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**4th Annual Conference!**

# Eminent Domain

**Nuances in Law and Practice Explained**

**February 17-18, 2005 • Hilton Hotel • Austin**

## **Who Should Attend:**

- Attorneys and Legal Staff
- Appraisers
- Right-of-Way Professionals
- City and County Representatives
- Government Officials and Regulators
- Judges
- Builders
- Developers
- Land Planners
- Property Owners
- Real Estate Professionals
- Consultants
- Engineers

...and anyone interested in eminent domain issues!

## **Past Conferences Attended By:**

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Harris County Attorney's Office  
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Harris County Right of Way Division  
Intercity Investments  
James Jones & Associates  
Killam Oil Company  
Kirkendall, Frost & Allen  
Land Strategies  
Lower Colorado River Authority  
Lewis Realty Advisors  
Lockwood, Andrews & Newman  
McGowen & Shaw  
McLean & Howard  
Minter, Joseph & Thornhill  
Munsch Hardt Koph & Harr  
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Conference Schedule and Speaker Biographies Inside



# conference **schedule**

Eminent Domain

## Thursday, February 17

## Friday, February 18

<p>8:00 Registration</p> <p>8:30 <b>Welcoming Remarks</b> <i>Stephen I. Adler, Esq., Program Co-Chair, and Erik L. Cardinell, Esq., Program Co-Chair</i> Barron, Adler &amp; Anderson, Austin</p> <p>8:45 <b>Condemning Property in Texas</b> A Look at Legal and Appraisal Issues <i>Kent A. Sick, Esq.</i> Austin <i>David R. Bolton, MAI</i> Bolton and Baer, Austin</p> <p>9:45 <b>Jurisdictional Challenges</b> Recent Developments <i>John N. McClish, Esq.</i> Womack, McClish &amp; Wall, Austin</p> <p>10:30 Morning Break</p> <p>10:45 <b>Inverse Condemnation</b> New Standards for Old Theories <i>Sherry L. Peel, Esq., Assistant Attorney General</i> Office of the Attorney General, Austin</p> <p>11:30 <b>Land Use Issues in the Eminent Domain Context</b> What You Need to Know <i>Charles M. Dunn, Consultant</i> Holford Group, Austin</p> <p>12:15 Lunch Break</p> <p>1:45 <b>Utility Condemnation</b> Pipeline and Electric Transmission Cases <i>Robert B. Neblett, III, Esq.</i> Jackson Walker, Austin</p> <p>2:30 Afternoon Break</p> <p>2:45 <b>Evidence Issues in Condemnation Cases</b> Making the Best Compensation Case for Your Client <i>Anthony J. Blazi, Esq., Assistant Attorney General</i> Office of the Attorney General, Austin</p> <p>3:30 <b>Walk the Walk and Talk the Talk</b> Cross-Examination of Experts and Appraisers <i>Lewis S. Wiener, Esq.</i> Sutherland Asbill &amp; Brennan, Washington, DC</p> <p>4:15 Q&amp;A Panel <i>Members of the Faculty</i></p> <p>4:30 Adjourn</p>	<p>8:30 <b>Overview of Day Two</b> <i>Stephen I. Adler, Esq., Program Co-Chair, and Erik L. Cardinell, Esq., Program Co-Chair</i></p> <p>8:45 <b>Conflicting Takes on Takings</b> Ongoing Eminent Domain Issues for Appraisers and Their Differing Methods <i>Monte Ezell, CEO</i> Ezell &amp; Smith, Austin</p> <p>9:30 <b>Evaluating Property Rights</b> Determining Values for Different Property Interests <i>Eddie Vassallo, Esq.</i> The Law Offices of Eddie Vassallo, Dallas</p> <p>10:15 Morning Break</p> <p>10:30 <b>Environmental Contamination</b> Valuation Issues in Settlements and Trial <i>Rebecca L. Urquhart, Esq.</i> Urquhart &amp; Associates, Missouri City <i>Rudy R. Robinson, III, MAI</i> Austin Valuation Consultants, Austin</p> <p>11:45 Q&amp;A Panel <i>Members of the Faculty</i></p> <p>12:00 Lunch Break</p> <p>1:30 <b>What's the Big Deal!?!</b> We Are Just Impairing Your Access!! <i>H. Dixon Montague, Esq.</i> Vinson &amp; Elkins, Houston</p> <p>2:15 <b>Business and Profit Losses as a Consequence of Condemnation</b> Whether, When and How to Recover <i>Sumer I. Shelton, Esq.</i> Barron, Adler &amp; Anderson, Austin</p> <p>3:00 <b>Ethics</b> Considerations for the Eminent Domain Practitioner <i>James S. Frost, Esq.</i> Frost &amp; Allen, Seguin</p> <p>4:00 Adjourn</p>
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Save  
These  
Dates!

Negotiating Leases  
January 27-28, Austin  
Texas Wetlands  
January 27-28, Houston

Eminent Domain  
January 31-February 1, Durham  
Fiction Writing for Lawyers  
January 31, Houston  
February 28, Dallas

Internal Investigations  
February 18, Houston  
February 25, Dallas  
NEPA  
April 8, Austin

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## Eminent Domain

# meet your faculty

### Program Co-Chairs

**Stephen I. Adler** is a frequent author and lecturer on eminent domain issues. He is a former Eminent Domain Consultant to the Texas Department of Agriculture, a member and former Chair of the Real Property Section of the Condemnation Committee of the American Bar Association, and a Life Fellow of the Texas Bar Foundation.

**Erik L. Cardinell** is an attorney in his firm's Austin office, a boutique firm that concentrates exclusively on eminent domain, inverse condemnation and regulatory takings.

**Anthony J. Blazi** represents the State of Texas in eminent domain proceedings. He is currently involved with acquisitions for the Central Texas Turnpike Project and for the Katy Freeway in Houston.

**David R. Bolton** has been actively involved in commercial real estate since 1964 and has over 35 years' experience testifying as an expert witness in the valuation of real estate. He has held various positions in the Appraisal Institute, the American Institute of Real Estate Appraisers and the Society of Real Estate Appraisers.

**Charles M. Dunn** is a real estate development consultant with over 20 years of planning, land use and property entitlement experience. His involvement with all manner of real estate and development projects brings practical experience to his work as a consultant and expert witness in real estate litigation and eminent domain cases.

**Monte Ezell** is a state-certified general real estate appraiser and broker. He has over 13 years' experience appraising commercial real estate and providing expert witness testimony.

**James S. Frost** has been active for many years in the lawyer disciplinary system, and presently serves as Vice-Chair of the Board of Disciplinary Appeals, appointed by the Supreme Court of Texas. He also maintains an active condemnation practice, representing primarily condemning authorities.

**John N. McClish** specializes in real estate litigation and appellate practice with a particular emphasis on condemnation and eminent domain related matters. He has been lead counsel in more than 100 civil jury trials and in more than 30 appellate cases, and is Board Certified in Civil Appellate Law and Civil Trial Law by the Texas Board of Legal Specialization.

**H. Dixon Montague** practices real estate litigation with an emphasis on condemnation and regulatory takings litigation. He leads his firm's condemnation and land-use trial practice group. For the past 25 years, he has represented clients in condemnation, inverse condemnation, and regulatory takings cases against local, state, and federal authorities in both federal and state courts.

**Robert B. Neblett, III**, has practiced for over 25 years as a commercial litigator, including a substantial practice in eminent domain. He is head of his firm's eminent domain practice group and lectures frequently on eminent domain issues.

**Sherry L. Peel** manages litigation for TxDOT's toll road projects and has extensive experience in eminent domain activities, including highway right-of-way, utility easements, and subsurface fee acquisitions. She is Board Certified in Civil Trial Law by the Texas Board of Legal Specialization.

**Rudy R. Robinson, III**, has approximately 33 years of real estate experience and has expert witness experience in county, state and federal courts. His company is a real estate valuation and consulting firm specializing in complex environmental issues and toxic torts. He is past President of the local chapter of the Appraisal Institute in Austin.

**Sumer I. Shelton** is an attorney in her firm's Austin office, a boutique firm that concentrates exclusively on eminent domain, inverse condemnation and regulatory takings.

**Kent A. Sick** practices eminent domain law in Austin.

**Rebecca L. Urquhart** has over 20 years' experience in first chair litigation, real estate drafting, mediation, and commercial real estate transactions. She also owns a consulting company, DepHart Services, which provides development of condemnation damage claims to high traffic retail sites, utilizing experts to analyze environmental and engineering concerns, traffic control and site access, marketing influences, and land use.

**Eddie Vassallo** practices in the areas of commercial litigation, real estate, eminent domain, inverse condemnation, zoning, planning and land use. He frequently writes and lectures on condemnation issues, and is a member of the Dallas and Texas Trial Lawyers Associations.

**Lewis S. Wiener** focuses his practice on complex construction, civil, commercial and eminent domain/inverse condemnation litigation before state and federal trial and appellate courts, and administrative tribunals. He is a former trial lawyer with the U.S. Department of Justice, where he was twice recognized by the Attorney General for special achievement.

**CLE International Program Attorney:**  
**Eric C. Staton, eric@cle.com.**

# conference information

### Continuing Education Credit (MCLE/MCE/PDH)

**MCLE Credit:** This conference has been approved by the State Bar of Texas for 11 credit hours of continuing legal education credit, including one hour of ethics. Please call **CLE INTERNATIONAL** for information regarding Texas Board of Legal Specialization certification. **CLE INTERNATIONAL** is an approved sponsor of the Texas State Bar, Sponsor No. 2645.

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**CLE INTERNATIONAL** is an accredited provider in all jurisdictions with mandatory continuing legal education requirements. For accreditation in other jurisdictions or disciplines, please call (303) 377-6600.

### Conference Location and Accommodations

The Conference will be held at the Hilton Hotel, 500 East 4th Street, Austin, TX 78701. A block of rooms has been held for Conference attendees until January 17. For room reservations and special rates, please call Community World Travel at (888) 724-0500, or visit [www.communityworldtravel.com](http://www.communityworldtravel.com).

### Registration

Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or homestudy order to (800) 873-7130, fax the registration form to (303) 321-6320, register online at [www.cle.com](http://www.cle.com), or e-mail your registration to [registrar@cle.com](mailto:registrar@cle.com). Full payment is due at time of registration. Walk-in registrations will be subject to space availability. Please call **CLE INTERNATIONAL** at (303) 377-6600 if you require any special accommodations.

### Tuition

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**CLE INTERNATIONAL** also offers a complete audio transcript of the Conference (including all course materials) for \$595 plus \$10 shipping and handling. This package may qualify for homestudy credit.

### Cancellation

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Friday preceding the Conference. Substitutions may be made at any time.

### Sponsorship Information

Sponsorship and exhibition opportunities are still available. For more information, please contact Melissa Dafni, Marketing Coordinator, at (303) 377-6600 or [melissa@cle.com](mailto:melissa@cle.com).

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4th Annual Conference!

# Eminent Domain

Expert Advice for Your Practice

February 17-18, 2005 • Hilton Hotel • Austin

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**Environmental Contamination Issues**

**Determining Values for Different Property Interests**

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4th Annual Conference!

# Eminent Domain

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February 17-18, 2005 • Hilton Hotel • Austin

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