



The best faculty. The best experience.

**5**  
FIFTH ANNUAL  
CONFERENCE

New National Scope!

# Negotiating Leases

Landlord and Tenant Perspectives from Across the Nation

October 1-2, 2007 • The Ritz-Carlton • Boston Common



Dear Colleague,

This comprehensive program, which covers “all the bases” of commercial lease negotiations, will return again to Boston by popular demand, except this year, we’ve “gone national.” Having recruited some of the leading speakers associated with Negotiating Leases conferences nationwide, and with a new focus on trends affecting numerous major real estate markets across the country, this year’s Conference is destined to be better than ever. This year’s program will again feature a number of mock negotiation sessions, which attendees from our most recent conferences found made for animated presentations and provoked more attendee interaction with the faculty. Several new topics are being introduced, including “Get Me Out of This Lease,” which will focus on efforts by one party or the other to terminate or “break” the lease.

Please join us for a stimulating program, featuring faculty members from across the country who are not only industry leaders, but also “hands-on” negotiators, who wrestle with real estate leasing issues on a daily basis. I look forward to seeing you there.

Sincerely,

**Michael J. Litchman, Esq.**

Program Chair  
Goodwin Procter, Boston, MA



**Michael J. Litchman, Esq.**  
Program Chair

**The Ritz-Carlton**

10 Avery Street  
Boston, MA 02111

**For Hotel Reservations**

Community World Travel  
(888) 724-0500  
www.communityworldtravel.com

**Schedule and Instructor Bios Inside**

**Register Now! [www.cle.com](http://www.cle.com) • 800-873-7130**

**Monday, October 1**

**Tuesday, October 2**

- 8:30 Registration and Continental Breakfast
- 9:00 **Welcome and Introduction**  
Overview of Day One  
**Michael J. Litchman, Esq., Program Chair**  
Goodwin Procter, Boston, MA
- 9:10 **National Leasing Market Conditions**  
Today's Market Outlook; How the Market Drives Business Terms  
**Thomas E. Doughy, Esq.**  
**International Director, Law Firm Group**  
Jones Lang LaSalle, Washington, DC  
**Benjamin D. Heller, Vice President**  
Jones Lang LaSalle, Boston, MA
- 9:45 **Cutting the Business Deal**  
Negotiating the Letter of Intent; Key Lease Economic Terms  
**Richard C. Mallory, Esq.**  
Allen Matkins Leck Gamble Mallory & Natsis, San Francisco, CA  
**Michael J. Litchman, Esq., Program Chair**
- 10:45 Morning Break
- 11:00 **Dealing with the Behemoth Tenant: The Corporate Real Estate Professional's Perspective**  
Dealing with Tenants Who Have Leverage  
**John Joseph "J.J." Broderick, Esq.**  
Morgan, Lewis & Bockius, Philadelphia, PA  
**Michael J. Litchman, Esq., Program Chair**
- 12:00 **Assignment and Subletting**  
Considering the Exit Strategy at the Entry Point; Sublease Negotiations  
**Steven A. Teitelbaum, Esq.**  
Jones Day, Washington, DC  
**Steven D. Cohen, Esq., Associate General Counsel**  
Verizon Communications, Basking Ridge, NJ
- 1:00 Lunch Break
- 2:15 **Retail Leasing Workshop**  
Resolving Issues Particular to Retail Leases  
**Thomas J. Phillips, Esq.**  
Brown Rudnick Berlack Israel, Boston, MA  
**Nancy M. Davids, Esq.**  
Goulston & Storrs, Boston, MA
- 3:45 Afternoon Break
- 4:00 **I Want Out of This Lease**  
Strategies and Constraints in Trying to Terminate a Lease Outside of Bankruptcy  
**Richard A. Oetheimer, Esq.**  
Goodwin Procter, Boston, MA  
**Peter Roth, Esq.**  
Allen Matkins Leck Gamble Mallory & Natsis, Los Angeles, CA
- 4:45 **Leases and Bankruptcy**  
What Happens and to Whom  
**John V. Snellings, Esq., and**  
**Richard C. Pedone, Esq.**  
Nixon Peabody, Boston, MA
- 5:45 Adjourn

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**  
Overview of Day Two  
**Michael J. Litchman, Esq., Program Chair**
- 9:15 **Construction of the Premises**  
Construction and Delivery Obligations; Working with Landlords, Tenants and Contractors  
**Jo-Ann M. Marzullo, Esq.**  
Posternak, Blankstein & Lund, Boston, MA  
**Bruce Tribush, Esq.**  
Goodwin Procter, Boston, MA
- 10:45 Morning Break
- 11:00 **Options: Creating Flexibility**  
Negotiating the Right to Expand, Contract, Extend and Terminate; Fair Market Rent  
**Madeleine C. Timin, Esq., Vice President and Counsel**  
Boston Properties, Boston, MA  
**Michael J. Litchman, Esq., Program Chair**
- 12:00 **Small Leases Workshop**  
Negotiating on Behalf of a Small Tenant  
**Joseph R. Torpy, Esq., and**  
**Elizabeth A. Garner, Esq.**  
Torpy & Garner, Boston, MA
- 12:45 Lunch Break
- 2:00 **Insurance, Indemnity and Premises Liability**  
Demystifying the Issues; Reducing Lurking Liabilities  
**Stephen T. Langer, Esq.**  
Langer & McLaughlin, Boston, MA  
**Daniel P. Dain, Esq.**  
Brennan, Dain, Le Ray & Wiest, Boston, MA
- 3:00 Afternoon Break
- 3:15 **Ethics**  
Insights for the Real Estate Leasing Professional  
**J. Kent Newsome, Esq.**  
Fulbright & Jaworski, Houston, TX
- 4:15 Q&A Panel  
Members of the Faculty
- 4:45 Evaluations and Adjourn

**Save These Dates!**

- Winemaking for Lawyers**  
September 10, Miami
- Facility Siting**  
September 10-11, Denver
- Ethics**  
September 24, Miami
- Film & Television Law**  
October 11-12, Los Angeles
- Private Equity**  
October 11-12, Washington, DC
- Negotiating Leases**  
October 18-19, Los Angeles

## Negotiating Leases

# meet your instructors

### Program Chair

**Michael J. Litchman** is the Co-Chair of his firm's leasing practice area, representing clients in commercial real estate transactions, counseling owners, developers, landlords and tenants across the nation. His expertise includes real estate leasing, with an emphasis on ground leases, "anchor" retail and shopping center leases, and "headquarters" office leases in major downtown office towers. He is involved in CoreNet Global and the International Council of Shopping Centers.

**John Joseph "J.J." Broderick** is the head of corporate real estate and has represented corporations in some of the most complex real estate transactions in the country. He has experience representing clients in all types of real estate matters.

**Steven D. Cohen** joined his company in 1992 and is responsible for its portfolio of 8,500 buildings. His practice includes purchases, sales, leases, construction and other property-related issues.

**Daniel P. Dain** is a founder and the Managing Partner of his firm. He is a trial lawyer representing real estate developers and property owners and also maintains a commercial litigation practice.

**Nancy M. Davids** conducts a general real estate practice representing national and regional landlords in the negotiation of ground leases, in-line leases, pad and outparcel leases, reciprocal easement and site development agreements.

**Thomas E. Doughty** advises major national and international firms worldwide, including AmLaw and Global 100 firms. He has over 20 years of legal experience in real estate.

**Elizabeth A. Garner** is a founding partner of her firm, concentrating in the area of general commercial real estate law, including the acquisition, transfer, financing and leasing of commercial properties.

**Benjamin D. Heller** joined his company in 1998 and has concentrated on representing both tenants and landlords. He focuses on investment and office properties and tenant representation.

**Stephen T. Langer** has practiced commercial real estate law for over 25 years, focusing on office and retail leasing, and representing both landlords and tenants. Among his clients are major institutional property owners and publicly held companies.

**Richard C. Mallory** is a founding and managing partner of the firm's San Francisco office. He specializes in commercial and industrial leasing. In 2004 and 2006, *The Recorder* named him one of the top six real estate attorneys in the Bay Area.

**Jo-Ann M. Marzullo** focuses on sales, acquisitions, leases, development, telecommunication leases, construction and design contracts, construction and permanent loans, big box locations, landlords and tenants in strip centers and regional malls.

**J. Kent Newsome** has spent over 20 years in commercial real estate and development. He represents purchasers, developers and sellers in the acquisition, development and disposition of office buildings, retail centers, industrial facilities, apartment complexes, resorts and hospitals.

**Richard A. Oetheimer** is a partner in the firm's Litigation Department and specializes in the defense of products liability and complex commercial and real estate development claims.

**Richard C. Pedone** has experience in real estate related litigation, including commercial lease disputes, evictions and landlord issues in bankruptcy.

**Thomas J. Phillips** has been practicing commercial real estate and land use law for over 20 years, counseling owners, developers, landlords, tenants, lenders and investors in acquisitions and sales.

**Peter Roth** focuses on the development, leasing and ongoing management of office, retail, industrial and mixed-use projects. His clients include institutional investors and entrepreneurs.

**John V. Snellings** focuses his practice in the areas of business and bankruptcy litigation. He also has extensive experience in business reorganization.

**Steven A. Teitelbaum** practices exclusively in commercial real estate. He has broad experience in leasing and is the author of BOMA's *Guide to Writing a Commercial Real Estate Lease*.

**Madeleine C. Timin** is counsel to a real estate investment trust. She has experience in commercial leasing, including build-to-suit projects, mixed-use developments and telecommunications licenses.

**Joseph R. Torpy** represents national and local owners, developers and operating companies in connection with their property acquisition, financing, construction, sales and leasing.

**Bruce Tribush** focuses on commercial real estate transactions, with an emphasis on finance, development and investment. He also advises institutional and private investors.

**For sponsorship information, please contact:**  
**CLE International Program Attorney**  
**Priscilla S. Fulmer, priscilla@cle.com.**

**Register  
Now!**

[www.cle.com](http://www.cle.com)

**FAX**

(303) 321-6320

**PHONE**

(800) 873-7130

**MAIL**

CLE INTERNATIONAL  
1620 Gaylord Street  
Denver, CO 80206

**YES!** Please register the following:

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip+4: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

### Cancellation

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Monday prior to the Conference. Substitutions may be made at any time.

### Tuition

- \$795 per person
- \$695 each for two or more
- \$695 each for government, 501(c)(3) organizations, full-time judges, law students and paralegals
- \$595 each for two or more government, 501(c)(3) organizations, full-time judges, law students and paralegals

### Home Study

*Audio transcript and course materials*

- \$795 plus \$10 shipping and handling

### Course Materials Only

- \$95 plus \$10 shipping and handling

### Payment

Check payable to CLE International \$ \_\_\_\_\_ or charge my:

VISA  MASTERCARD  AMEX Expiration Date: \_\_\_\_\_

Card No. \_\_\_\_\_

Signature \_\_\_\_\_

© 2007 CLE INTERNATIONAL BOSLEA07

**Register Now! [www.cle.com](http://www.cle.com) • 800-873-7130**

**5**  
FIFTH ANNUAL  
CONFERENCE

New National Scope!

# Negotiating Leases

Landlord and Tenant Perspectives from Across the Nation

October 1-2, 2007 • The Ritz-Carlton • Boston Common



1620 Gaylord Street  
Denver, CO 80206

**Earn up to 12 Hours MCLE Credit  
Including One Hour of Ethics  
Earn up to 12 Hours AIA/CES Credit**

**Register Now! [www.cle.com](http://www.cle.com) • 800-873-7130**

**5**  
FIFTH ANNUAL  
CONFERENCE

New National Scope!

# Negotiating Leases

The Outlook from the Experts in Real Estate!

October 1-2, 2007 • The Ritz-Carlton • Boston Common

**Today's National Leasing Market Outlook**  
**How the Market Drives Business Terms**  
**Negotiating the Letter of Intent; Key Lease Economic Terms**  
**Dealing with the Behemoth Tenant: The Corporate Real Estate Professional's Perspective**  
**Considering the Exit Strategy at the Entry Point**  
**Resolving Issues Particular to Retail Leases**  
**I Want Out of This Lease—Strategies and Constraints in Trying to Terminate a Lease**  
**Construction and Delivery Obligations; Working with Landlords, Tenants and Contractors**  
**Negotiating Rights to Expand, Contract, Extend and Terminate**  
**... with Interactive Workshops and Discussions!**

**More  
Hot Topics  
Inside!**



The best faculty. The best experience.

**Register Now! [www.cle.com](http://www.cle.com) • 800-873-7130**