

DISPUTE RESOLUTION

● Business disputes are likely to arise from time to time and can present a time consuming, often costly and unwelcomed matter to deal with especially if not handled properly. Aviation is one of the world's most highly regulated industries and the plethora of such regulations, if not understood and properly dealt with, can have a dramatic effect on those working within the industry. Property law can be extremely complex and often disputes come with a hefty price tag; the right legal team will have the appropriate experience and will help the client to resolve disputes in the quickest and most cost effective manner.

Acquisition International speaks to Pamela L. Westhoff, a Partner at Sheppard Mullin Richter & Hampton LLP, to discuss some of the issues behind commercial property disputes.



With more than 25 years of experience, Pamela L. Westhoff handles a wide range of real estate transactions, focusing on commercial purchase and sale transactions, commercial and retail leasing on behalf of landlords and tenants, representation of corporations in real property matters and data center and technology leasing and licensing.

Sheppard, Mullin, Richter & Hampton LLP represents a wide variety of clients in real estate purchase and sale disputes. The firm's attorneys have successfully and cost effectively resolved a variety of conflicts pertaining to a broad cross section of real property interests.

Sheppard Mullin's track record of success in purchase and sale claims, along with deep, firmwide expertise in real estate and construction litigation, have exposed the attorneys to virtually every aspect of disputes that arise in the course of real property purchase or sale transactions. The attorneys have assisted clients in resolving a multiplicity of claims relating to real estate purchases and sales and leases.

Complementing the firm's long-standing expertise in commercial and residential real estate transactions, Sheppard Mullin regularly represents its clients in negotiating, mediating, arbitrating, litigating and trying

nearly every kind of real property related dispute. Sheppard Mullin represents clients in disputes related to purchase and sale, breach of lease, unlawful detainer, title, quiet title litigation, express and prescriptive easements, judicial and nonjudicial foreclosure, partnership disputes, zoning, residential subdivision, exactions, impact fees and other conditions of development approval, soil subsidence, flood damage, construction and architectural issues, eminent domain, unconstitutional taking and property interference claims, historic landmark and preservation, as well as the National Environmental Protection Act (NEPA) and the California Environmental Quality Act (CEQA) compliance and defending environmental and land use approvals. The real estate litigators also represent owners and developers before state and federal resource agencies, air quality districts, water quality agencies, the California Coastal Commission, local city and county governing boards, planning and building departments, rent control authorities and other public agencies.

What are the key skills required of professionals when dealing with commercial property disputes?

Our role as real estate counsel is to provide efficient and effective representation that enables our clients to close

their deals quickly with a full understanding of the risks they may be undertaking. Current market focuses make this truer than ever – we must move as quickly as our clients need to move to seize opportunities. We need to be fully versed with the latest legal requirements, so we can advise our clients “on the fly” and not get bogged down in analysis.

Because of the depth of our experience in the representation of real property owners, developers, pension fund advisors, insurance companies, banks, asset based lenders and other financial institutions, our lawyers bring practical, concrete and cost effective advice in connection with any type of issue facing our clients.

Do you have any predictions relating to commercial property disputes for the next 12 months?

The uncertainty posed by global economic forces can be viewed as a positive for real estate. As financial markets are increasingly plagued by uncertainty, many investors see real estate as a “safer” alternative to stocks and bonds. We are starting to see our institutional investor clients increase their real estate investment allocation, and this is in part the result of the thought that while we can't control what happens in Europe, we can better control what happens in local real estate, especially in coastal areas where people want to live and work.

The legal industry is definitely changing dramatically, and this is all the more evident in real estate. As our clients are under constant pressure to evaluate deals more quickly and find ways to add value, lawyers need to be a partner in this effort. Our challenge as lawyers is to understand what our clients are seeking to accomplish and to support that effort as cost effectively as we possibly can. This means leaner staffing, implementation of creative billing structures and increased business training for real estate lawyers.



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