

**OTHER OPPORTUNITIES**

- **Fundamentals of Workers' Compensation**  
Buffalo, NY – August 18, 2009
  - **Landlord-Tenant Law Update**  
Buffalo, NY – October 13, 2009
  - **Commercial Leases in a Down Economy**  
Melville, NY – October 13, 2009
  - **Fundamentals of Employment Law**  
Rochester, NY – November 17, 2009  
Syracuse, NY – November 18, 2009
- 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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**LANDLORD TENANT LAW – BEYOND THE BASICS:** Problem Tenants; An Ounce of Prevention; Landlord Rights and Options When the Deal Goes Bad; When the Tenant or Landlords Files Bankruptcy; and Ethics in Landlord-Tenant Law

**PRESENTERS:** Peter A. Muth with Hodgson Russ LLP; Gretchen M. Nichols with Nesper, Ferber & DiGiacomo, LLP; Anastasia Ifandis with Law Office of Anastasia Ifandis, Esq. LL.M.; and Joel A. McMahon with Watson, Bennett, Colligan, Johnson & Schechter, LLP

**Seminar #9NY02038**  Audio & Manual Set \$155  Audio only \$95  Manual only \$75

**FUNDAMENTALS OF LANDLORD-TENANT LAW:** Lease Provisions and Issues: Planning Ahead to Avoid Problems; Landlord and Tenant Obligations; The Eviction and Judicial Process; When Tenant or Landlord Files Bankruptcy; and Ethical Considerations in Landlord-Tenant Law

**PRESENTERS:** Stewart L. Weisman with Law Office of Stewart L. Weisman; Peter A. Muth with Hodgson Russ LLP; Diane R. Tiveron with HoganWillig, Attorneys at Law

**Seminar #8NY11354**  Audio & Manual Set \$155  Audio only \$95  Manual only \$75

**COMMERCIAL & RESIDENTIAL LANDLORD-TENANT LAW IN NEW YORK:** Terminating a Tenancy; The Eviction Process; Tenant or Landlord Files Bankruptcy and the Effect of Bankruptcy Reform on the Landlord and Tenant; and Dealing with Tenants and Documentation

**PRESENTERS:** The Honorable Brian J. Herman with The Law Offices of Brian J. Herman; Kevin B. Thiemann with Robert J. Gagen; Alice K. Berke with Law Offices of Alice K. Berke P.C.; and Frederick P. Korkosz with Law Offices of Alice K. Berke P.C.

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Rochester – October 13, 2009



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**October 13, 2009  
Rochester, NY**

**Presented by:**  
**Reuben Ortenberg**  
**James J. Bonsignore**  
*- Fix Spindelman*  
*Brovitz & Goldman, P.C.*  
(See complete biographies inside)



**Continuing Education Credit:** NY CLE 8.0, including 1.0 ethics; NY RE 6.0; PA CLE 6.5, including 1.0 ethics; and BOMI 7.0. See inside for details.

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## WHO SHOULD ATTEND

- Property Managers
- Property Owners
- Developers
- Building Owners
- Real Estate Agents
- Real Estate Brokers
- Tenants
- Real Estate Consultants
- Leasing Agents
- Bankers
- Attorneys:
  - Real Estate
  - Landlord-Tenant/Lease and Leasing
  - Civil and General Practice
  - Litigators
  - Business and Corporate
  - Construction
  - Creditor/Debtor and Bankruptcy
  - Mergers and Acquisitions
  - Zoning, Planning, Land Use

## MEET THE FACULTY

**REUBEN ORTENBERG**, of counsel to Fix Spindelman Brovitz & Goldman, P.C., practices in the areas of zoning, planning and land use law, commercial real estate sales, purchases and leases, and commercial litigation. He appears before zoning and planning boards and advises municipalities on zoning procedures and litigation of Article 78 proceedings and Declaratory Judgment Actions related to zoning and planning issues. Mr. Ortenberg previously served as president of Coral Ortenberg Zeck & Codispoti, P.C. in Suffern. He has also worked as an assistant district attorney in Rockland County and a trial attorney for the U.S. Department of Justice, Civil Rights Division, where he was part of a team of young lawyers that investigated and prosecuted school desegregation, voting rights, and public accommodation cases in Alabama, Georgia, and Florida. Mr. Ortenberg served as member and president of the board of directors for the Volunteer Counseling Service of Rockland County, Inc. He is admitted to practice in the state courts of New York, the U.S. District Court, Southern District of New York, the U.S. Court of Appeals, and the U.S. Supreme Court. Mr. Ortenberg received his B.A. from Roanoke College and Queens College of the City University of New York and his LL.B. from the New York Law School, where he was decisions editor of the *New York Law Forum*.

**JAMES J. BONSIGNORE**, a principal with Fix Spindelman Brovitz & Goldman, P.C., practices in the areas of land use and environmental law, including the preparation of planning and zoning applications, management of environmental quality review, representation of clients before municipal boards and commissions, and handling of administrative appeals. He also has extensive experience in real estate, having represented clients throughout his career in residential and commercial purchase, sale, and lending transactions. Mr. Bonsignore is a signatory title insurance agent for First American Title Insurance Company and well practiced in examining and finalizing real estate title. In his Connecticut practice, Mr. Bonsignore served as an assistant to the Watertown town attorney where he successfully argued before the Connecticut Appellate Court. He was also the first attorney in Connecticut to argue a case of first impression, regarding the legislative interpretation of recent statutory changes concerning the removal of fiduciaries, and prevailed on the merits. He is admitted to practice in the Connecticut, Pennsylvania, and New York. Mr. Bonsignore received his B.A., *cum laude*, from the State University of New York at Buffalo and his J.D. and Master's Degree in Environmental Law (M.S.E.L.) from Vermont Law School.

## COMMERCIAL LEASES

### Rochester - October 13, 2009

**Location:** Rochester Plaza Hotel & Conference Center  
Seventy State Street - Rochester

**Registration:** 8:00 a.m. **Presentations:** 8:30 a.m. - 4:30 p.m.

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

## CONTINUING EDUCATION CREDIT

*Please remember to bring your license number, ID or other necessary information to the seminar to ensure proper reporting of continuing education credit.*

This transitional and nontransitional continuing legal education program has been approved in accordance with the requirements of the **Continuing Legal Education Board of New York** for a maximum of **8.0 credit hours**, of which **7.0 hours** can be applied toward the professional practice requirement and **1.0 hour to ethics**.

This seminar has been submitted to the **New York Real Estate Commission** for a total of **6.0 hours** of continuing education. Approval is pending – Please call SES for details.

This seminar has been **approved** by the **Pennsylvania CLE Board** for **6.5 credit hours**, including **1.0 hour of ethics**.

This program qualifies for **7.0 hours of BOMI International CPD credit** for **RPA, FMA, and/or SMA** graduates.

Other continuing education credit may be available. Please call (715) 855-0498 to inquire.

**Walk-ins:** Payment is required at the door. Please call ahead to confirm the schedule.

**Cancellations:** Substitutions or transfers to a future Sterling seminar are welcome anytime up to the day of the seminar.

If you cancel at least three business days before the seminar you may 1) transfer your registration to another seminar, 2) receive a full refund minus a \$25.00 service charge, or 3) receive an audio and manual set of the seminar.

Please note: If you do not attend and do not cancel as described above you are not entitled to a refund.

## Commercial Leases

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### Rochester - October 13, 2009

#### Registration Fee:

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## PROGRAM SUMMARY

Leasing commercial property is a risky business in today's uncertain economic climate. This seminar is a must for anyone who needs to make important decisions in this area. The faculty will address the issues that are at the heart of successful commercial real estate management. Our presenters will provide practical tips to protect landlords from unexpected changes in a tenant's financial condition, as well as review concessions sought by tenants in light of available excess space for lease and sublease. You will be given the comprehensive knowledge required to provide for tenants' needs, while still protecting the landlord, even when things go wrong. **Be prepared!**

## SEMINAR AGENDA

### I. Rent and Other Essential Issues

- Overview of types of commercial leases
- Rent and rent-related issues: base rent; rent adjustments; percentage rent, rental taxes; operating costs and pass-throughs
- Security deposits: cash and letters of credit
- Lease guaranties
- Tenant allowances and landlord concessions
- Options to expand, contract, renew and terminate
- Subordination and attornment; estoppel certificates
- Default and remedies provisions; dispute resolution mechanisms

### II. Operational Issues

- Repair and maintenance
- Shared facilities and systems
- Permitted uses, prohibited uses and exclusives
- Risk management and insurance
- Alterations and signage
- Assignments and subleases

### III. Construction

- Design and scope of construction
- Allocating and controlling costs
- Scheduling and consequences of delay
- Access and avoiding interference
- Delivery conditions
- Special issues in rehabilitation project

### IV. Landlord and Tenant Remedies

- Court assisted evictions
  - Notice/demand
  - The forcible entry and detainer process
  - Scope of the fed trial
  - Damages and other relief
- Self help and the "lockout"
  - When and when not to use a lockout
  - Getting your ducks in a row pre-lockout
  - The risks of a "wrongful" lockout
- Yellowstone in junction

### V. When the Tenant or Landlord Files Bankruptcy

- Tenant or landlord files bankruptcy
- The automatic stay/seeking relief
- Rejection and assumption of leases
- Debtor's obligations to landlord while in bankruptcy
- Preserving and calculating breach claims in bankruptcy

### VI. Ethical Considerations in Lease Drafting

- Getting paid – fee arrangements
- Conflicts of interest
- Dealing with un-represented parties

*Sterling Education Services may alter the agenda due to circumstances beyond our control.*