

2009 Leasing Institute
April 2-3, 2009 • Belo Mansion • Dallas, TX
August 6-7, 2009 • Austin

Thursday Morning, Apr. 2, 2009

Presiding Officer:

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

8:00 am In Dallas Only	Registration Opens Includes continental breakfast.
8:50 am In Dallas Only	Welcoming Remarks
9:00 am In Dallas Only 0.75 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, Greenberg Traurig, LLP - Houston, TX
9:45 am In Dallas Only 0.50 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. This session has moved to 11:45am Lorin Heather Willia Combs, Winstead PC - Dallas, TX Walter D. Miller, Miller, Egan, Molter & Nelson LLP - Dallas, TX
10:15 am In Dallas Only	Break
10:30 am In Dallas Only 0.50 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 lawyer's role in analyzing the request and requiring certain concessions from the Tenant in return. Harriet Anne Tabb, McGuire, Craddock & Strother P.C. - Dallas, TX

11:00 am In Dallas Only 0.75 hr	<p>Evictions: Over the Rainbow into the Bizarre World of Evictions</p> <p>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 it is practical? When is it worth the risk?</p> <p>Robert Harms Bliss, Attorney at Law - Dallas, TX</p>
11:45 am In Dallas Only 0.50 hr	<p>Leases and Bankruptcy</p> <p>This presentation covers the rules pertaining to nonresidential real property leases once the Tenant files a bankruptcy petition. Deadlines and claim calculations are also addressed.</p> <p>This session has moved to 9:45am</p> <p>P. Beth Lloyd, Vinson & Elkins LLP - Dallas, TX</p>

Thursday Afternoon, Apr. 2, 2009

Presiding Officer:

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

In Dallas Only	LUNCHEON PRESENTATION
12:15 pm In Dallas Only	<p>Pick up Box Lunch</p> <p>Included in conference registration fee.</p>
12:30 pm In Dallas Only 0.75 hr	<p>State of the Leasing Market in Texas</p> <p>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.</p> <p>Moderator: Phil Puckett, CB Richard Ellis - Dallas, TX Panelists: Jerry M. Frey, CB Richard Ellis - Austin, TX Panelists: Charles R. Gordon, CB Richard Ellis - Houston, TX</p>
1:15 pm In Dallas Only	Break
1:30 pm In Dallas Only 0.50 hr	<p>Ground Leases for Medical Office Buildings and other Medical Facilities</p> <p>Discussion of how ground leases for medical facilities differ from other commercial projects, including the potential impact of federal patient-referral statutes.</p> <p>Co-Author: Douglas W. Sweet, DLA Piper US LLP - Dallas, TX Philip D. Weller, DLA Piper US LLP - Dallas, TX</p>

2:00 pm In Dallas Only 0.33 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, Winstead PC - Houston, TX
2:20 pm In Dallas Only 0.67 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 Jr., Munsch Hardt Kopf & Harr, PC - Dallas, TX
3:00 pm In Dallas Only	Break
3:15 pm In Dallas Only 0.50 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. Co-Author: Aaron P. Roffwarg, Bracewell & Giuliani, LLP - Houston, TX Clark G. Thompson Jr., Bracewell & Giuliani, LLP - Houston, TX
3:45 pm In Dallas Only 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, Hyatt & Stubblefield, P.C. - Atlanta, GA Carl H. Lisman, Lisman, Webster & Leckerling, PC - Burlington, VT
5:30 pm In Dallas Only	Adjourn

Friday Morning, Apr. 3, 2009

Presiding Officer:

In Austin: **K. Gregory Erwin**, Winstead PC - Houston, TX

8:30 am In Dallas Only 0.50 hr	Landlord's Checklist for Telecom Issues in Office Leases Practical and regulatory concerns raised by Tenant telecom requests. Scott Craig, Munsch Hardt Kopf & Harr, PC - Dallas, TX
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9:00 am In Dallas Only 0.50 hr	<p>Leasing with the State with Emphasis on Medical Research Buildings</p> <p>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.</p> <p>William E. (Ed) Walts II, The University of Texas System - Austin, TX</p>
9:30 am In Dallas Only 0.50 hr	<p>Medical Leases</p> <p>This session introduces the various types of leases utilized by medical service providers and probes into specific issues which are unique to such leases.</p> <p>T. Andrew Dow, Winstead PC - Dallas, TX Allan S. Katz, Winstead PC - Dallas, TX</p>
10:00 am	Break
10:15 am In Dallas Only 0.75 hr 0.25 hr ethics	<p>Leasing Case Law Update</p> <p>A review of recent Texas cases related to Landlord and Tenant issues.</p> <p>David A. Weatherbie, Cramer Weatherbie Richardson LLP - Dallas, TX</p>
11:00 am In Dallas Only 0.50 hr	<p>Use of the Texas Constitution in Litigating [Defending] Ad Valorem Tax Claims</p> <p>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.</p> <p>Tom M. Thomas, Thomas & Blackwood LLP - Dallas, TX</p>
11:30 am In Dallas Only 0.75 hr	<p>Tenants' Lease Audit Rights and Gross-Up Calculations: What to Do When Vacancies Increase</p> <p>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.</p> <p>Commentator: Candace S. Baggett, The Calibre Group, Inc. - Houston, TX Anthony Collura, CRS Lease Specialists - West Long Branch, NJ</p>
12:15 pm In Dallas Only 0.50 hr	<p>Tenant Responses to Landlord Insolvency and Other Defaults</p> <p>The presentation will focus on rights and strategies as they relate to financially troubled landlords and tenants inside and outside of bankruptcy proceedings.</p> <p>Emily Stacy Donahue, Jackson Walker - Dallas, TX Lee Allen White, Jackson Walker LLP - Dallas, TX</p>
12:45 pm In Dallas Only 0.50 hr	<p>Sub Leasing</p> <p>A discussion of key negotiating issues including sample clauses involving sub leasing. Relevant case law and litigation issues are also covered.</p> <p>Thomas M. Whelan, McGuire, Craddock & Strother P.C. - Dallas, TX</p>
1:15 pm	Adjourn