

2024 REBA ANNUAL MEETING & CONFERENCE

LUNCHEON KEYNOTE ADDRESS BY

HON. FRANK J. BAILEY (RET.)

*President, Pioneer Public Interest Law Center
Former Chief Justice, United States Bankruptcy Court*



Hon. Frank J. Bailey (ret.) was appointed to the United States Bankruptcy Court for the District of Massachusetts in 2009, and served as Chief Justice from 2010 to 2014. Judge Bailey was also an appellate judge on the First Circuit Bankruptcy Appellate Panel. He retired from judicial service in 2022.

Prior to joining the bench, Judge Bailey was an associate at the Boston office of Sullivan & Worcester LLP, before spending twenty-two years as a partner at the firm Sherin and Lodgen LLP, where he served as the Chairman of the Litigation Department and as a member of the management committee. He often represented clients in the financial services, medical device, pharmaceutical and technology areas. From 1980-1981, Bailey served as judicial law clerk to the Honorable Herbert P. Wilkins of the Massachusetts Supreme Judicial Court.

Judge Bailey was elected by his peers to serve as the President of the National Conference of Bankruptcy Judges (“NCBJ”), a position that he held until October 2021. He has been active in leadership positions in the ABA, including as the Judicial Member at Large on the ABA Board of Governors and as a member of the ABA Executive Committee. Judge Bailey served as the Chair of the National Conference of Federal Trial Judges, an ABA entity that includes over 400 federal judges. Judge Bailey has testified before Congress on matters affecting the federal judiciary, including venue reform and diversity, equity and inclusion.

Beyond his judicial leadership, Judge Bailey has served as the Chair of the Immigrant Learning Center in Malden, Massachusetts, a board member of the Institute for Immigration Research at George Mason University, as President of the Massachusetts Appleseed Center for Law and Justice, and on the Massachusetts Council of the New England Legal Foundation.

Judge Bailey served on the adjunct faculty at the Boston University School of Law and New England Law School. He currently teaches Advanced Business Restructuring at Suffolk University School of Law. He has been active in international judicial training and legal education, including in Argentina, Bulgaria, Kazakhstan, Russia, Uzbekistan and Ukraine.

Judge Bailey received his J.D. from Suffolk University Law School, and his BSFS in economics from Georgetown University, School of Foreign Service.

BREAKOUT SESSIONS

GENERAL SESSIONS

*Recent Developments
in Massachusetts Case Law*

*Environmental
Law Update 2024*

*How the Legislature Fixed
Tax Title Foreclosures*

The New Anti-SLAPP Regime

*FinCEN Update: Collecting
Information on Entities and
Real Estate Transactions*

*Navigating AI: Best Practices,
Ethical Concerns and Pitfalls*

PRACTICAL SKILLS

*Dealing with Unclaimed IOLTA
Funds Under the New Rules*

*REBA-Sponsored Law Simplifies
Voluntary Withdrawal*

*Massachusetts Realty/Nominee
Trust; An Asset or an Albatross?*

*Answering All of Your
Homestead Questions*

CONTINUING EDUCATION SECTION CO-CHAIRS

Kimberly A. Bielan
Elizabeth J. Young
Kendra L. Berardi

EXHIBITOR/SPONSOR

For more information, contact
Matt Zarrella, zarrella@reba.net

REGISTRATION

Registration form enclosed or
register online at www.reba.net.

QUESTIONS?

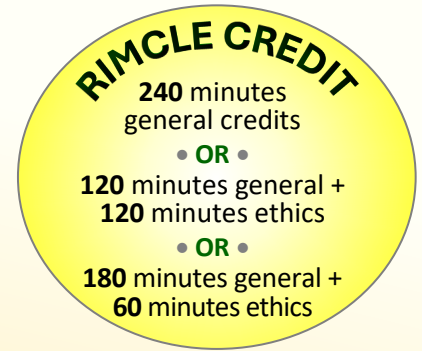
Call: (617) 854-7555
Email: admin@reba.net
Visit: www.reba.net

Four Points by Sheraton
1125 Boston-Providence Tpke, Norwood

7:30 AM – 2:45 PM
Monday, November 4, 2024

SCHEDULE OF EVENTS

| | |
|-------------------|--|
| 7:30 AM - 8:30 AM | Registration and Exhibitors' Hour |
| 8:30 AM - 1:15 PM | BREAKOUT SESSIONS (<i>see descriptions below</i>) |
| 1:20 PM | CONFERENCE LUNCHEON & PLENARY SESSION |
| 1:20 PM - 1:35 PM | Opening Remarks by REBA President Carrie Rainen |
| 1:35 PM - 2:05 PM | Business Meeting & REBA Committee Reports |
| 2:05 PM - 2:25 PM | Luncheon Keynote by Hon. Frank J. Bailey (ret.) |
| 2:25 PM - 2:45 PM | Concluding Remarks |
| 2:45 PM | Adjournment |



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| 9:45 AM - 10:45 AM | TIFFANY B |
| 11:00 AM - 12:00 PM | TIFFANY B |



GREGOR I. MCGREGOR

Environmental Law Update 2024

What real estate and land use attorneys need to know of critical changes during 2024 in federal, state and local environmental law via statutes, cases and regulations affecting property rights, procedures, and projects. This annual update will cover the Chevron Doctrine, may it RIP, Article 97, as codified by the PLPA, new Title 5 rules for Cape septic system owners, new federal Environmental Justice policies, the status of MBTA Zoning of housing density, new NEPA regulations for EISs, ever-expanding PFAS rules, evolving Stormwater specs for developments, upcoming coastal floodplain LSCSF rules, the Prior Public Use doctrine as applied in court, and when Land Dedication is, and when it ain't.

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| 8:30 AM - 9:30 AM | ROOM 103 |
| 11:00 AM - 12:00 PM | ROOM 101 |

The New Anti-SLAPP Regime

This session will cover the SJC's decision last May redefining the Anti-SLAPP statute, which authorizes early dismissal of unmeritorious claims that interfere with a person's constitutional right of petition or free speech. The statute involves a subset of conduct protected by the First Amendment, and it is often the most overlooked and powerful weapon in a litigator's arsenal, including the right to attorney's fees (depending on the party) and the automatic stay of the case when it's appealed. This program will cover the extent to which Anti-SLAPP has been applied, recent authority expanding its scope, the right to attorney's fees, and the impact of the automatic stay on appeal.



JOSHUA A. LEWIN



JEFFREY J. PYLE

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|---------------------|-----------|
| 8:30 AM - 9:30 AM | TIFFANY B |
| 11:00 AM - 12:00 PM | ROOM 104 |

How the Legislature Fixed Tax Title Foreclosures After Tyler v. Hennepin

Join us for part two of *Massachusetts Tax Title Reform After Tyler v. Hennepin*. Our panelists will parse through the major statutory revisions to Chapter 60, the tax foreclosure statute, and survey the post-Tyler court rulings. They will discuss the expanded notice requirements, revisions to payment plans, the calculation of equity payments owed to the former owner, how those payments are made, and what municipalities must do if the property isn't sold. A useful timeline and chart of the foreclosure process will also be provided.



DANIEL C. HILL



KATHLEEN M. O'DONNELL

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

FinCEN: Collecting Information on Entities & Real Estate Transactions

Our panelists will provide an overview of some of the challenges (and perhaps vexations) coming in the near future for real estate attorneys and their business partners. Topics will include the FinCEN requirements for filing Beneficial Ownership Information Reports by December 2024, the Proposed Rulemaking for reporting non-financed real estate reports, and a summary of ALTA's input into the final rule.



RUTH A. DILLINGHAM



STEVEN M. GOTTHEIM

| | |
|--------------------|---------------|
| 8:30 AM - 9:30 AM | ESSEX / LENOX |
| 9:45 AM - 10:45 AM | ESSEX / LENOX |

Ethics Session

Navigating the A.I. Frontier: Best Practices, Ethical Concerns & Pitfalls

Whether we want to admit it or not, Artificial Intelligence ("AI") has arrived and is likely here to stay. While the fear of robots replacing lawyers may be overblown (thus far), it is clear that this cutting-edge technology is already shaping the legal practice. Its future impacts are a matter of intense discussion. This panel will inform registrants about the potential uses and inevitable pitfalls of integrating AI technology into the legal profession, as well as the ethical considerations for a practitioner using (or considering to use) AI.



ADAM G. GUTBEZAH



KATHLEEN M. HEYER

SCHEDULE OF EVENTS

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

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

► Practical Skills Session

Answering All of Your Homestead Questions



LISA J. DELANEY

Lisa Delaney, one of the principal drafters of the Homestead statute, is here to answer all your homestead questions. Is something not quite making sense? Do you have questions on converting into an elderly homestead and can couples actually “stack \$1,000,000.00?” Can a life tenant and/or remainder interest claim homestead. Would you like a review of the various documents and actions that release homestead? Are you clear when the homestead commences and whether or when it can change? What else needs clarification? Questions may be asked in the session or pre-submitted at ldelaney@carvindelaney.com.

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

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

► Practical Skills Session

Massachusetts Realty/Nominee Trust: An Asset or an Albatross?



LEO J. CUSHING



NEIL D. GOLDEN

A Massachusetts realty trust has been used for years to hold title to real estate. Case law has made it clear that the realty trust is not a trust at all, but an agency relationship, since the trustee has no power to deal in or with the trust estate, except as directed by the beneficiaries. The protections of the Uniform Trust Code do not apply to the trustees of a Massachusetts realty trust. The identity of the “beneficiaries” of a realty trust is most problematic, since the “beneficiaries” often are revocable and irrevocable trusts established for estate planning or long-term Medicaid planning. Is it time to “move away” from the use of realty trusts, or redefine the “beneficiaries” whose written authorization is required? We will discuss the nominee trust both from a real estate point of view and an estate planning perspective.

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

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

Ethics Session

► Practical Skills Session

Dealing with Unclaimed IOLTA Funds Under the New Rules (Olchowski)



HENRY J. DANE



ERIN K. HIGGINS

New rules, effective September 1st, implement the 2020 *Olchowski* decision of the SJC, which held that unclaimed and unidentified funds in IOLTA accounts belong to the IOLTA Committee, rather than the State Treasurer. These rules have gone through multiple revisions and have had the benefit of extensive comments from REBA. The most important changes involve mandatory reporting by banks of dormant accounts and a required affidavit which must be approved by the IOLTA Committee before funds are transmitted to their account. For amounts over \$500, compliance confers no immunity or indemnification with regard to disciplinary action or liability to the client. All of this will be reviewed and explained along with our recommendations and practical considerations.

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

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

► Practical Skills Session

REBA-Sponsored Law Simplifies Voluntary Withdrawal



CARRIE B. RAIVEN



LAUREN E. REZNICK

As a key legislative focus for REBA this past year, recently enacted amendments to Chapter 185 will enhance our ability to guide clients through the registered land withdrawal process. This session will delve into the statutory changes introduced by the Affordable Homes Act, signed into law on August 6, 2024 ([Ch. 150 of the Acts of 2024](#)). Attendees will gain practical insights on navigating the new Land Court procedures, and learn how these streamlined processes, effective February 2025, will simplify withdrawing land from the registration system and correcting registry book entries.

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

Video Simulcast | ROOM 101 & 104

Recent Developments in Massachusetts Case Law



PHILIP S. LAPATIN

Now in his forty-sixth 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.

2024 REBA ANNUAL MEETING & CONFERENCE

REGISTRATION

To register, complete this form and return it with payment to:
REBA Foundation, Post Office Box 432, North Easton, MA 02356
You may also register by phone at 617.854.7555 or online at www.reba.net.

| | <i>By October 28</i> | <i>After October 28</i> |
|--|----------------------|-------------------------|
| <input type="checkbox"/> Register me as a REBA member in good standing: | \$ 270 | \$ 295 |
| <input type="checkbox"/> Register me as a non-REBA member guest: | \$ 310 | \$ 335 |
| <input type="checkbox"/> I would like to purchase the conference syllabus: | \$ 180 | \$ 180 |

☐ CHECK

Payable to: *REBA Foundation*

Check No.: _____

Date: _____

☐ CREDIT CARD

Card No.: _____

Exp Date: _____

Signature: _____ Date: _____

Registrant Information

Full Name: _____ Call Name (for nametag): _____

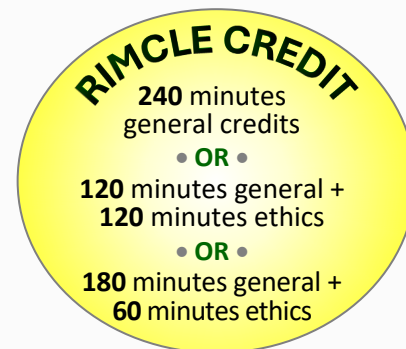
Company: _____

Address: _____ City, State ZIP: _____

Phone: _____ ☐ Mobile ☐ Office Email: _____

Luncheon Entrée Selection

- ☐ Steak | *House Marinated Steak Tips, Whipped Potato & Roasted Veggies*
☐ Salmon | *Fresh Baked Atlantic Salmon with a Maple Brown Sugar Rub*
☐ Risotto | *Saffron Tomato Risotto with an Heirloom Tomato Salad (GFVV)*
☐ No Lunch ~ *I will attend the Conference luncheon, but will not be eating*
☐ Can't Stay ~ *I am unable to stay for the luncheon portion of the program*



REBA's 2024 Annual Meeting & Conference welcomes both members and non-members. The registration fee includes the breakout sessions, conference luncheon, and syllabus. Register via mail at Post Office Box 432, North Easton, MA 02356, via phone at (617) 854-7555 or online at 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, along with the appropriate fee, on or before October 28, 2024. Registrations received after October 28, 2024 will be subject to a late registration fee of \$25. Registrations cannot be cancelled after October 28, 2024; 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) credit, contact Bob Gaudette at gaudette@reba.net or (617) 854-7555. Kindly refrain from cell phone use during the breakout session presentations and Conference luncheon.

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1125 Boston-Providence Tpke, Norwood

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