

# Top 5 Commercial Lease Disputes & How to Resolve Them

*Understand the implications of key, heavily negotiated commercial lease terms*

Lease agreements can often be seen as a necessary burden to get through while on the way to starting or growing a business or developing a piece of property. The terms and conditions contained in a lease can, however, make or break a relationship or a business many years after the agreement was originally signed. Hear the panelists discuss the top five most common commercial lease disputes that landlords and tenants encounter while drafting and negotiating a lease agreement—and how they could come back to haunt the relationship in the future.

## Agenda

- **Additional Rent Provisions**  
What is included in operating expenses?; Caps on operating expenses; Gross up provisions; Capital expenditures
- **Build-Out Issues/Delivery of Space**  
Risk of delay; Tenant requests to make changes to plans; TI allowances—process for disbursement; Set off rights; Timing of delivery of space—and tenant rights if delivery is delayed
- **Maintenance Responsibilities**  
Scope of landlord and tenant responsibilities; Responsibility for building-systems—including the differences in types of leases; Self-help rights (set off rights)
- **Use Issues**  
Use clauses in retail leasing (exclusives/restrictions); Zoning review; Changes of use
- **Option Issues**  
Extension option issues; Expansion options; Early termination options

## Speakers



**SUSAN W. DAVIS** is a partner in the Boston office of Nelson Mullins, a national law firm with more than 800 attorneys and offices in 11 states. Susan practices commercial real estate law, including the representation of owners and investors in acquisitions, dispositions and financings of multi-family, office, industrial and retail properties. A primary focus of Susan's practice is the representation of landlords and tenants in office leasing matters. Susan has been an active member of CREW Boston for many years. She earned her B.A. from the College of the Holy Cross and her J.D. from Boston University School of Law.



**DANIEL C. JOHNSTON**, an associate at Sherin and Lodgen in Boston, is a commercial real estate attorney who provides clients with practical insights into development, permitting, leasing, acquisitions, and dispositions. Committed to pro bono, Mr. Johnston is involved with the Volunteer Lawyers Project, which provides legal representation to low-income tenants facing eviction, and Project Citizenship, which helps lawful permanent residents become naturalized citizens. He is a graduate of Boston University School of Law and is currently a member of the Boston Bar Association.



**Subscribe to the MCLE OnlinePass®**  
for instant access to this program and everything else MCLE offers online.  
Learn more at [www.mcle.org](http://www.mcle.org)

## Dates & Location

### LIVE WEBCAST

Friday, October 29, 2021  
12:00 noon–1:00 pm

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220042WBC

### REBROADCAST CC

Monday, November 15, 2021  
3:00 pm–4:00 pm

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220042RBC

### REBROADCAST CC

Tuesday, November 23, 2021  
9:30 am–10:30 am

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220042RB1

### ON DEMAND WEBCAST CC

View after Tuesday, November 23, 2021

Register at [www.mcle.org](http://www.mcle.org)  
Program Number: 2220042WBA

## Tuition *(includes written materials)*

- \$145
- \$130.50 MCLE Sponsor Members
- \$108.75 New Lawyers admitted to law practice after 2018, Pending Admittees, Law Students, and Paralegals

To apply for a need-based scholarship, email [scholarships@mcle.org](mailto:scholarships@mcle.org).

## Materials

The materials for this program are available *online only* and can be downloaded via the link emailed to you upon registration.

Also, there is no need to take extensive notes. Two weeks after the live webcast, all registrants receive a link to a verbatim transcript of this program.

## CLE Credits

Earn up to 1 CLE credit



## About MCLE

Massachusetts Continuing Legal Education, Inc. (MCLE | New England™) has been the Massachusetts legal community's premier provider of hands-on programs, practical reference materials, and online resources for over 50 years.

MCLE is a self-supporting, independent, not-for-profit educational institution. We depend solely upon sponsor membership dues, program registration fees, publications sales, online subscriptions, and charitable contributions to finance our instructional activities and to sustain growth and innovation in our programs, publications, and online products and services.

## Board of Trustees

Eric P. Hayes, *President*  
Brendan T. St. Amant, *First Vice President*  
Michael P. Sams, *Second Vice President*  
Katherine A. Hesse, *Treasurer*  
Kendi E. Ozmon, *Secretary*  
Heidi S. Alexander  
Christa A. Arcos  
Kendra L. Berardi  
Joshua M. Bowman  
Gabriel Cheong  
Kara M. DelTufo  
Prasant D. Desai  
Jonathan Mannina  
Martha A. Mazzone  
Peter M. Moldave  
Mary Ann Neary  
Terrence L. Parker  
C. Max Perlman  
Rebecca G. Pontikes  
Ingrid C. Schroffner  
Sunila Thomas-George  
Richard C. Van Nostrand  
Joseph P.J. Vrabel  
Richard S. Milstein, *Founding Director*  
John M. (Jack) Reilly, *Executive Director*  
Salvatore Ricciardone, *Director of Philanthropy & Special Projects*

# Policies and Information

## Register early!

For course agendas, hours, fees, and discounts, please refer to the respective seminar pages. The fee includes program instruction and all electronic written materials unless otherwise noted.

To gain early access to online materials, please register in advance of the program.

Upon registration, MCLE will e-mail a confirmation.

Day-of-the-program registrations are welcome, with the exception of limited enrollment programs, or as otherwise noted.

We accept cash, checks, MasterCard, Visa, American Express, and Discover.

## Need special assistance?

If you are a person with a disability or special needs, please let us know in advance so that we can make your experience as convenient and comfortable as possible. Call Customer Service at 800-966-6253 to make arrangements.

For your convenience, MCLE also offers closed captioning  and verbatim transcripts of all recorded webcast programs, available to you online two weeks after the original program date.

## Mandatory CLE credits

Individual attorneys are responsible for checking with their particular state CLE accreditation authority about whether and how much credit will be granted. Although MCLE does not pursue state-based credit, MCLE programs are regularly approved in many jurisdictions. It is the responsibility of the individual attorney to submit the information and certifications required under the respective state rule to the appropriate authorities in the jurisdictions in which they seek credit.

Depending on the jurisdiction, lawyers can satisfy their mandatory CLE requirements online with MCLE's webcasts, which feature periodic attendance prompts, electronic written materials, and the opportunity to receive a certificate of attendance.

## If your plans change

If you're unable to participate in a program on the date for which you registered, you will receive an email about how to access the program on demand via webcast and/or downloadable mp3 file, including the written materials in electronic form, in full satisfaction of the tuition paid. If you prefer a refund, let us know by the end of the business day prior to the program and we'll refund your tuition after deducting a \$35 processing fee. Note that limited enrollment programs are an exception, cancellation of which require two weeks notice and are subject to a \$55 processing fee.

## New lawyer discounts—always the lowest price

For the first three years of practice, MCLE offers new lawyers a 25% discount on all of its products, including programs, books, audio CDs and mp3 recordings. If you were admitted to the bar after 2018, take advantage of the new lawyer prices listed throughout the catalog.

Pending admittees, law students and paralegals are also eligible for a 25% discount on most MCLE programs.

## Attorney scholarships

Attorneys with financial need who certify that they are unable to attend a program without financial aid may request a partial tuition scholarship in confidence by writing or emailing [scholarships@mcle.org](mailto:scholarships@mcle.org) at least two weeks in advance of the program.

# Save all year long—become an MCLE Sponsor Member!

Become a Sponsor Member and receive:

- **Public recognition** on our website;
- Significant savings on a **subscription to MCLE's OnlinePass®**;
- **10% discount** on all programs, books, audio CDs, and mp3 recordings;
- Weekly **e-mail updates** and **advance notice** of sales and new product releases; and
- The **highest level of service** offered by your own Sponsor Account Specialist.

MCLE Sponsorship runs for 12 months beginning September 1. The fee for firm,

corporate law department, or agency membership is calculated based on the number of Massachusetts admittees within the organization. Benefits of membership extend to all lawyers and non-lawyer professionals associated with the organization.

- Solo Practitioners ..... \$95
- Firms by number of Massachusetts attorneys:
  - 2-5 .... \$ 150
  - 6-10 .... 250
  - 11-25... 500
  - 26-75... 1,000
  - 76-150 ... \$ 2,500
  - 151-250 .. 3,500
  - 251+ ..... 4,500

# Order Form Fall 2021

REFERENCE # 22-020

## Choose from 4 easy ways to order!

- ▶ **ONLINE** enter your credit card order at [www.mcle.org](http://www.mcle.org).
- ▶ **MAIL** this order form with payment to MCLE, Inc., Ten Winter Place, Boston, MA 02108-4751.
- ▶ **FAX** your credit card order 24 hours a day to 617-482-9498.
- ▶ **CALL IN** your credit card order to (800) 966-6253, Monday – Friday, 8:30 am–5:00 pm

### 1 CUSTOMER INFORMATION

Year Admitted to MA Bar \_\_\_\_\_ Title (if any) \_\_\_\_\_ BBO # \_\_\_\_\_  
Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_  
Firm/Agency \_\_\_\_\_  
Street Address \_\_\_\_\_ Suite/Floor \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP+4 \_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
Order confirmation? Enter your email address: \_\_\_\_\_

### 2 ORDER DETAILS

**Not an MCLE Sponsor Member?** Become one today and receive the MCLE Sponsor Member discounted prices on this order! ..... (see fee chart on previous page) .....

#### PROGRAMS

Product No.	Title	Automatic book update	Cost
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
PROGRAMS SUBTOTAL .....			<input type="text" value="\$"/>

#### BOOKS & AUDIO CDs (For eBook options, visit [www.mcle.org](http://www.mcle.org))

Product No.	Title	Automatic book update	Cost
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
_____	_____	Opt-out <input type="checkbox"/>	\$ _____
Shipping & handling			\$ 8.50
BOOKS & AUDIO CDs SUBTOTAL .....			<input type="text" value="\$"/>

### 3 PAYMENT METHOD

GRAND TOTAL

Check payable to MCLE enclosed                    

Card number \_\_\_\_\_ Expiration date \_\_\_\_\_ CVC \_\_\_\_\_  
Cardholder's name \_\_\_\_\_ Cardholder's signature \_\_\_\_\_

**M C L E**  
NEW ENGLAND  
Keep raising the bar.®

**Massachusetts Continuing Legal Education, Inc.**

Ten Winter Place, Boston, MA 02108-4751 | 617-482-2205 | MA toll free 800-966-6253 | FAX 617-482-9498 | [www.mcle.org](http://www.mcle.org)