

NEW YORK STATE BAR ASSOCIATION



Section Chair
Leon T. Sawyko, Esq.
Harris Beach PLLC
Pittsford

Program Chair
Mindy H. Stern, Esq.
Schoeman Updike
Kaufman & Stern LLP
New York City

NYSBA

Real Property Law Section

Summer Meeting

Basin Harbor Club
On Lake Champlain
Vergennes, VT

July 16–19, 2015

First-time RPLS summer attendees and attorneys admitted less than 10 years enjoy a 75% discount for meeting registration fees and hotel accommodations.

See accommodations update on last page.



This program will provide you with a total of **7.5 MCLE credit hours**, consisting of **6.5** in **Professional Practice** and **1.0** in **Ethics**.

BASIN HARBOR CLUB



Basin Harbor Club has an idyllic setting on Lake Champlain that exudes character and charm. You will love the rustic cabins, incredible food and endless option for fun.

For over a century, guests have been coming to this Vermont lake resort to explore, recharge and reconnect with friends and family while savoring the timeless beauty of Lake Champlain. You can enjoy the same tradition of simple pleasures, enjoyed in beautiful places. Basin Harbor Club has family, private and romantic cottages with fireplace rooms. Sit by the water's edge and soak in the beauty around you. Sunlight dancing across the water, the osprey calling overhead with gentle breezes coming off the lake. The timeless beauty of Lake Champlain works its magic, and the stresses of everyday life begin to dissolve. That's when you know you've truly arrived. Now the time is yours.

Time to sip your morning coffee on the front porch. Play a round of golf. Learn to sail. Play tennis. Have a spa treatment. Go for a swim. Dine in casual style. Read in an Adirondack chair overlooking the lake. Fill your day, or leave it wide open. Because when you're here, the time is yours to keep.

Centrally Located - From cultural attractions and historic sites to miles of scenic parks, this region of New England offers plenty to see and do! 2.5 hours from Albany, NY. 5 hours from New York City. 3.5 hours from Boston, NY. 2 hours from Montreal

Drive, Train, or Fly - By Car: Via New York Thruway. By Train: Amtrak Train to Westport, NY via The Adirondack. Take a short taxi ride to the Westport Marina, where the Club can pick you up by boat. By Air: Via Burlington International and airport shuttle arranged through Basin Harbor Club or fly your own plane to the Club's private air strip.

SCHEDULE OF EVENTS

Thursday, July 16

1:00 p.m. – 6:00 p.m.

Registration – *Hotel Lobby*

1:00 p.m. – 3:00 p.m.

Officer's Meeting – *Garden Room*

3:00 p.m. – 5:00 p.m.

Executive Committee Meeting – *Club Room*

6:30 p.m. – 7:30 p.m.

Cocktail Reception – *Lodge Lawn*

7:30 p.m. – 9:30 p.m.

Dinner – *Pool Deck*

Dinner Speaker **Art Cohn**, Co-founder & Director Emeritus, Lake Champlain Maritime Museum. The topic is History and Shipwrecks: The Threatened Legacy (Or, What Should We Do with Benedict Arnold's Gunboat?)

Friday, July 17

7:30 a.m. – 8:15 a.m.

Committee on Condominiums and Cooperatives Breakfast Meeting
Committee on Real Estate Construction Breakfast Meeting

8:00 a.m.

Registration – *Sun Porch*

7:00 a.m. – 10:00 a.m.

Full Breakfast – *Main Dining Room* (included in your hotel rate)

8:15 a.m. – Noon

General Session – *Town Hall*

8:15 a.m. – 8:30 a.m.

Welcome and Introductory Remarks

Leon T. Sawyko, Esq., Harris Beach PLLC, Pittsford

Mindy H. Stern, Esq., Schoeman Updike Kaufman & Stern LLP, New York City

David P. Miranda, Esq., President, New York State Bar Association,
Heslin Rothenberg Farley & Mesiti, PC, Albany

8:30 a.m. – 8:55 a.m.

The Battle to Save Lake Champlain (.5 Professional Practice)

While serving as an Assistant Attorney General for the State of New York, Joel Sachs, Esq. was involved with one of the first major environmental trials in the United States, and the first environmental lawsuit heard and decided by the United States Supreme Court. Joel will share his insights about the trial and the issues it raised, many of which are still with us today.

Speaker:

Joel H. Sachs, Esq., Keane & Beane, PC, White Plains

8:55 a.m. – 9:45 a.m.

Construction Law 101 for Leasing Lawyers (1.0 Professional Practice)

In this interactive session, Ken Block and Brian Lustbader, the co-chairs of our Real Estate Construction Committee, will present a case study and mock negotiation between a landlord and its design and construction professionals for the build out of tenant space. Issues discussed will include responsibility for design, cost, schedule and quality of the work; defective design and construction; damages; and termination and dispute resolution.

Speakers:

Kenneth M. Block, Esq., Tannenbaum Helpert Syracuse & Hirschtritt, LLP, New York City

Brian G. Lustbader, Esq., Schiff Hardin, New York City

9:45 a.m. – 10:25 a.m.

Case Law Update (.5 Professional Practice)

A summary of recent cases – the good, the bad and the ugly – of interest to dirt lawyers state wide, presented by the always entertaining and informative

Speakers:

Peter V. Coffey, Esq., Englert, Coffey, McHugh & Fantauzzi, LLP, Schenectady

Michelle H. Wildgrube Esq., Cioffi Slezak Wildgrube P.C., Niskayuna

10:25 a.m. – 10:35 a.m.

Refreshment Break – *Town Hall*

SCHEDULE OF EVENTS

10:35 a.m. – 11:25 a.m.

Negotiating Restaurant Leases: Food for Thought (1.0 Professional Practice)
Seasoned leasing mavens Nancy Connery and Ben Weinstock will dish up some drafting suggestions and practice tips to address unique issues for landlords and tenants leasing restaurant space. On the menu: liquor liability and licenses, hours of operation and parking, percentage rent clauses, special installations, and governmental licenses and permits. Even if you are on a diet, this is a meal you do not want to skip.

Speakers:

Nancy A. Connery, Esq., Schoeman Updike Kaufman & Stern LLP, New York City
Benjamin Weinstock, Esq., Ruskin Moscou Faltischek, P.C., Uniondale

11:25 a.m. – 12:15 p.m.

Fun with Ethics (1.0 Ethics)
And speaking of food, Anne Reynolds Copps will conclude our program with her popular interactive discussion with attendees based on real ethics opinions. Contributors will be awarded with chocolate.

Speaker:

Anne Reynolds Copps, Esq., Copps DiPaola, PLLC, Albany

Lunch is on your own

1:00 p.m.

Basin Harbor Golf Course – An 18-hole championship course with over 6,500 yards a slope rating of 126 makes Basin Harbor a delight for any golfer to play. Golf one of Vermont's finest golf courses and experience the only lakeside course in the Green Mountains. First tee-time is 1:00 p.m. Green fees are **\$90** per person which include 18 holes of golf, golf cart and lunch.

(Advanced sign up and payment is required on meeting registration form)

Golf Chair: Ken Block

1:00 p.m.

Hiking Vermont – Jim Burnham will lead this hike on Snake Mountain. This is a 4.1 mile hike that will rise just under 1,000 feet. Approximate hike time is 2 hours, but can vary with children. The first 1/2 mile is mostly flat and then traverses an Old Carriage Road that is wide and easy to follow. The Summit has 180 degree views of the Adirondacks and the Champlain Valley. If bringing your dog it must be leashed. **Please sign up on meeting registration form.**

2:30 p.m.

Kayak Trek – Join Basin Harbor Club's Naturalist for a 60-90 minute kayak trek along Lake Champlain. Learn about the history, trees, animals and geology of the Lake Champlain Basin. The trek is between 60-90 minutes depending on lake conditions. **It is limited to 18 participants.** Cost is **\$15.00** per person. **(Advanced sign up and payment is required on meeting registration form).**

4:00 p.m.

Yoga – Tree House Movement Studio

Develop flexibility, strength, tranquility and balance. Class offers a broad range of asana, breathing and restorative postures. All levels class.

(Advanced sign up and payment is required on meeting registration form)

6:30 p.m. – 7:30 p.m.

Cocktail Reception – Lake Champlain Maritime Museum

The museum will be open tonight to explore the full-scale wooden replica vessels. Learn the stories that shaped Lake Champlain's rich heritage dating back to the Iroquois and Algonquin Indians of centuries past.

Dinner is on your own this evening.

Saturday, July 18

7:00 a.m. – 10:00 a.m.

Full Breakfast – Main Dining Room (included in your hotel rate)

8:00 a.m.

Registration – Sun Porch

8:30 a.m. – 12:15 p.m.

General Session – Town Hall

SCHEDULE OF EVENTS

8:55 a.m. – 9:45 a.m.

The ABC's of Entity Selection for Dirt Lawyers (1.0 Professional Practice)

Clients who purchase residential or commercial property frequently do so through an entity. Do you know all of the reasons they should consider doing so? How do you select the type of entity, and the jurisdiction in which to form it? What provisions should be in an operating or shareholders' agreement regarding governance (authority, fiduciary duties and succession), contributions and distributions, and transferability (buy-sell provisions, admission and expulsion)? What are the tax consequences of these choices and documents? Business transactional attorney Clem Turner of Homeier & Law, P.C. will tell you what you need to know to be a more effective transactional real estate attorney.

Speaker:

Clem Turner, Esq., Homeier & Law, P.C., New York City

9:45 a.m. – 10:25 a.m.

Hot Topics for Cooperatives and Condominiums (.5 Professional Practice)

Come hear Cooperative and Condominium Law Committee Co-Chair Dennis Greenstein update us about the latest trends, legislation and case law of interest to anyone who either represents cooperatives and condominiums, or lives in one.

Speaker:

Dennis H. Greenstein, Esq., Seyfarth Shaw LLP, New York City

10:25 a.m. – 10:35 a.m.

Refreshment Break – *Town Hall*

10:35 a.m. – 11:25 a.m.

Negotiating Strategies for Big Box Retail (1.0 Professional Practice)

David Rabinowitz of Goulston & Storrs, whose clients include some of the nation's largest "big box" retailers and shopping center developers, will offer insights and practice tips for lawyers representing both landlords and tenants in leases involving retail chain tenants in shopping centers and major cities. If your practice includes retail leasing, you will not want to miss his presentation.

Speaker:

David J. Rabinowitz, Esq., Goulston & Storrs PC, New York City

11:25 a.m. – 12:15 p.m.

Time of the Essence: Law and Lore Every Dirt Lawyer Should Know

(1.0 Professional Practice)

Do you know how to draft and enforce a "time of the essence" clause? Bruce Lederman of D'Agostino, Levine, Landesman & Lederman LLP will explain the difference between the "law" and the "lore" regarding this critical contract provision, provide practical guidance to every frustrated dirt lawyer, whether novice or experienced, trying to get the other party to close, and identify issues which are often raised in litigation over failed closings.

Speaker:

Bruce H. Lederman, Esq., D'Agostino, Levine, Landesman & Lederman, LLP, New York City

1:00 p.m.

Tennis – Bring your rackets and tennis balls to enjoy some fun on the courts. Snacks & beverages will be provided. **(Advanced sign up and payment is required on meeting registration form)**

2:30 p.m.

Kayak Trek – Join Basin Harbor Club's Naturalist for a 60-90 minute kayak trek along Lake Champlain. Learn about the history, trees, animals and geology of the Lake Champlain Basin. The trek is between 60-90 minutes depending on lake conditions. **It is limited to 18 participants.** Cost is **\$15.00** per person. **(Advanced sign up and payment is required on meeting registration form).**

7:00 p.m. – 7:30 p.m.

Floating Green & Cocktail Reception – *Burgee Bar (near North Dock)*

An informal chipping contest. The green sits 90 yards out in the Harbor. Golfers will tee off from the sandy beach in hopes of getting a "hole in one" on Lake Champlain's only floating green. If you hit the green you win merchandise. If you achieve a hole in one, the prize is an overnight stay with breakfast and unlimited golf for two.

7:30 p.m.

Dinner – *North Dock*

Sunday, July 19

Departure



Timeless, Boundless Fun

Like the dreamiest summer campsite. Basin Harbor Club & Resort buzzes with lake activities as well as landlubber fun. When you take each day in stride, immersed in nature, the effect is nothing short of rapturous contentment!

DOCKSIDE ON CLEAR LAKE WATERS:

- Outboard motor boats
- Pontoon boat and powerboat rentals
- Kayak treks and guided tours
- Water trampoline
- Canoeing
- Paddle-boarding
- Water-skiing
- Tubing
- Sailing
- Fishing
- Shipwreck tours
- Narrated EEscape Cruises
- Complimentary paddleboats and small boats

ACROSS OUR GREEN ACRES:

- 700 Acres of gardens and green space
- Champonship golf with driving range, lessons
- Tennis on five courts, skilled instruction
- BHC Kids Camp programs for ages 3-17
- Heated, Olympic-sized pool
- Guided hikes on nature trails
- Road and mountain biking
- Croquet, badminton, giant chess & volleyball
- Endless Photography & Birding
- Bonfires, hayrides, and movie nights
- Nature Center with guided activities
- Blue Chair Day Spa services
- Fitness Center
- Watching the Lake go by in Adirondack chairs
- Basketball, soccer & disc golf
- Three Playgrounds





Other Area Attractions

Shelburne Museum - www.shelburnemuseum.org

Ft. Ticonderoga - www.fortticonderoga.org

Shelburne Farms (great for kids) - www.shelburnefarms.org

Hiking in the Green Mountains or the Adirondacks

Middlebury College Art Museum - museum.middlebury.edu

IMPORTANT INFORMATION

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York's MCLE rule, this program will provide you with a total of **7.5 credit hours**, consisting of **6.5** in **Professional Practice** and **1.0** in **Ethics**.

DISCOUNTS AND SCHOLARSHIPS: New York State Bar Association members and non-members may receive financial aid to attend this program. Under this policy, anyone who requires financial aid may apply in writing, not later than two working days prior to the program, explaining the basis of his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. For more details, please contact: Lori Nicoll, New York State Bar Association, One Elk Street, Albany, New York 12207 or e-mail lnicoll@nysba.org.

Accommodations for Persons with Disabilities: NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Lori Nicoll at 518-487-5563.

IMPORTANT HOTEL INFORMATION

****Accommodations Update****

We are still accepting registrations for the summer meeting. Due to overwhelming demand, The Basin Harbor Club currently is full. You can ask The Basin Harbor Club to add you to the wait list by calling 800.622.4000 or 802.475.2311. Identify yourself as an NYSBA member, but we encourage you to also consider one of the nearby venues below.

Please note: First-time RPLS summer meeting attendees and attorneys admitted less than 10 years enjoy a 75% discount for meeting registration fees and hotel accommodations (reimbursements for accommodations will be given by NYSBA after the conclusion of the meeting). If you qualify for the 75% discount the RPL Section will apply the amount you would have received at the Club to the alternate venue, and your registration fee includes full use of the Basin Harbor Club facilities even if you stay elsewhere.

CALL NOW BEFORE THESE VENUES ARE SOLD OUT!

RIVERS EDGE COTTAGES AND CAMPGROUND – 2 minutes from Basin Harbor

47 Donovan Lane
Vergennes, VT 05491
www.ottercreekcamping.com
Tel: 802.475.2700

STRONG HOUSE INN – 7 minutes from Basin Harbor

94 West Main Street
Vergennes, VT 05491
www.stronghouseinn.com
802.877.3337

SWIFT HOUSE INN – 35 minutes from Basin Harbor

25 Stewart Lane
Middlebury, VT 05753
www.swifthouseinn.com
802.388.9925

MARRIOTT COURTYARD HOTEL MOTEL – 38 minutes from Basin Harbor

309 Court Street
Middlebury, VT 05753
www.marriott.com/hotels/travel/btvcy-courtyard-middlebury
802.388.7600

MIDDLEBURY INN – 35 minutes from Basin Harbor

14 Court Street (Route 7)
Middlebury, VT 05753
www.middleburyinn.com
802.388.4961



NEW YORK STATE BAR ASSOCIATION
MEETINGS DEPARTMENT

One Elk Street
Albany, NY 12207