

**2012 Leasing Institute**  
**October 3, 2012 • Belo Mansion • Dallas, TX**  
**October 24, 2012 • Four Seasons Hotel • Austin, TX**

**Wednesday Morning, Oct. 3, 2012**

**Presiding Officer:**

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

8:00 am In Dallas Only	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
8:20 am In Dallas Only	<p><b>Welcoming Remarks</b></p>
8:30 am 0.75 hr	<p><b>The Leasing Market in 2012-2013: Where We Are and Where We Are Going</b></p> <p>An analysis of the occupancy and rental levels and trends in specific office building and industrial markets, together with insights from local real estate brokers into market opportunities and obstacles.</p> <p>In Dallas:  Panelists:  Brooke Armstrong, Jones Lang LaSalle Americas, Inc. - Dallas, TX  Panelists:  Russell D. Cosby, Jones Lang LaSalle Americas, Inc. - Dallas, TX  In Austin:  Panelists:  Ronnie Deyo, Jones Lang LaSalle Americas, Inc. - Houston, TX  Panelists:  Jeff Pace, Jones Lang LaSalle Americas, Inc. - Austin, TX  Panelists:  Elysia Holt Ragusa, Jones Lang LaSalle Americas, Inc. - Austin, TX</p>
9:15 am 0.33 hr	<p><b>You Can't Just Store It, Build It and Ship It: Peculiar Issues with Industrial and Warehouse Leases</b></p> <p>Learn about some peculiar, nitty gritty issues in industrial and warehouse leases. The discussion explores situations that commonly occur with industrial leasing and provides practical drafting ideas.</p> <p>In Dallas:  Travis James Siebeneicher, Fulbright &amp; Jaworski L.L.P. - Austin, TX  In Austin:  Amy Maislin Mitchell, Fulbright &amp; Jaworski L.L.P. - Austin, TX</p>
9:35 am 0.50 hr	<p><b>Gotchas: Traps in Retail Leasing for the Unwary or Uninitiated</b></p> <p>A look at common clauses in retail leases that can come back to bite a landlord or tenant.</p> <p>K. Gregory Erwin, Winstead PC - Houston, TX</p>

10:05 am 0.50 hr	<p><b>On-Campus Medical Office Ground Leases</b></p> <p>A discussion of the special issues encountered when leasing premises located on a hospital campus for development of a medical office building.</p> <p>Philip D. Weller, DLA Piper US LLP - Dallas, TX</p>
10:35 am In Dallas Only	<p><b>Break</b></p>
10:50 am 0.67 hr	<p><b>Avoiding Mix-Ups in Mixed Use Leases</b></p> <p>The trend toward new urbanism in city planning has led to a boom in mixed use developments. Careful considerations must be given to leases in mixed use developments to ensure that the costs associated with the development are fairly allocated and that the constituents of the development are able to co-exist in a harmonious manner. This session provides insight into the unique issues surrounding mixed use leases.</p> <p>In Dallas: Jeanne Marie Caruselle Katz, Winstead PC - Dallas, TX In Austin: T. Andrew Dow, Winstead PC - Dallas, TX</p>
11:30 am 0.67 hr	<p><b>Office Building Space Build-Outs and Upgrades: Construction and Work Letters</b></p> <p>The why, what, who, how and when of constructing tenant improvements.</p> <p>In Dallas: Kris Hopson, CBRE, Inc. - Dallas, TX Kurt Nondorf, Jackson Walker L.L.P. - Houston, TX In Austin: Jim Swanson, SDI Architects, LLC - Jersey Village, TX Kurt Nondorf, Jackson Walker L.L.P. - Houston, TX</p>
12:10 pm In Dallas Only	<p><b>Break for Buffet Lunch</b></p> <p>Included in conference registration fee.</p>

## Wednesday Afternoon, Oct. 3, 2012

### Presiding Officer:

**Aaron Johnston Jr.**, Attorney at Law - Dallas, TX

In Dallas Only	<p><b>Luncheon Presentation</b></p>
12:30 pm 0.75 hr ethics	<p><b>The Theory and Practice of Negotiating Leases and Other Transactions</b></p> <p>A presentation of negotiation concepts and strategies focused on leasing transactions with an emphasis on getting beyond mere haggling over terms to a focus on integrative outcomes to benefit all parties.</p> <p>Douglas R. Dierking, University of Texas McCombs School of Business - Austin, TX</p>
1:15 pm In Dallas Only	<p><b>Break</b></p>

1:30 pm  
0.67 hr

### **Office Lease Negotiations in a Tight Market: Challenges Faced by Landlords and Tenants**

Occupancy rates are high and rental rates are on the rise for Class A product. Quality office space is in short supply in many submarkets. Explore some of the issues faced by landlords and tenants in structuring new leases and exercising renewal options. Topics include preferred timing for negotiating a new lease and renewal option; juggling expiration dates for soon-to-be former tenants with the desired commencement dates for new tenants (double-rent situations, holdover, risk of completion of construction); pending changes in ownership of buildings; form of document in renewal (e.g. amendment to existing lease vs. new lease document); relocation rights; encumbrances; and balancing various tenants' needs and rights.

In Dallas:

Candace S. Baggett, The Calibre Group, Inc. - Houston, TX

Michelle Wogan, Transwestern - Houston, TX

In Austin:

Ronnie T. Martin, Colvill Office Properties - Houston, TX

Candace S. Baggett, The Calibre Group, Inc. - Houston, TX

2:10 pm  
0.33 hr

### **Affirmation of Leases after Foreclosure**

Foreclosure of a senior encumbrance on real property (such as a first lien deed of trust) extinguishes a junior encumbrance (such as a lease entered into after the date of the senior encumbrance). However, the post-foreclosure conduct of the buyer at the foreclosure sale and the tenant may create, by implication, a new lease between the buyer and the tenant based upon the terms of the extinguished lease. Just as beauty is in the eye of the beholder, conduct creating lease affirmation has many facets.

Robert Harms Bliss, Attorney at Law - Dallas, TX

2:30 pm  
0.50 hr

### **Things You Wish You Had Done before Foreclosure after Foreclosure: Subordination and Non-Disturbance Agreements**

A brief look at the role of SNDAs in determining the priority of lenders' and tenants' interests as well as common drafting and negotiation considerations.

Justin V. Switzer, Moody Law Group, PLLC - Houston, TX

3:00 pm  
0.50 hr

### **Options and Preferential Rights: Expansion, Relocation, First Refusal and First Offer**

How to grant reasonable preferential rights to appropriate tenants while avoiding the far too common and potentially costly battle of conflicting obligations.

Kent Newsome, Greenberg Traurig, LLP - Houston, TX

3:30 pm  
In Dallas Only

### **Break**

3:45 pm  
0.50 hr

### **Drafting Functional Maintenance, Repair, Casualty and Insurance Provisions for Different Types of Commercial Leases**

This presentation examines the legal rules governing a commercial landlord's and tenant's respective rights and obligations—when the lease is silent—to make and pay for routine repairs and maintenance and to insure against, pay for and rebuild after catastrophic damage. It considers the differing practical concerns of retail, office and industrial landlords and tenants within single tenant, multi-tenant and multi-use developments. And it offers a tool kit of drafting suggestions and sample forms to fix some of the defects in the repair, casualty and insurance provisions in different types of commercial leases.

Thomas M. Whelan, McGuire, Craddock & Strother, P.C. - Dallas, TX

4:15 pm  
0.50 hr

**Using the Other Party's Liability Insurance: Additional Insured Endorsements, Contractual Liability Provisions and Insurance Certificates**

An analysis of lease drafting techniques available to landlords and tenants for utilizing the other party's liability insurance coverage to cover indemnity provisions and for evidencing that insurance coverage exists.

Aaron Johnston Jr., Attorney at Law - Dallas, TX

4:45 pm  
0.33 hr  
0.25 hr ethics

**Pro Bono Opportunities**

Discussion of the ongoing need for attorneys to lend a helping hand to those who cannot afford legal services through pro bono participation. Find out how you can volunteer and gain experience while strengthening community and helping others.

In Dallas:

Frances Leos Martinez, Texas C-Bar - Austin, TX

In Austin:

Dorothy Ann (D'Ann) Johnson, Texas C-Bar - Austin, TX

5:05 pm  
0.50 hr

**Leasing Case Law Update**

A review of recent cases related to landlord and tenant issues.

David A. Weatherbie, Cramer Weatherbie Richardson Walker LLP - Dallas, TX

5:35 pm  
In Dallas Only

**Adjourn**