

# Nancy M. Davids

*Of Counsel*

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Nancy Davids is a real estate lawyer who counsels both landlords and tenants in connection with a range of complex real estate and retail development matters. She works with sophisticated retail clients, helping them to lease a wide range of properties, including mixed-use projects, shopping centers, lifestyle centers, restaurants, urban retail centers, outlet centers, convenience retail, power centers and enclosed malls. She also represents the developers of office projects in connection with leasing, as well as zoning and land use matters.

Nancy is active in the industries she serves, serving leadership roles with the International Council of Shopping Centers as Co-Chair of the Law Conference in 2018 and Chair in 2019.

Always watching the cutting edge of the retail industry, Nancy served as a Co-Chair of the firm's Retail, Restaurant & Consumer industry group, and is a founding editor of the firm's well-recognized Retail Law Advisor Blog. She regularly curates content for the top-rated retail blog, reporting on timely and important trends and industry-related information valued by retailers of all types.

## **Accolades**

- Commercial Real Estate Women, Boston (CREW) Professional Service Award Recipient, 2018
- Champions for Change, Boston Area Rape Crisis Center, 2014
- *Best Lawyers in America*® (2015-2023): Real Estate Law
- Massachusetts Super Layers, 2004-2015, 2019-2022
- Martindale Hubbell Peer Review Rated AV Preeminent TM
- Top Women Lawyers, Real Estate, Martindale Hubbell, 2011
- Excellence in Writing Award, "Best Practical Use Article-Real Property, ABA Journal of Probate and Property, 2009

## **Affiliations**

- International Council of Shopping Centers (ICSC)
  - US Law Conference Chair, 2019 and Co-Chair, 2018
  - US Law Conference Program Committee, International Council of Shopping Centers (ICSC), Member
- Board Member, Boston Area Rape Crisis Center
- CLE International
- Commercial Real Estate Women, Boston
- Women's Bar Association

### **Admissions**

- Massachusetts

### **Education**

- Connecticut College (B.A., 1982)
- Boston College Law School (J.D., *summa cum laude*, 1986)

## **Representative Matters**

### **Landlords in Complex Leasing Negotiations with Major Brand Name Big Box Retailers**

Representation of landlords in complex big box leasing negotiations for major brand name retailers such as Bed, Bath and Beyond, Best Buy, Burlington, DSW, Nordstrom Rack, Ross Stores, Saks Off Fifth, Staples, Ulta and the TJX Companies including their Homegoods, Homesense, Marshalls, and TJ Maxx concepts.

### **Landlords in Long-Term Ground Leases to Tenants**

Representation of landlords in several long-term ground leases to tenants such as Lowes and Target. Also handles the negotiations for operation and easement agreements for these landlords.

### **Landlords in Negotiation of Retail Leases with Luxury Retailers**

Representation of landlords in the negotiation of retail leases with luxury retailers. Recently worked with WS Development to negotiate the luxury tenant sector within Florida's newly redeveloped Royal Poinciana Plaza

### **Major Retail Tenant 400 Locations Across United States**

Representation of a major retail tenant occupying in-line space in enclosed regional malls "rolling-out" over 400 locations across the United States.

**Real Estate Developers Sale of Property, Reciprocal Easements, Site Development Agreements, and Complex Closing Documentation**

Representation of real estate developers in connection with the sale of property to anchor tenants in community shopping centers. Recently represented the developer in multiple purchases for Target. Handles the reciprocal easements, site development agreements, and the full range of complex closing documentation.

## Blog Posts: Retail Law Advisor

This blog keeps you connected to timely developments and emerging issues in retail law and covers a wide range of topics related to the retail, restaurant and consumer industry. We invite you to learn more about Goulston & Storrs and our Retail, Restaurant & Consumer Group.

November 19, 2021

**ICSC U.S. Law Conference 2021**

The 51st Annual International Council of Shopping Centers (ICSC) U.S. Law Conference was held earlier this month in San Francisco from November 3 – 5, 2021. Chaired by our own David Rabinowitz, the event hosted more than 700 members...

February 26, 2020

**Retail Evolution: Continuing to Think Outside of the Box**

In a prior blog, we discussed partnerships between retailers and hotel chains as a strategy for providing customers with an interactive experience and staying competitive in the market. This trend has continued and is further evolving. Retailers are bringing...

January 29, 2020

**Let's Get Innovative!**

Using short term deals to solve long term problems.

There continues to be a lot of discussion throughout the commercial real estate industry about competition from online retailers and the holes created by failing and downsizing businesses that have traditionally focused on brick and mortar stores. While concern...

June 19, 2019

**We're Here for the Food Hall Party**

Time to Eat, Drink and Socialize!

If you haven't eaten at a food hall yet... it is likely only a matter of time before you do. They are popping up all over the country and are gaining popularity. Unlike traditional mall food courts, food halls...

May 24, 2019

**ICSC RECON 2019: In Pursuit of Innovation**

The Las Vegas Convention Center hosted ICSC RECon 2019 this week from May 19-22. This year's conference was held under the motto "Less traditional. More Innovative", reflective of the dynamic changes taking place in the retail real estate industry...

November 13, 2018

### **Three Trends Driving Consumer Behavior in the Retail Real Estate Business**

Goulston & Storrs partners Nancy Davids, Matt Epstein, Karen O'Malley and David Rabinowitz recently sat down with Forbes to discuss how changes in consumer behavior continue to drive evolution in the retail real estate business. The group identified three key...

July 26, 2018

### **International Council of Shopping Centers New England Conference and Deal Making**

ICSC hosted the New England Conference and Deal Making event at the John B. Hynes Veterans Memorial Convention Center last week, from July 16-18. Given the summer timing of the conference, attendance appeared light at times, but conference attendees...

May 30, 2018

### **ICSC RECon 2018--Stepping Into the Future**

The Las Vegas Convention Center hosted ICSC RECon 2018 last week from May 20-23. Upon their entry into the Convention Center's Central Hall, this year's RECon attendees were greeted by the ICSC Innovation Exchange. This interactive exhibit showcased a...

May 23, 2018

### **ICSC RECon In Full Swing**

ICSC is in full swing at the Las Vegas Convention Center this week. This is the world's largest gathering of retail real estate professionals. With 37,000 industry professionals and 1200 exhibitors, it promises to be an amazing week. Last year...

March 28, 2018

### **Bankruptcy Lease Auctions – Landlords Can Play Too**

Toys "R" Us filed for bankruptcy in September 2017, with hopes that a strong holiday season would facilitate a successful reorganization. After holiday sales proved to be far less lucrative than the company and its professionals had hoped, the&nbsp;...

February 7, 2018

### **Facial Recognition in Retail: "Attention all Shoppers: We Already Know Everything about You"**

Are you worried that "Alexa" is listening to your conversations? Do you cover your laptop camera with tape and refuse to store your passwords on your devices? Well, it looks like even stepping into the mall may require full-body...

January 31, 2018

### **Foreign Retailers Entering New Markets: Finding A Home Of One's Own**

The first task facing a retailer entering a new market? To find its customer. This chore takes on more significance for foreign retailers venturing into a complex, expansive and heterogeneous market such as the United States. Depending upon the soundness...

December 13, 2017

**ICSC New York Deal Making (2017)**

On December 6-7, the Javits Center played host to this years' ICSC NY Deal Making Conference. ICSC featured a new format at this years' Conference. In addition to the deal making opportunities on Wednesday and Thursday, ICSC partnered with...

November 1, 2017

**2017 ICSC US Shopping Center Law Conference**

San Antonio was host to this year's ICSC US Shopping Center Law Conference, which occurred from October 25 through October 28, 2017. In-house counsel, counsel from outside law firms, tenant's lawyers, landlord's counsel, paralegals, lease administrators and others involved...

September 6, 2017

**Retailers to the Rescue**

Hurricane Harvey has traumatized southeastern Texas. With unprecedented rainfall, there are many people who need urgent help. The competitive retail market can be difficult and wonderful all at the same time. We see (time and time again) that when...

July 26, 2017

**ICSC Deal Making Conference Explores the Changing Retail Industry**

The ICSC New England Conference & Deal Making was held from July 18 through July 20, 2017 at the Hynes Convention Center in Boston. Registered attendance at the Conference was strong again this year, with over 1,200 people registered for...

June 7, 2017

**Boutique Retail Hotels: Introducing The New Meaning Of "In Room" Shopping**

In this ever changing world, retailers are continuing to invent new ways to highlight their products, provide customers with an interactive experience and to stay competitive. We have previously discussed strategies used by brick and mortar stores to compete...

March 16, 2017

**When in Rome: Our Take on the ICSC OAC (Open Air Summit)**

We know from our high school history lessons that large scale public shopping centers have been around since the days of the Roman Empire, if not before. The fabled open air markets of cities like Istanbul and Damascus still...

January 25, 2017

**Oh the Sidewalks Outside Are Frightful, But Landlords Will Make Them Delightful... or Will They?**

Although we haven't seen much snow accumulation in the northeast to date, we know that this can (and likely will) change before the warmer weather returns. Before the snow really begins to fall, it would behoove both landlords and...

January 11, 2017

### **Amazon Go: Let's Get (More) Physical**

We recently noted that among the latest e-tail trends is the expansion of once exclusively online retail operations into physical store locations. In-store sales continue to dominate over online sales, with the U.S. Census Bureau reporting that online sales...

December 21, 2016

### **Coming to a Retailer Near You: Made in USA Labeling Requirements**

Patriotism is a hot topic in the United States. One study shows 51% of American consumers will pay higher prices to buy American made products. Not surprisingly, manufacturers actively promote products with the red, white and blue labels proudly...

November 2, 2016

### **Industry-Wide Confidence Shines Through At ICSC's 2016 Law Conference**

The 2016 ICSC Law Conference was held last week at the Diplomat Resort in Hollywood, Florida. Attendance was very strong this year, with over 1425 lawyers, paralegals, lease administrators, brokers and other retail real estate professionals attending. The strong...

October 12, 2016

### **The Power of Pop-ups: From Fad to Retail Mainstay**

Pop-up stores or "flash retail" have graduated from passing trend to popular practice. Historically utilized for the sale of seasonal products (think temporary stores that only sell Halloween costumes), the pop-up has evolved into an attractive option for retailers...

September 14, 2016

### **The Future of Retail: Brick and Mortar!**

If you believe the hype, it is only a matter of time before brick and mortar retail succumbs to its online competitors. Recent decisions made by several stalwart retailers appear to support this theory: Macy's recently announced that it...

August 10, 2016

### **No Cash? No Problem: The Emergence of Cashless Retailers**

From the time we were little, putting birthday money into our piggy banks, cash has always been an important part of our lives. Now, imagine a world where cash is no longer king. Like so many other things that...

July 27, 2016

### **ICSC's New England Idea Exchange Draws a Crowd to Talk Shop**

The Hynes Convention Center hosted the ICSC New England Deal Making Conference in Boston last week from July 19 through July 21. ICSC announced that attendance was at an all-time high of about 1,200 people. The conference kicked-off with...

June 15, 2016

**Are Prohibited Uses Prohibiting Opportunity?**

Despite how it may sometimes seem when in the throes of negotiating a lease between a shopping center landlord and a retail tenant, the overarching goals of the two parties are aligned. Both parties want the tenant to be...

June 8, 2016

**Retailers' On-Call Scheduling Practices Under Scrutiny in Eight States and D.C.**

On April 12, 2016, New York Attorney General Eric Schneiderman sent letters to fifteen retailers requesting information regarding their use of "on-call shifts" in scheduling employees. The letters were similar to those letters sent by the New York Attorney...

May 26, 2016

**ICSC RECon 2016 – Holding Court**

ICSC RECon 2016 tipped off with a keynote address by Earvin "Magic" Johnson, Chairman and CEO of Magic Johnson Enterprises and former NBA superstar. Attendance was up by about 2.7 percent from last year, with around 36,000 attendees, representing...

March 9, 2016

**New Lease Accounting Rules Are Final: Retailers and, Ultimately, Landlords Can Expect Changes**

We recently wrote about expected changes to the rules governing the way leases are accounted for on balance sheets and suggested the changes would have major implications for retailer tenants and longer term implications for landlords. Late last week, as...

December 16, 2015

**ICSC 2015 National Deal Making – Bigger, Better And Back At The Javits Center**

This is the second year that the New York ICSC has been held at the Jacob K. Javits Convention Center, and no one is pining for the old venue. Attendance was up, perhaps breaking 10,000, which would be...

December 9, 2015

**Sustainability in Retail: Going Strong and Expected to Continue**

The COP21 meeting has been underway for the last week, with just a few more days left to go. The meeting, an annual session which started following the 1992 United Nations Framework on Climate Change, brings together businesses, policymakers...

September 30, 2015

**OmniChannel Marketing: Maximizing the [In-Store] Shopping Experience**

While retailers recognize that most purchases can be accomplished by conveniently using an electronic medium, they also know that “one click” shopping does not satisfy everyone. In order to capture this population and to entice the online shoppers to...

July 22, 2015

### **ICSC's New England Idea Exchange Talks Trends and Technology**

As ICSC's New England Idea Exchange closes on yet another successful conference, the message is clear: the retail industry is reinventing itself once again. Attendance was on the increase again this year as real estate professionals gathered at the...

July 15, 2015

### **Cyber Liability Insurance – Does Your Retail Business Need It?**

The news is full these days of hackers stealing credit card and other customer information from United States retailers such as Home Depot, Target, and Neiman Marcus (and the federal government ) among others. These mega-breaches make great headlines...

July 1, 2015

### **Let Freedom Ring!**

Goulston & Storrs has a long and proud tradition of supporting diversity. It's not just a theoretical goal; we believe diversity helps us recognize and appreciate alternate viewpoints which ultimately improves our firm and our ability to serve our...

May 28, 2015

### **RECon 2015: a Decidedly Global Outlook**

We are back from the ICSC's RECon Global Retail conference, and needed the full long weekend to recover! More than 34,000 real estate professionals attended the event (substantially exceeding last year's attendance), and the mood among was decidedly upbeat...

May 14, 2015

### **The Future Starts Now... Gearing Up For the ICSC RECon Global Retail Conference**

The annual ICSC RECon Global Retail conference is just around the corner. This year's conference takes place from May 17-20th at Las Vegas Convention Center. With over 34,000 attendees, RECon provides networking, deal making and educational opportunities for retail...

April 16, 2015

### **Bite Kite Rides into Town: Cambridge Start-Up Tests New Trends in Fast Food Delivery**

Take-out customers want quality food without complication and want it fast – with an emphasis on fast. In a service market increasingly focused on instant gratification, fast food providers are striving to reinvent delivery services to meet the demands...

February 18, 2015

### **It's Snowing (Again!) – What Responsibility Does a Landlord Have for Snow and Ice Removal?**



After four major snowstorms have buried much of Massachusetts in more than six feet of snow, and with other areas of the country dealing with storms of their own, landlords nationwide are wondering how responsible they are for clearing...

January 28, 2015

**Would You Like Fries with that Sweater? Retailer and Restaurant Pairings**

As retailers continue to embrace the omni channel retail experience, our blogging team explores consumer behavior behind the new trends. One topic we have followed lately is the convergence of retail and restaurants. For years restaurants have put roots...

January 14, 2015

**Retailing and Technology: Once an Afterthought, Now a Brave New World**

There is a continued debate over brick-and-mortar and e-commerce driving innovation in the retail industry. Ultimately, technology enhances a shopper's experience but does not necessarily replace it. Much has been discussed about the success of retailers who embrace the omni channel...

January 7, 2015

**Would You Like That Retail Purchase Take-Out or Delivery? The 2014 Holiday Season Saw Brick-and-Mortar Retailers and Shopping Centers Increasingly Offering Same-Day Delivery Services**

Necessity is the mother of invention, as they say, and online retailers such as Amazon and Zappos (each offering free 2-day shipping to their Prime and VIP customers, respectively) are certainly driving traditional brick-and-mortar retailers and shopping center owners...

## Publications

June 22, 2022

**How to Hire a Lawyer to Negotiate Your Lease**

Pedal Retail Advisors

October 2015

**Omnichannel Retail Helps Cos. Keep Up With Shoppers**

July 2014

**"New England Sails Ahead," Shopping Center Business**