



**LAW SEMINARS
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The 32nd Annual Advanced Conference on
Commercial Real Estate Leases

A continued focus on keeping your leasing toolbox on the cutting edge

December 7 & 8, 2020

Interactive Online Broadcast

\$200 Covid-19 Discount!

Agenda—Day 1

9:00 Introduction: Covid-19 Impacts on the Dance of Negotiation

How the impact of the Covid-19 pandemic now permeates commercial leasing issues and negotiations:
Landlord and tenant perspectives on rent, liability, default, and other issues

John A. Fandel, Esq., Program Co-Chair
Stoel Rives ~ Seattle, WA

Richard A. Moore, Esq., Program Co-Chair
Pacifica Law Group ~ Seattle, WA

10:00 Break

10:15 Annual Market Update: Broker Perspectives

A demand-side look at how countervailing forces are affecting the economy and the resulting demand for
different types of commercial properties

John A. Fandel, Esq., Program Co-Chair,
Moderator

Office properties

Laura Ford, Executive Vice President
Colliers International ~ Seattle, WA

Retail properties

Susan Zimmerman, Senior Vice President, Retail
Kidder Mathews ~ Seattle, WA

Industrial properties

Patricia J. Loveall, SIOR,
Executive Vice President and Shareholder
Kidder Mathews ~ Tukwila, WA

12:15 Lunch Break

1:30 Retail Leasing at a Time of Upheaval for Brick and Mortar Operations

Landlord perspective

Sean T. Durbin, Esq.

Jameson Pepple Cantu ~ Seattle, WA

Tenant perspective

Brian J. Danzig, Esq., *Director, Corporate Counsel*
Starbucks Coffee Company ~ Seattle, WA

2:45 Office Leasing as Working From Home Becomes a New Normal for Tenants

Broker perspective on changes in the office leasing market

Rob Nielsen, *Executive Vice President*
JLL ~ Seattle, WA

3:15 Break

3:30 Buildings in Transition: Issues in Negotiation of Work Letter Agreements

Issues to anticipate when drafting Construction Work Letters including indemnity, insurance, and delay provisions in light of Covid-19 work restrictions and Covid-induced supply chain problems

Jennifer Dunn Cobb, Esq.
Callan Cobb Kanev, Esq.
Jameson Pepple Cantu ~ Seattle, WA

5:00 Continue the Exchange of Ideas: Virtual Reception for Faculty and Attendees

Open Mic: Grab your favorite beverage and snack for a moment of comradery and a less structured discussion of what is happening in the the commercial leasing world

Agenda—Day 2

9:00 Owner Perspectives on Meeting Market Demand

A supply-side look at the primary issues for landlords as they adjust to the changes in demand

Richard A. Moore, Esq., *Program Co-Chair,*
Moderator
Stephen Penn, *President of Management Services*
KG Investment Properties ~ Bellevue, WA
William Leedom, *Director of Investments*
Talon Private Capital ~ Seattle, WA
Jeanette L. Henderson, *Director of Real Estate*
University of Washington ~ Seattle, WA

10:30 Break

10:45 Commercial Leasing Defaults and Remedies

Negotiating solutions to problematic situations: Best strategies for landlords dealing with commercial real estate lease defaults including essential topics that need to be addressed

Christopher I. Brain, Esq.
Tousley Brain Stephens ~ Seattle, WA
Michael Spence, Esq.
Helsell Fetterman ~ Seattle, WA

12:00 Lunch Break

1:15 Tenants in Transition: Landlord-Tenant Issues in Bankruptcy and Receivership

Issues for landlords during the unlawful detainer process, and how landlords can help prevent bankruptcy filings, or at least position themselves in the best possible way in case a tenant does file

Brian C. Free, Esq.
Hillis Clark Martin & Peterson ~ Seattle, WA

2:00 Case Law Update

Lessons from recent decisions on leasing-related litigation

Scott B. Osborne, Esq.
Foster Garvey ~ Seattle, WA

2:45 Break

3:00 Ethical Issues for Lawyers

How working and negotiating remotely adds to the already broad mix of potential ethical issues in negotiating commercial real estate leasing transactions

Evan L. Loeffler, Esq.
Loeffler Law Group ~ Seattle, WA

4:00 Evaluations & Adjourn

Who Should Attend

Attorneys, landlords, tenants, brokers, lenders, property managers, and other real estate professionals who are involved in landlord/tenant relationships, and others charged with negotiating, documenting and solving challenging lease transactions

About the Conference

This year, the COVID-19 pandemic and the attendant response permeate every aspect of our society, and commercial leasing is no exception. The pandemic has fundamentally changed how we work and live. Those who can work from home are doing so, and even when lockdown restrictions eventually ease, many may want to skip the commute and continue working from home. The urban core in our larger cities has become a less desirable place to live and work, and people are wanting more space both inside and out.

This year, therefore, our broker and owner panels will take a hard look at the impact of those trends on what the market will be demanding in terms of commercial building space and what future tenants can expect to find available. The changes in demand and supply will dramatically affect bargaining leverage, so we will look at those effects in the dance of negotiations on common commercial lease issues.

You will also hear landlord and tenant perspectives on retail leasing realities at a time of continued upheaval in brick-and-mortar businesses, as well as the broker perspective on new trends in office leasing, as working from home likely continues as a strong option. As buildings undergo transitions in use and occupancy, lots of construction work will be required and it probably will be performed during a period with continued COVID-19 work restrictions. You'll hear practical advice on how to deal with those issues.

In addition, we will bring you up to date on recent commercial leasing case opinions, including deep dives into defaults and remedies for deals gone bad. In the wake of COVID-19, we can expect increases in both personal and corporate bankruptcy filings, as both tenants and landlords struggle with the economic impacts of the pandemic.

Finally, attendees can pick up a full ethics credit in a talk focusing on the unique ethical issues they encounter daily in commercial lease settings.

Join us for a very informative two days and plan to connect with your colleagues during the virtual reception at the end of the first day. We hope to see you there.

~ John A. Fandel, Esq. of Stoel Rives and
Richard A. Moore, Esq. of Pacifica Law Group,
Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$895 with a group rate of \$805 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$670. For students, people in their job for less than a year, and public interest NGO's, our rate is \$447.50. All rates include admission to all program sessions and course materials.

Covid-19 discount: We recognize that being in the same Zoom isn't the same as being in the same room. When you register, we will deduct \$200 from the price you otherwise would pay.

Make checks payable to Law Seminars International.

As an added value bonus, you'll receive access to audio and video recordings of the program at no extra charge.

Financial aid is available to those who qualify. Contact our office for more information.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Tuesday, December 1, 2020. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: This program qualifies for 11.50 WA MCLE and 13.50 WA Real Estate credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flashdrive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$100.

Faculty

John A. Fandel, Program Co-Chair, is a partner at Stoel Rives focusing on commercial real estate leasing matters for local, national, international, institutional and telecommunications industry clients. His experience includes drafting and review of long-term ground leases; build-to-suit transactions; office, industrial, restaurant and retail leases; and a variety of related documents.

Richard A. Moore, Program Co-Chair, is a partner at Pacifica Law Group. He counsels public and private clients in commercial leasing and real property transactions. He serves as leasing counsel to some of the top institutional landlords in the country, overseeing a portfolio of over 5,000,000 rentable square feet in the Puget Sound region.

Christopher I. Brain, Tousley Brain Stephens, focuses his practice on complex real property, commercial, and class action litigation. This includes purchase agreement disputes; specific performance and foreclosure actions; restrictive use covenants and construction.

Jennifer Dunn Cobb is a member of Jameson Pepple Cantu focusing on real estate, lending, corporate law and business law. She represents a wide range of developers, owners, users, purchasers and lenders in all aspects of real estate transactions, including development, leasing, sales and acquisitions, entity formation and financing.

Brian Danzig is a Director, Corporate Counsel for Starbucks Corporation. Currently, he supports all real estate matters for Starbucks in the New York Metro, Northeast, Mid-Atlantic, Midwest and Southeast regions, including retail stores, roasting plants, distribution centers, and office properties. He previously practiced law in San Francisco and Seattle where he handled diverse and complex real estate, financing, and business transactions for local and national developers, financial institutions, and large corporate clients.

Sean T. Durbin is a member of Jameson Pepple Cantu. He represents, landlords, developers, lenders, and owners in a wide variety of real estate and business transactions that include negotiating commercial leases, development agreements, loan documents, purchase and sale agreements and all other types of agreements related to the acquisition, ownership and disposition of real property.

Laura Ford is an Executive Vice President at Colliers International where she is an expert in agency leasing. Prior to that, she acted as in-house office landlord representative in charge of the Benaroya Company's Class A downtown Seattle portfolio.

Brian C. Free, Hillis Clark Martin & Peterson, focuses on commercial litigation, with an emphasis on representation of financial institutions, securities firms, and commercial landlords. He has extensive experience with all aspects of bankruptcy, receiverships, insolvency, restructuring, and debtor-creditor work.

Jeanette L. Henderson is Director of Real Estate at the University of Washington. Her team handles property transactions, asset management, project management, finance and accounting, and data management, with real estate services provided to all three UW campuses, medical centers, research field stations, biological preserves, off-campus and various international locations.

Callan Cobb Kanev, Jameson Pepple Cantu, represents owners, buyers, developers and borrowers in negotiating and drafting purchase and sale agreements, commercial, retail and industrial lease agreements and commercial loan documents, facilitating and handling real estate closings, entity formation and other documents and matters relating to the acquisition, sale, development, operation and financing of commercial real property.

William Leedom is Director of Investments at Talon Private Capital. He has responsibility for sourcing and executing acquisitions, developing the property business plan and ultimately disposing of the asset.

Evan L. Loeffler, Loeffler Law Group, represent property management companies, landlords, and commercial tenants in Seattle and surrounding counties. He is the co-author of the Real Estate Closing Deskbook, Third Edition, published by the American Bar Association.

Patricia J. Loveall is Executive Vice President and Shareholder at Kidder Mathews.

Rob Nielsen, Executive Vice President at JLL, represents locally headquartered office tenants in lease renewals, expansions and relocations.

Scott B. Osborne is of counsel to Foster Garvey. His practice includes the representation of developers, lenders, institutional owners and tenants in various types of real estate projects, including high-rise office buildings, industrial facilities, condominiums, residential developments, retail shopping centers and apartments.

Stephen Penn is President of Management Services at KG Investment Properties (KGIP). He oversees all aspects of KGIP's management services business across Washington, Oregon and Northern California.

Michael Spence is a partner at Helsell Fetterman focusing on real estate transactions and brokerage matters, land use/zoning, alternative dispute resolution and litigation. A significant part of his practice involves waterfront properties and aquatic lands.

Susan Zimmerman is Senior Vice President, Retail at Kidder Mathews. She has worked on a number of high profile retail projects in the Seattle urban area. They include City Centre Retail at US Bank Centre, Fourth Avenue Associates, UBS Realty Investors, Fairmont, Olympic Four Seasons Hotel, the Joshua Green Corporation, Swedish Medical Center, Vance Corporation, Rouse Company, Unico Properties and Bentall Kennedy.