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The 34th Annual Advanced Conference on Negotiating
Commercial Real Estate Leasing

Adapting your negotiating strategy to recent legal and market developments

December 8 & 9, 2022

Live via Interactive Online Broadcast

Agenda—Day 1

9:00 Introduction & Overview

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

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

9:15 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
Renaissance Capital Group ~ Seattle, WA

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

10:30 Break

10:45 Returning to Work

Results of polling on where Seattle's workforce wants to work: Employees sentiments workplace environments and continued remote work options; generational differences in preferences for remote work vs in an office environment

Carrie Miceli, Commercial Industry Lead
Eagle Hill Consulting ~ Bellevue, WA

Working closer to home: Case study of Issaquah's experience with urban village development and higher urban density, and the resulting impact on where communities need office, and retail, and residential space

Melvin C. Morgan, Jr., Vice President, Real Estate
Washington Capital Management, Inc.
Seattle, WA

Kelly Richardson, Commercial Director
Rowley Properties Inc ~ Issaquah, WA

12:00 Lunch Break

1:00 Post-Covid Urban Core Recovery

Case study of the Recovery Plan for the City of Seattle by the Downtown Seattle Association and Metropolitan Improvement District for restoring downtown Seattle's pre-covid vibrancy and prosperity; impact of changes in where people want to live and work

Gerry Johnson, Esq., *Moderator*
Pacifica Law Group ~ Seattle, WA

Jon Scholes, *President & CEO*
Downtown Seattle Association ~ Seattle, WA

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

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

2:30 Break

2:45 What to Expect for Retail Leasing as We Settle into a New Normal for Where People Live and Work

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

4:00 Subleasing and Assignment

Market trends as large employers release space due to people preferring remote work to returning to the office; drafting tips for agreements that meet tenant and subtenant needs while addressing landlord concerns

Emily Kelly, Esq.
Stoel Rives ~ Seattle, WA

5:00 Adjourn Day 1

Agenda—Day 2

9:00 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, *Senior Vice President*
CBRE ~ 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

10:15 Break

10:30 Hazardous Materials in Commercial Real Estate

Issues for tenants from past uses of the property and for landlords from future tenant operations: The most effective lease structures for addressing potential problems

Alexandra Kleeman, Esq.
Stoel Rives ~ Seattle, WA

11:15 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

12:30 Lunch Break

1:30 The Dance of Negotiation in Today's Commercial Leasing Market

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

John A. Fandel, Esq., Program Co-Chair
Richard A. Moore, Esq., Program Co-Chair

2:30 Ethical Issues for Lawyers in Real Estate Practice

Dealing with the increase in pro se parties in litigation and in transactional work

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

3:30 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

Many of the most dramatic economic and lifestyle impacts from the Covid pandemic can be seen in commercial real estate markets. It now is possible for people who worked remotely to return to work in office environments, but do they want to do that? In this year's leasing program, you will be able to hear from an expert who has surveyed employee attitudes in the Seattle market on where people want to work.

You will hear invaluable insights into the current state and future of commercial leasing markets from our broker and owner panels. For urban core recovery, we will have a panel discussion on the recovery plan for the City of Seattle. You will hear expert insights into what to expect for retail leasing and in particular the trends for the food and beverage sector. As large employers and retail establishments release space due to people preferring remote work, you will want to sharpen your subleasing tools by hearing tips on how to draft agreements that will meet tenant and sub-tenant needs while addressing landlord concerns.

Outside of urban cores, we see communities positioning themselves for the future by developing urban villages so that people can work and shop close to where they live. Issaquah has done pioneering work in this area and we will have an interesting case study of their experience with urban village development.

The state's population growth has led to a need to develop contaminated properties. You will hear about the regulatory structure for hazardous materials and, after a change in use, the most effective lease structures for addressing potential problems.

Check out the full agenda for other valuable updates, including ethics, that we will cover. It will be a very informative two days and 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 a value-added bonus, you will 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 Friday, December 2, 2022. 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 11.5 (1 Ethics included) Washington MCLE credits and 14.0 Washington Real Estate 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. 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. 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.

Gerry Johnson, *Moderator*, is the Managing Partner for Pacifica Law Group. He focuses on major community projects, particularly those involving the participation of the public and private sectors. He currently serves on the boards of the Seattle Parks Foundation and the Downtown Seattle Association.

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.

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. She has been integrally involved in many of Seattle's highest profile office lease transactions.

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.

Emily Kelly, Stoel Rives, represents sophisticated owners and developers in complex commercial real estate transactions, including the acquisition, disposition, leasing, and financing of multifamily mixed-use, retail, and office projects. She has significant experience advising clients on the development and leasing of life sciences, biomedical, and technology space. She has also negotiated numerous complex ground leases on behalf of tenants and landlords.

Alexandra Kleeman is a partner at Stoel Rives. She has a versatile real estate and environmental practice that provides public and private real estate developers with transactional and litigation support on real estate, environmental, and regulatory matters, including disposition and acquisition of contaminated sites, redevelopment and cleanup of contaminated properties, resolution of cleanup liability disputes, and insurance recovery for environmental liabilities.

William Leedom, Renaissance Capital Group, formerly was 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, SIOR, 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.

Carrie Miceli is the Commercial Industry Lead for Eagle Hill Consulting. Eagle Hill provides unconventional management consulting services in the areas of Strategy & Performance, Talent, and Change to re-imagine the development of workforce strategy, high-performing organizational structures, and driving business outcomes through the adoption of digital transformation and enterprise-wide change initiatives.

Melvin C. Morgan, Jr. is Vice President of Real Estate at WaCap and is responsible for all real estate appraisal activities for both equity and debt assets. Prior to joining WaCap, Mel worked in the commercial real estate appraisal group at Washington Mutual Bank in Seattle, where he was a First Vice President in charge of commercial real estate appraisals throughout the United States.

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

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.

Kelly Richardson, CCIM, is Commercial Director for Rowley Properties Inc. It is the largest landlord in Issaquah and has a redevelopment agreement with the City of Issaquah which gives it the ability to build up to 4.4 million square feet of a complete, compact, and connected community.

Jon Scholes is President & CEO of the Downtown Seattle Association (DSA) where he is responsible for the operations and programs of the DSA, a 650-member association formed in 1958 to create a healthy, vibrant downtown. In this capacity, he also is responsible for management of the Metropolitan Improvement District (MID), which was established by property owners and the City of Seattle in 1999 to provide cleaning, safety, transportation, marketing, and public-realm management services across 285 square blocks in downtown.

Michael Spence is a partner at Hessel Fetterman. His practice emphasizes real estate transactions and brokerage matters, land use/zoning, alternative dispute resolution and litigation. He currently serves as retained legal counsel for the Seattle-King County Realtors and represents and advises many independent real estate brokerage firms on a wide range of real estate and business-related matters.

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.