

PROGRAM SUMMARY

This seminar covers the essential legal and practical aspects of landlord-tenant law. Our presenters are experts in the application of this information in the successful management of rental property. They are also accomplished and insightful speakers who can provide workable solutions to your problems. If you are involved in any aspect of property rentals, you will benefit from this seminar. **Be Prepared!**

OTHER OPPORTUNITIES

Workers' Compensation Law and Practice

Springdale, AR – October 6, 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.

STERLING BOOKSTORE

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

DRAFTING & ENFORCING COMMERCIAL LEASES:

Significant Drafting Issues Specific to Commercial Leases; Landlord Options; Tenant Defenses; and Tenant or Landlord Files Bankruptcy

PRESENTERS: Matthew R. Lawrence, J.D., e-Pro, Realtor® with Coldwell Banker Commercial Faucette Real Estate; Vicki S. Vasser with Matthews, Campbell, Rhoads, McClure, Thompson & Fryauf P.A.; and Stephen C. Smith, Michael K. Redd, and Eric L. Pendergrass with Smith, Maurras, Cohen, Redd & Horan, PLC

Seminar #8AR12357 Audio & Manual Set \$155 Audio only \$95 Manual only \$75

COMMERCIAL & RESIDENTIAL EVICTIONS:

Reducing Exposure to the Problem; Reclaiming Abandoned Property; Commercial Eviction and Landlord's Liens; Residential Eviction and Trial; When Tenant or Landlord Files Bankruptcy; and Ethical Considerations in Evictions

PRESENTERS: Edwin N. McClure; Stanley V. Bond, Attorney at Law; and Rachel A. Runnels, Attorney at Law

Seminar #8AR05180 Audio & Manual Set \$155 Audio only \$95 Manual only \$75

CONSTRUCTION LAW: FROM A TO Z:

The Construction Contract; Bonding and Insurance; Performance and Modification of the Contract; The Remedies for Non-Performance; and Avoiding Immigration Regulations' Fines and Sanctions

PRESENTERS: Guillermo Hernandez with The Hernandez Law Firm, PLLC; Jennifer E. Gray with The Watkins Law Office, PLLC; and Courtney N. Little with Little Law Firm, P.A.

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8th Annual Landlord-Tenant Law

Little Rock – September 16, 2010

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8th Annual Landlord- Tenant Law in Arkansas



September 16, 2010
Little Rock

Presented by:

David E. Simmons
- Law Office of David E. Simmons

J. Don Overton
- The Overton Firm, LLC

Jeanette Whatley
- Legal Aid of Arkansas

Michael B. Childers
- Friday, Eldredge & Clark, LLP

Chris A. McNulty
- Mitchell, Williams, Selig,
Gates & Woodward, P.L.L.C.

Stephanie Haley Williams
- Keech Law Firm, PA
(See complete biographies inside)



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MEET THE FACULTY

DAVID E. SIMMONS, a general practitioner for over 20 years in the Law Office of David E. Simmons, practices in real estate law, including residential/commercial landlord tenant, evictions, tenant issues, lease contracts, Fair Housing Act and ADA issues, business planning, and commercial transactions. Mr. Simmons represents over 50 commercial and residential property management companies and over 135 multi-family housing communities. He is a frequent presenter at professional education programs on landlord-tenant issues. Mr. Simmons is a member of the Arkansas Multi-Family Housing Association, the Institute of Real Estate Management, and the Arkansas Apartment Association, through which he has published, for the last 10 years, *Redbook*, a guide for residential landlords to manage their property. Mr. Simmons is active in the state and local legislative processes, assisting in drafting numerous state laws, including the Arkansas Fair Housing Act. He is a member of the Arkansas and the American Bar Associations and admitted to practice in Arkansas and Texas. Mr. Simmons earned his B.S.B.A. and his J.D. at the University of Arkansas and his LL.M. at Southern Methodist University.

MICHAEL B. CHILDERS, with Friday, Eldredge & Clark, LLP, practices primarily in the areas of real estate, commercial transactions, and oil and gas law. He represents clients in an extensive range of real estate transactions, including the development, financing, acquisition, and disposition and leasing of commercial real estate projects. Mr. Childers represents mineral owners in the sale and leasing of mineral rights, and he handles a broad range of secured and other general commercial transactions. Mr. Childers received his B.A. and J.D., *magna cum laude*, from the University of Arkansas at Fayetteville.

CHRIS A. McNULTY, with Mitchell, Williams, Selig, Gates & Woodward, P.L.L.C., is experienced in the areas of workout negotiations and business/commercial litigation, including breach of contract, business torts, bankruptcy, foreclosure, repossession, and collection. Mr. McNulty provides representation to clients in the areas of bankruptcy and non-bankruptcy litigation and complex Chapter 11 issues. Mr. McNulty authored, "Can You See The Light? Illuminating Precedent and Creating A New Tier of Judicial Scrutiny for Campaign Finance Laws, Randall v. Sorrell," 548 U.S. 230 (2006), 30 U. Ark. *Little Rock Law Review* 149 (2007). He is admitted to practice in Arkansas. Mr. McNulty earned his B.A. at The University of the South and his J.D., with honors, at the University of Arkansas at Little Rock Law School.

STEPHANIE HALEY WILLIAMS, with the Keach Law Firm, PA, in North Little Rock, practices primarily consumer bankruptcy law, including representing debtors and creditors in federal bankruptcy courts, Arkansas state courts, and out-of-court restructurings and work-outs. Ms. Williams represents clients in general civil litigation, drafting of wills, and other matters. She is admitted to practice in Alabama, Tennessee, and Arkansas. Ms. Williams has been an adjunct professor at the UALR and at Pulaski Technical College Paralegal Studies and slated to adjunct at UALR Bowen School of Law this fall. Ms Williams has authored and published several articles in her areas of practice. She served as judicial clerk to former U.S. Bankruptcy Judge James S. Sledge, Northern District of Alabama, Eastern Division. Ms. Williams earned her A.A. and her B.A., with honors, at the University of Arkansas-Little Rock, her M.B.A. at Samford University, and her J.D. at Cumberland School of Law, Samford University.

JEANETTE WHATLEY, director of housing and managing attorney for the West Memphis office of Legal Aid of Arkansas (LAA), has worked for Legal Services offices for over 17 years in Helena, Little Rock, the U.S. Virgin Islands, Blytheville, and West Memphis. Ms. Whatley has also been in private practice, employed by the State of Arkansas, and worked for 3 years exclusively in the enforcement of fair housing rights for a nonprofit agency in Memphis. Ms. Whatley serves as a resource to other advocates at LAA on the issues of subsidized tenancies and foreclosure prevention. In addition to monthly pre-purchase education classes, Ms. Whatley has been a trainer for various organizations, including ACHANGE, Housing and Urban Development, Arkansas Legal Services Partnership, and the University of Arkansas and the University of Memphis Law Schools. She has been a volunteer for ACLU, Habitat for Humanity, and the Muscular Dystrophy Association. Ms. Whatley earned her B.A. at Arkansas State University and her J.D. at the University of Arkansas in Fayetteville.

J. DON OVERTON, manager of The Overton Firm, LLC, specializes in construction, real estate, small business, and green building law. He has been engaged in construction/management services projects for over 15 years in construction and green building issues through involvement with 1) The Joint Committee on Construction Law with the Arkansas Contractors License Board, the Arkansas Home Builders Association, AGC, and ABC, 2) The Green Build Council of the Home Builders of Greater Little Rock, 3) the U.S. Green Building Council (USGBC), 4) The Delaware Valley Green Building Council (DVGBC), 5) The Green Building Initiative, and 6) the Arkansas and the American Bar Associations. Mr. Overton serves as an adjunct professor at UALR, teaching a senior level construction business management class. He was selected by the DVGBC in 2008 to be a national trainer in the "Green Advantage" commercial construction certification program. Mr. Overton is the only individual in Arkansas certified by the NAHB as a Certified Green Professional, the USGBC as a Green Advantage Certified Commercial Contractor, and the GBI as a Green Globes Professional. Mr. Overton earned his B.S.B.A. at Auburn University, his B.S. and his J.D. at the University of Arkansas - Little Rock.

LANDLORD-TENANT LAW

DATE: Thursday, September 16, 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:
 DoubleTree Hotel
 424 West Markham
 Little Rock, AR 72201

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.

AR CLE This seminar has been approved by the **Supreme Court of Arkansas Continuing Legal Education Board for 6.75 credits**, including **1.0 hour of ethics**.

AR RE SES has been licensed as a school by the **Arkansas State Board of Private Career Education**. This seminar has been submitted for **6.0 clock hours of real estate continuing education credit**. Approval is expected. Please call for details.

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



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Landlord-Tenant Law

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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: duty to occupy, abandonment, and holdover tenants and pay rent
 - 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. Evicting the tenant
- IV. **Landlord-Tenant Mediation/Dispute Resolution**
 - A. Overview of Alternative Dispute Resolution (ADR)
 - B. Effective use of ADR: 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 and tenants
 - C. Green lease: considerations, incentives, operating costs, tenant improvements, operations, and maintenance
 - D. Risks and rewards of green building for owners and tenants
- VI. **When Tenant or Landlord Files Bankruptcy**
 - A. Landlord/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 judgements
- VII. **Ethical Consideration in Landlord-Tenant Law**
 - A. Negotiating with a pro se tenant at court
 - B. 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.