

31st Annual
Advanced ALI CLE Course

THE AMERICAN LAW INSTITUTE
Continuing Legal Education

Eminent Domain and Land Valuation Litigation

**Thursday-Saturday,
January 23-25, 2014**

**New Orleans, Louisiana
(Hotel Monteleone)**

and Live Video Webcast

Register online:
www.ali-cle.org/CV023

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

**19.5 CPE credit hours
in Business Law**

*“Outstanding program.
The best eminent domain
program presented each year.”*

— previous registrant

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

Lawyers, appraisers, condemning agencies, right-of-way professionals, and leading academics meet to share valuable experiences and engage in healthy debate on cutting-edge issues. Along with invaluable networking opportunities, this course provides:

- a comprehensive update on eminent domain case law and legislation
- dual tracks on substantive and practice topics that allow you to tailor the course to your unique interests
- sessions on the hottest topics in the field to keep you and your practice a step ahead of the rest, including using iPads at trial, Keystone Pipeline developments, appraising utility corridors, condemnation issues in the aftermath of a natural disaster, and more

Register Two or More and Save!

Register at full price and all other registrants at your firm attend for 50% off, or bring an associate to Condemnation 101 (being held concurrently) and get 50% off their tuition.

Planning Chairs *(also on faculty)*

Leslie A. Fields

Faegre Baker Daniels LLP, Denver

Joseph T. Waldo

Waldo & Lyle, P.C., Norfolk, Virginia

Faculty

Stephen I. Adler

Barron Adler, L.L.P.,
Austin, Texas

George B. Autry, Jr.

Cranfill Sumner & Hartzog LLP,
Raleigh, North Carolina

Stephanie Hutchins Autry

Cranfill Sumner & Hartzog LLP,
Raleigh, North Carolina

Michael M. Berger

Manatt, Phelps & Phillips, LLP,
Los Angeles

Amy Brigham Boulris

Gunster, Yoakley & Stewart, P.A.,
Miami

Andrew Prince Brigham

Brigham Property Rights Law Firm
PLLC, Jacksonville, Florida

Edward G. Burg

Manatt Phelps & Phillips, LLP,
Los Angeles

James S. Burling

Director of Litigation,
Pacific Legal Foundation,
Sacramento

Brandee L. Caswell

Faegre Baker Daniels LLP,
Denver

Francis A. Cherry, Jr.

Randolph, Boyd,
Cherry and Vaughan,
Richmond, Virginia

Anthony J. Coyne

Mansour, Gavin, Gerlack & Manos,
L.P.A., Cleveland

Anthony F. Della Pelle

McKirdy & Riskin P.A.,
Morristown, New Jersey

Andrew L. Ehrlich

Faegre Baker Daniels LLP,
Washington, D.C.

James W. Ely, Jr., Ph.D.

Milton R. Underwood
Professor of Law Emeritus and
Professor of History Emeritus,
Vanderbilt Law School, Nashville

Jill S. Gelineau

Schwabe, Williamson & Wyatt, P.C.,
Portland, Oregon

Janet Bush Handy

Assistant Attorney General,
State of Maryland, Baltimore

Mark F. (Thor) Hearne, II

Arent Fox LLP,
Washington, D.C.

Steven A. Hirsch

Bryan Cave LLP, Phoenix

Jeremy P. Hopkins

Waldo & Lyle, P.C.,
Norfolk, Virginia

Gideon Kanner

Professor of Law Emeritus,
Loyola Law School, Los Angeles

Kurt C. Kielisch

President, Forensic Appraisal
Group, Ltd., Oshkosh, Wisconsin

John W. Little, III

Gunster, Yoakley & Stewart, P.A.,
West Palm Beach, Florida

Charles M. Lollar

Waldo & Lyle, P.C., Norfolk, Virginia

Susan Macpherson

Senior Litigation and Jury
Consultant, National Jury
Project Litigation Consulting,
Minneapolis

Richard Marchitelli, MAI

Executive Managing Director,
Valuation and Advisory,
Cushman & Wakefield,
Charlotte, North Carolina

James D. Masterman

Greenberg Traurig, LLP, Boston

Michael Rikon

Goldstein, Rikon, Rikon &
Houghton, P.C., New York

Joseph Roles, P.E.

Joseph Roles & Associates, Inc.,
Plantation, Florida

Randall A. Smith

Smith & Fawer, L.L.C., New Orleans

Jack R. Sperber

Faegre Baker Daniels LLP, Denver

Michael Sullivan

Range West Consultants LLC,
Prescott, Arizona

Joseph P. Suntum

Miller, Miller & Canby, Chartered,
Rockville, Maryland

John Taylor

President, Virginia Institute for
Public Policy, Verona, Virginia

Robert H. Thomas

Damon Key Leong Kupchak
Hastert, L.C., Honolulu

Charles S. Webb III

Berger & Webb, LLP, New York

John C. Williams, AIA

John C. Williams Architects LLC,
New Orleans

ALI CLE Program Attorney:

Thomas M. Hennessey
(thennessey@ali-cle.org)

Program

All times Central Time

Thursday, January 23, 2014

8:00 a.m. Registration and
Continental Breakfast**

8:55 a.m. Welcome and Announcements
— ALI CLE Staff

Video Webcast Segment A | \$299

9:00 a.m. **Conference Overview**
— Ms. Fields and Mr. Waldo

9:15 a.m. **Eminent Domain
National Law Update**
— Prof. Kanner and Ms. Boulris

10:00 a.m. Networking and
Refreshment Break**

10:15 a.m. **The Design Build Project:
The Obstacles and Solutions
to an Evolving Trend**
— Messrs. Brigham and Roles

11:00 a.m. **A Full and Perfect Equivalent
for Just Compensation: The
Historical Context and Practice**
— Prof. Ely and Mr. Thomas

12:00 noon Lunch Break

Video Webcast Segment B | \$299

AFTERNOON CONCURRENT SESSIONS

(Registrants may shuttle between meeting rooms)

	Practice Issues*	Substantive Issues
1:30 p.m.	Relocation: Missed Opportunities in Making the Client Whole* — Messrs. Adler, Hirsch, and Sullivan	Landlord and Tenant: Apportionment and Other Issues of Tension between the Parties — Ms. Gelineau
2:15 p.m.	The Attorney and Expert: Adjustment and Cost to Cure in Theory and Practice* — Messrs. Smith and Williams	Defining the Nature and Scope of the Taking When it is Unclear or Ambiguous — Mr. Burg

3:00 p.m. Networking and
Refreshment Break**

	Practice Issues*	Substantive Issues
3:15 p.m.	The Latest on the Keystone Pipeline Project* — Mr. Ehrlich	FOIA: How to Effectively Use the Act in Eminent Domain Proceedings — Messrs. Hopkins and Lollar
4:00 p.m.	iPad at Trial: Using the iPad to Enhance Your Eminent Domain Case* — Mr. Suntum	Use of First and Second Generation Rents and Just Compensation: Issues Sweeping Lower and Appellate Courts throughout the Country — Ms. Auty and Messrs. Auty and Marchitelli

5:00 p.m. Adjournment for the Day;
**Meet-and-Greet Reception
for Faculty and Registrants.**
Meet your colleagues from
around the nation.**

6:00 p.m. **Hospitality Events and
Networking; join your
colleagues, faculty, and the
Hospitality Committee for
dinner (optional; dinner not
included in tuition)****

Hospitality Committee:
Robin Gaskins, Donna R. Elliott,
and Michelle Z. Malasovich

Friday, January 24, 2014

7:30 a.m. Networking and
Continental Breakfast**

Video Webcast Segment C

8:00 a.m. **Ethical Pitfalls in Electronic
Discovery**** — Ms. Fields
and Handy and Mr. Waldo

9:00 a.m.	Virginia's Constitutional Reform: Access, Business Losses, and Jury Issues; How it Came About; Pros and Cons — <i>Messrs. Cherry, Hopkins, and Taylor</i>
10:00 a.m.	Checking the Box: Legal Protection for Appraisal Methodology in the Courtroom — <i>Mr. Hearne</i>
10:45 a.m.	Networking and Refreshment Break**
11:00 a.m.	The Keys to Persuasion: How to Succeed in Mediation, Before a Jury, and In the Courtroom — <i>Ms. Macpherson</i>
11:45 a.m.	Appraising the Utility Corridor as the Highest and Best Use — <i>Mr. Kielish</i>
12:30 noon	Lunch Break

Video Webcast Segment D

AFTERNOON CONCURRENT SESSIONS

(Registrants may shuttle between meeting rooms)

	Practice Issues*	Substantive Issues
1:30 p.m.	Rearranging the Deck Chairs When the Ship is Going Down: Protecting Your Record for Appeal* — <i>Messrs. Masterman and Rikon</i>	Condemnation Issues in the Aftermath of Natural Disasters: Case Studies in Louisiana and New Jersey — <i>Messrs. Della Pelle and Smith</i>
2:15 p.m.	Redeveloping Shopping Malls through Urban Renewal Takings Post-Kelo* — <i>Mss. Caswell and Fields</i>	Billboard Valuation: The Law and Methodology — <i>Mr. Coyne</i>

3:00 p.m.	Networking and Refreshment Break**
-----------	------------------------------------

	Practice Issues*	Substantive Issues
3:15 p.m.	Issues of Title, Project Plans, or Other Matters that Can Come Back to Haunt You at Trial* — <i>Mr. Little</i>	The Issue of Assemblage: Probability and its Application in the Legal and Valuation Context — <i>Mr. Webb</i>
4:00 p.m.	The Attorney and Jury Consultant: How to Work Together to Achieve Courtroom Success* — <i>Ms. Macpherson and Mr. Waldo</i>	Authority to Proceed, Settle, and Other Legal Issues When Federal Funds are Involved in a Public Project — <i>Ms. Handy</i>

5:00 p.m. Adjournment for the Day; **Hospitality Events and Networking****

Saturday, January 25, 2014

8:30 a.m.	Networking and Continental Breakfast**
	Video Webcast Segment E**
9:00 a.m.	Regulatory Law Update** — <i>Mr. Berger</i>
10:00 a.m.	The Law of Development Exactions** — <i>Mr. Burling</i>
11:00 a.m.	Networking and Refreshment Break
11:15 a.m.	National Forum: A Discussion by the Audience of Current National Issues Including the Proposal to Condemn Underwater Mortgages** — <i>Ms. Fields and Messrs. Brigham, Sperber, and Waldo</i>
12:00 noon	Adjournment

*Segment not recorded or webcast.

**Joint session for *Eminent Domain* and *Condemnation 101* attendees.

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

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

Condemnation 101: How To Prepare and Present an Eminent Domain Case

Thursday-Saturday
January 23-25, 2014

Hotel Monteleone
New Orleans

Offered in conjunction with *Eminent Domain* to allow for unparalleled networking opportunities, this course is a must for those new to the field or looking for a refresher.

Registrants get instruction on key aspects of an eminent domain case, including:

- initial case planning and early legal challenges
- core principles and property valuation concepts
- working with appraisers and developing your case
- how to present and persuade at trial
- regulatory takings and vested rights

Condemnation 101 registrants can attend for **50% off** when someone at their organization attends *Eminent Domain and Land Valuation Litigation* for full price. Cannot be combined with other offers.

For more information and to register go to www.ali-cle.org/CV025

from ALI CLE

superb instruction
and practical advice

available in
multiple formats

providing numerous
ways to further your
knowledge while
satisfying your
CLE requirements

On location: Maximize your CLE experience. Learn from the best and network with other serious practitioners. Register one person from your firm for this course and get all subsequent registrations at **50% off**.

UP TO 50% OFF

Webcast: Can't attend on location? Register for the live webcast and participate by asking questions online, in real time, and get our famous course materials via searchable PDF. Interrupt your viewing at any time and catch up later with the free online archive. Get all the information you need, and satisfy your CLE needs, without leaving your office. **\$1,199**

Group Webcast: Schedule a convenient group viewing of this course for two or more people and save on tuition. Provide your firm or department with access to the finest legal talent — and train more people at a lower cost — without the additional expense or time constraints of travel. **UP TO 30% OFF**

On-demand CLE: Online audio and/or video and searchable (PDF) course materials are available 24/7 for every course and course segment. **Free To Registrants**

DVD / CD-ROM / Audio MP3 Watch or listen to ALI CLE's renowned courses in your car, home, or office — on your computer, DVD player, or MP3 player — at your own pace. **\$999 / \$799**

Print + Digital Course Materials ALI CLE's acclaimed course materials are available in print or electronically and can be purchased before or after the course. **\$199**

HOW TO REGISTER

online www.ali-cle.org/CV023
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**

GET MANDATORY CLE & 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 one ethics credit, in 60-minute MCLE jurisdictions; and for 19.5 credits, including 1.2 ethics credits, in 50-minute MCLE jurisdictions. In NY, this 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, 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. 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:** Development of initial level of competency as a practitioner; acquisition of knowledge and skills to develop proficiency as a practitioner; maintenance of professional competence as a practitioner; provision of information on recent development. **Suggested Prerequisite:** Limited experience in practice in subject matter or completion of Basic CLE/CPE Course in subject matter. **Level of Instruction:** Advanced.

CONFERENCE LOCATION

The conference will be held at the **Hotel Monteleone**, 214 Royal Street, New Orleans, LA 70130-2201; phone 504-523-3341.

HOTEL ACCOMMODATIONS

Limited room blocks are available at the following nearby hotels:

Hyatt French Quarter Hotel: Room rate: \$249 per night, deluxe single or double occupancy. Room reservations may be made by calling the Hyatt French Quarter Hotel, 800 Iberville Street, New Orleans, LA 70112 (2 blocks from conference hotel); phone 504-586-0800 or 888-421-1442.

Dauphine Orleans Hotel: Room rate: \$219 per night, single occupancy, \$249 per night double occupancy. Rooms include free WIFI and continental breakfast. Room reservations may be made by calling the Dauphine Orleans Hotel, 415 Dauphine Street, New Orleans, LA 70112 (4 blocks from conference hotel); phone 504-586-1800 or 800-521-7111.

The rooms at both hotels will be held as blocks, unless exhausted, until **January 3**, 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 American Law Institute/ALI CLE program to qualify for rooms in the blocks. Confirmations will be sent by the hotels. Please read the cancellation policy carefully.

USB DRIVES

Registrants have the options of receiving their study material in printed course books OR on a USB drive. To receive the USB drives, registrants must select the USB option when they register. Registrants who do not select the USB option will receive printed course books. Go Green! Select the USB option!

**Go to www.ali-cle.org/CV023 for more info about:
registration/cancellation/requirements for persons with
disabilities/scholarships**

SOCIAL NETWORKING



Start interacting with other course registrants and faculty through these social networking tools. Post topics you would like to see covered during the course, discuss hot topics, and make lunch and dinner plans with other on-site attendees.

Facebook: <https://www.facebook.com/events/546205962126862>

Twitter: #CED14

The power of eminent domain is being reshaped across the nation by court rulings and legislation.

While recent court activity and legislation has involved the controversial use of eminent domain to take property for economic development by private parties, municipalities are threatening to use eminent domain to take “underwater” mortgages, and budgetary constraints are imposing pressures on condemning authorities. How will this shake out? How can the eminent domain and land use practitioner stay abreast of all of the changes?

This popular and long-running advanced course kicks off with a comprehensive update on eminent domain case law and legislation. On Thursday and Friday afternoons, dual tracks address important substantive and practice topics in a series of breakout sessions, taught by nationally recognized and experienced professionals. Registrants can learn about the key issues in substantive takings law or choose from another array of sessions chock full of practice pointers.

Learn what you need to know to stay current in your practice. Here are just some of this year's topics for discussion:

- key practice issues, including: assessing relocation costs, Keystone Pipeline developments, using the iPad at trial, protecting the record for appeal, redeveloping shopping malls through urban renewal, how to work with a jury consultant, and addressing title issues and project plans at trial
- updates on eminent domain case law, regulatory law, and just compensation
- more than 20 sessions on hot topics, such as: design build projects, legal protection for appraisal methodologies, and appraising utility corridors
- substantive law concerns, including: apportionment of damages between landlords and tenants, use of FOIA in eminent domain proceedings, use of first and second generation rents, billboard valuation, condemnation issues in the aftermath of a natural disaster, and legal issues when federal funds are involved in a project
- ethical issues for eminent domain and land use attorneys

Networking opportunities are scheduled throughout the program during breakfasts, networking breaks, a Thursday afternoon reception, and evening social activities arranged by a special hospitality committee. Come and meet with colleagues from around the nation, exchange ideas, and enjoy the fellowship.

Eminent Domain and Land Valuation Litigation

New Orleans, LA, January 23-25, 2014 | \$1,499

Please enter _____ registration(s): \$1,499 CV023

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

USB drive Printed course book

Please consider "going green" and order your study materials on USB drive.

We recommend that you bring a laptop for viewing at the program.

Register two or more and save! Call Customer Service at

800-CLE-WEBCAST (253-6399) or go to www.ali-cle.org/CV023

Video Webcast | \$1,199 / \$299

- Full program. Tuition: \$1,199 WAV023
- Webcast Segment A: \$299 WAV023A
- Webcast Segment B: \$299 WAV023B
- Webcast Segment C: \$299 WAV023C
- Webcast Segment D: \$299 WAV023D
- Webcast Segment E: \$299 WAV023E

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

- DVD (video), including a complimentary MP3 CD-ROM and PDFs of the course materials | \$999 AV023V
- Audio MP3 CD-ROM (including PDFs of the course materials) | \$799 AV023
- Printed course materials only | \$199 SV023

Partial Scholarships

Scholarships covering 30% of tuition fees, valid for on-site courses, live webcasts, and webcast segments only, are available. Scholarships cannot 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).

\$ _____ Total _____ Please charge to my credit card: AMEX DISCOVER MasterCard VISA

Card no.: _____

Card expiration date: _____ / _____

American Law Institute

Continuing Legal Education

4025 Chestnut Street, Philadelphia, PA 19104-3099

NONPROFIT ORG
U.S. Postage
PAID
ALI CLE

Printed on FSC certified paper

KEY CODE CV023LM

Name _____

Title _____

Firm _____

Address _____

SIGNATURE _____

E-MAIL ADDRESS (REQUIRED FOR WEBCASTS AND ONLINE SUBSCRIPTIONS)

CV023

City _____

State _____

Zip _____