



# Eminent Domain and Land Valuation Litigation

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**Thursday-Saturday,  
January 28-30, 2016**

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**Austin, Texas  
(Hotel Van Zandt)**

**Register online:**  
[www.ali-cle.org/CX015](http://www.ali-cle.org/CX015)

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**16.25 CLE credit hours,  
including 1 hour of ethics**

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**19.5 CPE credit hours  
in Business Law**

*The best eminent domain and land use practitioners hone their skills and refresh their expertise at this national annual conference!*

Whether you are a seasoned eminent domain practitioner or new to the field, learn what's new in eminent domain law and how practice in this area continues to evolve.

With new topics, new speakers, a hip venue – the just-opened Hotel Van Zandt – a special welcome from Austin Mayor/former eminent domain lawyer Steve Adler, and an interview with the producer of the upcoming film, *Little Pink House*, you won't want to miss your chance to participate in this year's conference. Meet with colleagues, exchange ideas, learn the latest, and enjoy the fellowship!

*"This is an invaluable opportunity for condemnor and condemnee counsel to meet and hopefully better understand each other.... I look forward to this CLE every year."* — Lawrence Marino, Lafayette, LA

**Need or want a refresher on eminent domain law?** Attend the *Condemnation 101* sessions on Thursday and get a concise overview of eminent domain law and procedure, plus essential practice tips from some of the nation's most experienced eminent domain lawyers.

## Planning Chairs *(also on faculty)*

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**Robert H. Thomas**  
Damon Key Leong Kupchak  
Hastert, L.C., Honolulu

**Joseph T. Waldo**  
Waldo & Lyle, P.C.,  
Norfolk, Virginia

## Planning Chairs Condemnation 101 Track *(also on faculty)*

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**Andrew Prince Brigham**  
Brigham Property Rights Law  
Firm PLLC, Jacksonville, Florida

**Jack R. Sperber**  
Faegre Baker Daniels LLP,  
Denver

## Faculty

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**Steve Adler**  
Mayor, City of Austin, Texas

**Jody Harper Alderman**  
Alderman Bernstein, Denver

**Paul H. Anderson**  
Soule & Stull LLC, Minneapolis,  
Retired Associate Justice,  
Minnesota Supreme Court

**Robert E. Bainbridge**  
C-Store Valuations, Dallas

**Joshua E. Baker**  
Waldo & Lyle, P.C.,  
Norfolk, Virginia

**Ted Balaker**  
Korchula Productions,  
Culver City, California

**Stanley G. Barr, Jr.**  
Kaufman & Canoles, P.C.,  
Norfolk, Virginia

**Sara K. Beachy**  
Assistant Attorney General,  
Wisconsin Department of  
Justice, Madison, Wisconsin

**Michael M. Berger**  
Manatt, Phelps & Phillips, LLP,  
Los Angeles

**Dana Berliner**  
Director, Institute for Justice,  
Arlington, Virginia

**Susan Bonnen**  
Chief Appellate Counsel,  
Texas Office of the Attorney  
General, Austin

**Amy Brigham Boulris**  
Gunster, Yoakley & Stewart,  
P.A., Miami

**Roy R. Brandys**  
Barron & Adler, LLP, Austin, Texas

**James S. Burling**  
Director of Litigation, Pacific  
Legal Foundation, Sacramento

**Ivy N. Cadle**  
Baker, Donelson, Bearman,  
Caldwell & Berkowitz, PC,  
Macon, Georgia

**F. Adam Cherry, III**  
Randolph, Boyd, Cherry and  
Vaughan, Richmond, Virginia

**Christopher M. Clough**  
Barron & Adler, LLP, Austin, Texas

**Anthony F. Della Pelle**  
McKirdy & Riskin P.A.,  
Morristown, New Jersey

**Robert C. Dew, Jr.**  
GDS Associates, Inc./Hi-Line  
Engineering, Marietta, Georgia

**David A. Domina**  
Domina Law Group PC LLO,  
Omaha, Nebraska

**Jill S. Gelineau**  
Schwabe, Williamson & Wyatt,  
P.C., Portland, Oregon

**W. Andrew Gowder, Jr.**  
Pratt-Thomas Walker, P.A.,  
Charleston, South Carolina

**Janet Bush Handy**  
Deputy Counsel, Assistant  
Attorney General, Maryland  
State Highway Administration,  
Baltimore

**Daniel D. Hannula**  
Hannula & Halom,  
Superior, Wisconsin

**Mark F. (Thor) Hearne, II**  
Arent Fox LLP, Washington, D.C.

**Jamila A. Johnson**  
Schwabe, Williamson & Wyatt,  
P.C., Seattle

**Nikelle S. Meade**  
Husch Blackwell LLP, Austin, Texas

**Dwight H. Merriam**  
Robinson & Cole LLP, Hartford,  
Connecticut

**Mark M. Murakami**  
Damon Key Leong Kupchak  
Hastert, L.C., Honolulu

**Robert B. Neblett**  
Jackson Walker L.L.P., Austin, Texas

**Thomas H. Peebles IV**  
Waller Lansden Dortch  
& Davis, LLP, Nashville,  
Tennessee

**J. Casey Pipes**  
Helmsing, Leach, Herlong,  
Newman & Rouse, P.C.,  
Mobile, Alabama

**Matthew P. Ray, MAI**  
Cantrell Ray Real Estate, LLC,  
Jacksonville, Florida

**Rick E. Rayl**  
Nossaman LLP,  
Irvine, California

**Joshua H. Rikon**  
Goldstein Rikon Rikon &  
Houghton P.C., New York

**Charles W. Ruffin**  
Baker, Donelson, Bearman,  
Caldwell & Berkowitz, PC,  
Atlanta

# Program All times Central.

*Thursday, January 28, 2016*

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8:00 a.m. Registration and Continental Breakfast

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8:55 a.m. Administrative Remarks – *American Law Institute CLE Staff*

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9:00 a.m. Conference Overview – *Messrs. Brigham, Sperber, Thomas, and Waldo*  
Welcome to Austin – *Mayor Adler*

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9:15 a.m. **Eminent Domain National Law Update** – *Ms. Boulris and Mr. Thomas*

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10:00 a.m. Networking and Refreshment Break

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## CONCURRENT SESSIONS

*(Registrants may shuttle between meeting rooms.)*

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10:15 a.m. **Introduction to Eminent Domain: Foundational Concepts\***  
– *Messrs. Brigham and Sperber*

**Pipelines and Energy Corridors: Valuation Perspectives of Condemnors and Condemnees**  
– *Messrs. Domina, Peebles, Ray, and Waldo*

**Mark D. Savin**  
Fredrikson & Byron, P.A.,  
Minneapolis

**Paul R. Scott**  
Smith, Phillips, Mitchell,  
Scott & Nowak, LLP,  
Hernando, Mississippi

**Joseph V. Sherman**  
Waldo & Lyle, P.C.,  
Norfolk, Virginia

**Randall A. Smith**  
Smith & Fawer, L.L.C.,  
New Orleans

**Ilya Somin**  
Professor of Law, George Mason  
University School of Law,  
Arlington, Virginia

**Michael Sullivan**  
Range West Consultants LLC,  
Prescott, Arizona

**Joseph P. Suntum**  
Miller, Miller & Canby, Chartered,  
Rockville, Maryland

**Christian F. Torggrimson**  
Pursley Friese Torggrimson,  
Atlanta

**John Kevin Walsh**  
Harris Shelton Hanover Walsh,  
PLLC, Memphis

**Martin E. Wolf**  
Gordon, Wolf & Carney,  
Chartered, Towson, Maryland

**ALI CLE Senior Program  
Attorney: Amy S. Weinberg**  
(aweinberg@ali-cle.org)

## THREE WAYS TO SAVE!\*

- **Register by December 11, 2015** and save \$200 off the regular tuition! Use coupon code CX015EBB at checkout.
- **New to eminent domain practice?** Attend the Condemnation 101 track on Thursday, and save \$300 off the regular tuition! (Includes Friday-Saturday sessions.) Use coupon code CX015CON at checkout.
- **Have two or more who want to attend from the same organization?** The first attendee pays full price, and all additional attendees from the same organization come at HALF price! Call 1-800-CLE-NEWS or register online using the group registration option.

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11:15 a.m. **Anatomy of an Appraisal Report\***  
– Ms. Gellineau and Mr. Smith

**The Impact of Kelo and the Limits of Eminent Domain** – Professor Somin

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12:15 p.m. Lunch Break

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1:30 p.m. **Effective Case Planning for Taking Authority or Property Owner\***  
– Mss. Alderman and Beachy

**The Art of Effective Negotiation: A Judicial View** – Judge Anderson

**Municipalization of Utilities**  
– Messrs. Clough and Rayl

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2:15 p.m. **Taking Depositions in Eminent Domain Cases\***  
– Messrs. Della Pelle and Suntum

**Advice to Condemnees from Condemnors** – Mr. Cherry and Ms. Handy

**Access and Visibility: How to Approach the Case for the Courtroom** – Messrs. Barr and Savin

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3:00 p.m. Networking and Refreshment Break

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3:15 p.m. **Name That Tune: Common Themes in Eminent Domain Trials\***  
– Ms. Handy and Mr. Scott

**Motions Practice: Define, Narrow, Win** – Messrs. Baker, Murakami, and Rikon

**Accounting Principles for Valuation Lawyers: Using the CPA to Advance Your Case** – Mr. Cadle

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4:00 p.m. **Advice for Beginning Eminent Domain Trial Lawyers: How to Win a Case\*** – Mr. Sperber, Moderator; Messrs. Brigham, Della Pelle, Pipes, and Smith and Ms. Torgimson

**The Uneconomic Remnant and Other Overlooked Property Interests in Condemnations**  
– Messrs. Scott and Walsh

**The Right to a Jury Trial in Federal Condemnations** – Mr. Hearne

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5:00 p.m. Adjournment for the Day; **Meet and Greet Networking Reception for Registrants and Faculty**

**\*Condemnation 101 Track**

Here's what registrants have said about recent presentations of this course:

*"I was impressed with the course content and speakers, and was particularly impressed with the effort to provide both practice and substantive law seminars. I also appreciated very much the efforts to connect people socially. I had many valuable and enjoyable discussions that way."*

*"This is my first time at the conference. My purpose in attending is to return to the eminent domain/inverse condemnation community after being away many years. For that purpose, it was a great success. I met many people and rekindled old relationships.... I plan to attend again in the future."*

*"A privilege to attend."*

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6:00 p.m. **Hospitality and Networking Events** – Join your colleagues, faculty, and the Hospitality Committee for dinner (not included in tuition). *Hospitality Committee*  
*Chair: Donna Elliott*

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## *Friday, January 29, 2016*

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7:30 a.m. Continental Breakfast

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8:00 a.m. **Ethics: Tips and Traps for the Eminent Domain Practitioner** – *Ms. Johnson and Messrs. Neblett and Sherman*

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9:00 a.m. **Class Actions in Inverse Condemnation: Evaluating, Preparing, and the Courtroom** – *Mr. Wolf*

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9:45 a.m. Networking and Refreshment Break

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10:00 a.m. **First Amendment for Fifth Amendment Lawyers: Free Speech, Signs, Defamation, FOIA, and RLUIPA Claims** – *Ms. Berliner and Mr. Gowder*

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11:00 a.m. **The Electrical Engineer in Powerline Cases: The Expert and the Order of Proof** – *Messrs. Brigham and Dew*

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12:00 noon **Lunch with Faculty and Registrants** (provided by ALI CLE)

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### **CONCURRENT SESSIONS**

*(Registrants may shuttle between meeting rooms.)*

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1:30 p.m. **Voir Dire: Hunting for Biases** – *Mss. Handy and Torgimson*

**Valuation of Convenience Stores** – *Messrs. Bainbridge and Pipes*

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2:15 p.m. **Relocation: Personal Property, Fixtures, and Equipment – How to Succeed** – *Ms. Gelineau and Messrs. Sperber and Sullivan*

**Project Influence and Scope of Project: Why All the Confusion?** – *Mr. Waldo*

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3:00 p.m. Networking and Refreshment Break

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3:15 p.m. **Handling the Tricky Issues in an Eminent Domain Case** – *Ms. Bonnen and Mr. Cherry*

**Probability of Rezoning as an Element of Valuation** – *Ms. Meade and Messrs. Merriam and Ruffin*

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4:00 p.m. **Using Technology at Trial to Enhance the Persuasiveness of Your Case** – *Mr. Suntum*

**Eminent Domain Trials: Lessons Learned the Hard Way** – *Messrs. Brandys and Hannula and Ms. Torgimson*

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5:00 p.m. **Little Pink House: An Interview with the Filmmaker – An Inside Look at the Upcoming Kelo Movie** – *Messrs. Balaker and Thomas*

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5:45 p.m. **Hospitality and Networking Events** — Join your colleagues, faculty, and the Hospitality Committee for dinner (not included in tuition).

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## *Saturday, January 30, 2016*

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8:30 a.m. Continental Breakfast

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9:00 a.m. **Regulatory Takings Update** – *Mr. Berger*

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10:00 a.m. **Property Rights and the First Ten Years of the Roberts Court** – *Mr. Burling*

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11:00 a.m. Networking and Refreshment Break

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11:15 a.m. **National Forum: Issues Facing Practitioners Around the Nation** – *Messrs. Brigham, Sperber, Thomas, and Waldo and practitioners from around the country*

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12:15 p.m. Adjournment

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**Total 60-minute hours of instruction: 16.25, including one hour of ethics**

**19.5 CPE credit hours in Business Law (live and group internet based program)**

# HOW TO REGISTER

ONLINE [www.ali-cle.org/CX015](http://www.ali-cle.org/CX015)  
PHONE 1-800-CLE NEWS  
FAX 215-243-1664

MAIL Return the form on the back panel of this brochure to:  
REGISTRAR, ALI CLE  
4025 Chestnut Street  
Philadelphia, PA 19104-3099

## REGISTER TWO OR MORE AND SAVE!

Register one person to attend this course in-person and get all subsequent in-person registrations for this course from your organization at **50% off!** Call 1-800-CLE-NEWS (253-6397). Discounts may not be combined.

## HOTEL ACCOMMODATIONS

A limited block of rooms has been reserved at the **Hotel Van Zandt**. Room rate: \$269 per night, single occupancy; \$289 per night, double occupancy. These rooms will be held as a block, unless exhausted, until **January 6, 2016**, at which time they will be released to the general public. Registrants must make their own hotel reservations and indicate that they are attending the ALI CLE program to qualify for rooms in the block.

Room reservations may be made by calling the Hotel Van Zandt, 605 Davis Street, Austin, Texas 78701; phone 1-877-202-2191. To make reservations, please call 1-877-731-0505 or 1-800-KIMPTON and ask specifically for group code "**0126EMINENT**." You may also reserve your room online. Confirmations will be sent by the hotel. Please read the cancellation policy carefully.

## STUDY MATERIALS AND USB DRIVES

Registrants have the options of receiving their study material as a printed course book OR on a USB drive. **Be sure to indicate your preference when you register. Go Green!** Select the USB option!

## NETWORKING OPPORTUNITIES

Networking is an important reason to attend this and every other ALI CLE course. Registrants for last year's presentation of this course came from **36** states!

Go to [www.ali-cle.org/CX015](http://www.ali-cle.org/CX015) for more info about: **registration/cancellation/requirements for persons with disabilities/scholarships**

## MANDATORY CLE AND CPE CREDIT

Virtually all ALI CLE programs receive CLE credit in **AK, AL, AR, AZ, CA, CO, DE, FL, GA, HI, IA, IL, IN, KS, KY, LA, ME, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, PA, RI, SC, TN, TX, UT, VA, VT, WA, WI, and WV**. Upon request, ALI CLE will apply for CLE credit in **ID, OR, and WY**. This course is expected to qualify for 16.25 credits, including 1 ethics credit, in 60-minute MCLE jurisdictions; and for 19.5 credits, including 1.2 ethics credits, in 50-minute MCLE jurisdictions. In NY, the in-person course is appropriate for both newly admitted and experienced attorneys. For specific information on CLE, CPE, or other professional accreditation in your state, please e-mail the MCLE Team at [TeamMCLE@ali-cle.org](mailto:TeamMCLE@ali-cle.org), go to <http://www.ali-cle.org/mcle>, or call 1-800-CLE-NEWS.



## NASBA

ALI CLE is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: [www.learningmarket.org](http://www.learningmarket.org). For more information regarding ALI CLE's administrative policies, such as complaint and refund, please call Customer Service at (800) CLE-NEWS. **CPE credit hours for this course: 19.5 in Business Law** (live group and group internet-based programs). **Learning Objectives:** Acquisition of knowledge and skills to develop proficiency as a practitioner; maintenance of professional competence as a practitioner; provision of information on recent legal developments. **Suggested Prerequisite:** Experience in practice in subject matter. **Level of Instruction:** Advanced.

## Catch the fever. Create a buzz with social networking.

Tweet today and interact with other course registrants and faculty. Consider posting new course topics and pose questions you have for the faculty. Or simply use this social networking tool to make lunch or dinner plans with others in attendance.

#EminentdomainCLE2016

*This annual conference brings together lawyers, appraisers, condemning agencies, right-of-way professionals, and leading academics from around the country to explore cutting-edge issues in eminent domain and property valuation.*

Customize this unique course to work for you! Each morning features issues and topics that affect all practitioners today. If you are new to the practice, attend the Condemnation 101 presentations on Thursday. For more experienced lawyers and related professionals, Thursday and Friday afternoons offer concurrent sessions on substantive takings law or practice pointers, taught by nationally recognized and experienced professionals.

Examine the latest issues, engage in healthy debate, and get the information you need to know to stay current in your practice. **This year's topics include:**

- Property Rights and the First Ten Years of the Roberts Court
- Advice to Condemnees from Condemnors
- The Electrical Engineer in Powerline Cases: The Expert and the Order of Proof
- Class Actions in Inverse Condemnation: Evaluating, Preparing, and the Courtroom
- Relocation: Personal Property, Fixtures, and Equipment – How to Succeed
- The Uneconomic Remnant and Other Overlooked Property Interests
- Pipelines and Energy Corridors: Valuation Perspectives
- First Amendment for Fifth Amendment Lawyers: Free Speech, Signs, Defamation, FOIA, and RLUIPA Claims

**Special Feature:** See a live interview with the producer of the upcoming film, "Little Pink House," the adaptation of the story behind the U.S. Supreme Court's *Kelo v. City of New London* decision.

*Networking, networking, networking!* Meet other eminent domain practitioners and professionals at refreshment breaks, a reception on Thursday evening, a luncheon on Friday, and social activities in the evenings arranged by a special hospitality committee.

## JOIN US IN AUSTIN!

Our site hotel, the Van Zandt, is a brand new venue in the historic but hip Rainey Street District, where you'll be steps away from an array of new bars and restaurants. Austin truly has something for everyone. After the conference, be sure to check out the famous live music scene; catch a performance of *Tribes* at the ZACH Theatre or Carlisle Floyd's *Of Mice and Men* at the Long Center; take a walk around Lady Bird Lake; or tour the LBJ Presidential Library.

## Eminent Domain and Land Valuation

Austin, Texas, January 28-30, 2016 | \$1,699

- Please enter \_\_\_\_\_ early bird registration(s) (before 12/11/15): \$1,499 CX015EBB
- Please enter \_\_\_\_\_ registration(s): \$1,699 CX015

New to eminent domain practice? Attend the Condemnation 101 track on Thursday and save!

- Please enter \_\_\_\_\_ registration(s) (includes Friday-Saturday sessions): \$1,399 CX015CON

Please provide my course materials as a (choose only one):

- USB drive
- Printed course book

To register additional registrants at **50% off**, call 800-CLE-NEWS (253-6397).

\*Discounts may not be combined.

### Can't attend? You don't have to miss anything! Order the:

- DVD (including PDFs of the course materials) | \$1,199 AX015V
- AUDIO mp3 CD-ROM (including PDFs of the course materials) | \$999 AX015
- Printed course materials only | \$199 SX015

### Partial Scholarships

Scholarships covering 30% of tuition fees, valid for on-site courses, live webcasts, and webcast segments only, are available. Scholarships may not be combined with other offers.

- I am a full-time employee of the federal, a state, or a local government or governmental agency.
- I am a recent law school graduate (<5 years).
- I am a retired senior lawyer (65 or older).

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