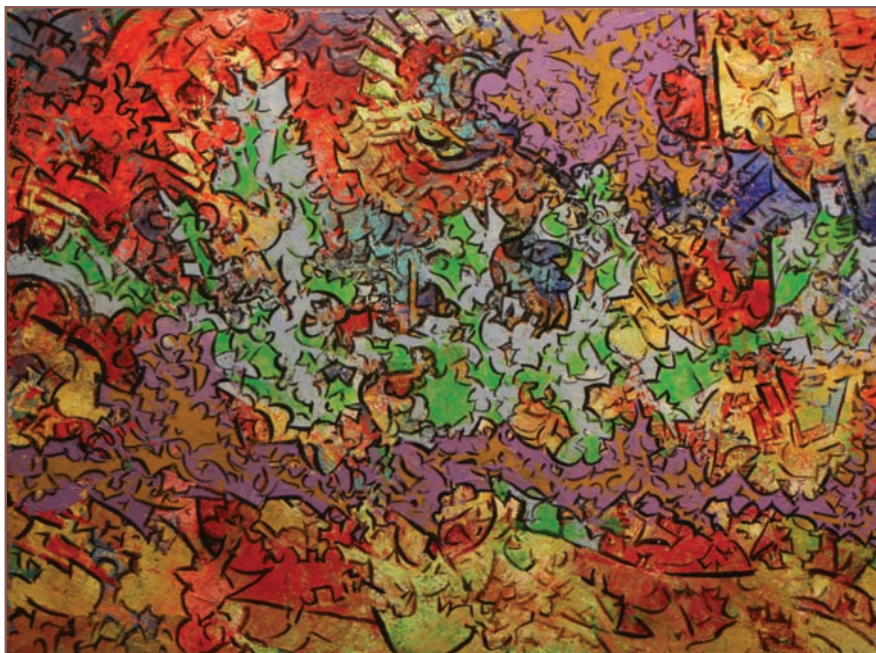


2009

BERNARD O. DOW LEASING INSTITUTE

April 2-3, 2009

Belo Mansion • Dallas, Texas



Earn up to 12.00 Hours of MCLE Credit Including 2.00 Hours of Ethics Credit
Specialization Credit Approved for Real Estate
TREC Credit: 9 Hours of General Elective Credit Available

Video Replay

August 6-7, 2009

Hyatt Regency • Austin, Texas

2009 BERNARD O. DOW LEASING INSTITUTE

April 2-3, 2009 • Belo Mansion • Dallas, Texas

Video Replay: August 6-7, 2009 • Hyatt Regency • Austin, Texas

THURSDAY MORNING

Presiding Officer:
Robert Harms Bliss, Dallas, TX

8:00 a.m. Registration Opens
Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .75 hr

Overview of Office, Retail and Industrial Leases

Key differences, critical issues from each party's perspective, piecemeal sale problems, drafting and negotiating tips.

J. Kent Newsome, Houston, TX

9:45 a.m. .50 hr

Leases in Mixed Use Developments: Issues and Responses in Troubled Times

This presentation identifies and addresses certain leasing issues in light of the current economy that are unique to mixed-use developments.

Lorin Williams Combs, Dallas, TX
Walter D. Miller, Dallas, TX

10:15 a.m. Break

10:30 a.m. .50 hr

Struggling Tenants: A Landlord's Guide to Evaluating and Responding to Requests for Modification and Termination of Leases

It is not unusual for Tenants to ask for concessions from Landlords, and the frequency and significance of the concessions increase during tough economic times. This presentation focuses on the Landlord's lawyer's role in analyzing the request and requiring certain concessions from the Tenant in return.

Harriet Anne Tabb, Dallas, TX

11:00 a.m. .75 hr

Evictions: Over the Rainbow into the Bizarre World of Evictions

In the Land of Evictions, things are not as simple as first impressions would imply. Actual evictions or constructive evictions? Do Texas courts know the difference? Judicial evictions (forcible detainers) or self-help evictions (lockouts)? Forcible detainer or declaratory judgment? When to use self-help and when to seek judicial help? Practical limitations on judicial remedies; a pyrrhic writ of possession? Are evictions by self-help the legal equivalent of a game of Minesweeper? When is it practical? When is it worth the risk?

Robert Harms Bliss, Dallas, TX

11:45 a.m. .50 hr

Leases and Bankruptcy

This presentation covers the rules pertaining to non-residential real property leases once the Tenant files a bankruptcy petition. Deadlines and claim calculations are also addressed.

Josiah M. Daniel, Dallas, TX

THURSDAY AFTERNOON

Presiding Officer:
Aaron Johnston, Dallas, TX

LUNCHEON PRESENTATION

12:15 p.m. Pick up Box Lunch
Included in conference registration fee.

12:30 p.m. .75 hr

State of the Leasing Market in Texas

This interactive presentation summarizes the Texas real estate market and highlights events and projects that have had an effect on the leasing market in Texas.

Phil Puckett, Dallas, TX

1:15 p.m. Break

1:30 p.m. .50 hr

Ground Leases for Medical Office Buildings and Other Medical Facilities

Discussion of how ground leases for medical facilities differ from other commercial projects, including the potential impact of federal patient-referral statutes.

Philip D. Weller, Dallas, TX
Co-Author: Douglas W. Sweet, Dallas, TX

2:00 p.m. .33 hr

After the Storm: Landlord and Tenant Issues

A real life account of what happens to Landlords and Tenants after a hurricane.

K. Gregory Erwin, Houston, TX

2:20 p.m. .67 hr

Indemnity, Casualty and Insurance Provisions in a Post-Ike World

The interplay of indemnity, waiver of subrogation, rental abatement and premises restoration clauses when the worst happens.

Aaron Johnston, Dallas, TX

3:00 p.m. Break

3:15 p.m. .50 hr

Going Green: Implementing Environmentally Friendly Leases

Energy and water use in commercial buildings alone accounts for nearly 20% of all U.S. primary consumption. The "greening" of real estate leases and transactions is an important movement, especially in light of the new administration's much publicized focus on the environment. This session focuses on ways Landlords and Tenants can try to implement lease provisions that will ensure resource conservation and efficiency, while at the same time lowering costs.

Aaron P. Roffwarg, Houston, TX
Clark G. Thompson, Houston, TX

3:45 p.m. 1.75 hrs ethics

Preaching Without a License: Two Ordinary Guys Discuss Professionalism

This presentation brings professionalism to the center stage, as "two ordinary guys" sensitize transactional real estate lawyers to everyday challenges and dilemmas.

Wayne S. Hyatt, Atlanta, GA
Carl H. Lisman, Burlington, VT

5:30 p.m. Adjourn

FRIDAY MORNING

Presiding Officer:
K. Gregory Erwin, Houston, TX

8:30 a.m. .50 hr

Landlord's Checklist for Telecom Issues in Office Leases

Practical and regulatory concerns raised by Tenant telecom requests.

Scott Craig, Dallas, TX

BERNARD O. DOW



The Leasing Institute is 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 long-time 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.

9:00 a.m. .50 hr

Leasing with the State with Emphasis on Medical Research Buildings

This session discusses constitutionally imposed leasing constraints such as limits on indemnity and debt, and also examines other special lease considerations for a State-owned Medical Research Building.

William E. (Ed) Walts, Austin, TX

9:30 a.m. .50 hr

Medical Leases

This session introduces the various types of leases utilized by medical service providers and probes into specific issues which are unique to such leases.

T. Andrew Dow, Dallas, TX
Allan S. Katz, Dallas, TX

10:00 a.m. Break

10:15 a.m. .75 hr including .25 hr ethics

Leasing Case Law Update

A review of recent Texas cases related to Landlord and Tenant Issues.

David A. Weatherbie, Dallas, TX

11:00 a.m. .50 hr

Use of the Texas Constitution in Litigating (Defending) Ad Valorem Tax Claims

This presentation focuses on the application of the "Equal and Uniform" clause of the Texas Constitution to ad valorem taxation when mass appraisal techniques are used by the taxing authority to establish value.

Tom M. Thomas, Dallas, TX

11:30 a.m. .75 hr

Tenants' Lease Audit Rights and Gross-Up Calculations: What to Do When Vacancies Increase

Effective drafting and exercise of lease audit rights clauses and how to account for fluctuations in variable, semi-variable and fixed costs and avoid operating expense traps in high vacancy situations.

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

12:15 p.m. .50 hr

Tenant Responses to Landlord Insolvency and Other Defaults

The presentation focuses on rights and strategies as they relate to financially-troubled Landlords and Tenants inside and outside of bankruptcy proceedings.

Emily S. Donahue, Dallas, TX
Lee A. White, Dallas, TX

12:45 p.m. .50 hr

Subleasing

A discussion of key negotiating issues including sample clauses involving subleasing. Relevant case law and litigation issues are also covered.

Thomas M. Whelan, Dallas, TX

1:15 p.m. Adjourn

REGISTRATION FOR LI09

Mail this registration form to:

The University of Texas School of Law, Attn. LI09

P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: (512) 475-6876

Online registration at www.utcle.org

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 2-3, 2009, DALLAS

Registration includes Course Binder and Thursday Box Lunch Presentation

☐ Early Registration Fee due by Wed. March 25, 2009..... \$495.00

☐ Registration Fee after Wed. March 25, 2009 \$545.00

VIDEO REPLAY REGISTRATION, AUGUST 6-7, 2009, AUSTIN

Registration includes Course Binder and Thursday Box Lunch Presentation

☐ Early Registration Fee due by Wed. July 29, 2009..... \$395.00

☐ Registration Fee after Wed. July 29, 2009 \$445.00

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) \$225.00/\$50.00

(\$225 purchased alone, \$50 with registration or purchase of Course Binder, DVD, or Audio CD Set)

☐ DVD Set (includes eBinder) \$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 \$225 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 # - - -

X _____
Authorized Signature

/
Exp. Date (mm/yy)

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.

2009
BERNARD O. DOW LEASING INSTITUTE
April 2-3, 2009 • Belo Mansion • Dallas, Texas
Video Replay: August 6-7, 2009 • Hyatt Regency • Austin, Texas

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

E-mail us at

utcle@law.utexas.edu

or call us at

512-475-6700

for more information

DALLAS

April 2-3, 2009

CONFERENCE LOCATION



Belo Mansion

2101 Ross Avenue
Dallas, TX 75201
214-220-0239

Self-Parking:

\$5 before 9 a.m.

\$8 after 9 a.m.

(subject to change)

KEY DATES

Registration & Cancellation

March 25, 2009–5 p.m.

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

March 27, 2009–5 p.m.

last day for full refund

March 30, 2009–5 p.m.

last day for partial refunds
\$50 processing fee applied

April 2, 2009–9 a.m.

conference begins

CONFERENCE FACULTY AND PLANNING COMMITTEE

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

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

ANTHONY COLLURA
CRS Lease Specialists
West Long Branch, NJ

LORIN WILLIAMS COMBS
Winstead PC
Dallas, TX

SCOTT CRAIG
Munsch Hardt Kopf & Harr, P.C.
Dallas, TX

JOSIAH M. DANIEL
Vinson & Elkins L.L.P.
Dallas, TX

EMILY S. DONAHUE
Jackson Walker L.L.P.
Dallas, TX

T. ANDREW DOW*
Winstead PC
Dallas, TX

K. GREGORY ERWIN*
Winstead PC
Houston, TX

MICHAEL J. ESPOSITO
The University of Texas School of Law
Austin, TX

WAYNE S. HYATT
Hyatt & Stubblefield, P.C.
Atlanta, GA

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

ALLAN S. KATZ
Winstead PC
Dallas, TX

CARL H. LISMAN
Lisman, Webster & Leckerling, PC
Burlington, VT

WALTER D. MILLER*
Wick Phillips, LLP
Dallas, TX

J. KENT NEWSOME
Greenberg Traurig, LLP
Houston, TX

PHIL PUCKETT
CB Richard Ellis
Dallas, TX

AARON P. ROFFWARG
Bracewell & Giuliani LLP
Houston, TX

DOUGLAS W. SWEET
DLA Piper US LLP
Dallas, TX

HARRIET ANNE TABB*
McGuire, Craddock & Strother P.C.
Dallas, TX

TOM M. THOMAS
Thomas & Blackwood, LLP
Dallas, TX

CLARK G. THOMPSON
Bracewell & Giuliani LLP
Houston, TX

WILLIAM E. (ED) WALTS*
The University of Texas System
Austin, TX

DAVID A. WEATHERBIE*
Cramer Weatherbie Richardson LLP
Dallas, TX

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

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

LEE A. WHITE
Jackson Walker L.L.P.
Dallas, TX

*planning committee member

AUSTIN

August 6-7, 2009

VIDEO REPLAY



Hyatt Regency Austin

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

Special Rate: \$175

good through July 15, 2009
(subject to availability)

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

KEY DATES

Registration & Cancellation

July 29, 2009–5 p.m.

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

July 31, 2009–5 p.m.

last day for full refund

August 3, 2009–5 p.m.

last day for partial refunds
\$50 processing fee applied

August 6, 2009–9 a.m.

video replay begins

M
C
L
E

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.00 hours, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

Online Courses

www.utcle.org

ABOUT THE COVER



"untitled," acrylic, 16" x 20", is by Philip Trussell.
For more information,
call 512-499-8357.