HEREL 9 – September 15 & 16, 2011
Higher Education Real Estate Lawyers 9th Annual Conference

CONFERENCE SCHEDULE

Wednesday, September 14, 2011

7:00 p.m.	Casual Dinner (not included in Registration Fee) *Bar Italia Ristorante, Central West End* 13 Maryland Plaza St. Louis, Missouri 63108 314.361.7010 [Meet in the lobby of The Parkway at 6:45 p.m. to walk over together. Map provided in binder behind "Maps & Directions" tab.]

Thursday, September 15, 2011

8:00 – 8:45 a.m.	Arrival, Sign-In and Breakfast *Knight Center, Room 340* You are welcome to two types of breakfasts (1) Hot Breakfast which is available on the second floor in the 2nd Floor Break Area; (2) Executive Continental Breakfast which is available outside of Room 340.
8:45 – 9:00 a.m.	Welcome – Michael Cannon, Executive Vice Chancellor and General Counsel, Washington University
9:00 – 10:15 a.m.	Session 1: *Draft Your Design and Construction Contracts to Manage ADA Risk or Be Prepared to Survive an ADA/Section 504 Audit!* Presenters: Hannah Ross, Princeton University Paul Sugar, Principal, Ober|Kaler Construction Group Synopsis: This session will provide a brief overview of key developments in the regulation of accessibility of college facilities, and will focus on offering practical advice for drafting design and construction documents to minimize the risk of non-compliant conditions in new and renovated buildings. It will also provide guidance on what to expect and how to navigate a governmental audit relating to your campus, in the event that one is initiated.
10:15 – 10:30 a.m.	Break
10:30 – 12:00 p.m.	Session 2: *Real Estate Issues Related to Foreign Educational Programs* Presenter: Arcie Izquierdo Jordan, Partner, Jackson Walker, L.L.P. Synopsis: This session will focus on the different legal considerations involved in international real estate issues including: implications for permanent establishment; potential tax ramifications; tort and contract liability; foreign direct investment restrictions and conditions, potential insurance and risk coverage and other related matters. The session will discuss these issues as related to real property ownership, leases and other arrangements and will include real examples in different jurisdictions.

12:00 – 1:15 p.m.	Lunch *Anheuser-Busch Dining Hall, Knight Center, 3rd Floor*
1:15 – 2:45 p.m.	Session 3: *Campus Telecommunications: Technology Trends and Traps for the Unwary* Presenters: Aaron Johnston, Jr., The Johnston Law Firm James T. Chiles, President, tpi Telecommunications Properties, Inc. Jeff Alexander, Vice President and CTO, tpi Telecommunications Properties, Inc. Synopsis: An overview of the new telecommunications technologies available for university campuses, including in-building wireless systems (distributed antenna systems) which enhance campus/stadium wireless coverage for mobile phones, computers and public safety responders, followed by a description of some of the major physical and legal problems experienced by universities over the last decade with telecommunications technologies and telecommunications agreements, especially when the previous "must have, end-all" technology is suddenly replaced by new technology. The presentation will conclude with a discussion of the structure of the contracts associated with telecommunication services and drafting suggestions for attorneys negotiating or revising these contracts.
3:00 – 4:00 p.m.	Walking Tour – Danforth Campus
4:00 – 4:45 p.m.	Travel from Danforth Campus to Medical School Campus via Best Transportation bus
4:45 – 5:30 p.m.	Walking Tour – Medical School Campus
6:30 p.m.	Cocktails
7:00 – 9:30 p.m.	Seated Dinner *Wild Flower, Central West End* 4590 Laclede Avenue Saint Louis, Missouri 63108 314.361.8282 [Meet in the lobby of The Parkway at 6:15 p.m. to walk over together. Map provided in Binder behind "Maps & Directions" tab.]

Friday, September 16, 2011

8:00 – 9:00 a.m.	Breakfast and HEREL Business Meeting *Knight Center, Room 340* You are welcome to two types of breakfasts (1) Hot Breakfast which is available on the second floor in the 2nd Floor Break Area; (2) Executive Continental Breakfast which is available outside of Room 340.

9:00 – 10:30 a.m.

Session 4:
Rules for Mixed Marriages – Structuring Deals Between For-Profit and Non-Profit Entities
Presenters: Paul Sehnert, Director of Real Estate Development, Facilities and Real Estate Services Division, University of Pennsylvania
Richard T. Frazier, Partner, Saul Ewing LLP
Synopsis: This is a fundamentals course that will focus on basic structuring issues including:

- Choosing the right partner—can institutional mindset accommodate a free-wheeling entrepreneurial style?
- Selecting an appropriate legal structure for transactions between higher educational institutions and for profit entities
- Tax considerations for non-profits when transacting with for-profit entities
- Exit strategies that align the interests of both parties

10:30 – 10:45 a.m. Break

10:45 – 12:15 p.m.

Session 5:
Legal Issues in Student Housing
Presenter: Daryl J. Lapp, Partner, Edwards Angell Palmer & Dodge LLP
Synopsis: This course will examine a variety of issues that arise in the context of on-campus student housing including search and seizure; liability exposure for housing students with criminal records; institutional liability for harm arising from resident students' drug and alcohol use—the special case of hazing; and best practices for addressing risk-management concerns over suicidal and other at risk students.

12:15 – 12:30 p.m. Break

12:30 – 2:00 p.m.

Working Lunch (Boxed Lunches Provided)
Session 6:
Structuring Renewable Energy Projects to Capture Tax Benefits and Rebates: Turning Sunlight Into Cash
Presenter: Baird Brown, Esquire, Drinker Biddle & Reath LLP
Synopsis: By partnering with private developers and investors non-profit colleges and universities can take advantage of incentives available only to taxpayers, but must be mindful of risks to non-profit status. This session provides a detailed how-to on structuring campus solar projects to take advantage of federal tax benefits, such as investment tax credits, the Section 1603 grant, and accelerated depreciation, and state incentives, such as Renewable Energy Credits and rebates. We will discuss tax structures such as true leases, inverted leases and partnership flips, and we will look at other tax incentives and consider alumni as investors. We will look into details of power purchase agreements and lease alternatives, and discuss siting and real estate rights. State law issues including Renewable Energy Credits and interconnection policies will also be addressed, and we will briefly consider other forms of renewable energy and energy efficiency.

2:00 p.m. Adjourn ~ Thank you for Attending HEREL9