

# 2020 Bernard O. Dow Leasing Institute

## November 12, 2020 • Live Webcast

**Thursday Morning, Nov. 12, 2020**

**Presiding Officer:**

**Frank Z. Ruttenberg**, Haynes and Boone, LLP - San Antonio, TX

8:00 am	<b>Welcoming Remarks</b>
<b>Commercial Leasing Industry - Re-imagined</b>	
8:10 am 0.75 hr	<b>Office Sector - Demand, Density and Flex Space - Systemic Change or a Return to Yesterday?</b>  Review of both the tenants and building owners perspective of “return to work”. The healthful and highly productive workspace has always been a focus and this year’s challenges are an important part of the journey; while there’s not one silver bullet hear about a number of short and long term approaches that will have global validity in the future.  Frank Z. Ruttenberg, Haynes and Boone, LLP - San Antonio, TX Rives Taylor, Gensler - Houston, TX
8:55 am	<b>Break</b>
9:00 am 0.50 hr	<b>Updates and Insights into the Retail Sector</b>  Frank Z. Ruttenberg, Haynes and Boone, LLP - San Antonio, TX Steve Williamson, Transwestern - Dallas, TX
9:30 am	<b>Break</b>
9:35 am 0.50 hr	<b>The Retailization of Healthcare</b>  Changes in the healthcare industry have dramatically altered the delivery of healthcare services and the real estate in which those services are provided. Examine the effects of the “retailization” of healthcare (or “medtail” as it is becoming known) on leases, as more medical uses continue their migration to more traditional retail settings.  T. Andrew Dow, Winstead PC - Dallas, TX Ashlee E Ross, University of Texas MD Anderson Cancer Center - Houston, TX
10:05 am	<b>Break</b>
10:10 am 0.50 hr	<b>Industrial Warehouse Sector Distribution Systems and E-Commerce: Covid-19’s Impact on the Supply Chain and Industrial Sector</b>  Hear the latest on Covid-19’s impact on the supply chain and industrial sector.  Grant Grubich, Winstead PC - Dallas, TX Sarah Z. Ozanne, Stream Realty - Dallas, TX
10:40 am	<b>Break</b>

## Contract Planning and Drafting

10:45 am  
0.75 hr

### **Drafting Considerations for Occurrence Based Loss of Use**

Prior to the COVID-19 outbreak, Landlords and Tenants paid little attention to force majeure and related clauses within commercial lease agreements - often viewing such provisions as "boilerplate" in nature. This presentation will contain a discussion and examples of drafting techniques for both Landlords and Tenants to employ when navigating the negotiation of these provisions in the future.

Eric Alexander Johnston, McGinnis Lochridge - Austin, TX  
Sophia Makris, McGinnis Lochridge LLP - Austin, TX

11:30 am

### **Break**

11:35 am  
0.75 hr

### **Lease Triage Strategies During the Pandemic**

Diagnosing vulnerable lease provisions, lease amendment therapies, and legal remedies for default.

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

## Thursday Afternoon, Nov. 12, 2020

### **Presiding Officer:**

**Ed Walts**, The University of Texas System - Austin, TX

12:20 pm

### **Break for Lunch - Presentation resumes at 1:00 p.m.**

## Contract Planning and Drafting

1:00 pm  
0.75 hr

### **Business Interruption Insurance and Related Coverages in a Pandemic**

A discussion of the critical policy language and variations regarding coverage for business loss in the pandemic. Including an update on reported judicial decisions regarding coverage or not for business interruption, lost rental value, civil authority orders, and others. Noting special considerations involving real estate owners, operators and managers.

Michael W. Huddleston, Munsch Hardt Kopf & Harr, P.C. - Dallas, TX

1:45 pm

### **Break**

1:50 pm  
0.75 hr

### **Trends in Commercial Real Estate Lending**

Common issues lenders and borrowers are navigating on new loan transactions, loan modifications and work-outs during the COVID-19 pandemic.

Seth Eaton, Winstead PC - Dallas, TX

## The New New Things - Changes in Business Practice

2:35 pm

### **Break**

<p>2:40 pm 0.50 hr</p>	<p><b>Legal Issues Related to COVID-19 Entry and Creating a Clean and Safe Work Environment</b></p> <p>This presentation will focus on the legal requirements for providing a safe workplace re-entry for your employees while we navigate the ongoing COVID-19 pandemic. The speaker will focus on applicable laws to be mindful of as well as typical leasing provisions that may also apply.</p> <p>Anthony J. Barbieri, Kessler Collins - Dallas, TX Julie Young, Crescent Real Estate - Dallas, TX John Zogg, Crescent Real Estate - Fort Worth, TX</p>
<p>3:10 pm</p>	<p><b>Break</b></p>
<p>3:15 pm 0.75 hr</p>	<p><b>The Health of a Building—What is the Landlord's Responsibility Concerning the Operation and Health of Tenants?</b></p> <p>A review of commercial landlord obligations and potential liability in Texas with regards to infectious diseases and contaminants.</p> <p>Cathleen C. Slack, Rigby Slack - Austin, TX</p>
<p>4:00 pm</p>	<p><b>Break</b></p>
<p>4:05 pm 0.75 hr</p>	<p><b>Rent Relief in the Time of Pandemic</b></p> <p>The unprecedented economic pressures brought about by the COVID-19 pandemic have forced tenants to seek rent relief from their landlords, both for the immediate circumstance and for future pandemics. We will discuss the rent relief alternatives being negotiated between tenants and landlords as well as the range of issues involved and provide practical advice on how to navigate this novel environment.</p> <p>Michael K. Kuhn, Jackson Walker LLP - Houston, TX Kati Orso, Jackson Walker LLP - Austin, TX</p>
<p>4:50 pm</p>	<p><b>Adjourn</b></p>