

CBA

LEGAL COUNSELING

HOTLINE

About the Commercial Brokers Association (CBA)

Legal Counseling Hotline

The Legal Counseling Hotline was established to help members avoid costly mistakes and better manage the legal risks that are inherent in real estate business practice.

Who Can Use the Hotline

Industry Members and Affiliate Members, who are current in their dues, have direct access to the Hotline. Individuals within a firm, who themselves are not members, are referred back to their Principal Member.

Service Limitations

The purpose of the Hotline is to provide members with general information on laws, regulations, policies and court decisions that affect real estate transactions, management and brokerage activities, and in the case of brokerage issues on matters pertaining to the Code of Ethics. The Hotline is not intended to provide legal opinions or advice on personal matters or matters involving specific transactions or disputes between brokers and their agents and/or clients and customers (e.g., deposit refunds, commission disputes). In such cases, members should consult their own attorneys.

Example of appropriate questions

Can a brokerage commission consist of all sale proceeds net of a base amount? (No)

Do the Board of Registration's agency disclosure rules apply to commercial lease transactions? (No)

Can commercial brokers who know about a faulty HVAC system or other defects in a building incur liability for not warning prospective buyers or tenants? (Yes)

Legal Hotline

617-573-5822

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How does the Hotline Work?

The Legal Hotline is currently provided by Philip Lapatin Esq. of Holland & Knight LLP. Holland and Knight maintains a telephone dedicated solely for hotline users. Using the published Hotline phone number, rather than Holland & Knight's main phone number, expedites response time.

Legal Hotline calls go into a voice mail system, where members receive detailed instructions on information on how to leave a question or place a request. Before questions can be answered, it must be verified that the caller is a member of CBA in good standing.

When Can I Expect a Response?

Calls are usually returned between 4:00 P.M. and 6:00 P.M. on weekdays. Calls placed after 3:30 P.M. on weekdays are answered the next day, and calls placed after 3:30 P.M. on Fridays and on weekends are returned the following Monday. Although every effort is made to return calls promptly, response time may exceed 24 hours during peak seasonal cycles or periods immediately preceding and following enactment of new laws and/or regulations.

Terms and Conditions of Use

In using the Legal Hotline, authorized members should understand and acknowledge the following terms and conditions:

1. The Legal Hotline is intended to provide general information on laws, regulations, policies and court decisions that affect real estate transactions, management, brokerage activities and on matters pertaining to the application of the Code of Ethics.
2. No attorney-client relationship is created or intended.
3. Neither Holland & Knight nor GBREB assume actual or implied responsibility for an improper use of information provided through the service.
4. Neither Holland & Knight nor GBREB is liable for potential misrepresentations or errors made in responding to questions.
5. Members may not convey information obtained through the Legal Hotline to others (e.g. clients, customers, agents) in a way that suggests or implies that the member, Holland & Knight and/or GBREB is rendering legal advice.

