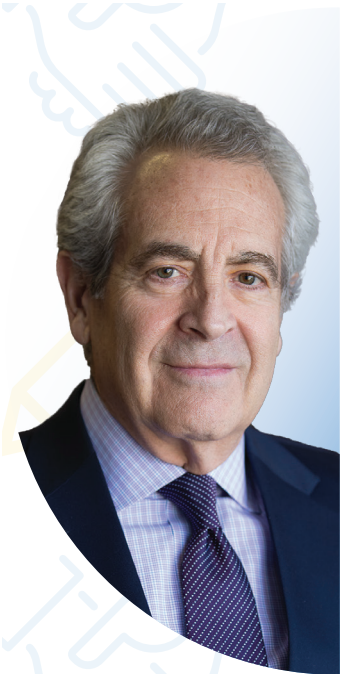


# LAW WEEK

## COLORADO

# LAWYERS

## OF THE YEAR



ED BARAD

**Title:** Shareholder,  
Brownstein Hyatt Farber Schreck

**Practice area:** Real estate

**Primary accomplishment of 2017:**  
Among other transactions, Barad worked on highly complex deal involving a 216,000 square foot building in Austin, Texas.

BY TONY FLESOR  
LAW WEEK COLORADO

After 43 years practicing real estate law, Brownstein Hyatt Farber Schreck shareholder Ed Barad has just about seen it all.

Barad has worked on nearly every type of real estate transaction and had served as the chair of Brownstein’s real estate department for 24 years as well as serving on the firm’s ethics committee for 10. And he’s also made a name for himself (the “Dean of Real Estate,” as another attorney told Chambers) as a top real estate attorney for his experience and scholarship in the area of law.

Despite the breadth of his prior experience, Barad led a transaction this year that topped his own chart in terms of complexity. Barad closed the deal for a 216,000 square foot building for Miller Global Properties that involved finishing construction on an office condominium development as it was being leased and that had some wrinkle to just about every component of the deal.

Barad is quick to point out the difference between complexity and difficulty, however. While difficulty tends to refer to some deadline hurdle that has to be overcome, this deal was highly complex, with specialized knowledge required in several areas of real estate law and insurance.

“I suppose those are as many elements that you might incur and you might run into in practicing law all in one deal,” Barad said.

The deal involved a team of Brownstein attorneys — Bryce Beecher, Amy Diaz, Kathy Oster and Greg Berger in addition to Barad — working with Miller Global in purchasing a building in a condominium development to be used for office space. The building shared a garage, driveways and a wastewater treatment plant with a hotel on the land and was still under construction.

Barad said he doesn’t recall ever working on a transaction that involved a building that wasn’t yet complete. That alone included certain hurdles to clear — such as taking over the building from the developer while

also making the developer a joint venture partner to avoid fighting over any potential issues that could arise involving construction defects.

Similarly, having a shared garage and shared driveway with a hotel meant working out an agreement where the hotel could have parking spaces during peak hours — the overnight hours and into the morning — while the office could use those same spots during business hours.

And in working on a building that wasn’t yet complete, Barad said there were a few extra challenges once a tenant was found — Apple, the tenant, wanted to take the entire building in phases and also wanted to negotiate the lease in two days. In actuality, negotiating the lease took about three weeks with some additional complexity — meeting requirements for eating space, workout space, and working out details on the completion of construction and when the lease term starts and when rent starts.

Once Apple moved into the building, it discovered that the wastewater treatment plant had to be expanded — in order to meet city requirements and sell the building, the team then had to determine what it meant to expand the plant, how much that cost and satisfy the buyer that it would be completed following closing.

The city required a traffic light be installed on a main highway for the building as well — something else that needed to be done post-closing.

The deal had enough components to require people inside Brownstein working on something they were expert in and working with the client every day in order to make sure critical components were negotiated, Barad said.

“It was constant, and it was many different balls in the air at the same time,” he said.

And Barad’s work with Miller Global was just one transaction that he closed in 2017. He was also involved in the disposition of the Loretto Heights campus in Denver for Teikyo Loretto Heights University and the disposition of 1,200 acres of land at Denver International Airport for Starwood, an area he’s been involved in the development of for 15 years.

“That was a huge deal,” Barad said. “You don’t see 1,200 acres that are zoned and partially developed disposed of very often to one buyer, usually.”

Barad worked with Greg Vallin, Amy Diaz and Kathy Oster on the Loretto Heights deal.

In addition to Barad’s legal work, he has stood out for his work in writing about real estate — in opinion letters as well as the contracts themselves.

“There’s an academic aspect to law that I think you need to have in order to be a strong lawyer, and I think you need to have a friend on the other side that you’re negotiating with,” Barad said.

The contracts he writes up are often useful for teaching other lawyers and building relationships.

For example, he typically writes into contracts the things that are often just accepted as implied parts of the practice, such as outlining a seller’s liability in various warranty situations, which he said rarely used to be written into contracts.

And with his 40-plus years of experience, he has a few ideas for how he’s gotten to where he is today. “One is hard work. Everyone will say they work hard. The second thing is being with a team of people. ... Having teams of people around me for all this time has helped make us learn about what we’re doing and to try to do it right,” Barad said. “And get lucky.”

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