

**FIRST
TIMERS** **NEXT
GENERATION**

The Law Conference Program Planning Committee is pleased to present the following programs, suited for all but strongly suggested for newer attendees

of the Law Conference and those new to the retail legal industry. Each of these programs has been carefully selected to provide a comprehensive and understandable background to a wide variety of issues. If you are new to the conference or the industry, don't pass up this outstanding opportunity!

Wednesday, October 22

2:00 – 3:15 pm

General Session 1

Operations and Expenses Games: Let the Audits Begin

We will discuss operating expense issues and operational issues encountered in retail developments, addressing these issues from the perspectives of landlords, large tenants and smaller tenants. We will also examine how these issues vary among different retail property types such as open air centers, enclosed malls, mixed use projects and urban centers.

JANE S. BORDEN

Target Corporation
Minneapolis, MN

CAROL KAUFFMAN

Nike, Inc.
Beaverton, OR

MARIA MANLEY-DUTTON

DDR Corp.
Beachwood, OH

CONSUELLA SIMMONS TA YLOR

Baker Botts LLP
Houston, TX

3:30 – 4:45 pm

General Session 2

Recent Developments: What Have the Courts Been Doing this Past Year?

We will explore the latest case law relating to easements, landlord/tenant, eminent domain, vendors and purchasers, brokers and agents, zoning and financing. We will discuss the most interesting cases, areas of concern and developing theories that may impact your practice, as well as practice tips on how to avoid problems that the cases may reveal.

VICTORIA S. BERGHEL

Victoria S. Berghel Law Offices
Chattanooga, TN

ANN PELDO CARGILE

Bradley Arant Boult Cummings LLP
Nashville, TN

DAVID J. RABINOWITZ

Goulston & Storrs PC
New York, NY

5:00 – 6:30 pm

First Timers & Next Generation Orientation

Get inside tips on how to make the most of your first Law Conference at this special orientation and welcome reception. Long time attendees will host small discussion tables to share their insights and answer your questions. This is a great networking opportunity to kick off your conference experience. Business casual attire is recommended.

Thursday, October 23

7:45 – 8:45 am

Keynote Speaker



DANA TELSEY

CEO and Chief Research Officer
Telsey Advisory Group LLC
New York, NY

Covering over 140 companies with her analyses, including apparel manufacturers, restaurants, department stores, and luxury goods, specialty apparel and sporting goods retailers, Dana is a 13-year member of Institutional Investor magazine's "All-America Research Team" and appears regularly as a guest analyst on both CNN and CNBC. During her keynote remarks, Dana will address omnichannel retailing trends, nontraditional uses in retail centers, as well as the impact on retailing of data security breaches and other crisis management issues.

9:00 – 10:15 am

General Session 3

Insurance and Casualty Provisions: Will Your Lease Perform Under Fire (and Other Perils)?

We will provide attendees with a basic understanding of what should be provided in a lease in order to avoid unexpected losses and ensure a clear division of responsibility in the event of a casualty, focusing on the property insurance requirements and casualty provisions in leases. We will explore, among other related matters, (a) what type of property insurance a lease should require each party to carry, (b) to what extent each party should be responsible for restoration, and (c) the extent to which a party should be entitled to use a casualty event to terminate the lease.

Thursday, October 23 continued

CHARLES E. COMISKEY

Brady Chapman Holland & Associates, Inc.
Houston, TX

MICHAEL HUNTER FREESE

Simon
Indianapolis, IN

JAY BYRON LEIBOVITZ

Barak Ferrazzano Kirschbaum & Nagelberg
Chicago, IL

9:00 – 10:15 am

Seminar 5

I Went to Orlando and Got a Fantastic Introduction to Negotiating a Retail Lease (Even Better Than a Set of Mickey Mouse Ears!)

We will provide a comprehensive (albeit fast-paced) introduction to retail leasing for the attorney or leasing professional who is fairly new to the industry and for those with greater experience who would enjoy re-enforcing the basics. We will review the main issues of the lease from the landlord's and tenant's perspectives, with an emphasis on issue-spotting and negotiation strategies, and will also point out issues which are specific to the shopping center industry. The new practitioner will sound more like a confident "old pro" in no time.

PEGGY M. ISRAEL

Attorney at Law
Baltimore, MD

WALKER KENNEDY III

Woodbury Corporation
Salt Lake City, UT

Seminar 7

Ethical Marketing for Fun and Profit

We will discuss marketing concepts to enhance current business relationships and create new ones while avoiding breaches of ethics. Situational analyses will range from in-person client presentations and meetings to tweets, snap chats, Facebook friending, LinkedIn linking, and old-fashioned article writing, all for the purpose of expanding that critically important marketing base of contacts that will turn from copper to silver to gold as each of us matures and grows with our colleagues. In addition, we will cover the critical "do's and don'ts" of marketing in order to avoid rubbing up against or, even worse, stepping on the ethical parameters within which we must all operate, including the use of puffery and exaggeration.

JAMES K. HENEGAN

Ruben Firsell & Ross LLC
Bannockburn, IL

JEFFREY H. NEWMAN

Sills Cummis & Gross P.C.
Newark, NJ

10:30 – 11:45 am

General Session 4

Here Comes the Sun: Reaching the Light on Co-tenancy, Exclusives and Operating Covenants

We will provide the beginning practitioner with an understanding of the essential elements of opening and operating covenants, co-tenancy requirements and exclusive use provisions commonly encountered in retail leases. We will explore the landlord's and tenant's respective needs and positions concerning these provisions, including express remedies for violations, and offer suggested approaches to compromise and resolve the parties' competing interests to enable successful lease negotiations.

NANCY SCHIRMER RENDOS

Macerich
Excelsior, MN

MICHAEL ROBERTSON

Smith-Robertson
Austin, TX

BRADLEY SYVERSON

J.C. Penney Corporation, Inc.
Plano, TX

12:00 noon – 1:15 pm

Seminar 11

Baskets, Floors and Ceilings, Are We Negotiating a Deal or Decorating a House?: Key Negotiating Points in Shopping Center Purchase Agreements

We will examine the basic and most critical provisions in a shopping center purchase and sale agreement, including due diligence, representations and warranties, estoppels and SNDAs, the operation of the property between the execution date and closing and default provisions. Sticking points in negotiations, such as liability baskets, floors and caps (ceilings) will be explored. The panelists will discuss critical issues from both the purchaser's and seller's perspectives with an eye towards reaching an agreement.

MINDY WOLIN SHERMAN

Perkins Coie LLP
Chicago, IL

ROBYN MINTER SMYERS

Thompson Hine LLP
Cleveland, OH

1:30 – 2:30 pm

General Session Speaker Forum – NEW THIS YEAR!

Join us for an informal forum with our industry experts – an opportunity for more personal conversation and insight on their General Session topics (and a chance to ask "that question" on their topic that you've been wanting to ask!).

Thursday, October 23 continued

3:00 – 4:00 pm

First Timers & Next Generation Reception

Please join us for a friendly and informal gathering that will provide a comfortable way for you to meet new faces in a smaller social setting. Casual attire is recommended.

Friday, October 24

7:30 – 8:45 am

Roundtable Discussions

9:00 – 10:15 am

General Session 5

Breaking Bad: The Ethics of Dealing with Challenging Clients

We will discuss clients who present ethical challenges to practitioners, ranging from the bully client to the client with a suspect background. Client selection is sometimes more art than science, but in a tough legal market where clients are scarce, where does a practitioner draw the ethical line? How do in-house counsel deal with their business counterparts who insist on winking at ethical constraints?

KEVIN L. SHEPHERD

Venable LLP
Baltimore, MD

AUBREY WADDELL

JLL
Atlanta, GA

9:00 – 10:15 am

Workshop 24

Don't Judge This Workshop by its "Title": Title Insurance Solutions for Your Difficult Retail Acquisition and Leasing Transactions

We will discuss how to identify and resolve thorny title issues that may be encountered in shopping center and retail store acquisitions and leasing. Basic title insurance concepts and commonly-requested endorsements will be discussed. We also will focus on the unique concerns of tenants and how title insurance can make their lives better.

MATTHEW S. BLIWISE

Chicago Title Insurance Company
New York, NY

DEBRA L. YURINICH

International Market Centers
Las Vegas, NV

10:30 – 11:45 am

General Session 6

Winter is Coming – Making Your Joint Venture Work (For When the White Walkers Come South of the Wall): Critical Issues for Drafting and Negotiating Real Estate Joint Venture Agreements

We will discuss those provisions of joint venture agreements that are critical to navigating through both good times and bad times. The panelists are transactional attorneys who have represented investors, promoters, and developers in putting joint ventures together, as well as a litigator who has represented the same parties when things are coming apart. We will focus on those provisions necessary to put a joint venture together and the first to come into play when things are "heading south."

MARTIN M. FANTOZZI

Goulston & Storrs PC
Boston, MA

SCOTT A. FISHER

Arnall Golden Gregory LLP
Atlanta, GA

LEE SAMUELSON

Hogan Lovells US LLP
New York, NY

1:30 – 2:30 pm

Do You Want to be a Speaker?

This brief non-CLE credit workshop will address the potential speaking opportunities available at future Law Conferences for attendees of almost all experience levels, the requirements speakers must meet and, if selected to speak, what it takes to be a successful Law Conference speaker.

DEBORAH STEAR DE LUCA

Holland & Knight LLP
Fort Lauderdale, FL

Saturday, October 25

8:00 – 9:15 am

Roundtable Discussions



Scan here for video testimonials from
2013 Law Conference attendees!