

9th Annual
Commercial & Residential
Landlord-Tenant Law

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Anchorage, AK - September 27, 2012

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9th Annual

Commercial & Residential
Landlord-
Tenant Law

Anchorage, AK
September 27, 2012

Presented by:

John C. Pharr

- Law Offices of John C. Pharr

Thomas Amodio

- Reeves Amodio LLC

Christopher J. Slottee

- Atkinson Conway & Gagnon, Inc.

Jimmy E. White

- Hughes Gorski Seedorf Odsen & Tervooren, LLC

(See complete biographies inside)



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See inside for details.

SEMINAR AGENDA

- I. **Commercial Lease Provisions and Issues**
 - A. Case law and legislative updates - commercial
 - B. Drafting considerations: forms, attorneys' fees
 - C. Default and remedy clauses
 - D. Parties to the lease, occupants; rent and term
 - E. Rights that cannot be waived or modified
 - F. Disclosure obligations
 - G. Tenant improvements
 - H. Operating expenses; insurance and taxes
 - I. Assignment and subletting
 - J. Use restrictions
 - K. Renewals and extensions
 - L. Arbitration clauses
 - M. Guarantees
- II. **Residential Lease Provisions and Issues**
 - A. Case law and legislative updates - residential
 - B. Drafting considerations: forms, attorneys' fees
 - C. Default and remedy clauses
 - D. Parties to the lease, occupants; rent and term
 - E. Rights that cannot be waived or modified
 - F. Disclosure obligations
 - G. Fair Housing Act; public and subsidized housing; special circumstances for mobile homes
 - H. Tenant improvements
 - I. Operating expenses; insurance and taxes
 - J. Assignment and subletting
 - K. Use restrictions
 - L. Renewals and extensions
 - M. Arbitration clauses
 - N. Guarantees
- III. **Landlord's and Tenant's Obligations**
 - A. Landlord's
 1. Duty to deliver possession, to repair, to provide "quiet enjoyment"
 2. Security deposits: to keep or not to keep; which court – small claims or county court
 3. Fair Credit Reporting Act
 4. Protecting Tenants at Foreclosure Act
 - B. Tenant's: duty to occupy; abandonment; holdover tenants; pay rent
- IV. **The Eviction and Judicial Process**
 - A. The eviction process: Forcible Entry and Detainer Statute; for cause and evictions without cause
 - B. The judicial process
 1. Determining jurisdiction; the summons and complaint
 2. The eviction trial
 3. Judgment and writ of possession/appeal
 4. Evicting the tenant
 - C. Fair Debt Collection Practices Act
- V. **When Tenant or Landlord Files Bankruptcy**
 - A. Landlord/tenant bankruptcy
 - B. Review of the assumption and/or rejection procedure and the automatic stay (commercial v. residential)
 - C. Limitations on the rights of commercial tenants-landlords in Chapter 11
 - D. Limitation of the automatic stay for residential tenants in bankruptcy cases
 - E. Other changes affecting leases: changes affecting real estate
 - F. Treatment of leases and executory contracts under the Bankruptcy Code
- VI. **Ethical Considerations in Landlord-Tenant Law**

Getting paid and fee arrangements; conflicts of interest, illegal immigrants/aliens; dealing with un-represented parties; Rules of professional conduct

WALK-IN & CANCELLATION POLICIES

WALK-INS: Walk-ins are welcome and payment is required at the door when registering. **Please call ahead to confirm the schedule.** Materials will be available for walk-ins on a first-come first-serve basis.

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.

REFERENCE MATERIALS

Seminar Manual

The faculty has prepared a substantial reference work to accompany their presentation. This manual will serve as a valuable tool for future reference. You will receive the manual upon checking in at the seminar site; the 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.

STERLING BOOKSTORE

Below is a selection of the materials currently available from previous Sterling seminars. To place an order call us at 715-855-0495, mail in this form with payment, or visit our online store at <https://store.sterlingeducation.com/bookstore.php>. Discount Code: BOOKPG

RESIDENTIAL LANDLORD-TENANT LAW:

Commencement of the Tenancy; Tenant and Landlord Obligations During Tenancy; Termination of Tenancy and Tenant Remedies and Defenses; The Eviction Process; Landlord or Tenant Bankruptcy and Collections; Ethical Considerations in Landlord-Tenant Law

PRESENTERS: John C. Pharr with Law Offices of John C. Pharr; Goriune Dudukgian with The Northern Justice Project; Shane J. Osowski with Osowski Law Offices, LLC; Deidre S. Ganopole with Law Office of Deidre S. Ganopole; and Aaron D. Sperbeck with Birch, Horton, Bittner & Cherot

Seminar #11AK12249 Audio & Manual Set \$155 Audio only \$95 Manual only \$75

LANDLORD-TENANT LAW:

Lease Provisions and Issues: Plan Ahead to Avoid Problems; Landlord and Tenant Obligations; The Eviction and Judicial Process; Tenant or Landlord Bankruptcy and Collections; Green Building and Green Leases Issues; Ethical Considerations in Landlord-Tenant Law

PRESENTERS: James C. Wherry with United States Army Fort Wainwright Law Center; Jerald M. Reichlin with Fortier & Mikko, P.C.; Goriune Dudukgian with Alaska Legal Services Corporation; and John C. Pharr with Law Offices of John C. Pharr

Seminar #11AK03057 Audio & Manual Set \$155 Audio only \$95 Manual only \$75

RECENT DEVELOPMENTS IN EMPLOYMENT LAW:

Employment Discrimination Law Issues; Compensation Under FLSA/Wage and Hour; ADA and FMLA Update; Employee Misconduct and Workplace Torts; Workplace Harassment and Retaliation Claims; Health Care Legislative Update

PRESENTERS: Hugh W. Fleischer with Law Offices of Hugh W. Fleischer, LLC, Renea I. Saade with Oles Morrison Rinker Baker LLP, Melanie Baca Osborne with Stoel Rives LLP; and Amy W. Limeres with Birch, Horton, Bittner & Cherot

Seminar #11AK09216 Audio & Manual Set \$155 Audio only \$95 Manual only \$75

EMPLOYMENT LAW - BEYOND THE BASICS:

FLSA/Wage & Hour Crackdown; Advanced FMLA and ADA Issues; Privacy, Social Media, and Employment Law in the Workplace; Sexual, Racial, and Other Harassment in the ; Termination Best Practices; Health Care Reform

PRESENTERS: Hugh W. Fleischer with Law Offices of Hugh W. Fleischer, LLC; Danielle M. Ryman with Perkins Coie LLP; Gregory G. Silvey with Guess & Rudd P.C.; Stephanie S. Aicher with DeLisio Moran Geraghty & Zobel, P.C.; and Jane Sauer with Manley & Brautigam, P.C.

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WHO SHOULD ATTEND

- Property Managers
- Developers
- Leasing Agents
- Building Managers
- Housing Authorities
- Building Owners
- Landlords and Tenants
- Other Real Estate Professionals
- Attorneys:
 - Landlord-Tenant/Evictions
 - Leasing and Contracts
 - Real Estate
 - Transactional
 - Litigation
 - Bankruptcy/Debtor-Creditor
 - General Practice

MEET THE FACULTY

JOHN C. PHARR, of the Law Offices of John C. Pharr in Anchorage, has a general practice which includes landlord-tenant law (representing both landlords and tenants), trial and appellate work, civil litigation, and criminal defense. Mr. Pharr is also recognized in the legal community as a knowledgeable attorney in military matters. He has spoken at legal seminars on military issues, such as the Servicemembers Civil Relief Act, formerly known as the Soldiers and Sailors Civil Relief Act. Mr. Pharr is a member of the Alaska Bar Association. Mr. Pharr received his B.A., with highest distinction, from the Pennsylvania State University in University Park and his J.D. from Georgetown University Law Center in Washington, D.C., where he was an editor of *The Georgetown Law Journal*. Mr. Pharr graduated from the U.S. Army Command and General Staff College and retired as a Lieutenant Colonel.

THOMAS AMODIO, of Reeves Amodio LLC in Anchorage, has extensive experience in landlord-tenant law, business and corporate matters, civil litigation and administrative matters, and administrative law, procedures, and appeal. Mr. Amodio has represented many non-profits and other corporations, and advised them on a wide range of issues. He has prepared agreements and other documents to form corporations and other organizations such as limited liability companies and joint ventures. Mr. Amodio has negotiated and/or prepared commercial contracts and other documents necessary to manage almost every aspect of his clients' businesses, including their operations and their acquisitions of other businesses. He has represented clients in a variety of civil cases in both state and federal court. Mr. Amodio was appointed Special Master by the U.S. District Court to resolve administrative claims involving the Exxon Valdez case litigation. He is a member of the Alaska Bar Association. Mr. Amodio received his B.A., *magna cum laude*, from Hofstra University in New York and his J.D. from Boalt Hall School of Law, University of California - Berkeley, Order of the Coif.

CHRISTOPHER J. SLOTTEE, a shareholder of Atkinson Conway & Gagnon, Inc. in Anchorage, focuses his practice on commercial litigation, including landlord-tenant issues, and personal injury. After graduating from law school, Mr. Slottee clerked for the Honorable Rene Gonzalez on the Anchorage Superior Court. He has been admitted to the Alaska, the Oregon, and the Washington Bar Associations; and currently is an active member of the Alaska State Bar. Mr. Slottee received his B.S. from the University of Utah and his J.D., *cum laude*, from the Northwestern School of Law, Lewis & Clark College, where he served as an editor for the *Environmental Law Review*.

JIMMY E. WHITE, a member of Hughes Gorski Seedorf Odsen & Tervooren, LLC in Anchorage, is an experienced trial attorney representing clients in bankruptcy, complex product liability and commercial litigation, insurance defense, and domestic relations matters. His domestic work has encompassed everything from divorce and custody disputes through landlord-tenant litigation and criminal law. Mr. White has represented pharmaceutical companies and construction companies in product liability disputes, including several class actions. He has represented large financial institutions and small businesses in commercial litigation involving business torts and racketeering as well as fiduciary fraud, officer and agent disloyalty, lender liability, and commercial contract disputes. Mr. White represents several insurers and their clients in personal injury and bad faith litigation. He has been recognized by *Best Lawyers® in America* and by *Corporate Counsel* as one of the top attorneys in America in the field of insurance law. Recently, Mr. White was named an Alaska *Super Lawyer®*. He is a member of the Alaska, the Georgia, and the American Bar Associations; and the Defense Research Institute (Alaska State Representative since 2007). Mr. White received his B.S., *cum laude*, from the University of Alaska and his J.D., *cum laude*, from the Walter F. George School of Law of Mercer University, where he was a member of the *Mercer Law Review*.

COMMERCIAL & RESIDENTIAL LANDLORD-TENANT LAW

DATE: Thursday, September 27, 2012

REGISTRATION: 8:00 a.m.

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

LUNCH: (on your own) 12:15 - 1:15 p.m.

LOCATION:

Dimond Center Hotel

700 East Dimond Boulevard

Anchorage, AK 99515

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

AK CLE This seminar has been approved by the Alaska Bar Association for 6.5 CLE credit hours, including 1.0 ethics. Sterling is an Alaska Approved Provider.

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

Maximum CPE Credit Hours: 8.0 (based on a 50 minute credit hour). Field of Study: **Specialized Knowledge & Applications**. Level of Knowledge: **Basic**. Delivery Method: Group-Live.* Prerequisite: None. Advance Preparation: None. Sterling Education Services is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN, 37219-2417. Web site: www.nasba.org. *No CPE credit will be granted for home study with the purchase of the seminar audio recording. SES is only approved for "Group/Live" programs.

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Commercial & Residential Landlord-Tenant Law Anchorage, AK - September 27, 2012

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Call us today about discounts for groups, non-profits, new practitioners and more!

Registration Fee (includes manual):

- \$329 per person
- \$319 per person for 2 or more
- \$299 per person **if paid by August 16th**
- \$147 audio **in addition** to a registration*

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