Eminent Domain:
Legal Update and Practical Tips

Honolulu, Hawaii
October 12, 2006

Understand the impact of case law and legislative changes.

Continuing Education:
HI Continuing Legal Education
CA CLE - 6.0

See inside for details!

Your Satisfaction Is Guaranteed! Enroll today!
1-800-930-6182 www.nbi-sems.com

Why You Need to Attend

- Assess the impact of new and pending case law and legislative changes on eminent domain actions with an insightful exchange from both sides of this pressing issue.
- Understand the distinction between ‘for public use’ and ‘for public benefit’ so you can determine if a potential taking is justified.

The Supreme Court’s ruling in Kelo v. City of New London has changed the landscape of eminent domain. New rulings have given the government unprecedented legal power to take property – and they have left many property owners outraged. Your legislature is currently debating changes to eminent domain laws intended to clarify the eminent domain requirements and rights to take property. Are you up to date on recent changes and current initiatives? Can you properly handle an eminent domain action – representing either the government or the property owner – under the current and changing legal rules?

At this timely seminar our experienced faculty will provide you with a current, balanced perspective of both sides of this pressing legal issue. Know exactly how the Kelo ruling, current case law and legislative actions in your state will impact you. Examine the delineation between “public use” and “public benefit” and see how the line has been blurred following recent decisions. Take a comparative look at government and property owner rights so you have a well-rounded perspective to apply to whichever side of a case you’re asked to represent.

Important Details

October 12 - HONOLULU - Hawaii Prince Hotel
120 Holomoana Street, Honolulu HI 96815  808-956-1111

Time: Registration is from 6:30—9:00 a.m. The program will begin at 9:00 a.m. and end at 4:30 p.m.
Complimentary snacks and refreshments are provided. Lunch is on your own.

Pre-Registration is encouraged.
Mail Registration Form on back of this brochure
Phone: (800) 930-6182
Fax: (715) 835-1405
Online: www.nbi-sems.com

If you need to register at the door, you may wish to call us first to confirm availability and to receive information regarding schedule or location changes.

Tuition: $329 for the first registrant, $299 for each additional registrant — a savings of $10, $289 for new professionals — a savings of $20.

A new professional is anyone with three or less years of professional work experience.

Accommodations: To obtain directions and parking information please contact the hotel listed above.

FREE Reference Manual: Eminent Domain: Legal Update and Practical Tips – Your learning doesn’t end with the conclusion of the seminar presentations. With our comprehensive course manual, seminar slides specifically to accompany each program, you will have all the information you need right at your fingertips.

This manual, included with your tuition, allows you to take the seminar back to the office with you.

Audio Recordings: This seminar will be recorded in its entirety. If you can’t attend, you can still obtain copies of the audio information provided by purchasing the manual and CD. See the registration form to order. If you wish to receive the cassette tapes instead of the CD, please contact us at (800) 930-6182.

Cancellations: Register today at no risk. If your plans change later and you can’t attend the program just call and let us know.

Your Satisfaction is 100% Guaranteed. We’re so confident that this seminar will provide you with practical, valuable information that we back it up with an unconditional guarantee. If you’re not completely satisfied, let us know and you’ll receive a full refund.
Who Will Teach You!

Learn From An Outstanding Faculty!

**DAVID L. CALLIES** is the Benjamin A. Kudo Professor of Law at the William S. Richardson School of Law, where he teaches property, land use, and state and local government law. He holds law degrees from the University of Michigan (J.D., where he served as editor of the Journal of Law Reform) and Nottingham University (LL.M. in town planning law). In 1998 he joined the faculty of Clare Hall College, Cambridge. A past chair of the Hawaii State Bar Association Section on Real Property and Financial Services and the American Bar Association Section on State and Local Government Law, he is an elected member of the College of Fellows of the American Planning Association, the American Law Institute, and the American College of Real Estate Lawyers. The coeditor of the annual Land Use and Environmental Law Review, he is the author of 13 books (including, with Kotaka, Taking Land: Compulsory Purchase and Development Agreements in Hawaii,” 27 U. Haw. L. Rev. 17 (2004). Mr. Thomas served as editor of the Journal of Law Reform) and Nottingham University (LL.M. in town planning law) and is a life member of Clare Hall College, Cambridge University. A managing attorney for Pacific Legal Foundations’ Hawaii Center, a public interest foundation dedicated to defending private property rights and individual freedom. He has been a broker in Hawaii and has experience as an arbitrator for real estate disputes including ground rent determinations. The geographic area covered includes the Pacific Coast, including the United States West Coast. He received his B.S. degree from the United States Military Academy at West Point and his MBA from Chaminade University in Honolulu. Mr. Medusky is a member of the Appraisal Institute and Counselors of Real Estate. **JAMES K. MEE** is a partner in the law firm of Ashford & Winston where he practices in the areas of real estate, land use and constitutional law. He is a frequent lecturer and writer on a variety of real estate law and land use matters. Mr. Mee earned his B.A. degree from Williams College and J.D. degree from Harvard Law School, University of California at Berkeley. He is a member of the Hawaii State Bar and the founder and secretary of the Hawaii Small Landowners Association, 1986 to present. Mr. Lee formerly served as an attorney for the Pacific Legal Foundation.

**ROBERT H. THOMAS** is a partner in the law firm of Darnell Key Leop Kuchel Hart & Thomas, LLC, and Berkeley, California. He specializes in real estate, land use and condemnation law. He has written and lectured extensively on eminent domain, jury selection, and bankruptcy and other real property related issues and individual freedom. He filed a brief amicus curiae in Kelo v. City of New London, and addressed the case and its implications in several venues including the National Association of Counties Annual Conference, the Hawaii Farm Bureau Federation annual meeting, the University of Hawaii Law School environmental law colloquium, and various conferences in California, Illinois and Hawaii. Mr. Thomas also taught law at the University of Santa Clara School of Law and is a member of the California Board of Real Estate Examiners. His latest article is “Arrow of Time: Vested Rights, Zoning, Easements, and Development Agreements in Hawaii,” 27 U. Haw. L. Rev. 17 (2004). Mr. Thomas earned his LLM. degree, with honors, from Columbia Law School where he was a Harvard Folklore Access Scholar and was awarded the Law Review’s Outstanding Graduate Student Scholarship. He is a member of the editorial board of the Hawai’i Law Review.
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Explore Issues Surrounding New Eminent Domain Legislative Developments

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JAN MEDUSKY, MAI, CRE and CGA, is the president of Medusky & Co., Inc., where his firm specializes in real estate consulting. Mr. Medusky has extensive experience as an expert witness for real estate valuation matters including condemnation. He is also a broker in Hawaii and has experience as an arbitrator for real estate disputes including ground rent determinations. The geographic area covered includes the Pacific Basin, including the United States West Coast. He received his B.S. degree from the United States Military Academy at West Point and his MBA from Chaminade University in Honolulu. Mr. Medusky is a member of the Appraisal Institute and Counselors of Real Estate.

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ROBERT H. THOMAS is a partner in the law firm of Damin Key Leong Kopchak, Hartset, L.C., in Honolulu and Berkeley, California. He specializes in real estate, land use issues including eminent domain, regulatory takings and water rights. Mr. Thomas has tried cases and appeals in Hawaii, California, and the federal courts. He is also the managing attorney for Pacific Legal Foundations’ Hawaii Center, a public interest foundation dedicated to defending private property rights and individual freedom. He filed a brief amicus curiae in Kelo v. City of New London, and addressed the case and its implications in several venues including the National Association of Counties Annual Conference, the Hawaii Farm Bureau Federation annual meeting, the University of Hawaii Law School environmental law colloquium, and various conferences in California, Illinois and Hawaii. Mr. Thomas also taught law at the University of Santa Clara School of Law in California and served as a hearing officer for the California Peace Officer Certification Board. His latest article is “Arrow of Time: Vested Rights, Zoning Estoppel, and Land Use Law,” 134 U. Cal. L. Rev. 411 (2006), which analyzes the problem of vested rights in the area of land use law. He is also a frequent speaker and writer on the area of real estate and land use law.

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Practical Guide to Zoning and Land Use Law in Hawaii

As a land use professional, you know that shifts in zoning and land use actions have created dramatic changes in land use regulations. Having a solid understanding of these updates is critical to your success. This targeted manual will help you:

• Understand highest and best use
• Analyze and address practical issues from a variety of perspectives in the zoning and land use field
• Get a handle on fundamental zoning and land use issues

Find out how constitutional limitations on zoning and land use actions may impact your clients or business. Discover how to handle initial judicial challenges to rezoning decisions and get practical advice for handling judicial appeals of administrative zoning decisions.

Lawyers: Lawrence D. Kusunose, John P. Whalen and Y.T. Woon

130 Pages © December 2004

Road and Access Law in Hawaii: How to Research and Resolve Access Disputes

“Road and Access Law in Hawaii” provides insights and techniques that are invaluable when it comes to handling road and access disputes. This program specifically covers cases that arise in the volatile environment of road and access law. You’ll learn how to:

• Navigate the finer points of resolving disputes in your client’s favor
• Explore the newest and best ways to provide the right advice when dealing with both public and private cases and issues
• Understand the best ways to resolve access disputes

By: Patrick M. Cummins, Michael W. Gibson and Isaac D. Hall Jr.

143 Pages © May 2005

13424

What You Will Learn

I. KEY EMINENT DOMAIN CONCEPTS

David L. Callies, J.D., MA

10:30 - 12:30

A. What is Eminent Domain?
B. The Distinction Between ‘The Public Use’ and For Public Benefit
C. Constitutional Limitations - Public Use Clause
D. Who has the Right to Take Property?
E. Sources of Takeings Power
F. Rights of the Parties Involved
G. Inverse Condemnation
H. Partial Takings
I. Impact of Eminent Domain on Transfer of Title

II. HOW RECENT CASE LAW AND LEGISLATIVE DEVELOPMENTS IN EMINENT DOMAIN WILL IMPACT YOU

David L. Callies and Robert H. Thomas, J.D., MA

1:00 - 2:15

A. Impact of Kelo v. City of New London
B. Federal, State and Local Rules and Regulations
C. Case Law and Legislative Update

III. UNDERSTANDING JUST COMPENSATION

Jan Medusky and Robert H. Thomas, J.D., MA

2:15 - 2:45

A. Compensation for the Taking
B. Determining Fair Market Value
C. Understanding Highest and Best Use
D. Evaluating and Estimating Damages
E. Mitigating Damages
F. Severance Damages
G. Negotiating Relocation Benefits
H. Compensation for Temporary Taking

IV. THE DEBATE BETWEEN GOVERNMENT RIGHTS AND PROPERTY OWNER RIGHTS

James K. Mee, J.D., MA

3:30 - 4:30

A. Comparing and Contrasting Settlement vs. Litigation
B. Mediation vs. Dispute Resolution
C. Tactics and Techniques for Negotiating a Settlement
D. Using Alternative Dispute Resolution and Mediation
E. Developing a Settlement Agreement

V. STRATEGIES FOR EFFECTIVELY SETTLING THE EMINENT DOMAIN ACTION

James K. Mee, J.D., MA

3:30 - 4:30

A. Comparing and Contrasting Settlement vs. Litigation
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$299 each additional registrant - Save $10
$289 for new professionals* (details inside brochure)

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The Supreme Court's ruling in Kelo v. City of New London has changed the landscape of eminent domain. New rulings have given the government new tools and power to take property - and they have upended property rights. It has never been more important to understand the distinction between “public use” and “public benefit” and the difference between “public interest” and “public need.”

Understand the distinction between “public use” and “public benefit” and the difference between “public interest” and “public need.”

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Reasonable professionals - a savings of $20!*

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