Boone, LLP - Houston, TX</p>

2:45 pm In Plano Only 0.33 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, Barton, East & Caldwell, L.L.P. - San Antonio, TX
3:05 pm	Adjourn Adjourn