

MEET THE FACULTY

Continued from reverse

ROBERT H. "BOB" SMITH, a partner with Holland & Knight LLP in Miami, practices in real estate, including commercial office, industrial and retail leases; purchase and sale transactions; acquisition, construction, and permanent financing transactions; and workouts and restructuring of problem loans. Mr. Smith is an adjunct professor in the LL.M. Real Estate Program at the University of Miami School of Law. He authored "How Green Leasing Will Come to Pass - And What It Will Look Like," in *Green Building and Sustainable Development: The Legal Guide*, published by the ABA, 2008. Mr. Smith is listed in *Best Lawyers® in America* for Real Estate Law in 2010. He is admitted to The Florida Bar and the American Bar Association. Mr. Smith earned his B.A. at Yale University, his M.A. at the University of Virginia, and his J.D. at the University of Virginia School of Law.

OTHER OPPORTUNITIES

- **International Taxation**
Miami, FL – September 16, 2010
- **Landlord-Tenant Law Update**
West Palm Beach, FL – September 16, 2010
Orlando, FL – October 12, 2010
Check our website or call us for more info!

REFERENCE MATERIALS

Seminar Manual

The faculty has prepared a substantial reference work to accompany its presentation. This manual will serve as a valuable tool for future reference. You will receive the manual upon checking in at the seminar site. Its price is included in the registration fee.

Audio Recording

This seminar will be recorded, so if you cannot attend, or if you want to apply for home study credit (where available), you can order the audio recording and/or a reference manual from this program. Please use the registration form to order.

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Distressed Home Conveyances & Pre-Foreclosure; Vendor/Purchaser Real Estate Issues in Landlord-Tenant Context; Post Foreclosure Eviction & Issues; Unlawful Detainer & Defenses & Jurisdictional Issues; Green Issues; and Ethical Considerations in Landlord-Tenant Law

PRESENTERS: Michael J. Posner with Ward, Damon & Posner, P.A.; Anthony J. Horky with Mombach, Boyle & Hardin, P.A.; Steven E. Wallace with Ruden McClosky; and Oscar A. Sanchez with Akerman Senterfitt

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COMMERCIAL LEASES – HOW TO DO THEM RIGHT!:

Rent and Other Essential Issues; Operational Issues; Construction; Landlord Remedies; When the Landlord and Tenant Files Bankruptcy; and Ethical Considerations in Lease Drafting

PRESENTERS: Patrick G. "Rick" Emmanuel, Jr., Charles P. Hoskin, and Sally B. Fox with Emmanuel, Sheppard & Condon; Michael Rayboun with Keefe, Anchors, Gordon & Moyle, P.A.; and Charles S. Liberis with Liberis & Associates, P.A.

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Landlord-Tenant Law Update

Fort Lauderdale – July 21, 2010

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Landlord-Tenant Law Update



**Fort Lauderdale, FL
July 21, 2010**

Presented by:

Michael J. Posner

- Ward, Damon, Posner, Pheterson & Bleau, PL

Robert H. Smith

- Holland & Knight LLP

Anthony J. Horky

- Mombach, Boyle & Hardin, P.A.

Jeremy E. Slusher

- Broad and Cassel

Barbara G. Lanshe

- Lanshe & Casas, P.A.

Richard A. Jarolem

- Casey Ciklin Lubitz Martens & O'Connell

Anthony C. Alfonso

- Holland & Knight LLP

(See complete biographies inside)



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WHO SHOULD ATTEND

• Attorneys:

• Landlord-Tenant

• Real Estate

• Evictions

• General Practice

• Litigation

• Property Managers

• Developers

• Building Owners

• Leasing Agents

• Landlords & Tenants

• Other Real Estate Professionals

SEMINAR AGENDA

- I. Lease Provisions and Issues: Plan Ahead to Avoid Problems
- A. Case law and legislative updates

B. Fair Housing Act

C. Lease drafting consideration: forms, default and remedy clauses

D. Parties to the lease, assignment, and subletting

E. Liquidated damages and frequently contested issues

F. Guarantees

G. Options to renew/extend – expand/terminate

H. Signage issues

I. Condemnation issues

J. Special circumstances: public and subsidized housing, mobile homes: statutory protections and differences in notices and timelines
- II. Landlord and Tenant Obligations
- A. Landlord obligations

1. Duty to deliver possession, to repair, to provide “quiet enjoyment”

2. Security deposits: to keep it or not to keep it – that is the question and choosing small claims or county court

3. Fair credit reporting

B. Tenant obligations

1. Statutory obligations; duty to maintain

2. Abandonment

3. Holdover tenants

C. Protecting Tenants at Foreclosure Act: obligations and responsibilities
- III. The Eviction and Judicial Process
- A. The eviction process: forcible entry and detainer statute, lockouts and evictions “for cause” and “without cause”

B. The judicial process

1. Determining jurisdiction

2. The summons and complaint

3. The eviction trial

4. Judgment and writ of possession/appeal

5. Disposition of personal property
- IV. Landlord-Tenant Mediation/Dispute Resolution
- A. Overview of ADR – Alternative Dispute Resolution

B. Effective use of ADR in landlord/tenant cases: mediation; arbitration; collaborative law
- V. Green Building and Green Leases
- A. Overview of green building rating systems, e.g. LEED®

B. Green legislation affecting landlords, tenants, owners; risks and rewards

C. Green lease: considerations, incentives, operating costs, tenant improvements, operations, and maintenance
- VI. When Tenant or Landlord Files Bankruptcy
- A. Landlord or tenant bankruptcy

B. The Automatic Stay

C. Treatment of leases and executory contracts under the Bankruptcy Code

D. Assumption and/or rejection of real property leases (commercial v. residential)

E. Calculation of damages following rejection of real property leases

F. Other issues affecting real property leases

G. Collections and judgments
- VII. Ethical Consideration in Landlord-Tenant Law
- A. Negotiating with a pro se tenant at court

B. Competency, conflicts of interest, un-represented, dual representation

C. Ethical situations

D. Fee arrangements, getting paid
- Sterling Education Services may alter the agenda due to circumstances beyond our control.

LANDLORD-TENANT LAW UPDATE

DATE: Wednesday, July 21, 2010

REGISTRATION: 8:00 a.m.

PRESENTATIONS: 8:30 a.m. - 4:30 p.m.

LUNCH: (on your own) 12:00 - 1:00 p.m.

LOCATION:

Renaissance Fort Lauderdale Hotel

1230 South Pine Island Road

Plantation, FL 33324

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Landlord-Tenant Law Update

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MEET THE FACULTY

MICHAEL J. POSNER, a shareholder in Ward, Damon, Posner, Pheterson & Bleau, PL in West Palm Beach, has expertise in real estate and corporate law. Mr. Posner is board certified in real estate law by the Florida Certification Designation Committee, and he has served as an expert witness in legal matters relating to real estate and title law issues. Mr. Posner is a frequent lecturer on real estate matters at professional education programs, including the University of Miami School of Real Estate, the Attorneys’ Title Insurance Fund, and the Realtors Association of the Palm Beaches. He has been recognized as a Super Lawyer® in the State of Florida for the past three years. Mr. Posner serves as the U.S. Housing & Urban Development Foreclosure Commissioner, the Palm Beach County Value Adjustment Board Special Magistrate, and the Special Master Village of Wellington Code Enforcement Board. He is a member of The Florida Bar Association. Mr. Posner earned his B.A. at the University of Florida College of Arts & Sciences and his J.D., with honors, at the University of Florida College of Law.

JEREMY E. SLUSHER, a member of the litigation practice group at Broad and Cassel in West Palm Beach, handles all types of landlord-tenant disputes and provides day to day advice to both commercial and residential landlords and tenants. He frequently lectures in the areas of commercial and residential evictions and other landlord-tenant disputes. Mr. Slusher practiced law in the Tampa area where his focus was on complex commercial litigation and class action lawsuits. He is a member of the American, the Hillsborough County, and the Palm Beach County Bar Associations. Mr. Slusher received his B.A. from Florida Atlantic University and his J.D., *cum laude*, from the University of Florida College of Law.

ANTHONY J. HORKY, with Mombach, Boyle & Hardin, P.A. in Fort Lauderdale, focuses his practice in commercial litigation, business torts, real estate litigation, title insurance claims, landlord-tenant law, construction law, and employment law. Mr. Horky is a member of The Florida Bar’s Trial Lawyers Section, the Real Property, Probate and Trust Law Section’s Landlord and Tenant Committee, and the Broward County Bar Association’s Commercial Law Section. He is admitted to practice in the U.S. District Court, Southern District of Florida and the U.S. Court of Appeals for the 11th Circuit. Mr. Horky is a frequent presenter at landlord-tenant seminars. Mr. Horky earned his B.A. at Florida Atlantic University and his J.D. at Nova Southeastern University, Shepard Broad Law Center.

RICHARD A. JAROLEM, a partner in the commercial litigation department of Casey Ciklin Lubitz Martens & O’Connell in West Palm Beach, focuses on commercial litigation, including business disputes, land use issues, real estate disputes, and eminent domain. He has carried primary responsibility representing governmental entities, corporations, and individual clients in commercial matters and litigation. Mr. Jarolem has been primary counsel for numerous landlords covering over 1,000,000 sq. ft. of commercial and/or retail space as well as numerous landlords of residential properties. He has also represented several hotels, motels, mobile home parks, and recreational vehicle parks regarding the eviction/ejectment of permanent and transient guests. Mr. Jarolem has previous litigation experience as an assistant public defender for the 15th Judicial Circuit. He is admitted to The Florida Bar. Mr. Jarolem earned his B.A. at the University of South Florida and his J.D. at the Thomas M. Cooley School of Law.

BARBARA G. LANSHE, a partner in Lanshe & Casas, P.A. in Coral Springs, litigates in the areas of homeownership, contractual, real estate, and landlord-tenant matters. Ms. Lanshe litigates claims on behalf of mobile home owners and represents clients in construction litigation cases. As an agent for the Attorney’s Title Insurance Fund, she represents clients in a variety of real estate matters. Ms. Lanshe is a frequent speaker at professional education programs, and she has appeared on television in a WFOR story concerning mortgage foreclosures and bankruptcy. Ms. Lanshe is a member of The Florida Bar Association. Ms. Lanshe earned her B.S. at Nova Southeastern University and her J.D. at St. Thomas University.

ANTHONY C. “TONY” ALFONSO, LEED® AP, senior counsel, in Holland & Knight LLP’s real estate practice in Fort Lauderdale, focuses on commercial real estate, real estate finance, residential and planned development, and sustainable development where he represents developers, lenders, and borrowers in closing commercial real estate transactions. Mr. Alfonso has been designated as a LEED® AP by the USGBC, and he is involved with sustainable development and green building issues. Mr. Alfonso authored “Going ‘Green’—Hotels and Restaurants LEED® the Way,” *Florida Restaurant & Lodging Association Newsletter*, June 2009 and “The Vultures Are Coming: 10 Things You Need to Know About Acquiring Distressed Properties,” *Real Estate*, Newsletter - February 2009. He is a member of The Florida Bar, the American Bar Association, and the USGBC-South Florida Chapter. Mr. Alfonso earned his B.A., *summa cum laude*, at Florida International University and his J.D., *magna cum laude*, at Florida State University College of Law, Order of the Coif.

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