

# BANKER & TRADESMAN

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## A Game of "Follow The Market"

### Attorneys Shift Practice Focus To Cater to Business Demand

BY JOE CLEMENTS

**C**ommercial real estate law these days is an undeveloping story.

"I don't think that development lawyers are very busy right now," said Elliot M. Surkin, partner in charge at Piper Rudnick in Boston. The bevy of corporate campuses, hotel construction and a rising tide of speculative office buildings that kept real estate attorneys bustling on zoning, financing and other intricate matters through mid-2000 has all but disappeared, and is deemed

unlikely to reappear over the near term.



"Development work is quiet," acknowledged Surkin, who has

represented some of Boston's best known developers throughout several construction booms, including the Chiofaro Co., Lyme Properties and H.N. Gorin. Among the prime properties he represented is International Place, where Piper Rudnick now has its Boston headquarters.

But while commercial building statutes may be gathering dust in local law libraries, Surkin and other industry observers stress they still have plenty of tasks to handle through the downturn. Piper Rudnick, for example, is counsel for two long-term mixed-use projects, the \$1.2 billion Fan Pier planned for Boston's emerging Seaport District, and North Point, a new residential/retail neighborhood proposed a few doors down from the Boston Museum of Science. Such undertakings "are really a business" unto themselves, said Surkin, requiring legal advice on a regular basis. The North Point plan, for example, requires working with three different communities that have a say in the project, those being Boston, Cambridge and Somerville.

Piper Rudnick has also assisted developer Dean Stratouly in construction of the 33 Arch St. office building in Downtown Boston, and a large-scale residential project in Quincy.

"There appears to be quite a bit of demand for residential development," reported Paul L. Feldman, managing partner at Davis,

Malm & D'Agostine, a diverse mid-sized Hub firm headquartered at One Boston Place. Real estate is a core of the practice, said Feldman, with seasoned experts such as William F. Griffin Jr. possessing a client roster that includes the McCourt Co., Conroy Development and Vazza Properties.

While agreeing that office construction is off sharply, Feldman said there is plenty of work helping clients develop everything from apartments and condominiums to single-family subdivisions in Massachusetts and New Hampshire. Another encouraging sign, Feldman said, is a recent uptick in leasing office space, as well as sustained interest for purchasing commercial property, especially in Downtown Boston.

High-tech and corporate securities attorneys have had a much harder time in the latest recession than real estate professionals, noted attorney David M. Abromowitz of the 70-member real estate practice at Goulston & Storrs in Boston. "We're seeing a lot of activity," said Abromowitz, who is especially encouraged by the steady stream of residential work, either representing clients on new construction or to refinance a given asset. Business is so brisk that employment opportunities are considerably brighter for real estate law than other areas, said Abromowitz.

"I've seen a pretty ongoing pace of work, and therefore demand for talent," he said. "It's not a huge explosion, but it certainly isn't a big shrinkage."

Surkin said Piper Rudnick is also committed to growing its real estate practice in Boston, explaining that

was a critical reason he helped lead the real estate staff at Hill & Barlow over to Piper Rudnick earlier this year. While a difficult decision on some levels, Surkin said he was encouraged to join the national Piper Rudnick law group due to its commitment to commercial real estate. "The firm really does believe in real estate practice," said Surkin. "A lot of firms do not."

While the union is still less than a year old, Surkin said he is

*continued on page 2*



International Place is the home of Piper Rudnick, the law firm that recently added to its ranks the real estate group from Hill & Barlow.

pleased with the arrangement to date. "We are busy and are very upbeat about the prospects," said Surkin, adding that Piper Rudnick's national presence has made it easier to assist local clients with business in such markets as Chicago and Washington, D.C. Goulston & Storrs is also expanding its scope beyond Boston, said Abromowitz, taking on some 30 assignments recently in the Virginia, Maryland and Washington, D.C. markets.

"As our clients have gotten bigger and

gone to other parts of the country, we've been lucky to be asked to go with them," said Abromowitz, whose firm has done work in 40 different states during the past two years.

Interestingly, two disciplines that have not been in demand thus far are property foreclosures and loan workouts. According to Feldman and others, stricter underwriting and greater equity mandated by the early 1990s real estate crash has resulted in fewer properties becoming insolvent. "Projects are

far more sound economically," said Feldman, predicting that the current crash is "not going to be as deep or as complicated."

"I think some real permanent lessons were learned this last time," concurred Surkin, who has also noticed a reduction in workout assignments. The same is true with Goulston & Storrs, said Abromowitz, although he questioned how long that trend can hold up against the shaky economy. "If vacancies continue high indefinitely, you will see more foreclosures," he said. ■