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Continuing Legal Education Arm
of the Pennsylvania Bar Association



Philadelphia

Thurs. & Fri., Dec. 8 & 9, 2016

Pennsylvania Convention Center
12th and Arch St.

Thurs. & Fri., Dec. 8 & 9, 2016

8:20 am – 4:30 pm both days;
check-in and continental breakfast begin at 7:45 am

WHAT YOU'LL **DISCOVER**

KEEP ABREAST OF THE YEAR'S SIGNIFICANT DEVELOPMENTS

As a real estate lawyer, you know that the rules of the game are constantly changing. You can count on the Real Estate Institute to make sure you are up-to-date on all facets of the industry.

- ▶ Catch up on the year's most significant case law, current legislation, practice fundamentals, trends and strategies
- ▶ Invigorate your practice with new ideas and approaches to handling the tough issues in real estate practice
- ▶ Benefit from the comprehensive knowledge and experience that our faculty will share with you
- ▶ Discuss problems and concerns with old friends and new colleagues

PRACTICAL INSIGHTS AND TIPS, NOT MERELY BLACK LETTER LAW

So that you get the maximum benefit from the sessions you attend, our experienced presenters have a laser-focus on giving you not only the latest updates, but also great practice tips and techniques. They have spent hundreds of hours in developing their sessions to make the Institute a top-notch learning experience for you.



KEYNOTE SESSIONS

Thursday

DECEMBER 8, 2016

OPENING PLENARY SESSION SPEAKERS



A Year in Review

We know it's tough to stay on top of all of the significant case law developments. That's why we developed the Year in Review kickoff session to keep you apprised of everything that's happened in the past year and what it means for you and your practice. **Blair Granger, Tina Makoulian and Ed Mullin** have studied the cases and regulatory changes in-depth. They will share their scholarship and insights into how the case law and legislative developments affect the advice you give to your clients.

Friday

DECEMBER 9, 2016

PLENARY SESSION

Looking Forward –

What Does the Real Estate Economy Hold for the Future?



Kevin C. Gillen, Ph.D.

LINDY INSTITUTE FOR URBAN INNOVATION
DREXEL UNIVERSITY, PHILADELPHIA

Dr. Gillen is a Senior Research Fellow at Drexel University's Lindy Institute for Urban Innovation. He received his Ph.D. in Applied Economics from the Wharton School of the University of Pennsylvania,

concentrating in urban economics and real estate finance. Dr. Gillen has testified on matters of real estate policy to Philadelphia City Council, the Pennsylvania State Legislature and the U.S. Congress. His quarterly reports on the state of the Philadelphia region's housing market have received prominent placement in the *Wall Street Journal*, the *New York Times*, the *Philadelphia Inquirer* and *Philadelphia Magazine*.

7:45 – 8:20 Check-in and Continental Breakfast
 8:20 – 8:30 Welcome & Introductory Remarks
 8:30 – 9:30 **The Year in Review**
 Mr. Granger, Ms. Makouljian & Mr. Mullin
 9:30 – 9:45 *Break*

9:45 – 10:45	1 JUST THE BASICS Negotiating the New PAR Residential Agreement of Sale Mr. Goldsmith	2 Going with the Flow – Addressing Stormwater Management Issues in Your Development Project Mr. Gould & Mr. Hume	3 Intricacies of Acquiring and Selling Multi-Family Real Estate in Pennsylvania Mr. Goodman	4 Estate Administration: Issues and Developments Mr. Chariton & Mr. Schwager
	10:45 – 11:00 <i>Break</i>			
11:00 – 12:00	5 JUST THE BASICS Litigating Common Disputes Under the PAR Agreement of Sale Mr. Goldsmith	6 How to Handle Reasonable Accommodation and Modification Requests in a Community Association and Comply With the Fair Housing Act Mr. Granor & Mr. Hoffman	7 Internet Research for Real Estate Attorneys Ms. Strickler Corso	8 Municipal Land Development Agreements – What Should Be Addressed and What Shouldn't Mr. Freimuth, Mr. Garrity & Mr. Mullin
	12:00 – 1:00 <i>Lunch (included in your tuition)</i> 12:30 – 12:45 7 in 7 Tech Tips with Mr. Tupitza			
1:00 – 2:00	9 JUST THE BASICS Hot Off the Presses: Updates on HOA and Condo Law Mr. Granor & Mr. Sugarman	10 Representing the Buyer of a Small Commercial Property, Including Tenant-Occupied Property Ms. Edwards	11 Delving Into the Details of a Construction Management Guaranteed Maximum Price Agreement Ms. Gilsdorf	12 Structural Considerations for Ground Lease Financings: What Lenders Want and Why Mr. Hackman & Mr. Rozes
	2:00 – 2:15 <i>Break</i>			
2:15 – 3:15	13 JUST THE BASICS Environmental and Brownfields Law 101 – What Every Real Estate Lawyer Needs to Know Mr. Franey & Mr. Manko	14 The Changing Landscape of Distressed Commercial Properties – Recent Developments and Legislative Recommendations Mr. Argentina & Mr. Flame	15 Fundamentals of Real Estate Tax Assessment Appeals and Minimization Strategies in Philadelphia Mr. Aldinger, Mr. Laver & Mr. Nix	16 ETHICS When the Attorney Becomes the Hunted Mr. Granger & Mr. Lewis
	3:15 – 3:30 <i>Break</i>			
3:30 – 4:30	17 JUST THE BASICS An Overview of Land Use Regulation: Zoning, Subdivision and Land Development Ms. Smith	18 Drafting & Negotiating Covenants in Commercial Loan Documents Ms. Blanton & Ms. Sparks	19 Medical Marijuana in Pennsylvania: Real Estate and Land Use Primer Mr. Yarsky	20 ETHICS How Good Real Estate Lawyers Get Into Trouble Mr. Landis

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8:30 – 9:30 **Looking Forward – What Does the Real Estate Economy Hold for the Future?**

Dr. Gillen

9:30 – 9:45 *Break*

9:45 – 10:45	21 JUST THE BASICS Tax Assessment Appeals: Procedures & Strategies Mr. Cappuccio & Ms. Righter Price	22 Not Your Parents' Lien Law Anymore Mr. Edelstein & Mr. Gentilcore	23 Commercial Evictions and How to Avoid Them Mr. Brahin	24 Partition Actions – Everything You Never Realized You Ought to Know About Them Mr. Maffucci
	10:45 – 11:00 <i>Break</i>			
11:00 – 12:00	25 JUST THE BASICS Landlord-Tenant Law Basics: What Every Lawyer Needs to Know Mr. Friedman	26 How Divorce Law Affects Your Real Estate Practice Mr. Bernbaum	27 Oil and Gas Estates and Actions to Quiet Title Ms. McKenna and Mr. Saunders	28 Zoning and Land Use Update Mr. Mancini
	12:00 – 1:00 <i>Lunch (included in your tuition)</i>			
1:00 – 2:00	29 JUST THE BASICS Cybersecurity in an Evolving Threat Landscape Mr. McAndrew	30 Trifecta of Advanced Sheriff's Sale Issues <ul style="list-style-type: none"> • Unresolved Divestiture • Defective Sheriff's Deeds • Cleaning Up Small Issues Before Sale, and More Mr. Berton, Mr. Somach & Mr. Tupitza	31 Following the Crowd; Crowdfunding and Other Sources of Equity for Real Estate Deals Mr. Stein	32 TRIFECTA OF ADVANCED COURSES Terminating a Condominium; the Condominium Act and More Ms. Kipnes & Mr. Kolodner <hr/> Whose Lake Is It? Ms. Diener <hr/> Foreign Investment & Real Estate Investment Tax Act Ms. Shields
	2:00 – 2:15 <i>Break</i>			
2:15 – 3:15	33 JUST THE BASICS The ALTA Enhanced Title Insurance Policy – What You Need to Know Mr. Angelo	34 By the Way, What About the Post-Closing Credit Enhancement? Mr. Shepherd	35 Pennsylvania Real Estate Consumer Protection Mr. Hladik & Mr. Tuttle	36 ETHICS Beware of False Profits – Conflicts of Interest: When Should Clients Waive ... When Should Lawyers Ask? Mr. Cohen
	3:15 – 3:30 <i>Break</i>			
3:30 – 4:30	37 JUST THE BASICS Issues That Concern Lenders Mr. Silverang	38 Underdog: Equalizing the Terms of a Commercial Lease for Small Business Owners Mr. Burns and Ms. Holmes	39 Drafting Tips for Construction Contracts Mr. Braber	40 ETHICS Depression: An Occupational Hazard of the Legal Profession (Lawyers Concerned for Lawyers) Dr. Zampogna

SESSION DESCRIPTIONS

8:30 – 9:30

KEYNOTE SESSION

The Year in Review

Mr. Granger, Ms. Makoulian & Mr. Mullin

What are the most significant cases and legislative statutes in real estate law over the past year? Get a quick summary of the important developments in our lively annual case law and legislative update.

9:45 – 10:45

JUST THE BASICS

1. Negotiating the New PAR Residential Agreement of Sale

Mr. Goldsmith

The parties to residential real estate transactions are typically bound by a standard agreement of sale. While the standard form is an excellent place to begin, it rarely satisfies the needs of all buyers and sellers. Find out what's been revised in the latest form and what you can adjust, add, modify or delete to best promote and protect your client's interests.

2. Going with the Flow – Addressing Post-Construction Stormwater Management Issues in Your Development Project

Mr. Gould & Mr. Hume

DEP's requirements for Post-Construction Stormwater Management (PCSM) are causing problems for developers throughout the Commonwealth. This program will provide an overview of the Chapter 102 requirements for PCSM and present strategies for getting a project into compliance.

3. Intricacies of Acquiring and Selling Multi-Family Real Estate in Pennsylvania

Mr. Goodman

This presentation will delve into the nuances involved in acquiring and selling multi-family real estate in Pennsylvania – from the agreement of sale process, through due diligence, loan approval and closing. It will also examine how to adapt deal structures to accommodate regularly shifting market trends in this hot sub-industry.

4. Estate Administration: Issues and Developments

Mr. Chariton & Mr. Schwager

This course covers the most significant concerns that are likely to arise when a decedent owns realty directly or indirectly at the time of death. The materials highlight issues that should be anticipated with appropriate responses when clear and approaches to solving such issues when appropriate responses are not clear.

11:00 – 12:00

JUST THE BASICS

5. Litigating Common Disputes Under the PAR Agreement of Sale

Mr. Goldsmith

This presentation begins with a review of the common causes of action likely to arise from a settled or failed transaction drafted on the standard Pennsylvania Association of Realtors® agreement of sale. It emphasizes practical approaches to a resolution in cases where the amount in controversy is limited. It also explores big-ticket cases frequently overlooked by practitioners not so familiar with litigating failed transactions. The course will also focus on defenses, identification of parties, seller disclosure law, mortgage contingencies, mediation and use of experts. It is intended to provide insightful approaches to real estate litigation frequently overlooked.

6. How to Handle Reasonable Accommodation and Modification Requests in a Community Association and Comply With the Fair Housing Act

Mr. Granor & Mr. Hoffman

Service animals? Emotional support animals? Wheelchair ramps on a common element? Widen an entry door? What do we do??? Handling a reasonable accommodation or reasonable modification request in a community association is a matter of (federal) law. Attend this seminar to learn how to properly handle these requests and keep your client out of court.

7. Internet Research for Real Estate Attorneys

Ms. Corso

Information abounds online but sifting through what's available to find reliable, credible and current information can be a real challenge. Discover free sources for real estate forms, property records, government information (Pennsylvania, New Jersey and federal), commentary and other secondary materials covering a variety of real estate law topics.

8. Municipal Land Development Agreements – What Should Be Addressed and What Shouldn't

Mr. Freimuth, Mr. Garrity & Mr. Mullin

Whether they are called land development agreements, improvement construction agreements, or just developers' agreements, virtually every municipality requires developers to sign them for every subdivision and land development. Dependable guidance from the PA Municipalities Planning Code and case law is difficult to find. This session will therefore focus on these agreements from both sides: advising municipal solicitors on what needs to be in this type of agreement and advising developers' attorneys on what they should try to have removed.

12:30 – 12:45

7 in 7 Tech Tips

Mr. Tupitza

Explore seven of the latest apps and programs that might make your life easier.

1:00 – 2:00

JUST THE BASICS

9. Hot Off the Presses: Updates on HOA and Condo Law

Mr. Granor & Mr. Sugarman

This interactive presentation covers the "latest and greatest" cases and statutory laws recently handed down by our Judiciary and Legislature that directly impact all condominiums and planned communities in Pennsylvania. Take advantage of this opportunity to learn about and digest the evolving laws in the community association arena so that you can stay on top of these important developments in your real estate practice.

10. Representing the Buyer of a Small Commercial Property, Including Tenant-Occupied Property

Ms. Edwards

This course will cover issues that arise when your client is buying a tenant-occupied commercial property. Topics will include terms to include in the Agreement of Sale; information to obtain during the due diligence period; dealing with a tenant in breach; post-closing issues; and a discussion of applicable statutes and case law.

11. Delving Into the Details of a Construction Management Guaranteed Maximum Price Agreement

Ms. Gilsdorf

A detailed exploration of the structure and substance of a Construction Management Guaranteed Maximum Price Agreement. Topics for discussion and drafting tips will include the significance of warranties and representations in context with performance criteria; review of "Costs of the Work" and the means to control cost; entitlement for changes in the work; various means of managing schedule; establishing responsibility for site operations and safety; an overview of insurance and bonds; considerations for dispute resolution; criteria for Substantial Completion; and warranties for work performed.

12. Structural Considerations for Ground Lease Financings: What Lenders Want and Why

Mr. Hackman & Mr. Rozes

This one-hour seminar will review and analyze what lenders look for when financing the ground leasehold interest encumbering commercial properties. The discussion will include how ground leases present unique challenges for lenders and borrowers trying to successfully close a commercial loan transaction. Lenders who originate and syndicate these loans, and the rating agencies involved in rating CMBS transactions backed by these loans, have recently begun taking a more critical view of traditional ground lease financeability provisions, making it more difficult to finance these properties. The seminar will present an overview of traditional ground lease financeability provisions required by lenders (including notice and cure rights, waiver of non-curable defaults, subordination of fee mortgages, lender rights to a new lease and lender consent rights over amendments) and possible solutions for borrowers and lenders to address financeability issues in ground leases.

2:15 – 3:15

JUST THE BASICS

13. Environmental and Brownfields Law 101 – What Every Real Estate Lawyer Needs to Know

Mr. Franey & Mr. Manko

This presentation will provide real estate practitioners with a primer on federal and state environmental laws impacting real estate transactions. The presentation will also cover the practical considerations when dealing with government agencies and recent developments in environmental law such as vapor intrusion and revised cleanup standards.

14. The Changing Landscape of Distressed Commercial Properties – Recent Developments and Legislative Recommendations

Mr. Argentina & Mr. Flame

This program will focus on recent developments related to insolvent real estate projects, including (a) the proposed Uniform Commercial Real Estate Receivership Act; (b) recent statutory and decisional law related to bankruptcy sales, including tenant occupancy rights following a bankruptcy sale; and (c) reforms to certain real estate-related Bankruptcy Code provisions proposed by the American Bankruptcy Institute. Learn about today's landscape and tomorrow's terrain.

15. Fundamentals of Real Estate Tax Assessment Appeals and Minimization Strategies in Philadelphia

Mr. Aldinger, Mr. Laver & Mr. Nix

Representatives from the Board of Revision of Taxes (BRT), the Office of Property Assessment (OPA) and the private bar will share procedures, best practices and general deadlines for perfecting appeals to Philadelphia's BRT. Our discussion will cover the procedural essentials, including time of filing, the local rules of filing and contents of appeal pleadings.

We shall also review considerations for whether or not to file an appeal; when independent appraisal reports are required; and the procedures/ practice regulations required by the BRT.

ETHICS

16. When the Attorney Becomes the Hunted

Mr. Granger & Mr. Lewis

What happens when an attorney representing a seller knows his client is being less than truthful with the buyer and that the representations in the Agreement of Sale are false? What are the ethical ramifications of sitting back and doing nothing about representations that "may" be inaccurate? How does litigation being filed change the equation and whether the attorney can maintain the representation? Does the situation change if the attorney is appointed as counsel by a title insurer under the contours of the tripartite relationship and in the course of representing the insured, becomes aware that an employee of the insured has committed mortgage fraud?

3:30 – 4:30

JUST THE BASICS

17. An Overview of Land Use Regulation: Zoning, Subdivision and Land Development

Ms. Smith

This session will comprehensively review the zoning and subdivision/land development ordinances as the principal municipal tools for the regulation of development. The zoning ordinance regulates the use of the land. The overview of zoning will include a discussion of variances – dimensional, use and hybrid – which are requests for relief, and uses permitted as conditional uses and special exceptions subject to specific standards and requirements and procedures. The subdivision and land development ordinance regulates the development of land. Our overview of this ordinance will discuss what can be regulated, standards and procedures, including conditions attached to a plan's approval.

18. Drafting & Negotiating Covenants in Commercial Loan Documents

Ms. Blanton & Ms. Sparks

We'll focus on the issues and tug of war confronting lenders and borrowers in the drafting and negotiation of covenants in commercial loan documents, including the importance of tailoring standard financial covenants to the borrower's business, the effect and scope of nonrecourse carve-outs and material adverse change clauses, the difficulty in obtaining "reasonable" SNDAs from tenants and limitations on a lender's ability to cease funding upon the occurrence of a default versus an event of default.

19. Medical Marijuana in Pennsylvania: Real Estate and Land Use Primer

Mr. Yarsky

The presentation will provide an analysis of the recently enacted Medical Marijuana legislation (Act 2016-16) in conjunction with federal prohibition and the impact of the legislation on real estate, including leasing, ownership, land use and financing.

ETHICS

20. How Good Real Estate Lawyers Get Into Trouble

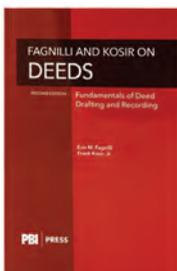
Mr. Landis

Buying and selling real estate can be a perilous venture. The people who engage in it are often great risk-takers. Unfortunately, these people sometimes expect their lawyers to have the same willingness to take risks and this can lead to professional liability exposure. Using actual malpractice claims examples, this program will help real estate lawyers recognize these dangers and provide tips on how to avoid them.

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SESSION DESCRIPTIONS

8:30 – 9:30

KEYNOTE SESSION

Looking Forward – What Does the Real Estate Economy Hold for the Future

Dr. Gillen

With a background in urban economics and real estate finance, Dr. Gillen's research and consulting work is concentrated in applied work in the analysis of real estate developments and the operation of real estate markets, including their fiscal, economic and financial implications. In his keynote address, he will present his take on the future of the real estate economy.

9:45 – 10:45

JUST THE BASICS

21. Tax Assessment Appeals: Procedures and Strategies

Mr. Cappuccio & Ms. Righter Price

This seminar will cover tax assessment appeal procedures and strategies from the ground up, including: determining when to take an appeal (methodology); filing appeals; procedure before Board of Assessment; Appeals to Court from the Board of Assessment decision; and strategies at the trial court level.

22. Not Your Parents' Lien Law Anymore

Mr. Edelstein & Mr. Gentilcore

Since the last wholesale republication in 1963, Pennsylvania's Lien Law was left largely untouched by the legislature and not exactly a hot and frequent topic before the courts in Pennsylvania and elsewhere. However, after the turn of the century, the Lien Law has seen at least three key iterations of revisions, most notably impacting the ability to obtain upfront waivers of lien. That one change, in relative terms, opened the floodgates to a growing number of decisions from all levels of Pennsylvania's judiciary, including its highest court. This session will focus on some of those past legislative changes by background, but will emphasize analysis and discussion of recent cases, a pending rulemaking that, if finalized, will be the first in almost decades to impact Lien Law procedure, and the most recent Lien Law amendments that are scheduled to go "online" on December 31, 2016, with the anticipated launch of the State Construction Notices Directory. This is a session that cannot be missed before filing or defending that next Mechanics' Lien Claim in Pennsylvania.

23. Commercial Evictions and How to Avoid Them

Mr. Brahin

This presentation involves a comprehensive review of commercial evictions. Lease provisions and drafting are discussed as well as the various methods of commercial evictions involving district justice and municipal court actions, Common Pleas Court and ejectment lawsuits, and confessions of judgment. Substantive law concepts and defenses and practical issues are reviewed as well.

24. Partition Actions – Everything You Never Realized You Ought to Know About Them

Mr. Maffucci

Learning about partition actions will make you wealthier, happier, sexier, and a better golfer. Okay, maybe that's an overstatement. But even if mastering Pa. R.C.P. 1551-1574 doesn't improve your swing mechanics, the former is more likely to put money in your pocket. We have too many lawyers on the golf course; we need more who know how to untangle the interests of disputing co-owners. So spend an hour with Bill Maffucci learning about owelty, purparts, and the pursuit of the perfect pitch shot.

11:00 – 12:00

JUST THE BASICS

25. Landlord-Tenant Law Basics: What Every Lawyer Needs to Know

Mr. Friedman

Like it or not, almost all lawyers will have a landlord-tenant case no matter what their specialty. This program is designed to provide the most basic tools for dealing effectively with landlord-tenant legal issues on both the landlord and the tenant side. These issues include formation of the landlord tenant relationship, issues arising during the lease term, and termination of the lease, including evictions and lower court practice and procedure.

26. How Divorce Law Affects Your Real Estate Practice

Mr. Bernbaum

Learn the interrelationship between real estate transactions and divorce law. Almost every aspect of the transaction – buying or selling, refinancing, trusts and partnerships – is impacted by divorce law. Thus, you should analyze and carefully construct each transaction to maximize the benefit to your client. Remember, you can represent a married or unmarried client buying or selling real estate. Upon marriage or divorce, how the transaction was structured determines the family law matters.

27. Oil and Gas Estates and Actions to Quiet Title

Ms. McKenna and Mr. Saunders

Previously severed oil and gas rights became a valuable asset as a result of the Marcellus Shale land grab which peaked around the end of the last decade. In the preceding years, there was a significant increase in the utilization of the action to quiet title, coupled with alternative service, as a vehicle to reunite long forgotten oil and gas interests by surface owners. This session will examine recent developments in the law of quiet title as applied to these often discredited practices and will include a discussion of the interrelationship and practical application of title insurance policies to the proliferation of claims for defective oil and gas title.

28. Zoning and Land Use Update

Mr. Mancini

This session will provide an update of recent cases on zoning and land use, with practical analysis and discussions regarding the evidentiary components presented by the successful counsel.

1:00 – 2:00

JUST THE BASICS

29. Cybersecurity in an Evolving Threat Landscape

Mr. McAndrew

Examine the current cybersecurity threat landscape and what it means for the real estate industry. Topics to be covered include evolving and advanced threats, cyber risk management and regulatory compliance, current trends in cyber-related litigation, and tips for interacting with law enforcement agencies on cyber issues.

30. Trifecta of Advanced Sheriff's Sale Issues

Mr. Berton, Mr. Somach & Mr. Tupitza

A free-form panel discussion using real world examples of everything that can and might happen involving sheriff's sales and subsequent claims of divestiture and non-divestiture of liens.

31. Following the Crowd: Crowdfunding and Other Sources of Equity for Real Estate Deals

Mr. Stein

This session will focus on the new public source of real estate equity, crowdfunding, and will revisit private equity and joint ventures. It will cover both business and legal issues associated with these equity sources, including potential securities law issues, liability for fraud and the possible pitfalls in the use of social media when raising real estate equity.

ADVANCED COURSE

32. Terminating a Condominium: The Condominium Act and More

Ms. Kipnes & Mr. Kolodner

If the client's expectations for development of a condominium don't become reality, and you need to terminate the condominium, how do you do it? It is easy if your client owns all of the units. It is complicated if units are owned by different people. We will address the concerns of the separate owners, the preservation of the easements built into the declaration that must survive, transfer tax consequences and title insurance. This session is applicable to horizontal condominiums, such as shopping centers or multi-phased developments. This session does not address termination of residential condominiums.

ADVANCED COURSE

32. Whose Lake Is It?

Ms. Diener

Explore the historical uses of lakes and waterways in Pennsylvania in relation to case law concerning public access. Learn when bodies of water can be considered private so as to exclude boaters and fishermen, how exclusive use may and may not be enforced, and explore the concept of navigability.

ADVANCED COURSE

32. Foreign Investment & Real Estate Investment Tax Act*Ms. Shields*

When a foreign person, or entity, disposes of an interest in real estate in the U.S., the transaction is subject to income tax withholding (10% of the proceeds of sale) under Section 1445 of the IRC. There are exceptions, but the duty to withhold, penalties and interest fall upon the buyer, and others. Learn who is a foreign person, and what is an interest in real estate in the eyes of the IRS.

2:15 – 3:15

JUST THE BASICS

33. The ALTA Enhanced Title Insurance Policy – What You Need to Know*Mr. Angelo*

This presentation will focus on the ALTA Enhanced Title Insurance Policies for Owners and Lenders. Learn about the additional coverages provided by these policies and contrast them with the basic policy provisions.

34. By the Way, What About the Post-Closing Credit Enhancement?*Mr. Shepherd*

Parties spend considerable time negotiating a seller's representations and warranties in commercial purchase and sale agreements and the buyer's remedies for a breach. Less time (and possibly no time!), however, is spent on post-closing security, or "credit enhancement," for a breach of a seller's representations and warranties that is discovered after closing. The program will highlight the types of credit enhancement, their relative pros and cons, and when and how to use them.

35. Pennsylvania Real Estate Consumer Protection*Mr. Hladik & Mr. Tuttle*

This session will cover consumer protection laws that every Pennsylvania real estate lawyer should know. The Real Estate Seller Disclosure Law and the Home Inspection Law play in an important role in most residential transactions. Knowledge of the Unfair Trade Practice Consumer Protection Law is increasingly important to any lawyer who handles litigation involving consumers, including sales and leasing. Real estate lawyers should also be familiar with the Home Improvement Consumer Protection Act.

ETHICS

36. Beware of False Profits – Conflicts of Interest: When Should Clients Waive ... When Should Lawyers Ask?*Mr. Cohen*

The program will begin with a brief review of the conflict of interest provisions of the Pennsylvania Rules of Professional Conduct, and will continue with several real life conflict scenarios encountered in real estate practice. For each scenario, the conflicts will be identified and methods for resolving them discussed. It is hoped that program attendees will contribute their own experiences in managing similar conflict situations.

3:30 - 4:30

JUST THE BASICS

37. Issues That Concern Lenders*Mr. Silverang*

This presentation will concentrate on issues of interest or concern to lenders in today's commercial real estate market. Discussion topics will include: interest rate risks, loan to value ratio concerns, debt service coverage issues, asset classification concerns, third party report issues (appraisal, environmental and physical condition reports), occupancy rates, recourse vs. non-recourse and construction-related issues.

38. Underdog: Equalizing the Terms of a Commercial Lease for Small Business Owners*Mr. Burns and Ms. Holmes*

Don't let your clients become burdened by onerous lease terms. Attend this session and get the tools you need to advise your small business clients on assignment and subletting, prepossession construction and personal guarantees. Discover how you can negotiate free rent, explore confession of judgment and its ramifications, and learn how to get the most out of your lease agreements.

39. Drafting Tips for Construction Contracts*Mr. Braber*

This seminar will cover up to 10 major risks and important provisions for owners, developers and tenants to understand and insist upon when undertaking a construction project, hiring a contractor or architect, etc. Receive five basic tips, such as bonding provisions and AIA Contract Forms, and five complex tips, such as liquidated damages and consequential damages provisions, no damage for delay provisions, and waivers of workers' comp immunity. Hear an update on the quickly changing landscape for lien waiver provisions and frankly discuss whether owners should bother with putting them in a contract. And discover some developing pitfalls and risks for New York projects.

ETHICS

40. Depression: An Occupational Hazard of the Legal Profession*Dr. Zampogna*

Dr. Zampogna will present the most recent study data relative to the extraordinarily high incidence of major depression among attorneys. Risk factors, symptoms, impairment issues, intervention and treatment strategies will be discussed. She will incorporate elements from her own personal journey through depression, addiction and sustained recovery to illustrate the topic.

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Mr. Korb is a partner in the Real Estate Department of Ballard Spahr LLP. His practice includes real estate development, real estate acquisitions and financings, real estate taxation, leasing, condominium and planned community development, workouts, and general real estate matters.



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