

OTHER OPPORTUNITIES

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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.

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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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Below is a selection of the materials currently available from previous Sterling seminars. Please visit www.sterlingeducation.com/bookstore.php for a full selection of available materials. To order, please complete and mail in this form with payment or call us at 715-855-0495.

FUNDAMENTALS OF LANDLORD-TENANT LAW:

Lease Provisions and Issues: Plan Ahead to Avoid Problems; Landlord and Tenant Obligations; The Eviction and Judicial Process; Landlord-Tenant Mediation/Dispute Resolution; When Tenant or Landlord Files Bankruptcy; Green Building and Green Leases; and Ethical Consideration in Landlord-Tenant Law

PRESENTERS: Diane R. Tiveron with HoganWillig; Patrick J. Quigley, Jr. with Harter Secrest & Emery LLP; Jaime M. Andrews with Woods Oviatt Gilman LLP; and Lorenzo Napolitano, Attorney and Counselor at Law

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COMMERCIAL LEASES IN A DOWN ECONOMY:

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

PRESENTERS: Leslie A. Berkoff with Moritt Hock Hamroff & Horowitz LLP; Daniel F. Spitalnic, Attorney At Law; Rachel Weisman with Weisman Law Group, P.C.; and Andrew L. Crabtree and Dara M. Hartman with The Law Offices of Andrew L. Crabtree, P.C.

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8th Annual

Landlord-Tenant Law

Albany – April 13, 2011

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8th Annual

Landlord-Tenant Law



**April 13, 2011
 Albany, NY**

Presented by:

Gretchen M. Greisler

- Lemery Greisler LLC

Murray S. Carr

- Law Office of Murray S. Carr

Alice K. Berke

- Attorney at Law

Alexander Powhida

- Deily, Mooney & Glastetter, LLP

(See complete biographies inside)



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WHO SHOULD ATTEND

- Attorneys:
 - Landlord-Tenant
 - Real Estate
 - Evictions
 - General Practice
 - Litigation
 - Commercial law
- Property Managers
- Developers
- Property Owners
- Building Owners
- Leasing Agents
- Landlords & Tenants
- Real Estate Professionals

MEET THE FACULTY

ALICE K. BERKE, Attorney at Law, was owner and operator of the Law Offices of Alice K. Berke, P.C. for over twenty-one years. The firm engaged in the general practice of law, including real estate and particularly landlord-tenant issues. Ms. Berke has been a successful residential and commercial landlord. She has served as vice-president and currently is a director and member of the Capital District Association of Rental Property Owners (CDARPO) which promotes responsible property ownership and positive landlord-tenant relationships. Her involvement with that organization has included preparation of a question and answer column for the monthly newsletter and speaking on relevant topics. She has taught at most of the local colleges and has been the recipient of a number of awards for her professional accomplishments and contributions to the community. Ms. Berke received her B.A. from State University of New York at Albany and her J.D. from St. John's University School of Law. She retired from practicing law this year to pursue other interests.

GRETCHEN M. GREISLER, with Lemery Greisler LLC, practices in commercial and civil litigation, including landlord-tenant matters, commercial disputes, and bankruptcy. Prior to law school, she worked as a public housing manager for the Boston Housing Authority in the family and elderly-disabled divisions. Ms. Greisler is admitted to practice in the State of New York and the Commonwealth of Virginia, the U.S. District Courts for the Northern and Southern Districts of New York, and the U.S. Court of Appeals for the Fourth Circuit. She is a member of the Albany County, the New York State, and the Capital Region Bankruptcy Bar Associations. Ms. Greisler earned her B.A. at Boston College and her J.D. at Marshall-Wythe School of Law at the College of William and Mary.

MURRAY S. CARR, with the Law Office of Murray S. Carr, is a general law practitioner and mediator in the areas of real estate, commercial litigation, family, personal injury, criminal, elder, corporate, trusts and estates, trial and appellate law. He is the founder of Northeast Mediation, a family and corporate mediation facilitating alternate dispute resolution to enable parties to achieve their goals by finding new and creative resolutions to otherwise litigated matters. Mr. Carr was appointed Albany county court examiner under Article 81 of the mental hygiene law by Honorable Anthony V. Cardona. He is presently a small claims assessment hearing officer for residential tax certiorari cases. Mr. Carr is admitted to the New York State Bar and The Florida State Bar. Mr. Carr earned his B.S. at The Wharton School, University of Pennsylvania, and his J.D. at the Albany Law School of Union University.

ALEXANDER POWHIDA, with Deily, Mooney & Glastetter, LLP and a member of its litigation department, practices in the areas of construction and commercial real estate litigation, business acquisition and sales, real estate development, and franchise law. Mr. Powhida is admitted to practice in the State of New York, the State of Connecticut, and the U.S. District Court for the Northern District of New York. He is a member of the National Association of Dealer Counsel and the New York State Bar Association's Committee on Civil Practice of Law and Rules and Committee on Professional Discipline. Mr. Powhida received his B.A., *magna cum laude*, from Siena College in Loudonville and his J.D. from Albany Law School, where he served as executive editor of *The Albany Law Journal of Science and Technology*.

LANDLORD-TENANT LAW

DATE: Wednesday, April 13, 2011

REGISTRATION: 8:00 a.m.

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

LUNCH: (on your own) 12:10 - 1:10 p.m.

LOCATION:

Hilton Garden Inn Medical Center

62 New Scotland Avenue

Albany, NY 12208

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This seminar has been **approved** by the **New York Real Estate Commission** for a total of **6.5 hours of continuing education.** Please note that a minimum of 90% attendance is required to receive this credit.

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Landlord-Tenant Law

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Albany - April 13, 2011

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SEMINAR AGENDA

I. Leases: An Ounce of Prevention

- A. Tenant screening and qualifying – legally
 1. Fair housing and discrimination laws
 2. Background checks; rejecting applicants
- B. Plain language lease: essential pro-active and remedial lease provisions
- C. Security deposits and personal guarantees
- D. Late fees: how much is too much?
- E. Special circumstances: public and subsidized housing, mobile homes: statutory protections and differences in notices and timelines

II. Landlord Liability for Problems with the Premises

- A. Case law updates landlord liability
- B. Protecting Tenants at Foreclosure Act: obligations and responsibilities
- C. Physical defects on the premises
- D. Providing security
- E. Liability for injury (lead paint, mold, radon, etc.)
- F. Other risk management issues

III. Evictions: Excuses and Traps When Things Go Bad

- A. Terminating the tenancy
 1. Demands, notices, lockouts
 2. Forcible entry and detainer
 3. Other problems: ending the relationship
 4. Local "tenant's rights" ordinances
- B. Landlord and tenant actions
 1. Jurisdiction and venue
 2. The writ: preparation, entry and service
 3. Discovery
 4. The hearing; statutory defenses, and appeals
 5. The writ of possession
- C. Landlord deposits
- D. Fair credit reporting

IV. Collections: Enforcing Your Judgment

- A. What to do when a tenant or landlord files bankruptcy
 1. Effect of a bankruptcy stay, lifting the automatic stay, regaining possession
 2. Tenant's duty to pay rent during the pending bankruptcy
- B. Considerations before pursuing judgment, should you even bother?
 1. Obtain necessary information to collect judgment early in the rental process
 2. Obtaining judgment: where to file - jurisdiction and venue issues and what to file - is small claims appropriate?
- C. Collecting on the judgment
 1. Moving for periodic payments
 2. Post judgment attachments and trustee process: can you attach bank accounts or wages and other options?
 3. Absconding, skip tracing, and use of investigators

V. Green Issues

- A. Overview of green building and the rating systems, e.g. LEED®
- B. Green lease legislation; risks and rewards for owners and tenants: considerations, incentives, operating costs, tenant improvements, operations, and maintenance

VI. Landlord-Tenant Mediation/Dispute Resolution

Overview and effective use

VII. Ethical Considerations in Landlord-Tenant Law

- A. Negotiating with a pro se tenant at court
- B. Conflicts of interest, un-represented, dual representation, and competency
- C. Ethical situations, illegal immigrants
- D. Fee arrangements, getting paid

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