



ROBERTS MARKEL WEINBERG BUTLER HAILEY

SEPTEMBER 2018

COMMUNITY ASSOCIATION NEWSLETTER



RMWBH - HOA Law Firm, Yet So Much More

The history of RMWBH from the beginning has always included the representation of common interest communities. In the beginning it was just condominiums and subdivision POAs (“community associations”) but now they have evolved into so much more. Rick Butler, a man that I am proud to work with, began representing POAs in 1980 and I began just a year later in 1981. For many years our firms worked in the same industry, as competitors, always in respect of the other firm, but now as you all know Butler Hailey PC and Roberts Markel Weinberg PC merged in 2014. As a result of the merger we are the largest community association law firm in the state with offices in five cities to better serve our client base. While our competitors will say look at their size you will get lost in their organization, we like to say, “small firm service with large firm resources.” Another thing you may not know about our firm is that we have many attorneys recognized as experts by the State Bar of Texas that are a part of or assist our community association section including six attorneys that are board certified in Real Estate Law by the Texas Board of Legal Specialization. In addition two members of our community association law team that reside in Texas are Fellows of CAI’s College of Community Association Lawyers. Yes, many of you just know us as the go to firm for community and condominium associations representation and have called upon our firm for years, but maybe, just maybe you don’t know what else we do, both in the representation of community associations and our other practice areas.

The purpose of this month’s newsletter is to provide you the answer to the burning question, why does RMWBH have so many attorneys and what do they all do? Many of their tasks touch and concern the community association practice but each has their own area of practice that together builds the firm into the whole. I have asked a member of each section of the firm to provide you with just what it is that we do on a day to day basis.



Corporate Law

To represent a corporate entity, it is critical to fully understand a client's business, as well as, be available at every stage of your business' needs. This is the principle that the corporate law section operates under the leadership of Himesh Gandhi and Justin Markel. Himesh's years of experience in corporate law, and as an outside general counsel, leads the corporate section of the firm along with Justin Markel. Justin Markel brings to the corporate section his years of experience in labor and employment.

The firm assists its corporate clients with most aspects of their business operations. Representation often begins with the choice of entity and continues thereafter in many ways, including governance, contract negotiations, franchising, risk management, employment issues, acquisitions, compliance issues, and dissolution or sale. For entities that do not have in house counsel RMWBH serves as outside general counsel to many entities providing the day to day advice that is so often needed. This general counsel role dovetails seamlessly with our Real Estate Transactions and Labor and Employment practices.

RMWBH's clients are large and small coming from a broad range of businesses, including manufacturing, real estate, healthcare, technology and hospitality. Every company has its unique opportunities and challenges. RMWBH has been there since 1980 and you can trust us to be there for you whether you are seeking to enter, grow or exit a market.

Labor and Employment

The Labor and Employment section is under the leadership of Clayton Hearn and Justin Markel, who are both board certified in Labor and Employment Law by the Texas Board of Legal Specialization. Clients can expect Clayton and Justin to guide them through the complications of owning a business and being the employer; from advising employers on how to develop sound policies for workers to representing a business owner through a government investigation, this team helps clients achieve their employment-related objectives. This skilled team helps business owners and employers on a host of labor and employment issues, including: management and prevention of risk before a dispute arises, development of employee handbooks and policies, contracts and non-compete agreements, workplace violence and employee privacy.

We also provide legal counsel to employers on issues relating to hiring, compensation, discipline and termination, and we help clients respond to employees' requests for leave and other accommodations and to complaints of harassment and retaliation.

Our firm has represented employers involved in investigations by the Equal Employment Opportunity Commission, the Department of Labor and the Texas Workforce Commission. In addition, this practice team represents employers in employment litigation, defending them against claims under: Title VII of the Civil Rights Act of 1964, The Americans with Disabilities Act, The Age Discrimination in Employment Act, The Fair Labor Standards Act, The Family & Medical Leave Act, Chapter 21 of the Texas Labor Code, Chapter 451 of the Texas Labor Code, Sabine Pilot and Texas tort law and contract law.





Residential Real Estate

The Residential Real Estate Development team at RMWBH is led by Rick Butler and includes Stephanie Quade, Lisa Gambrell, Jane Janecek, and Casson Wen. With over 100 years of combined experience, our group assists developer clients with all aspects of residential real estate development. We work closely with our clients and assist in their due diligence regarding acquisition of title to real estate, including resolving title issues, reviewing surveys, and analyzing lending documents.

We are also involved after acquisition from the initial platting stage until the final developer-owned lot is sold. Representative projects across Texas include large master-planned communities, mixed use communities, single-family subdivisions, condominiums, and townhomes. Our documents are specifically tailored for each project based on the client's development plan and the restrictions sought to be imposed. We also prepare governing documents for the property owners' associations that will manage these developments, including the certificate of formation, bylaws, rules & regulations, architectural guidelines, policies, and any annexations and amendments that become necessary.

Commercial Real Estate

The Commercial Real Estate team operates under the experienced direction of industry leader Himesh Gandhi, who is Board Certified in Commercial Real Estate by the Texas Board of Legal Specialization, and Rahila Sultanali, who is Board Certified in Residential and Commercial Real Estate Law by the Texas Board of Legal Specialization.

Every real estate transaction has its own requirements and challenges. Under the guidance of Himesh and Rahila and their commercial real estate team, a client can feel comfortable knowing they have a trusted guide when maneuvering through their unique transaction.

Our client base comprises a broad range of corporations, developers, business owners, investors, entrepreneurs, lenders, investment managers, opportunity funds and Real Estate Investment Trusts (REITs). Our Commercial Real Estate team assists clients on a wide-range of real estate needs, including: purchase and sale of raw land, draft and review of construction loan and finance documents, draft complex easements and strategize for new developments. This team is skilled in negotiating and reviewing of leases from retail, office, industrial, farm, agriculture and ground leases, survey and title review, restaurants, hotels and motels, banks, and developments.

As you can tell this team has a diverse background in many areas of commercial real estate. They assist clients with all their commercial real estate needs.





Litigation

RMWBH has over thirty-five years of experience in representing community associations, volunteers and the professionals that serve their boards, in both the defense of claims and lawsuits as well as in the prosecution of lawsuits on their behalf. The representation includes prosecuting and defending deed enforcement matters, collection of assessments with and without foreclosure, as well as, claims brought by and against vendors and contractors. However, our experience is not limited to community associations.

RMWBH has represented clients in the prosecution and defense of lawsuits throughout the state of Texas. Handling cases of all complexities and areas, including corporate disputes and litigation, construction defects, fiduciary claims, professional liability, and insurance disputes. The litigation section of the firm has helped thousands of individuals and corporate clients with their litigation needs. It is our philosophy to treat each case with a tailored, well-planned approach to maximize results with the utmost efficiency. In addition, we use our litigation attorneys to educate businesses before a suit is filed how to utilize best practices to both avoid litigation and how to be prepared should litigation ensue.

Conclusion

By dedicating our September issue to an overview of RMWBH we hope to have given you a glimpse behind the curtain so to speak. The proverb; “It takes a village...” applies to so many areas of life, even the legal profession when clients need legal assistance from multiple legal disciplines. The practice areas at RMWBH can provide a symbiotic solution. When a corporate client finds themselves in need of an employment or commercial real estate attorney and vice versa. Take it another step those clients at times find themselves facing a courtroom. Each area of practice will work together seamlessly to provide the client with practical solutions. RMWBH strives to offer legal platforms to meet the individual legal needs of its clients, even when there are a multi-disciplinary legal issues. While common interest communities are where we began, it is not the end of our story. Even our community association clients receive the benefits of our diverse practice areas. We hope you enjoyed this issue and thank you for letting us tell you more of our story.



UPCOMING EVENTS

15th Annual DFW CAI Expo And Tradeshow

September 19, 2018
8:00 a.m. – 4:00 p.m.

Plano Event Center
2000 E. Spring Creek Pkwy.
Plano, TX 75074

Meet our attorneys while attending:

Visit us at booth 208 and attend the DFW CAI education session where RMWBH attorneys will speak on: Short Term Rentals: Drafting Policies and Declaration Amendments in light of the Tarr v. Timberwood Texas Supreme Court Case

Brady Ortego and Clint Brown will be discussing the recent Texas Supreme Court Decision in Tarr v. Timberwood and how it affects short term rentals in single family and condominium associations. They will also address different ways to address short term rentals through policies and declaration amendments.

[2018 DFW- CAI Expo and Tradeshow »](#)

Don't Sign That Proposal

September 20, 2018
4:00 p.m. – 6:00 p.m.

RMWBH Training Room
4630 N. Loop 1604 West, Suite 311
San Antonio, TX 78249

*Appetizers and drinks will be provided

[Register Here »](#)

2018 San Antonio CAI - CA Day

September 28, 2018
9:00 a.m. – 3:00 p.m.

Norris Conference Center
618 NW Loop 410
San Antonio, TX 78216

Meet our attorneys while attending:

Visit us at booth 36 and attend the CA Day education session where Brady Ortego will present: 86th Legislative Session: What Directors and Management need to know

Brady Ortego will discuss the upcoming 86th Legislative Session for Texas focusing on the changes that we may expect to see in Austin that could have an effect on legislation related to community associations. Brady will also discuss the most likely origination points of legislation and the significance to management and board members.

[2018 San Antonio - CAI - CA Day »](#)

Greater Houston Chapter CAI Tradeshow

October 5, 2018
10:00 a.m. – 4:00 p.m.

NRG Center
One NRG Park
Houston, TX 77054

[2018 GHC-CAI Tradeshow »](#)

2018 Annual Skeet & Sporting Clay Shoot

October 18, 2018
4:00 p.m. – 8:00 p.m.

Greater Houston Gun Club
6700 McHard Road
Houston, TX 77053

*Bar opens and band starts at 5:30;
Dinner served under the pavilion.

[Register Here »](#)



ATTORNEY APPEARANCES

State Bar of Texas Advanced Property Owners Association Law

September 12, 2018

Texas Law Center

10:00 am Texas POA Case Law- Significant Cases – Clint Brown

11:15 am Standard of Care and Volunteer Immunity for POA
Officers & Directors – Marc Markel

12:20 pm Extreme Problems & Extraordinary Remedies for POAs –
Marc Markel

3:30 pm POA Borrowing & Opinion Letters – Brady Ortego

Greater Houston CAI Legal Seminar

September 21, 2018

9:00 a.m. - 4:00 p.m.

Norris Conference Center - City Centre

816 Town & Country Blvd., Suite 210

Houston, TX 77024

Sipra Boyd will be answering questions on Condominium Law
during the morning session.

Cliff Davis will be answering questions on Single-family Residence
Law during the afternoon session.

[Register Here: 2018 Legal Seminar Houston »](#)



ROBERTS MARKEL WEINBERG BUTLER HAILEY

www.RMWBHLaw.com

800.713.4625

AUSTIN

111 Congress Ave, Suite 1620

Austin, Texas 78701

512.279.7344

DALLAS

Mockingbird Station

5307 E. Mockingbird Ln, Suite 685

Dallas, Texas 75206

214.365.9290

FORT BEND

Sugar Land Town Square

2277 Plaza Drive, Suite 290

Sugar Land, Texas 77479

281.207.7697

HOUSTON

2800 Post Oak Blvd 57th Floor

Houston, Texas 77056

713.840.1666

SAN ANTONIO

4630 N. Loop 1604 W. Suite 311

San Antonio, Texas 78249

210.731.8858

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