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# Eminent Domain and Land Valuation Litigation

THURSDAY - SATURDAY

JANUARY 26 - 28, 2017

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## Planning Chairs *(also on faculty)*

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

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

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

**Andrew Prince Brigham**  
Brigham Property Rights Law Firm PLLC

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

## Faculty

**Lisa M. Agrimonti**  
Frederikson & Byron, P.A.

**David L. Arnold**  
Pender & Coward

**Mary Nell Bennett**  
Smith & Fawer, L.L.C.

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

**Dana Berliner**  
Senior Vice President  
and Litigation Director,  
Institute for Justice

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

**J. David Breemer**  
Principal Attorney,  
Pacific Legal Foundation

**Matthew Bryant**  
Hendrick Bryant Nerhood  
Sanders & Otis LLP

**Edward G. Burg**  
Manatt, Phelps &  
Phillips, LLP

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

**Brandee L. Caswell**  
Faegre Baker Daniels LLP

**Daniel P. Dalton**  
Dalton & Tomich, PLC

**Martyn Daniel**  
Martyn Daniel LLC

**Stephen S. Davis**  
Arent Fox LLP

**Bernadette M. Duran-Brown**  
Nossaman LLP

**Darius W. Dynkowski**  
Ackerman Ackerman &  
Dynkowski

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

**Kenneth M. Gindy**  
San Antonio

**Richard H. Glazer**  
Richard H. Glazer Co., L.P.A.

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

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

**Paul G. Henry**  
Denlow & Henry

**Justin Hodge**  
Johns Marrs Ellis  
& Hodge LLP

**Jeremy P. Hopkins**  
Waldo and Lyle, P.C.

**Scott E. Jenny**  
Jenny and Jenny, LLP

**Jamila A. Johnson**  
Schwabe, Williamson  
& Wyatt

**Brian G. Kunze**  
Waldo & Lyle, P.C.

**Susan Macpherson**  
Senior Litigation Consultant;  
Vice President, National  
Jury Project Litigation  
Consulting/Midwest

**James D. Masterman**  
Greenberg Traurig

**Mark V. Meierhenry**  
Meierhenry Sargent LLP

**Dwight H. Merriam**  
Robinson & Cole LLP

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

**John C. Murphy**  
Murphy & Evertz

**Thomas M. Olson**  
McKirdy & Riskin, P.A.

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

**Howard A. Roston**  
Frederikson & Byron, P.A.

**Kelly Sheeran**  
Assistant City Attorney,  
City of Chesapeake

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

**Emily T. Supinger**  
Strauss Troy Co., LPA

**Christian F. Torgrimson**  
Pursley Friese Torgrimson

# PROGRAM

For additional program details,  
please visit [www.ali-cle.org/CY009](http://www.ali-cle.org/CY009)

## Faculty *(cont'd.)*

**Timothy L. Vergin, MAI, CRE**  
Chief Financial Officer,  
Diversified Real Estate  
Services, Inc.

**Luke Wake**  
Senior Staff Attorney,  
National Federation of  
Independent Business –  
Small Business Legal Center

**Kelly M. Walsh**  
Schwabe, Williamson &  
Wyatt, P.C.

**Linde Hurst Webb**  
Lydy & Moan, Ltd.

**Minming Wu**  
Assistant Regional  
Counsel, Federal Transit  
Administration, U.S.  
Department of  
Transportation *(invited)*

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

*"This is a high quality program.  
This is the first time I have  
attended this particular course  
and I was impressed with the  
organization and administration  
of the program, the quality of the  
written materials, and the skills of  
the presenters. I met many of the  
attendees, all of whom are  
accomplished professionals."*

– Donald O'Brien, Woods Oviatt  
Gilman LLP, Rochester, NY

ALL TIMES PACIFIC

**January 25, 2017**

**3:00 PM -**  
**5:00 PM** Optional Early Registration

**January 26, 2017**

**8:00 AM** Registration and  
Continental Breakfast

**8:55 AM** Welcome and Announcements  
– *ALI CLE Staff*

**9:00 AM** Conference Overview

**9:15 AM** Eminent Domain National  
Law Update

**10:15 AM** Networking and  
Refreshment Break

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# CONCURRENT SESSIONS

(Registrants may shuttle between meeting rooms.)

	CONDEMNATION 101	GENERAL SESSION
10:30 AM	Finding the Story of Your Case	Emerging Areas in Relocation Litigation: The Battle Between Condemnors and Tenants for Relocation Benefits
11:15 AM	Exhibits in Eminent Domain: How to Make a Persuasive Case	

12:15 PM Lunch Break (on your own)

	CONDEMNATION 101	PRACTICE	SUBSTANTIVE
1:30 PM	Key Concepts for the Beginning Eminent Domain Practitioner	Permitting and Approvals for Linear Energy Transmission and Pipeline Projects	Are Reasonable Attorney Fees a Constitutional Requirement?
2:15 PM	Working with Witnesses in Eminent Domain	Lessons Learned and How to Appeal Under the Uniform Relocation Act	Early Entry Statutes: Pitfalls and a Trailmap to Avoid Them

3:00 PM Networking and Refreshment Break

	CONDEMNATION 101	PRACTICE	SUBSTANTIVE
3:15 PM	Effective Case Planning: Getting Your Case Off to a Good Start	Highway and Railway Projects: What a Difference Federal Funding Makes	Lucas 25 Years Later: Has the Sky Fallen?
4:00 PM	The Difference Between Winning and Losing	Protecting the Land Owner From an Unlawful Taking: Leveraging Public Records in a Successful Defense	Everything About Eminent Domain I Need to Know I Learned from Star Trek: Do the Needs of Many Outweigh the Needs of a Few?

5:00 PM Adjournment for the Day; Meet and Greet Networking Reception  
(generously sponsored by Cushman & Wakefield and McFarland PLLC)

6:00 PM Hospitality and Networking Events – Join your colleagues, faculty, and the Hospitality Committee for dinner (not included in tuition)

Hospitality Committee Chairs: Donna Elliott and Kerry Collins

January 27, 2017

<b>7:30 AM</b>	Networking and Continental Breakfast	<b>9:45 AM</b>	Networking and Refreshment Break
<b>8:00 AM</b>	<b>Solving Ethical Issues Unique to Eminent Domain Practice</b>	<b>10:00 AM</b>	<b>Teamwork: How a Jury Consultant Collaborates with the Attorney to Present a Compelling Case</b>
<b>9:00 AM</b>	<b>Can the Police Power Trump the Requirement of Just Compensation?</b>	<b>11:00 AM</b>	<b>Dynamic Trial Presentation: How the Predicate Experts Make the Case</b>
<b>12:00 PM</b>	Lunch for Registrants and Faculty <i>(provided by ALI CLE)</i>		

	PRACTICE	SUBSTANTIVE
<b>1:15 PM</b>	<b>Make or Break: Winning Common Valuation Evidentiary Issues at Trial</b>	<b>The Title Vesting Trap for an Unwary Landowner</b>
<b>2:00 PM</b>	<b>Using the Client in the Valuation Case: Effective Landowner Testimony</b>	<b>Religion and Eminent Domain: The Federal Statute You Need to Know</b>

**2:45 PM**      Networking and Refreshment Break

	PRACTICE	SUBSTANTIVE
<b>3:00 PM</b>	<b>No Holds Barred: Admitting or Excluding the Lowball Offer</b>	<b>Planning Ahead: Future Highway Corridors as Takings</b>
<b>3:45 PM</b>	<b>Negotiation: When to Mediate Which Cases and How to Demonstrate Risk Without Giving Away the Farm</b>	<b>Current Right-to-Take and Blight Challenges: Will <i>Kelo</i> Soon Fall?</b>

**4:45 PM**      Adjournment for the Day; Hospitality Events and Networking - Join your colleagues, faculty, and the Hospitality Committee for dinner *(not included in tuition)*

January 28, 2017

<b>8:30 AM</b>	Networking and Continental Breakfast	<b>11:00 AM</b>	Networking and Refreshment Break
<b>9:00 AM</b>	<b>Regulatory Takings Update</b>	<b>11:15 AM</b>	<b>National Forum: Issues Facing Practitioners Around the Nation</b>
<b>10:00 AM</b>	<b>Eminent Domain and Expropriation as Wealth Redistribution Tool</b>	<b>12:00 PM</b>	Adjournment

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## ADDITIONAL INFORMATION

### HOTEL ACCOMMODATIONS

A limited block of rooms has been reserved at the **Westin San Diego**. Room rate: \$239 per night, single or double occupancy. These rooms will be held as a block, unless exhausted, until **January 3, 2017**, 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 Eminent Domain program to qualify for rooms in the block.

Room reservations may be made by contacting the Westin San Diego, 400 West Broadway, San Diego, CA 92101; phone 1-888-627-9033 and specifically request the Eminent Domain group rate, or book online at **www.starwood-meeting.com/book/CLE2017**. Confirmations will be sent by the hotel. Please read the cancellation policy carefully.

### STUDY MATERIALS

 **Going green in 2017!** Course materials will be available in electronic format for download the week before and during the course. **Print materials will not be distributed.** All registrants are advised to bring laptops or tablets to the course to view the course materials, including updates.

Go to **www.ali-cle.org/CY009** 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, CT, DE, FL, GA, HI, IA, IL, IN, KS, KY, ME, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, SC, TN, TX, UT, VA, VT, WA, WI, and WV**. Upon request, ALI CLE will apply for CLE credit in **ID, LA, and RI**. This course is expected to qualify for 16 credits, including one ethics credit, in 60-minute MCLE jurisdictions; and for 19.2 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 (253-6397).

### 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**. 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: 19.0 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. **Suggested Prerequisite:** Experience in practice in subject matter. **Level of Instruction:** Advanced.

# EMINENT DOMAIN AND LAND VALUATION LITIGATION

*The only truly national eminent domain conference –  
addressing issues of broad concern, taught by practitioners from across  
the country, and attended in 2016 by professionals representing 36 states!*

Exploring a full range of cutting-edge issues and drawing professionals from across the country, this annual conference is “the place to be” for all eminent domain and land use practitioners. Customize the unique curriculum to work for you!

*Experienced practitioner?* Choose from dual afternoon tracks addressing key issues in substantive takings law, or choose from an array of sessions chock full of practice pointers.

*New to the practice, or need a refresher?* Attend the Condemnation 101 “bootcamp” sessions on Thursday, and then join the other attendees for the rest of the conference’s more advanced sessions.

Either way, you’ll learn from recognized and experienced professionals representing the diverse stakeholders in these cases. Hear are just some of the all-new topics in 2017:

- Teamwork: How a jury consultant collaborates with the attorneys to present a compelling case
- Emerging issues in relocation litigation and under the Uniform Relocation Act
- Dynamic trial presentations: How predicate experts make the case
- Effective landowner testimony: Using the client in the valuation case
- Permitting and approvals for linear energy transmission and pipeline projects
- Present and future highway projects: Obtaining information under public records laws and the role of federal funding
- Where we are 25 years after the Supreme Court established the “total takings” test in *Lucas v. South Carolina Coastal Council*

**Networking, networking, networking!** Meet like-minded practitioners from across the country at breakfasts, breaks, a reception on Thursday afternoon, a luncheon on Friday, and social activities in the evenings arranged by a special hospitality committee.

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