

ANNUAL COURSE

ALICLE

VIDEO WEBCAST

EMINENT DOMAIN — AND — LAND VALUATION LITIGATION 2019



JANUARY 24 - 26, 2019 | PALM SPRINGS, CA

PLANNING CHAIRS *(also on faculty)*

Robert H. Thomas

Damon Key Leong Kupchak Hastert, LLC; Joseph T. Waldo Visiting Chair in Property Rights, William & Mary Law School

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

KEYNOTE SPEAKER

W. Taylor Reveley, III

President Emeritus, The College of William & Mary,
John Stewart Bryan Professor of Jurisprudence, William & Mary Law School

FACULTY

Jody Harper Alderman

Alderman Bernstein

Kevin Anderson

Anderson Call & Wilkinson

Jeffrey A. Beaver

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LLP

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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

Senior Attorney, Pacific Legal
Foundation

Edward G. Burg

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James S. Burling

Vice President for Litigation,
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Brandee L. Caswell

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Christopher M. Clough

Barron Adler Clough & Oddo
LLP

David Collins

Attorney at Law

Martyn Daniel

Martyn Daniel LLC

Anthony F. DellaPelle

McKirdy, Riskin, Olson &
DellaPelle, P.C.

Robert C. Dew, Jr.

GDS Associates Inc./Hi-line
Engineering

**Honorable Andrew M.
Edison**

Magistrate Judge, U.S. District
Court, Southern District of Texas

Carolyn Elefant

Law Offices of Carolyn Elefant
PLLC

Michael F. Faherty

Faherty Law Firm

Leslie Fields

Executive Director, Owners'
Council of America

Jennifer A. Flint

Bricker & Eckler LLP

Tsega Girma

Assistant Attorney General,
Office of the Attorney General,
Maryland State Highway
Administration

W. Andrew Gowder, Jr.

Austen & Gowder, LLC

Janet Bush Handy

Attorney at Law; former Deputy
Counsel, Assistant Attorney
General, Maryland State
Highway Administration

Mark F. (Thor) Hearne, II

Arent Fox LLP

Justin Hodge

Marrs Ellis & Hodge LLP

Jeremy P. Hopkins

Crantill Sumner & Hartzog LLP

Jonathan M. Houghton

Goldstein Rikon Rikon &
Houghton P.C.

Chris Johns

Johns & Counsel PLLC

Sarah Kellner

Faegre Baker Daniels LLP

Christopher W. Kramer

Jennings, Strouss & Salmon,
PLC

Brian G. Kunze

Waldo & Lyle, P.C.

Meghan S. Largent

Arent Fox LLP

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Donahue, Goldberg & Weaver,
LLP

James D. Masterman

Greenberg Traurig, LLP

Charles B. McFarland

McFarland PLLC

Dwight H. Merriam

Robinson & Cole LLP

**Christopher Mothorpe,
Ph.D.**

Assistant Professor of
Economics, College of
Charleston

Mark M. Murakami

Damon Key Leong Kupchak
Hastert, L.C.

John C. Murphy

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Newman & Rouse, P.C.

Hon. Tim Quinn

Member, Utah House of
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Shane Rayman

Rayman Beitchman LLP

Michael Rikon

Goldstein Rikon Rikon &
Houghton P.C.

Mikaela V. Rivera

Waas Campbell Rivera Johnson
& Velasquez LLP

James T. Roth

Miller, Miller & Canby,
Chartered

Mark D. Savin

Fredrickson & Byron, P.A.

Shelley Ross Saxer

Laure Sudreau Endowed
Professor of Law, Pepperdine
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Kelly Daniels Sheeran

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Lori Snider

Director, Right of Way and
Utilities Division, Virginia
Department of Transportation

Michael Sullivan

Range West Consultants LLC

Joseph P. Suntum

Miller, Miller & Canby,
Chartered

Kelly M. Walsh

Schwabe, Williamson &
Wyatt PC

Kinnon W. Williams

Inslee, Best, Doezie & Ryder, PS

**ALI CLE Senior Program
Attorney:**

Amy S. Weinberg
(aweinberg@ali-cle.org)

PROGRAM OVERVIEW

This annual conference is "the place to be" for all eminent domain and land use practitioners.

Join us at this **must-attend** national conference – this year in sunny Palm Springs – to examine the latest issues, engage in healthy debate, and get the information you need to stay current in your practice. 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, 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.

Don't miss this year's keynote address, "Property Rights: Foundation for a Free Society," by **W. Taylor Reveley, III**. Other highlights include:

- Relocation "A to Z", plus navigating displacement of immigrant and refugee communities
- In the "Knick" of time: A first look at the Supreme Court's revisit of ripeness
- Flood, wildfire, and other inverse cases presenting big issues, nationwide
- Proving just compensation for loss of access and damages
- Correcting misconceptions about eminent domain in the media and social platforms
- Pipelines times two: The power to take, environmental and regulatory challenges, and avoiding compensation pitfalls
- What you need to know about border condemnations
- Takings for energy corridors and how they may affect value

And remember the networking! Enjoy plentiful opportunities to meet like-minded practitioners from across the country – whether at meals, the Thursday evening reception, or at social activities in the evenings arranged by a special hospitality committee.

15.50

CLE CREDIT HOURS,
INCLUDING

1.00

HOUR OF ETHICS

18.50

CPE CREDIT HOURS IN
BUSINESS LAW

*(group live and group
internet-based programs)*

Go to **www.ali-cle.org/CA007** to register online or for more information about the program, hotel accommodations, study materials, and CLE/CPE credit.

AGENDA

ALL TIMES PACIFIC

WEDNESDAY, JANUARY 23

3:00 PM - 5:00 PM Early Registration (*optional*)

THURSDAY, JANUARY 24

8:00 AM Registration and Continental Breakfast
(*sponsored by Goldstein, Rikon, Rikon & Houghton*)

8:55 AM Welcome and Announcements

VIDEO WEBCAST SEGMENT A

9:00 AM Conference Overview
9:15 AM Keynote Address – Property Rights: Foundation for a Free Society (*supported by Waldo & Lyle, P.C.*)
10:00 AM Networking and Refreshment Break

CONCURRENT SESSIONS (*Registrants may shuttle between meeting rooms.*)

	CONDEMNATION 101*	GENERAL SESSION
10:15 AM	Eminent Domain Exhibits: More Than Just Show and Tell	Eminent Domain National Law Update
11:15 AM	Building Your Case: Practical Suggestions on Working With Expert Witnesses in Eminent Domain	JFK: The Assassination, the Zapruder Film, and Just Compensation

12:00 PM Lunch (*sponsored by Cushman & Wakefield*)

VIDEO WEBCAST SEGMENT B

	CONDEMNATION 101*	PRACTICE*	SUBSTANTIVE
1:30 PM	Measuring Just Compensation: Top Five Issues in Eminent Domain Valuation Trials	Presenting the Appraiser: Helping the Jury Understand Technical Witnesses	New Frontiers in Challenging the Taking: Pretext, Bad Faith, and Proving Private Use
2:15 PM	The Art of the Chart: How to Present Complicated Appraisal Evidence	Redevelopment is Alive and Well: How Does the Owner Stand Its Ground?	Legislative Reform of Project Damages: Using Common Sense and the Market to Achieve Solutions

3:00 PM Networking and Refreshment Break

HOTEL ACCOMMODATIONS

A room block is available until **January 2, 2019** at the **Renaissance Palm Springs Hotel** at the rate of \$185 per night for a Run of House room, unless the block sells out before that time. Registrants must make their own hotel reservations by calling (888) 682-1238 and referencing “American Law Institute CLE Eminent Domain.” An online reservation link and related details can also be found at www.ali-cle.org/CA007 under the “Venue” tab.

STUDY MATERIALS

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 other portable devices to the course to view the course materials, including updates.

Go to www.ali-cle.org/CA007 for more info about: **Registration/cancellation/requirements for persons with disabilities/scholarships.**



	CONDEMNATION 101*	PRACTICE*	SUBSTANTIVE
3:15 PM	The Basics of a Regulatory Taking Inverse Condemnation Claim	Working Through the Right-of-Way and Taking Process: How to Make Sure It's Not a Bumpy Road	Too Important To Be Left to the Engineers: Do Lawyers Have a Role in Project Design?
4:00 PM	Tips and Traps for the New Eminent Domain Lawyer	Working Through Complicated Relocation Issues From A to Z: How to Make It Happen	Run for the Border: Fence and Wall Condemnations
5:00 PM	Adjournment for the Day; Networking Reception for Registrants and Faculty <i>(sponsored by Cushman & Wakefield, McFarland PLLC, and Range West Consultants)</i>		
6:00 PM	Hospitality and Networking Events – Join colleagues, faculty and the Hospitality Committee for dinner <i>(not included in tuition)</i> <i>Hospitality Committee: Donna Elliott, Russell Terman, and Blake Willis</i>		

FRIDAY, JANUARY 25

7:30 AM Networking and Continental Breakfast

VIDEO WEBCAST SEGMENT C

8:00 AM Issues in Eminent Domain That Invite Ethical Mistakes: Staying on the Straight and Narrow

9:00 AM Earth, Wind, (Water), and Fire: A Report From the Front Lines of the Flood and Wildfire Inverse Cases

9:45 AM Networking and Refreshment Break

10:00 AM Fight the Power: The Impact and the Valuation of Power Lines in Partial Takings

11:00 AM “Knick” of Time – A First Look at the Supreme Court’s Revising Ripeness: Are Takings a State or Federal Question?

12:00 PM Lunch *(sponsored by McFarland PLLC)*

VIDEO WEBCAST SEGMENT D

	PRACTICE*	SUBSTANTIVE
1:15 PM	Making the Case for Compensation for Unusual Properties: Lessons on Jury Pitches	Pipelines I – Where You Haven’t Gone Before: New Approaches to Challenging the Take
2:00 PM	Navigating Cultural Conflicts in Mass Relocations: Displacement of Immigrant and Refugee Communities	Pipelines II – Compensation Pitfalls: How to Avoid Problems

MANDATORY CLE CREDIT

ALI CLE programs are generally accredited in all MCLE jurisdictions. Credit in CO is available by reciprocity; credit in ID, LA, and RI is available upon request. For specific information on CLE, CPE, or other professional accreditation in your state, e-mail TeamMCLE@ali-cle.org, go to <http://www.ali-cle.org/mcle>, or call 1-800-CLE-NEWS.

CPE CREDIT



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.nasbaregistry.org. For information on ALI CLE’s complaint and refund policies, call Customer Service at (800) CLE-NEWS. **CPE Credit hours for this course: 18.5 in Business Law. 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. **Advance Preparation:** None.

2:45 PM Networking and Refreshment Break

	PRACTICE*	SUBSTANTIVE
3:00 PM	Loss of Access: How to Prove Just Compensation and Damages	<i>Palazzolo</i> , Preexisting Regulations, and Reasonable Likelihood of a Regulatory Takings Judgment as Elements of Just Compensation
3:45 PM	Preparing the Appellate Battlefield: Anticipating Issues and Best Practices for Winning (or Avoiding) Appeals in Eminent Domain and Inverse Cases	Responding to Misconceptions and Urban Legends About Eminent Domain in Popular Media

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

SATURDAY, JANUARY 26

8:30 AM Networking and Continental Breakfast

VIDEO WEBCAST SEGMENT E

9:00 AM Regulatory Takings Update
10:00 AM Money for Nothing, Permits for Free: Exaction in the Post-Koontz World

11:00 AM Networking and Refreshment Break
11:15 AM National Forum: Issues Facing Practitioners Around the Nation
12:00 PM Adjournment

* Not webcast or recorded

“
This annual course is the best professional effort I am involved in every year.
”

“
The programming has been consistently competent – very useful and collegial annual refresher. Thank you!
”

PRICING DETAILS

STANDARD RATE \$1,799 | WEBCAST RATE \$1,399

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EXPERIENCE PALM SPRINGS!

Coming early or staying in Palm Springs for the weekend? The city has something for everyone!

Want to stop, shop, and stroll? Every Thursday evening downtown Palm Springs has a pedestrian street fair featuring arts, crafts, food, and entertainment. <http://www.villagefest.org/>

Art lover? Our conference hotel is just blocks away from the Palm Springs Art Museum, which stays open until 8 pm on Thursdays and has free admission after 4 pm! <https://www.psmuseum.org/>

Enjoy hiking, or just want to take in some breathtaking views? Ascend 2.5 miles to Mt. San Jacinto State Park on the world's largest rotating tramcar. <https://www.pstramway.com/>

Looking to play 18 holes? Book a round at one of the dozens of golf courses in the area. <http://palmsprings.com/golf.html>

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