

2023 Bernard O. Dow Leasing Institute

November 10, 2023 • South Texas College of Law Houston • Houston, TX

Friday Morning, Nov. 10, 2023

Presiding Officer:
Ed Walts, Dallas, TX

7:30 am	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 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 am 0.50 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 am	15-Minute Break
10:15 am 0.75 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 am 0.75 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 am

Pick Up Lunch (in Houston)

Friday Afternoon, Nov. 10, 2023

Presiding Officer:

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

LUNCHEON PRESENTATION

12:05 pm

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 pm

15-Minute Break

1:20 pm

0.75 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

2:05 pm

0.75 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

2:50 pm

0.75 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

3:35 pm

10-Minute Break

3:45 pm 0.75 hr	<p>Special Considerations in Industrial Leasing</p> <p>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.</p> <p>George Paul Bernhardt, Baker Hughes Company - Houston, TX</p>
4:30 pm 0.50 hr	<p>You Can't Spell Medical Without IDEAL: How to Tailor Ideal Lease Provisions for Your Unique Medical (and Life Sciences, MedTech and Biologics) Tenants</p> <p>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.</p> <p>Ashlee E Ross, BoyarMiller - Houston, TX</p>
5:00 pm 0.50 hr	<p>Issues in Drafting Expansion Rights and Contraction Rights in Commercial Leases</p> <p>This topic explores what issues to look out for when drafting expansion or contraction provisions in commercial leases in today's market.</p> <p>Josh Vasquez, Haynes Boone, LLP - Austin, TX</p>
5:30 pm	<p>Adjourn</p>