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Eminent Domain

Current Texas Law and Policy

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Attorneys: Benefit from in-depth analysis of case law and legislative developments, hear from seasoned professionals who have handled the State's most cutting-edge cases, and network with the regulators who affect decisions on your clients' cases.

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Appraisers: Understand the implications of current case law on valuation of special projects, raise awareness of how your expert testimony may be challenged in trial, and meet the industry leaders who can help answer your questions.

Planners and Real Estate Professionals: Get beyond the basics and understand how eminent domain can be most effectively used as a tool in your industry, learn practical pointers on how to side-step political landmines, and brush up on the latest from the courts and legislature.

Everyone: Profit from the opportunity to interact with fellow attendees and faculty members who may be dealing with similar eminent domain issues, sharpen your understanding of legal and policy considerations, and gain practical insights on how to manage the important issues you face.

Conference Exhibitors:



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Schedule and Instructor Bios Inside 

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Thursday, January 31**Friday, February 1**

- 8:30 Registration and Continental Breakfast
- 9:00 **Welcome and Introduction**
Overview of Day One
Stephen I. Adler, Esq., Program Co-Chair,
Michael M. Barron, Esq., Program Co-Chair, and
Christopher M. Swanson, Esq., Program Co-Chair
Barron & Adler, Austin
- 9:15 **Case Law Update**
Judicial Trends and Practical Pointers
Kimberli D. Loessin, Esq.
Barron & Adler, Houston
- 10:00 Morning Break
- 10:15 **Statutory vs. Inverse Claims in Eminent Domain**
How Many Bites at the Apple?
Christian S. Brooks, Esq.
Womack, McClish, Wall & Foster, Austin
Stephen I. Adler, Esq., Program Co-Chair
- 11:30 **Recent Texas Access Cases**
Holdings and Dicta; Implications for Your Practice and State Policy
Stephen K. Carroll, Esq.
Fulbright & Jaworski, Houston
- 12:15 Lunch Break
- 1:30 **Expert Challenges in Eminent Domain Cases**
The Legal Framework; Practical Pointers
Glenn Sodd, Esq.
Dawson & Sodd, Corsicana
- 2:15 **Appealing an Eminent Domain Case**
Evaluating the Case on Appeal; Effective Persuasion in Briefs and Oral Arguments
J. Woodfin "Woodie" Jones, Esq.
Alexander Dubose Jones & Townsend, Austin
- 2:45 Afternoon Break
- 3:00 **Compensability of Billboards Under Texas Condemnation Law**
Are They Personal or Real Property? Does It Make Any Difference?
Joe H. Staley, Jr., Esq.
Dallas
Richard L. Rothfelder, Esq.
Rothfelder & Falick, Houston
- 4:15 **Hot Topics in Eminent Domain Appraisal**
Eminent Domain Appraising in an Adversarial Environment
Wayne B. Baer, MAI, Partner
Bolton & Baer, Houston
Daniel P. Wright, MAI
Integra Realty Resources, Fort Worth
- 5:30 Adjourn

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**
Overview of Day Two
Stephen I. Adler, Esq., Program Co-Chair,
Michael M. Barron, Esq., Program Co-Chair, and
Christopher M. Swanson, Esq., Program Co-Chair
- 9:15 **2007 Legislative Session and HB 2006**
Update and Implications for Eminent Domain Professionals
Kristina Silcocks, Esq., Chief, Transportation Division
Office of the Attorney General, Austin
Edward C. Small, Esq.
Jackson Walker, Austin
- 10:30 Morning Break
- 10:45 **Pre-Eminent Domain Steps and Considerations**
Environmental Review
Lisa McClain, Esq., Assistant Attorney General
Transportation Division, Office of the Attorney General of Texas, Austin
Access and Design Considerations
Mark A. Marek, PE, Director, Design Division
Texas Department of Transportation, Austin
Project Funding Issues
Phillip E. Russell, Esq., PE
Director, Texas Turnpike Authority
Texas Department of Transportation, Austin
- 12:00 Q&A Panel
Members of the Faculty
- 12:15 Lunch Break
- 1:30 **Ethics**
Issues for the Eminent Domain Practitioner
Margaret A. Pollard, Esq.
Sullins Johnston Rohrbach & Magers, Houston
- 2:30 Afternoon Break
- 2:45 **Condemnation Procedure**
Lesson Learned from *PR Investments and Specialty Retailers Inc. v. State of Texas* and *FKM Partnership Ltd. v. University of Houston Board of Regents*
Charles B. McFarland, Esq.
Vinson & Elkins, Houston
- 3:30 **Pipeline Litigation**
Jurisdiction, Good Faith Offers, Damages and Other Issues
Michael B. Lee, Esq.
Beirne, Maynard & Parsons, Houston
- 4:15 Q&A Panel
Members of the Faculty
- 4:30 Evaluations and Adjourn

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Eminent Domain

meet your **instructors**

Program Co-Chairs

Stephen I. Adler practices eminent domain law. He is a past chair of the Eminent Domain Committee of the Real Property Section of the American Bar Association and is a frequent lecturer on the litigation of takings cases.

Michael M. Barron concentrates on eminent domain and condemnation matters and has more than 28 years of experience. He has participated in several hundred special commissioners' hearings and numerous jury trials.

Christopher M. Swanson has been with his firm since 2005, where he focuses on eminent domain. He has experience as an Assistant Attorney General in the Transportation Division of the Texas Attorney General's Office and as a litigator for ExxonMobil Corporation.

Faculty Members

Wayne B. Baer has been in the real estate valuation and consultation profession since 1986. He has provided expert testimony in complex real estate litigation, including eminent domain and damage related matters, throughout Texas.

Christian S. Brooks practices in the areas of eminent domain, real estate litigation and civil litigation. He also has experience with mergers and acquisitions, and other transactional work.

Stephen K. Carroll has over 20 years' experience in eminent domain, condemnation and real estate litigation. He has represented condemners and landowners in many large eminent domain projects.

J. Woodfin "Woodie" Jones served for 12 years as a Justice on the Austin Court of Appeals and was the top-rated judge on that Court. He authored more than 1,500 opinions and participated in deciding roughly 5,000 appeals.

Michael B. Lee has 30 years of experience in state and federal courts in Texas and throughout the U.S. He has been involved in a number of complex, multi-party cases.

Kimberli D. Loessin is an attorney in her firm's Houston office, a boutique firm that concentrates exclusively on eminent domain, inverse condemnation and regulatory takings.

Lisa McClain has 10 years of experience in government and private sectors, representing her department in environmental and eminent domain proceedings.

Charles B. McFarland has represented private property owners, governmental entities, municipal utility districts, gas utilities and common carrier pipelines in eminent domain matters throughout Texas.

Mark A. Marek has been in his position since 2004. He co-authored the 1990, 1994 and 2001 editions of the AASHTO Green Book. He also recently oversaw development of the TxDOT Access Management Manual.

Margaret A. Pollard has represented landowners in eminent domain litigation for 24 years. She has tried condemnation cases throughout Texas and has represented landowners in numerous mediations and appeals.

Richard L. Rothfelder emphasizes business litigation and governmental regulation. He is a nationally recognized expert in the representation of the outdoor advertising and sign industries.

Phillip E. Russell oversees the environmental studies, financing options, contracting agreements and public-private partnerships related to the Trans-Texas Corridor. His division heads the expansion of the state highway system.

Kristina Silcocks represents the Texas Department of Transportation in eminent domain proceedings, inverse condemnation suits, property damage claims, contract claims, and various other civil matters.

Edward C. Small practices in the areas of condemnation, water rights, boundary issues, oil and gas, and other land related matters. He has more than 30 years of experience.

Glenn Sodd focuses on eminent domain litigation throughout Texas and also handles complex oil and gas, farm and ranch, and business litigation.

Joe H. Staley, Jr. has over 40 years of experience in eminent domain matters, representing numerous landowners as well as condemners in a full range of condemnation and related matters. He has served as counsel for the Banking and Currency Committee of the U. S. Senate.

Daniel P. Wright has been active in real estate valuation and consulting since 1995. He has acted as a broker in real estate transactions and has worked extensively on complex eminent domain and litigation assignments.

Tell us what you're thinking!

Do you have specific questions or topics you hope to see covered in this program?

Contact CLE INTERNATIONAL Program Attorney Caroline R. Kert, caroline@cle.com.

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