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Eminent Domain

Examining the Past, Present and Future

March 30-31, 2006 • Omni Hotel • Austin

Featuring Speakers From:

- Texas Supreme Court
 - Travis County Court at Law
 - Travis and Williamson County Commissioners' Roster
 - Texas Attorney General's Office
 - Appraisers Who Specialize in Eminent Domain Litigation
 - Acquisition Firms
- ... and eminent domain attorneys in private practice!

Dear Colleagues,

This eminent domain Conference is going to be outstanding! Every year, we bring together the most experienced eminent domain attorneys in the State from both sides of the docket to discuss the hot topics that continue to be the subject of appellate briefing and creative lawyering. This year is no different in that regard. Government and private condemnation lawyers will take the podium to discuss litigation tactics, discovery issues, public use and the famous *Kelo* decision, and their thoughts, wishes and the state of the law on compensability issues, to name a few.

In addition to these presentations, this Conference is particularly exciting because we will hear from those that decide the fate of our cases – judges and commissioners. We realized that what we really want to know is what these decision-makers are thinking ... so we invited them to tell us. And they accepted! Justice Nathan Hecht of the Texas Supreme Court will provide his insight as one who writes the law we apply. Judge Orlanda Naranjo will speak on her experience as a trial court judge in Travis County presiding over condemnation trials. And a panel of special commissioners from Travis and Williamson counties will tell us what works and what doesn't at the administrative level.

Of course, no eminent domain seminar would be complete without a word (or several words) from those that specialize in condemnation without a bar card. We are very pleased to welcome appraisers and acquisition agents to the podium to help us better understand how we can work to facilitate a just, fair and expeditious resolution of condemnations in Texas.

We are proud of the very high quality of presenters at this seminar and express our sincerest gratitude to them for their contribution.

We look forward to seeing you at the Conference!



Stephen I. Adler, Esq.
Program-Co-Chair



Michael M. Barron, Esq.
Program-Co-Chair



Sumer I. Shelton, Esq.
Program-Co-Chair



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Register Online at www.cle.com or Call (800) 873-7130
Conference Schedule and Speaker Biographies Inside



Thursday, March 30**Friday, March 31**

- 8:00 Registration and Continental Breakfast
- 8:30 **Introduction and Overview**
Stephen I. Adler, Esq., Program Co-Chair
Michael M. Barron, Esq., Program Co-Chair, and
Sumer I. Shelton, Esq., Program Co-Chair
Barron, Adler & Anderson, Austin
- 8:45 **Case Law Update**
The Big Changes You Need to Know About
Elly Del Prado Dietz, Esq.
Duwall Gruning & Dietz, San Marcos
- 9:30 **Negotiating Tactics**
Strategies for Successful Negotiation
Dan Foster, Esq.
Womack, McClish, Wall & Foster, Austin
- 10:15 Morning Break
- 10:30 **Featured Presentation—
A Judicial Perspective**
A View from the Bench
Honorable Nathan L. Hecht
Texas Supreme Court, Austin
- 11:00 **Public Use and the Kelo Decision**
Implications and Outcomes
Stephen I. Adler, Esq., Program Co-Chair
- 11:45 Lunch Break
- 1:00 **TxDOT – Looking Forward**
SH 130 Project Update
Donald C. Toner, Jr., ROW Administrator
Texas Department of Transportation, Pflugerville
- 1:30 **Compensation in Toll Road Takings**
Toll Roads, Slow Roads, or No Roads
Steven R. Sampson, Esq.
Barron, Adler & Anderson, San Antonio
- 2:00 Afternoon Break
- 2:15 **Ethics: Errors and Omissions in a
Condemnation Case**
Legal Malpractice Issues for Condemning Authority
and Property Owner Representations
Charles B. McFarland, Esq.
Vinson & Elkins, Houston
- 2:45 **Ethics: Advocacy or Avarice**
Ethical Issues Associated with Development and Presentation of
Testimony in an Eminent Domain Matter
Kent A. Sick, Esq.
Austin
- 3:15 **Relocation Assistance**
Unlocking the Mystery
Elizabeth T. Norris, Senior Project Manager
PBS&J, Austin
- 3:45 **Discovery Issues**
Recent Cases and Helpful Hints
Anthony J. Blazi, Esq.
Assistant Attorney General Transportation Division
Texas Attorney General's Office, Austin
- 4:30 **Trial Tactics**
Strategies and Techniques
Charles B. McFarland, Esq.
- 5:00 Adjourn

- 8:30 Continental Breakfast
- 9:00 **Summary of Day One**
Overview of Day Two
Stephen I. Adler, Esq., Program Co-Chair
Michael M. Barron, Esq., Program Co-Chair, and
Sumer I. Shelton, Esq., Program Co-Chair
- 9:15 **Billboard Compensability**
Arguments for and Against It Being Considered
Personal vs. Real Property
John L. "Buck" Ritts, Esq.
Assistant Attorney General Transportation Division
Texas Attorney General's Office, Austin
- 9:45 **Perspectives from the Trial Court**
Insights into Eminent Domain Litigation
Honorable Orlinda Naranjo
Travis County Civil Court, Austin
- 10:15 Morning Break
- 10:30 **Land Use Issues and the
Eminent Domain Case**
Integrating Planning, Zoning and Eminent Domain
William P. McLean, Esq.
McLean & Howard, Austin
- 11:15 **Appraisal Methods for Estimating Damages**
An Overview of Current Issues Impacting Appraisers
and Some Current Methods Considered for Estimating Damages
Daniel P. Wright, MAI
Integra Realty Resources, Fort Worth
- 11:45 Lunch Break
- 1:15 **Playing with Fire**
Attacking Expert Testimony in Light of Coastal Transportation
and Other Recent Developments
Zachary S. Brady, Esq.
McWhorter Cobb and Johnson, Lubbock
- 2:00 **Market Data That Is Used in
Appraisal Practice**
What Is or Isn't Allowed in Legal Proceedings
Mark Smith
Ezell & Smith, Austin
- 2:30 Afternoon Break
- 2:45 **Special Commissioners Serving
in Travis and Williamson Counties**
Matters of Style and Substance That Arise
in the Administrative Hearings
Travis Lucas, Esq.
Round Rock
William H. Luedecke, III, Broker
The Luedecke Group Realtors, Bertram
Thomas D. Fritz, Esq.
Fritz, Byrne, Head & Harrison, Austin
Rodney Sheppard, Esq.
Austin
A. Richard Thormann, Esq.
Austin
Moderator: Sumer I. Shelton, Esq., Program Co-Chair
- 3:45 **The Westgate Mosaic**
Issue Submission in Eminent Domain Cases After Westgate
Sherry L. Peel, Esq.
Assistant Attorney General Transportation Division
Texas Attorney General's Office, Austin
- 4:30 Evaluations and Adjourn

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meet your

Eminent Domain

<p>Program Co-Chairs</p> <p>Stephen I. Adler is a founding partner and litigator in his firm, which concentrates on Texas eminent domain and takings matters. Mr. Adler is a past chair of the Eminent Domain Committee of the Real Property Section of the American Bar Association.</p> <p>Michael M. Barron has been practicing in the area of eminent domain and other takings issues since 1978. Prior to establishing his practice, he was Chief of the Antitrust Division of the Texas Attorney General's Office.</p> <p>Sumer I. Shelton litigates eminent domain and takings cases. She has authored or co-authored several seminar papers on eminent domain and regulatory takings.</p>	<p>Dan Foster specializes in eminent domain and land use litigation at his firm, where he has been a shareholder since 2001.</p> <p>Thomas D. Fritz is an experienced lawyer representing clients in both simple and complex transactions in a broad range of areas. He has served as a Special Commissioner for Travis County for over 20 years.</p> <p>Travis Lucas practices real estate and commercial law in Williamson County, Texas (Round Rock, Georgetown, and Leander). He is also a frequent appointee as a Special Commissioner for Williamson County.</p> <p>William H. Luedecke, III, has served as a Special Commissioner for condemnation hearings for many years. He continues to serve on various community boards and has been active in the practice of real estate for 40 years.</p>	<p>John L. "Buck" Ritts has represented the Texas Department of Transportation, other state agencies and public universities in eminent domain matters from Special Commissions' hearings through trial and appeal.</p> <p>Steven R. Sampson focuses his practice on eminent domain issues. He has experience representing private property owners as well as governmental entities in takings cases in Texas and Colorado.</p> <p>Rodney Sheppard practices primarily real estate and commercial transaction law. He also serves as a Travis County Special Commissioner in eminent domain proceedings.</p> <p>Kent A. Sick has practiced solely in the field of eminent domain in Texas since 1989. His practice is balanced between representation of both landowners and condemning entities.</p> <p>Mark Smith is a state-certified general real estate appraiser with over 18 years of experience in the valuation of real estate.</p>
<p>Featured Presenter</p> <p>Justice Nathan L. Hecht has served on the Supreme Court of Texas for 17 years. He also served five years on the State District Court and two years on the State Court of Appeals. Before taking the bench, he was a partner in a major Dallas law firm handling general business litigation.</p>	<p>Charles B. McFarland is a partner in his firm's condemnation and property rights practice group and has represented private property owners, governmental entities, municipal utility districts, gas utilities and common carrier pipelines.</p> <p>William P. McLean focuses on real estate, eminent domain and land use law. He began practicing law at the Texas Railroad Commission, Legal Enforcement Section, as a staff attorney.</p>	<p>A. Richard Thormann focuses his practice on probate administration and litigation, guardianships, estate planning and mental health. He serves as a Travis Special Commissioner.</p> <p>Donald C. Toner, Jr., manages the real estate acquisition and utility adjustment programs for the 11 counties in the Austin District.</p> <p>Daniel P. Wright has been active in real estate valuation and consulting since 1995. He is qualified in Texas State Courts as an expert on real estate valuation.</p>
<p>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.</p> <p>Zachary S. Brady practices primarily commercial litigation and agricultural law with a focus on real property litigation, including eminent domain, controversies related to nuisance law, and water rights.</p> <p>Elly Del Prado Dietz currently works in private practice. Prior to this, she worked for the Attorney General of Texas in the Transportation Division.</p>	<p>Elizabeth T. Norris assists in the planning efforts for the Texas Turnpike Authority and reviews right of way cost estimates statewide.</p> <p>Sherry L. Peel currently works as the Manager of the Central Texas Turnpike Project Litigation. She has over 16 years of eminent domain experience.</p>	

information

conference

<p>Continuing Education Credit (MCLE/MCE/PDH)</p> <p>MCLE Credit: This Conference has been approved by the State Bar of Texas for 12 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.</p> <p>Real Estate: This course meets the requirements for 12 hours of Mandatory Continuing Education (MCE) credit from the Texas Real Estate Commission.</p> <p>Appraiser: This course meets the requirements for 12 hours of Mandatory Continuing Education (MCE) credit from the Texas Appraiser Licensing and Certification Board.</p> <p>Engineer (PDH): This course meets the requirements for 12 Professional Development Hours for the Texas Board of Professional Engineers' Continuing Education Program requirements.</p> <p>CLE INTERNATIONAL is an accredited provider in all jurisdictions with mandatory continuing legal education requirements. For accreditation in other jurisdictions or disciplines, please contact Jill Shannon at (800) 873-7130 or jill@cle.com.</p>	<p>Reserve Your Room Early</p> <p>The Conference will be held at the Omni Hotel, 700 San Jacinto, Austin, TX, 78701.</p> <p>To secure your space and get the best rate, please call Community World Travel at (888) 724-0500, or visit www.communityworldtravel.com.</p> <p>Registration</p> <p>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, or email your registration to 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 (800) 873-7130 if you require any special accommodations.</p> <p>Sponsorship Information</p> <p>Sponsorship and exhibition opportunities are still available. For more information, please contact Sarah Mallon at (800) 873-7130 or sarah@cle.com.</p> <p>About CLE International</p> <p>CLE INTERNATIONAL, a leading provider of continuing education, has been presenting high-quality professional education programs nationwide since 1983.</p> <p>CLE International Program Coordinator: Meghan Thorson, meghan@cle.com.</p>	<p>Course Materials</p> <p>Each registrant will receive a set of materials prepared by the speakers especially for this Conference, which will serve as a valuable future reference. The course materials alone are available for \$95 plus \$10 shipping and handling.</p> <p>Tuition</p> <p>The tuition fee of \$595 per person (\$495 for government employees, 501(c)(3) organizations, full-time judges, law students and paralegals) includes attendance at all sessions, course materials, continental breakfasts and coffee breaks.</p> <p>Save When Two or More Register</p> <p>Save \$200 or more with our multiple registrant discount! Tuition is only \$495 per person for two or more from the same firm or agency (\$395 each for two or more government employees, 501(c)(3) organizations, full-time judges, law students and paralegals).</p> <p>Homestudy Package</p> <p>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.</p> <p>Cancellation</p> <p>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.</p>
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A Review of the Basics and a Focus on New Developments

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Featured Presentation
A View from the Bench!

Honorable Nathan L. Hecht
Texas Supreme Court, Austin



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