

Minutes of the November 7, 2007 Real Estate Section Steering Committee Meeting

The monthly meeting of the Real Estate Section Steering Committee of the Boston Bar Association was held at the offices of the BBA on Wednesday, November 7, 2007 at 12:00 noon. Attending the meeting were Bruce Tribush, Co-Chair, Linda Bosse, Peter Farrow, Andrew Cohn, Michael Giaimo, Eric Labbe, Ken Gould and Raymond Estes.

Bruce Tribush opened the meeting by giving a summation of the topics and issues discussed at the recent BBA leadership retreat attended by many across various practice disciplines. Bruce explained that the focus of the retreat included both an inward and outward look at who the BBA is as an organization and the identification of those the BBA aims to serve. Attention was given to what the mission of the BBA is or should be and how to keep efforts in pursuit of that mission relevant and effective in fulfilling differing roles in support of BBA's constituency and providing member service while maintaining the vital public service element that has long been associated with the BBA and its members. Current employment market trends were also addressed to try to determine the apparent increase in lawyer migration to larger firms for financial or other reasons. Immediate takeaways from the retreat included how BBA sections and committees can better operate both independent of one another and in concert to achieve the organization's overall goals. A direct byproduct of the retreat is the holding of regular meetings involving those in section leadership positions, the first of which is scheduled for later in November.

Committee members discussed the importance of a re-examination of section membership loss to perceived rival organizations such as the Real Estate Bar Association for Massachusetts (REBA). It was suggested that the goals and missions of the BBA and REBA are not necessarily the same as REBA is perceived as more of a trade association for the real estate Bar. It was mentioned that the BBA Real Estate Section and REBA should be working together on initiatives that are important to both organizations and their respective members, particularly in the context of introducing and sponsoring litigation. All present agreed there is merit to exploiting the commonalities between the two organizations and a suggestion establishing a formal liaison between the two garnered broad support.

Reporting for the Leasing Committee, Eric Labbe highlighted the upcoming brown bag lunch seminar on Insurance Considerations in Commercial Leases. Personnel from Albert Risk Management Consultants of Needham will discuss prudent (vs. typical) insurance coverage planning and other risk management considerations for commercial landlords and tenants. Robust Q&A is expected and encouraged. Fast forwarding to December, a session focusing on appraisals in the commercial leasing context will be presented during which professionals will explain how fair market values and rents are determined in varying scenarios. The committee is planning a CLE for April of 2008 on a topic to be confirmed. Stay tuned.

Mike Giaimo, reporting for the Land Use and Development Committee, mentioned the brown bag session to be presented on November 9, 2007 focused on Mass Highway's new access regulations. Paula Curry of Sherin and Lodgen LLP is scheduled to summarize the new regulations concerning access to state highways and will inform attendees about the new deadlines and requirements for submission, review, approval and appeal of access decisions. Additionally, Mike promoted a CLE program to be presented jointly with the Environmental

Committee scheduled for February 13, 2008 on Green development. Details for this seminar are currently being finalized.

Reporting for the Legislative and Public Policy Committee, Peter Farrow revisited the proposed Homestead bill which is hoped to modernize the old statute to be automatically effective and to provide protection for the household and not just the individual making an affirmative declaration. Members discussed a new effort on this front by REBA which lacks the automatic provision many feel is crucial to the law. Questions arose concerning the perceived social benefits of such a bill as apposed to the conveyancers' focus the REBA offering seems to exude. Peter also addressed the proposed Statutory Housing Covenants introduced to the legislature last term. Members of the Committee suggested that a formal session should be held to discuss the substantive nature of the topic in order to provide a greater understanding to members and determine if increased BBA involvement is warranted.

Linda Bosse, reporting for the Affordable Housing Committee reiterated her committee's intention to present a CLE seminar focusing on equity financing in the tax credit context. Such a session would provide a basic foundation to transactional practitioners who lack specific experience in this area. Details are being worked on.

Andrew Cohn, reporting for the Pro Bono Committee, confirmed a second round training session for both return and new participants in the Lawyer for a Day program is scheduled for December 10, 2007 at 4:30 p.m. The session will include a segment entitled "Running the Mile" which is the name given to the process of formulating and organizing ones case for trial beginning with initial client contact through trial. This year, the program is expanding to allow participants to take on cases to be tried rather than simply dispensing advice in Housing Court. Presenters at the training session will include Housing Court Justice Jeffrey Winik and a BBO representative to speak on ethical considerations in the representation of indigent clients. A reception to formally thank program participants is being scheduled for the spring.

New Layers Section liaison Ray Estes recounted a discussion held in that morning's NLS Steering Committee meeting focusing on how to increase involvement by newer or younger lawyers in the substantive sections of the BBA. Various suggestions were made ranging from co-sponsorship of brown bag lunch seminars to joint CLE presentations as well as social opportunities available.