

2023 BERNARD O. DOW
LEASING INSTITUTE



November 10, 2023

South Texas College of Law Houston ■ Houston, Texas

SUPPORTING ORGANIZATION

San Antonio Bar Association, Real Estate Section

Earn up to 8.00 Hours of Credit, Including 1.00 Hours of Ethics Credit

MCLE Credit Approved in TX, CA, OK and PA (Hours Vary by Jurisdiction)

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Texas Legal Specialization Credit Approved for Consumer and Commercial Law and Real Estate Law

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FRIDAY MORNING, NOV. 10, 2023

Presiding Officer:
Ed Walts, Dallas TX

7:30 a.m. Registration Opens
Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. 1.00 hr

Deal or No Deal: Are CRE Transactions Getting Done in Today's Market?

This presentation provides market update information on the office market, industrial market, and the land market. To include deals that are getting closed in the face of current market headwinds as well as those that are not, and why.

Conrad Bernard, Boyd Commercial, Houston, TX
Jeff Peden, Transwestern, Houston, TX
Michelle Wogan, Transwestern, Houston, TX

9:30 a.m. .50 hr

Converting an Office Building to Multi-Family Use

Conversions from office to residential use. Common issues and solutions when converting history into housing to re-shape the future of urban living.

Robert J. Bello, Munsch Hardt, Houston, TX
Joseph Slezak, 3L Real Estate, Dallas, TX

10:00 a.m. 15-Minute Break

10:15 a.m. .75 hr

A Practical Guide to Assignments and Subleasing

This presentation provides an overview of the key concepts and issues related to assignments and subleasing of commercial leases. It covers the differences between assignments and subleases, addresses common practical issues, and offers helpful practice tips when negotiating assignment and sublease provisions.

Moderator:
Reid Wilson, Wilson, Cribbs + Goren, P.C., Houston, TX

Panelists:
Candace S. Baggett, The Calibre Group, Inc., Houston, TX
Nisha Jain, Wilson Cribbs + Goren, P.C., Houston, TX

11:00 a.m. .75 hr

Big Issues in Leasing

A review of issues in leases that are the "must review" provisions from the tenant's perspective.

Kent Newsome, Greenberg Traurig, LLP, Houston, TX
Frank Z. Ruttenberg, Haynes Boone, LLP, San Antonio, TX

11:45 a.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:
Candace S. Baggett, The Calibre Group, Inc., Houston, TX

LUNCHEON PRESENTATION

12:05 p.m. 1.00 hr ethics

Ten Rules for Ethical and Effective Negotiating

Most real estate deals are like water, and if things are handled correctly they will generally find their own level. This presentation provides ten (10) principles for handling negotiations correctly, which by necessity means ethically, and which will result in more effective negotiation.

Richard A. Crow, Greenberg Traurig, LLP, Houston, TX

1:05 p.m. 15-Minute Break

1:20 p.m. .75 hr

Selected Landlord and Tenant Issues in Bankruptcy

An overview of Bankruptcy Code provisions, case law, and practical tips to consider when your tenant or landlord is a debtor in bankruptcy.

Emily Flynn Meraia, Jackson Walker LLP, Houston, TX
Bruce J. Ruzinsky, Jackson Walker LLP, Houston, TX

MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 8.00 hours, of which 1.00 credit hour 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), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

2:05 p.m. .50 hr

Impacts of Financial Institution Failures and Loan Defaults on Rights and Obligations of Landlords and Tenants Under Commercial Leases

A landlord often draws on a loan to fund its construction obligations under the work letter or the tenant improvement allowance. A landlord typically deposits tenant security deposits with an insured financial institution. Sometimes a tenant obtains a letter-of-credit to secure its lease obligations rather than posting a security deposit. In each case, and in numerous others, the insolvency of the lending institution, or the depository institution holding the tenant's security deposit, or the institution issuing the letter of credit on behalf of the tenant economically harms one or both parties to the lease. This presentation covers the legal and practical concerns raised by the failure of a landlord or tenant's financial institution, identifies affected lease terms, and offers drafting tips and sample lease provisions to mitigate the adverse consequences of such bank failures and landlord loan defaults.

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

2:35 p.m. .50 hr

Special Considerations in Retail Leases

An overview of special considerations of retail leasing including co-tenancy provisions, exclusive use provisions, prohibited use provisions, REAs, and Declarations, with practical tips on how to keep track of it all and make it all work together.

John S. Moody Jr., Moody Law Group, PLLC, Houston, TX

3:05 p.m. .50 hr

You Can't Spell Medical Without IDEAL: How to Tailor Ideal Lease Provisions for Your Unique Medical (and Life Sciences, MedTech and Biologics) Tenants

Whether it's a converted office suite or 'medtail' location, tenants seeking lease space for life sciences, medtech, biologics or even medical office may seek some specific lease provisions tailored to their unique needs. This session discusses boilerplate lease language related to power redundancies, access, assignment, subletting and other matters that may not work for these specific uses.

Ashlee E Ross, BoyarMiller, Houston, TX

3:35 p.m. 10-Minute Break

3:45 p.m. .50 hr

Special Considerations in Industrial Leasing

All lease forms are not the same. The program discusses the special considerations faced in industrial leasing such as hazardous materials, full-building leases, business considerations, rail and dock leases and various twists on the usual contained in more universal lease provisions.

George Paul Bernhardt, Baker Hughes Company, Houston, TX

4:15 p.m. .50 hr

Issues in Drafting Expansion Rights and Contraction Rights in Commercial Leases

This topic explores what issues to look out for when drafting expansion or contraction provisions in commercial leases in today's market.

Josh Vasquez, Haynes Boone, LLP, Austin, TX

4:45 p.m. .75 hr

Issues and Insights for Mixed Use Projects

This presentation discusses the issues and insights that come with leasing and mixed use projects.

Steve Radom, Radom Capital, Houston, TX

5:30 p.m. Adjourn

HOW TO REGISTER

Online:

www.utcle.org/conferences/LI23/signup

Mail:

The University of Texas
School of Law
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Fax:

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Questions? 512.475.6700

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 days prior to the conference.

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PLEASE PRINT CLEARLY

LI23

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Invoices, confirmations, and receipts are emailed to these addresses.

EVENT REGISTRATION

Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.

Live, In-Person Event Registration Only \$425 | \$525 after October 25

Printed and Shipped Binder with Registration (Shipping Included) – Available for order through Friday, November 10, 2023

Please note that the printed binder will arrive 2-3 weeks after the event. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.

Printed and Shipped Course Binder \$81.19 (\$75*)

TOTAL EVENT REGISTRATION \$ _____

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POST-CONFERENCE PRODUCTS

eConference – For Texas and California MCLE Credit

Includes Electronic Course Binder Download (PDF) and program video/audio. Available 6-8 weeks after live event. Hours may vary depending on actual event runtime.

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HOUSTON

November 10, 2023

CONFERENCE LOCATION



South Texas College of Law Houston
1303 San Jacinto Street
Houston, TX
713.659.8040

Parking:

Various parking garages and surface lots in the area

KEY DATES

October 25, 2023

Last day for early registration rates

November 3, 2023

Last day for full refund cancellation

November 6, 2023

Last day for partial refund cancellation
\$50 processing fee applied

November 10, 2023 8:20 a.m., CT

Institute begins

November 10, 2023

Last day to order a printed and shipped course binder with in-person conference registration.

INSTITUTE FACULTY AND PLANNING COMMITTEE

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NISHA JAIN Wilson Cribbs + Goren, P.C. Houston, TX	BRUCE J. RUZINSKY Jackson Walker LLP Houston, TX	*Planning Committee member

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 longtime 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.