

# 2021 REBA ANNUAL MEETING & CONFERENCE

Luncheon Keynote Speaker

**HON. MARK V. GREEN**

*Chief Justice of the Massachusetts Appeals Court*



In 1997, the Hon. Mark V. Green was appointed by Governor Weld as an Associate Justice of the Massachusetts Land Court, where he served until his appointment by Governor Jane M. Swift to the Appeals Court in 2001. While at the Land Court, Judge Green chaired a committee that promulgated the Land Court's Guidelines for Registered Land.

In 2017, Judge Green was appointed Chief Justice of the Appeals Court by Governor Baker. In 2003, at the request of the Supreme Judicial Court, he chaired the Study Committee on Trial Transcripts. From 2012 until his appointment as Chief Justice, Judge Green chaired the combined appellate courts' IT Steering Committee, where, among other initiatives, he led the courts' implementation of electronic filing.

From 1994 to 1995, Judge Green was General Counsel of The Mortgage Acquisition Corporation, and in 1995, he joined the legal department of BayBank, N.A., where he remained through its merger with the Bank of Boston in 1996.

Prior to joining the bench, Judge Green practiced transactional real estate law with the firms of Herrick & Smith and Goulston & Storrs until 1990, when he accepted a position with Shawmut Bank as Vice President and Senior Counsel for Real Estate.

Judge Green has been a panelist on numerous continuing legal education programs sponsored by MCLE and the BBA, among others. He also has been a guest lecturer for courses at the Harvard Business School and the Massachusetts Institute of Technology Center for Real Estate Studies. From 2007 until his appointment as Chief Justice, he served as a member of the Board of Editors of the *Boston Bar Journal*. In 2005 and 2009, Judge Green participated in rule of law exchange programs in Russia and, in 2011, he was a member of a rule of law exchange in the Peoples Republic of China focused on the American jury trial system.

Chief Justice Green received his J.D., *cum laude*, from Harvard Law School, and his A.B., with distinction in all subjects, from Cornell University.

Conference registration enclosed ♦ Register online at [www.reba.net](http://www.reba.net)

## BREAKOUT SESSIONS

*Common Real Estate Broker/Agent Liability Issues*

*Effects of COVID-19 on Landlord/Tenant Law: Distributing Rental Assistance While Ensuring Due Process*

*Nuts & Bolts of Commercial Mortgage & Condo Foreclosures*

*Commercial Lease Construction Work Letter Exhibits: Understanding the Who, What, Where, How...and How Much*

*Post-Pandemic Registry of Deeds*

*New BBO Rules for Managing IOLTA Accounts After Olchowski and Amendment of Rule 1.15*

*Recent Developments in Massachusetts Case Law*

## Practical Skills Sessions:

*Closing Protection Letters: What They Do and Don't Do, and How They've Recently Changed*

*Probate and Trusts Refresher: Passing Titles Through Probate*

*Resolving Vexing Title Problems: Quiet Title vs. Try Title*

## SPONSORS & EXHIBITORS

For more information, contact Victoria D'Angelo at [dangelo@reba.net](mailto:dangelo@reba.net) or 617.854.7555.

## REBA CONTINUING EDUCATION SECTION

Kendra L. Berardi, Co-chair  
Elizabeth J. Young, Co-chair

## REBA CONTACT

For questions, contact REBA at 617.854.7555, [admin@reba.net](mailto:admin@reba.net) or online at [www.reba.net](http://www.reba.net).

Four Points by Sheraton  
1125 Boston-Providence Tpke, Norwood

Monday, November 1, 2021  
7:30 AM – 2:45 PM

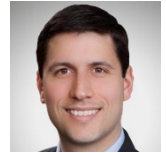
# SCHEDULE OF EVENTS

8:30 AM - 9:30 AM | CONFERENCE ROOM 101

11:00 AM - 12:00 PM | CONFERENCE ROOM 104



ROBERT L. BELL JR.



ROBERT W. STETSON III

## ***Common Real Estate Broker/Agent Liability Issues***

This breakout program will address the tension between an agent's duties of disclosure and confidentiality inherent in many real estate transactions, as well as other legal and ethical issues related thereto. The speakers will discuss claims and theories of liability against real estate agents and brokers arising out of these countervailing duties. They will address claims, such as breach of fiduciary duties, fraud and negligence. The panelists will also offer practical tips for helping brokers and agents avoid liability, including drafting considerations for purchase and sale agreements, and provide a primer on professional liability insurance.

8:30 AM - 9:30 AM | TIFFANY BALLROOM B

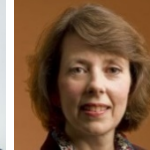
11:00 AM - 12:00 PM | CONFERENCE ROOM 103



BENJAMIN O. ADEYINKA



TED S. PAPAPOPOULOS



ROBERTA L. RUBIN



HON. TIMOTHY F. SULLIVAN

## ***Effects of COVID-19 on Landlord/Tenant Law: Distributing Rental Assistance While Ensuring Due Process***

This session will address the effects of COVID-19 on Massachusetts landlord/tenant law. The panel will focus on federal and state legislation, as well as executive orders, that have impacted how Massachusetts courts process summary process/eviction matters. In addition, they will discuss the practical implications of distributing extensive rental assistance, all while preserving the parties' due process rights.

8:30 AM - 9:30 AM | CONFERENCE ROOM 104

9:45 AM - 10:45 AM | CONFERENCE ROOM 104



DEAN T. LENNON



MICHAEL R. HAGOPIAN



ERIKA J. HOOVER

## ***The Nuts and Bolts of Commercial Mortgage and Condominium Foreclosures***

This session will include a discussion on the practice and process of conducting commercial, residential and condominium foreclosures. The panelists will provide an overview of each type of foreclosure process, highlighting their distinctions and differences, as well as spotting issues in pre-foreclosure title rundowns. They will also discuss case law and foreclosure updates, common foreclosure litigation issues, and the effect of the COVID-19 pandemic and associated state and federal moratoria on foreclosure practice.

9:45 AM - 10:45 AM | CONFERENCE ROOM 101

11:00 AM - 12:00 PM | CONFERENCE ROOM 101



THOMAS BHISITKUL

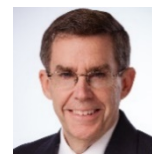


ERIN M. VANDEN BORRE

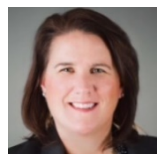
## ***Commercial Lease Construction Work Letter Exhibits: Understanding the Who, What, Where, How...and How Much***

Almost every commercial lease transaction involves the construction of improvements to the leased premises (and in some cases to the base building in which the space is located) to prepare it for use and occupancy. The terms governing that so-called "TI Work" are usually contained in an exhibit to the lease, often call the "Work Letter," that functions as a mini-construction contract and sets the ground rules for the scope and conduct of the work. This program will discuss some of the terms and provisions commonly contained in a work letter exhibit to reflect the core business terms relating to the work, including: (i) *who* will perform the work (landlord or tenant); (ii) *what* work will done (scope of work); (iii) *when* the work will be done (time frames for completion of the work and penalties for delay); (iv) *how* the work will be done (approvals of plans, specifications and contractors, and ground rules for conduct of work); and, (v) *how much* the work will cost (and how much each party will contribute to the costs).

11:00 AM - 12:00 PM | ESSEX / LENOX ROOM



RICHARD P. HOWE JR.



KATHRYN A. TOOMEY

## ***The Post-Pandemic Registry of Deeds***

COVID-19 forced registries of deeds in Massachusetts to rapidly adapt to unprecedented circumstances. Like facemasks and social distancing, some of these measures will soon be retired, but many of the pandemic innovations will become a permanent part of registry operations. This session will describe the new normal for the Commonwealth's 21 registries of deeds and what lies ahead.

# SCHEDULE OF EVENTS

9:45 AM - 10:45 AM | TIFFANY BALLROOM B

11:00 AM - 12:00 PM | TIFFANY BALLROOM B



CONRAD J.  
BLETZER JR.



HANNAH L.  
KILSON

## ***New BBO Rules for Managing IOLTA Accounts After Olchowski and Amendment of Rule 1.15***

The SJC's decision *In the Matter of Gregory M. Olchowski*, 485 Mass. 807 (2020) and the resulting amendments of Mass. R. Prof. C. 1.15 impose strict new obligations on the maintenance of IOLTA accounts, requiring that banks report all dormant IOLTA accounts to the Office of Bar Counsel. These new rules will affect every conveyancer and transactional lawyer in the Commonwealth. This panel will discuss the proposed or final amendments to Mass. R. Prof. C. 1.15 and the implications for conveyancers and their legal practice.

8:30 AM - 9:30 AM | ESSEX / LENOX ROOM

9:45 AM - 10:45 AM | ESSEX / LENOX ROOM



FRANCIS  
DISANTI



TUCKER  
DULONG

### ► Practical Skills Session

## ***Closing Protection Letters: What They Do and Don't Do, and How They've Recently Changed***

A lender will almost invariably ask the title insurance agent for a closing protection letter (CPL), not completely understanding its purpose or coverage. The CPL is a contract between the lender and the title insurance underwriter. This discussion will focus on why lenders routinely request these letters and the protections that they provide. In addition, there are recent updates to the ALTA Form Closing Protection Letter. Lawyers must understand how these updates affect their real estate practice.

8:30 AM - 9:30 AM | TIFFANY BALLROOM A

9:45 AM - 10:45 AM | TIFFANY BALLROOM A



DOMINIC H.  
PONCIA III



KATHERINE  
PRIFTI

### ► Practical Skills Session

## ***Probate and Trusts Refresher: Passing Titles Through Probate***

Join Katherine Prifti and Dominic Poncia for this informative panel discussion. The presenters will discuss the ins and outs of taking title out of a probate under the Massachusetts Uniform Probate Code (MUPC). This program will provide an overview of recent case law and common scenarios encountered in real estate practice. These include transfers from deeds from personal representatives, devisees under a will and heirs at law of an intestate estate.

8:30 AM - 9:30 AM | CONFERENCE ROOM 103

9:45 AM - 10:45 AM | CONFERENCE ROOM 103



SCOTT J.  
CLIFFORD



THOMAS J.  
FLAHERTY

### ► Practical Skills Session

## ***Resolving Vexing Title Problems: Quiet Title vs. Try Title***

What is the difference between a quiet title and a try title action? When should you bring a quiet title action versus a try title action? In an action to quiet title, what must the plaintiff show in order to prevail? In an action to try title, what must the plaintiff show in order to prevail? The panelists will also examine some common title problems that real estate lawyers that may require an action to quiet the title and/or try the title.

12:15 PM - 1:15 PM | CONFERENCE ROOM 103

Video Simulcasts | CONFERENCE ROOMS 101 & 104



PHILIP S.  
LAPATIN

## ***Recent Developments in Massachusetts Case Law***

Now in his forty-third year as case commentator at REBA's twice-yearly conferences, Phil Lapatin continues to draw a full house with this session. Attending his twice-yearly presentations are a must for any practicing real estate lawyer. Phil is the 2008 recipient of the Association's highest honor, the Richard B. Johnson Award.



# 2021 REBA ANNUAL MEETING & CONFERENCE

## REGISTRATION

To register, complete this form and return it with payment to:  
*REBA Foundation, 295 Devonshire Street, Sixth Floor, Boston, MA 02110*  
You may also register by phone at 617.854.7555 or online at [www.reba.net](http://www.reba.net).

	<i>By Oct. 25</i>	<i>After Oct. 25</i>
<input type="checkbox"/> Register me as a REBA member in good standing:	\$ 250	\$ 275
<input type="checkbox"/> Register me as a non-REBA member guest:	\$ 290	\$ 315
<input type="checkbox"/> I would like to purchase the conference syllabus:	\$ 200	\$ 200

CHECK

Payable to *REBA Foundation*

Check No.: \_\_\_\_\_

Date: \_\_\_\_\_

CREDIT CARD

Card No.: \_\_\_\_\_

Exp Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



### Registrant Information

Full Name: \_\_\_\_\_ Call Name (for nametag): \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_ City, State ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_  Mobile  Work Email: \_\_\_\_\_

### Luncheon Entrée Selection

- Herb-roasted statler chicken with a wild mushroom gravy
- Pan-seared petit filet mignon with a caramelized onion demi-glace
- Roasted red pepper, portabella, zucchini and squash tower over quinoa with balsamic glaze (GFV)
- None, as I will not be attending the luncheon  None, as I will not be eating at the luncheon

REBA's 2021 Annual Meeting & Conference welcomes both members and non-members. The registration fee includes the breakout sessions, luncheon and conference syllabus book. Register via mail, phone or online at [www.reba.net](http://www.reba.net); submit one registration per attendee. Registration will be confirmed by email. REBA cannot offer discounts for registrants who attend only part of the conference. To guarantee a reservation, please send your registration with the appropriate fee on/before October 25, 2021. Registrations received after October 25, 2021 will be subject to a late registration fee of \$25. Registrations cancelled in writing on or before October 25, 2021 will be subject to a processing fee of \$25. Registrations cannot be cancelled after October 25, 2021; however, we welcome substitutions of registrants attending the program. Conference materials will be mailed to non-attendee registrants. For questions regarding continuing legal education (CLE) credits, contact Bob Gaudette at (617) 854-7555 or at [gaudette@reba.net](mailto:gaudette@reba.net). Kindly refrain from cell phone use during the breakout session presentations and conference luncheon.

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