

## Manuel Fishman

San Francisco, California  
Shareholder

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### **Areas of Practice & Industry Specialties**

Real Estate; Commercial Lease Law; Family Office & Wealth Management; Technology Law; Title Insurance & Escrow; Solar & Renewable Energy Law



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Manuel Fishman focuses his practice on representing real estate developers and owners in the acquisition, sale, and financing of commercial properties. In addition, he has an active leasing practice representing owners of several major office buildings in San Francisco, including the Transamerica Pyramid, as well as tenants in lease and sublease transactions. His expertise includes letters of intent, tenant improvement work agreements, security deposits/letters of credit, signage rights, expansion and contraction rights, permitted transfers, operating expense audits, and lender and master landlord recognition agreements. Mr. Fishman maintains close relationships with the real estate brokerage community and utilizes these relationships to provide clients with market based information important to their existing and prospective real estate requirements. Mr. Fishman also has extensive experience in the area of ground leasing and retail leasing and is recognized as a leading attorney in the area of landline and wireless communications and Internet-based services in commercial properties and rooftop installations.

In addition, Mr. Fishman acts as outside general counsel to start-ups that seek to leverage some part of commercial real estate into a tech application, and helps guide these companies in their efficient use of legal time and expertise in various subject matters, from employment and IP to enterprise contracts and web site privacy policies.

Mr. Fishman also represents clients in equity structuring for, and the acquisition of, value add properties, including the formation of single purpose entities and joint ventures, and acquisition financing. Mr. Fishman has negotiated numerous construction management, project development and property management agreements relative to ground up development projects, as well as all types of easements and other adjoining owner agreements.

Mr. Fishman is active in local and State advocacy efforts for real estate on behalf of the Building Owners and Managers Association (BOMA). He currently serves on the California BOMA Board of Directors representing San Francisco BOMA, and is a member of the San Francisco BOMA Government Affairs and Policy Advisory Committee (GAPAC), where he serves as liaison for local tax issues. He served on BOMA San Francisco's Board of Directors from 2003–2006, and was the recipient of the 2019 Associate Member of the Year award from BOMA San Francisco. Mr. Fishman is also a member of the International Council of Shopping Centers and the Real Property Sections of the American Bar Association and the State Bar of California.

Most recently, Mr. Fishman has been recognized as a 2021 Best Lawyer in America in Real Estate Law, an honor he has received since 2007, and was recognized as a 2014 Top Rated Lawyer by *American Lawyer Media* in conjunction with *Martindale Hubbell*. He has also been recognized as a Northern California *Super Lawyer* since 2012 and as one of *Bay Area Magazine's* Top Lawyers in the Bay Area.

Mr. Fishman is a frequent lecturer on office and shopping center leasing matters and writes frequently for industry newsletters.

## Publications

- Buchalter COVID-19 Alert: California is Reopening, Will Commercial Evictions Remain on Hold?, *Buchalter Client Alert*, May 24, 2021
- Buchalter COVID-19 Client Alert: Regional Stay-at-Home Orders Lifted as California Returns to Tiered COVID System; Companies and Landlords Consider Ramifications of Mandatory Vaccine Programs, February 5, 2021
- Predicting the Market for Office Space, *Commercial Property Executive*, February 1, 2021
- Buchalter COVID-19 Client Alert: Congress Incentivizes Rent Deferral During COVID-19 Pandemic Through Bankruptcy Code Amendments in Stimulus Bill, January 8, 2021
- Buchalter COVID-19 Client Alert: San Francisco Commercial Eviction Moratorium Update, December 21, 2020
- Buchalter COVID-19 Client Alert: San Francisco Extends Commercial Eviction Moratorium and Provides Repayment Relief for Qualified Small Businesses, November 30, 2020
- 2020 Election Results Confirm California's Cautious Approach to Sweeping Ballot Provisions, While the Bay Area Remains Progressive and Ready to Tax, *Buchalter Client Alert*, November 10, 2020
- Buchalter COVID-19 Client Alert: San Francisco Moves to Lowest COVID Tier in California, Begins Process of Reopening Non-Essential Offices; Other Bay Area Counties Slower to Follow, November 2, 2020
- Buchalter COVID-19 Client Alert: Guidance in Implementing San Francisco Department of Public Health COVID-19 Health Screening Forms, September 18, 2020
- Buchalter COVID-19 Client Alert: The Future of California Evictions in the COVID Era: California Judicial Council Votes to End Statewide Eviction Moratorium, September 8, 2020
- Buchalter COVID-19 Client Alert: Excusing Contractual Performance in Real Estate Agreements in the Age of COVID, July 24, 2020
- Buchalter COVID-19 Client Alert: UPDATE: San Francisco's Emergency Ordinance on Cleaning Commercial Office Buildings and Hotels Signed by Mayor and Became Effective July 17, 2020, July 23, 2020
- Buchalter COVID-19 Client Alert: Bay Area Businesses Face Uncertainty Over Conflicts Between State and Local Reopening Guidelines, *Buchalter Client Alert*, July 20, 2020
- Buchalter COVID-19 Client Alert: San Francisco Supervisors Pass COVID-19 Emergency Ordinance on Cleaning Hotels and Commercial Office Buildings, July 10, 2020
- San Francisco Cannot Impose a Transfer Tax on the Value of an Existing Lease With a Remaining Term of Over 35 Years When the Building is Sold, *Buchalter Client Alert*, July 6, 2020
- Buchalter COVID-19 Client Alert: San Francisco Continues "Shelter in Place" Order with Limited Expansion of Essential Business Operations, *Buchalter Client Alert*, June 16, 2020
- Buchalter COVID-19 Client Alert: San Francisco Announces Plan for Phased Reopening, *Buchalter Client Alert*, June 1, 2020
- Buchalter COVID-19 Client Alert: Extension of San Francisco Commercial Tenant Eviction Moratorium and Impact of Proposed California Senate Bill 939, *Buchalter Client Alert*, May 20, 2020
- Buchalter Client Alert COVID-19: Planning for Re-Opening: What Owners, Property Managers and Users of Office and Retail Properties Should Consider, *Buchalter Client Alert*, April 28, 2020
- Stress Testing Your Rent Roll, *Commercial Property Executive*, April 20, 2020
- Expert Insight: How Retailers Should Communicate with Landlords Amid COVID-19, *Chain Store Age*, April 2, 2020
- Buchalter Client Alert COVID-19: California and Selected State, City, and County Moratoria List, March 27, 2020

- Impact of San Francisco's Commercial Tenant Eviction Moratorium, *Buchalter Client Alert*, March 23, 2020
- Buchalter Client Alert: Impact of COVID-19 on Real Estate Transactions, *Buchalter Client Alert*, March 16, 2020
- The Impact the New Prop 65 Warning Regulations on Multi-Family Apartments and Other Prop 65 Updates, *Buchalter Client Alert*, June 25, 2019
- San Francisco Needs to Overhaul Its Policy on Business Taxes, Q4 2018
- The Impact the New Prop 65 Warning Regulations on Commercial Property Owners, *Buchalter Client Alert; Law360*, September 18, 2018
- Proposed San Francisco Assessment District May Affect Buildings You Own or Manage in the Historic "North of Market" Financial District, June 5, 2018
- First in Nation: California Energy Commission Adopts Standards Requiring Solar Systems for New Homes, *Buchalter Client Alert*, May 30, 2018
- The Changing Face of CRE Investment, *Commercial Property Executive*, May 1, 2017
- Ensure Your Investments Are Insured, *Commercial Property Executive*, December 13, 2016
- Keep Your Exposure to Real Estate Low: Sublease, *Inside Counsel*, June 14, 2016
- Litigation Gone Sour: A Failed Landlord Lawsuit, *Commercial Property Executive*, April 7, 2016
- Insurance: Why It Is Good For Your Company's Health, *Buchalter Nemer Technology Industry Newsletter*, January 2016
- How Real Estate Intersects with the On-Demand Economy, *Commercial Property Executive*, October 9, 2015
- Service, Vendor and Enterprise Agreements, *Buchalter Nemer Technology Industry Newsletter*, October 2015
- Shopping Centers and Free Speech, *Commercial Property Executive*, August 6, 2015
- Real Estate: An Introduction to Leasing For Start-Ups, *Buchalter Nemer Tech Industry Bulletin*, April 16, 2015
- Water and Energy – A New Cost Model, *Commercial Property Executive*, April 8, 2015
- Are Your Contracts Set Up for Electronic Signatures?, *Commercial Property Executive*, February 4, 2015
- Title 24: What the Future of Energy Efficiency Regulations Means for Commercial Landlords and Tenants, *BOMA Views*, Fall 2014
- As 2014 Comes to a Close, Start Planning for 2016, *Commercial Property Executive*, November 20, 2014
- Estoppel Certificates: Achieving Certainty, *Commercial Property Executive*, October 16, 2014
- Office Leasing and Airline Reservations, *Commercial Property Executive*, August 20, 2014
- Prepare for Q4 in the Summer, *Commercial Property Executive*, July 16, 2014
- Is It a Bubble Yet? Reflections on the Current State of CRE, *Commercial Property Executive*, May 21, 2014
- WARNING: Estimates in Letters of Intent Can Come Back to Bite, *Western Real Estate Business*, April 2014
- Beware of Estimates in Letters of Intent, *GlobeSt.com*, February 6, 2014
- Estimates in Letters of Intent Can Come Back to Bite, *Buchalter Nemer Client Alert*, January 2014
- Rainmaker Q&A: Buchalter's Manny Fishman, *Law360*, August 29, 2013
- Legal Update: How to Incorporate the New Disability Access Disclosure Requirements in Commercial Leases and What to Consider in Determining Whether to Perform a CASp Inspection, *Calbar.org Real*

*Property Law Section E-Bulletin*, June 1, 2013

- The World is Going Mobile - What About Your Building?, *National Real Estate Investor*, August 15, 2012
- The World is Going Mobile - What About Your Building?, *BOMA Views*, August 1, 2012

### **Presentations**

- Presenter, "Commercial Leases: A Discussion of Operating Expenses, Real Estate Taxes and Other Costs/Expenses," Lorman Educational Services, December 10, 2020
- Panelist, "OPEX Post COVID-19," BOMA San Francisco, August 26, 2020
- Speaker, "Commercial Leasing," 21st Annual Commercial Real Estate Institute, November 7, 2019
- Moderator, "The State of Retail in the Bay Area," BisNow, August 1, 2019
- Moderator, "Manuel Fishman, Moderator at the San Francisco CRE Tech Summit," San Francisco CRE Tech Summit, May 9, 2019
- Speaker, "Manuel Fishman, Speaker at the 20th Annual Commercial Real Estate Institute," PLI California Center, 685 Market Street, San Francisco, California 94105, November 8, 2018
- Speaker, "Letters of Intent: Defining Terms for Efficient Lease Negotiations," Lorman Webinar, July 18, 2016
- Speaker, "Real Property Law: The Pros and Cons of Using Standard Residential and Commercial Leases," the State Bar of California in Anaheim, CA, October 9, 2015
- Panelist, "San Francisco's Real Estate Office Market: A 2013 Update," the Jewish Community Federation's Business Leadership Council Real Estate Panel in San Francisco, CA, November 19, 2013
- Speaker, "The San Francisco Gross Receipts Tax - Challenges & Opportunities for Commercial Property Owners, Brokers & Service Providers," the Reuben Junius & Rose Real Estate Roundtable at The City Club in San Francisco, CA, May 9, 2013
- Guest Lecturer, "Current Trends and Ownership Structures for Commercial Real Estate," the Corporate Governance and Practice seminar at Stanford University Law School in Palo Alto, CA, March 6, 2013

### **Webinars**

- "Re-Opening Commercial Buildings: Protecting Building Tenants and Building," October 28, 2020
- "Lorman Education Services Webinar: Current Issues in Lease Renewal Negotiations – Captive Tenant, Notice of Intent," May 20, 2020
- "Pincus Webinar: Understanding the Legal Impact of Covid-19 as it Affects Your Clients, Your Life and Your Business," April 8, 2020

### **Education**

Mr. Fishman earned his J.D., *magna cum laude*, at Santa Clara University School of Law in 1982 and his B.A. at the State University of New York at Purchase in 1975.

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### **Bar Admissions**

- California

### **Court Admissions**

- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California
- U.S. Court of Appeals for the Ninth Circuit