

*Gilchrist & Rutter regularly sends "News from Gilchrist & Rutter" to provide legal updates to our friends and clients. If you would like to obtain full text versions of any of the articles mentioned in our newsletter or would like to receive our newsletter via email, please contact us at the address and/or telephone number listed below, send an email to [Gilchrist&Rutter@GilchristRutter.com](mailto:Gilchrist&Rutter@GilchristRutter.com), or visit our website: [www.GilchristRutter.com](http://www.GilchristRutter.com) and click the "Articles" link.*

### **Can They Do That? Freedom of Speech in California's Retail Centers**

By: STEVEN P. HELLER AND SCOTT R. REYNOLDS



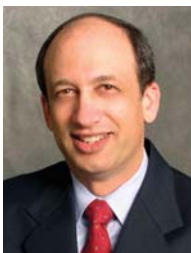
With the 2008 election season in full swing, California shopping center owners may face free speech issues at their properties. Unlike most other states, California recognizes a broad set of protections for petitioners, protesters and others engaged in free speech on the grounds of

some types of shopping centers. Property owners and managers that understand these free speech rights will be more effective in dealing with any issues that arise.

In 1979, the California Supreme Court issued its landmark *Pruneyard* decision. *Pruneyard* protects free speech, reasonably exercised, at privately-owned shopping centers. According to the Court, a modern shopping center must permit free speech activities if it acts as a public forum that invites the public to congregate and engage in expressive activities. But even a shopping center that is a public forum may put reasonable limits on the time, place and manner of free speech activities. Owners and property managers need to assess whether a given project is likely a "public forum" and, if so, to determine how to regulate free speech activities in a reasonable manner.

*This insert is from an article originally published in [California Centers](#), No. 81. To continue reading the article, please visit [GilchristRutter.com](http://GilchristRutter.com) - News - Newsletters.*

### **Jonathan Gross Recognized as a "California Dealmaker" by California Real Estate Journal**



Jonathan Gross has been selected as a "California Dealmaker" by the California Real Estate Journal. "California Dealmakers" is a ranking of the state's premiere attorneys, brokers, lenders and developers who have the ability to close the most complex and challenging deals. Mr. Gross was included based on the transaction volume of his deals as well as their impact on Los Angeles and

Orange Counties. The office leasing deals that Mr. Gross has closed reinforce the continued vitality of Southern California by adding energy and credibility to the areas as a thriving professional office center.

### **Gilchrist & Rutter Ranked Among Top Real Estate Law Firms by Chambers USA**

**Top-ranked in CHAMBERS USA** Gilchrist & Rutter has been ranked among the top real estate law firms in the 2008 edition of Chambers and Partners USA, widely recognized as one of the primary arbiters of achievement in the legal profession. The firm's clients commented that the Gilchrist & Rutter team has the "ability to cut to the chase and get deals done quickly. You definitely get value for money here." In addition to recognizing the firm's achievements, Chambers and Partners USA recognized managing partner, Jonathan Gross, as an "excellent attorney - especially in the field of leasing."

### **Gilchrist & Rutter Obtains Recent Success in California Court of Appeal**



Partner Frank Gooch and Phillipa Altmann, Of Counsel, working with Gilbert Dreyfuss, a sole-practitioner, obtained a recent success in the California Court of Appeal where a \$5.5M judgment in favor of their client, a landlord, was fully affirmed. The landlord

owned a building in downtown Los Angeles, which had been leased to the State of California.

Mr. Gooch, Ms. Altmann and Mr. Dreyfuss successfully obtained a judgment in the trial court that the State had breached the leases in claiming that certain lease seismic requirements had not been met. The State of California appealed to the Court of Appeal, which ruled in favor of Gilchrist & Rutter's client, fully affirming the trial court judgment awarding damages to the landlord.

### **Gilchrist & Rutter Partners Discuss Mobile Home Park Redevelopment**



Partner Richard Close was quoted in the *California Real Estate Journal* article "Mobile Home Parks Seen as Redevelopment Targets." In the article, Mr. Close discusses the benefits of redeveloping mobile home parks and strategies for owners to obtain the greatest return on their investment.



In the *California Real Estate Journal* article, "L.A. Mobile Home Tenants Granted Relocation Fees by City Council," partner Thomas Casparian evaluated the recent City of Los Angeles ordinance requiring tenant-relocation fees to be paid to mobile home park tenants in the event of park closure through redevelopment, and weighed in the implications and questionable legality of the ordinance.

*Full text versions of both of these articles are available at GilchristRutter.com - News - Articles.*

### **Gilchrist & Rutter Partner Susan Fowler McNally Discusses Commercial Lease Do's and Don'ts in *Commercial Lease Law Insider***

In the June 2008 article "Leasing to Federal Agencies: Is the Red Tape Worth the Greenbacks?" Susan Fowler McNally discusses the possible downfalls of leasing space to federal law enforcement agencies.

Susan Fowler McNally suggests steps to take when renting to limited liability entities in the July 2008 article "Get Guaranty When Renting Space to Limited Liability Entity."

*Full text versions of both of these articles are available at GilchristRutter.com - News - Articles.*

### **Susan Fowler McNally Addresses "Anatomy of a Mega Deal" at the A.J. Gallagher Global Conference**

Partner Susan Fowler McNally joined by Dennis Watsabaugh and Bob Morgan of Thomas Properties Group, spoke at the A.J. Gallagher Global Conference held August 2008 in Glendale, CA. Their presentation, "Anatomy of a Mega Deal," gave an overview of the proposed project plans for the 1.47 million sq. ft. mixed use development above the Universal Metro Red Line Subway Station.

### **Susan Fowler McNally Speaks at ICSC 2008 U.S. Shopping Center Law Conference**



Susan Fowler McNally, along with Marc Becker of Goldfarb & Fleece, addressed the International Council of Shopping Centers 2008 U.S. Shopping Center Law Conference in Hollywood, Florida on October 24, 2008. Ms. McNally and Mr. Becker discussed "Securing Lease Obligations - Lease Guaranties, Letters of Credit and Other Credit Enhancements."

### **Gilchrist & Rutter to Sponsor the Benjamin S. Crocker Symposium on Real Estate Law and Business 2009**

The 38th Annual Crocker Symposium in the spring of 2009 will provide a mix of in-depth information, creative and practical analysis of real estate challenges, networking opportunities, and a range of points-of-view on legal and business issues. Attendance will be especially important to stay on top of trends in troubled times. Presented by The Real Property Section of the Los Angeles County Bar Association and The Richard S. Ziman Center for Real Estate at UCLA, the Symposium is sponsored by major Southern California law firms and businesses involved in a wide range of real estate ownership, development, financing and management and related professional fields. Gilchrist & Rutter partner Don Nanney is Chair of the Real Property Section and a member of the 2009 Planning Committee.

Planning is just underway and opportunities for participation and sponsorship are still available. For more information, please visit [www.crockersymposium.com](http://www.crockersymposium.com) or contact [crocker2009@pivotalevents.com](mailto:crocker2009@pivotalevents.com).

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