



The 33rd Annual Advanced Conference on
Commercial Real Estate Leases

The current best thinking for keeping your leasing toolbox on the cutting edge

December 2 & 3, 2021

Live Online | Pacific Time Zone

Agenda—Day 1

9:00 Introduction: The Ongoing Impact of Covid-19 on Commercial Leases

Landlord and tenant perspectives on rent, liability, default, subletting, 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

10:15 Break

10:30 Annual Market Update: Broker Perspectives

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

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

Demand for office properties

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

Demand for retail properties

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

Demand for industrial properties

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

11:45 Lunch Break

1:00 The Current State of Office Leasing Markets During Covid

As Covid evolves, and the public health safety response adapts to the changing circumstances, employers revisit their plans for a return to in-office work: What can we expect local office leasing markets to look like for 2022?

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

1:45 Retail Leasing as Covid Grinds On

Impacts on the various retail sectors in the Pacific Northwest

Serena S. Carlsen, Esq.
Perkins Coie ~ Seattle, WA

Local vs. national trends for the food and beverage sector

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

3:00 Break

3:15 Residential Leasing in Commercial Buildings: Major New Developments

Recent changes to Residential Landlord Tenant Law including provisions relating to enforcement of termination clauses and new procedures for enforcing the obligation to pay rent; lease drafting tips and considerations

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

4:00 Subleasing and Assignment

Drafting tips for agreements that meet tenant and subtenant needs while addressing landlord concerns

Miriam Chung, Esq.
Pacifica Law Group ~ Seattle, WA

5:00 Adjourn Day 1

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

Jeanette L. Henderson, *Director of Real Estate*
University of Washington ~ Seattle, WA

William Leedom, *Director of Investments*
Talon Private Capital ~ Seattle, WA

Stephen Penn, *President of Management Services*
KG Investment Properties ~ Bellevue, WA

10:15 Break

10:30 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

11:30 Building Management: Current Issues and a Look Forward to the New Normal

Strategies for complying with evolving public health mandates and other current operational issues; anticipating future legislative and other developments that will affect building operations

Rodney S. Kauffman, *President*
BOMA Seattle King County ~ Seattle, WA

12:15 Lunch Break

1:30 Case Law Update

Lessons from recent decisions on leasing-related litigation

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

2:15 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

3:15 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

The COVID-19 pandemic and attendant response continue to permeate many aspects of commercial real estate leasing. As we look forward to 2022, it is apparent that we can expect to see some permanent changes in how we work and live.

As a result, our broker panel this year will take a demand-side look at how countervailing forces are affecting the economy and, through that, demand for different types of commercial properties. Then we will take a deeper dive into what you can expect in the coming year for office and retail leasing. In addition, a host of factors are creating new issues for residential leasing in commercial buildings. We will also take a close look at changes in residential lease terms that can help you avoid housing complaints and litigation.

As tenants scale back their brick-and-mortar operations to new market realities, we'll continue to see more subleasing and assignments. We will take a look at some of the key terms and issues to consider in these lease transfers.

Our annual owner panel will approach the market changes from a supply-side perspective and look at the primary issues that landlords face in responding to the changes in demand. You will hear about current building management issues and BOMA's insights into what the "new normal" may look like as we move forward.

Our annual case law update will bring you up to date on recent commercial leasing case opinions. Then, our ethics presentation will provide an opportunity to hear negotiating tips for resolving problematic situations, and you will be able to pick up a full ethics credit.

Join us for a very informative two days. 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 public interest NGO's, students, and people in their job for less than a year, our rate is \$447.50. All rates include admission to all program sessions and course materials.

Make checks payable to Law Seminars International.

As an added value bonus, audio and video recordings of the program are available to attendees 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 Friday, November 26, 2021. 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 11.0 (including 1 ethics) Washington MCLE credits and 13.0 Washington Real Estate Commission clock hours. 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. Flash drive 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. He handles commercial real estate leasing matters for local, national, international, institutional and telecommunications industry clients, including but not limited to data center tenants, shopping center owners, national retailers, and office property landlords and tenants, as well as owners and developers of mixed-use real estate projects.

Richard A. Moore, *Program Co-Chair*, is a partner at Pacifica Law Group. His practice includes the representation of landlords and tenants in complex retail, office, industrial, telecommunications, life sciences, and other specialty leases.

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.

Serena S. Carlsen is a partner at Perkins Coie. Her experience guiding major commercial real estate transactions includes advising clients on land acquisitions, facility purchases, ground leases, office and retail leases, financing, and construction of facilities.

Miriam Chung is a partner at Pacifica Law Group where she focuses on real property transactions, and in particular, complex commercial real estate leasing. She has extensive experience drafting and negotiating lease agreements for office, retail, and industrial properties.

Brian J. Danzig is a Director and Corporate Counsel for Starbucks Coffee Company. 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.

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

Jeanette L. Henderson is Director of Real Estate at the University of Washington. Previously, she was in-house counsel for a Seattle-based developer. 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.

Rodney S. Kauffman, RPA, has been the President of BOMA Seattle King County since 1994. The chapter represents over 265 firms who either own or manage commercial real estate or provide goods and services to the industry.

William Leedom is Director of Investments for Talon Private Capital. In his career he has bought and sold over \$2.5 billion in real estate assets and managed assets totaling over \$5 billion dollars across the United States with US based and international institutional partners.

Evan L. Loeffler, Loeffler Law Group, represents property management companies, landlords, and tenants on commercial and residential leasing matters in Seattle and surrounding counties. He is the co-author of the Real Estate Closing Deskbook, Third Edition, published by the American Bar Association, and lectures frequently for property managers and lawyers on landlord-tenant law and ethics.

Patricia J. Loveall is an Executive Vice President and Shareholder at Kidder Mathews. She teams with Jason Rosauer to form one of the nation's leading investment sales and industrial leasing teams, where together they tackle complex transactions and consistently transact at record setting levels in all sectors.

Rob Nielsen is an Executive Vice President at JLL. He 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. Prior to his current role, he served as Managing Director of Investor Services for CBRE's Northwest region, where he was responsible for the performance and growth of property management, engineering and leasing professionals within CBRE's institutional business lines.

Michael Spence is a partner at Helsell Fetterman. His practice emphasizes 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 for Retail at Kidder Mathews. She has completed over 75 retail transactions in the Seattle urban area alone, including several high-profile retail projects.