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Eminent Domain

How Will *Kelo* Affect the Landscape of Eminent Domain?

November 3-4, 2005 • Hilton Hotel • Chicago

Who Should Attend:

- Attorneys
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- Contractors
- Engineers
- Environmental Consultants
- Developers
- Fixture & Equipment Appraisers
- Government Officials
- Horticultural & Arboreal Consultants
- Land Owners
- Planners
- Real Estate Acquisition Consultants
- Real Estate Appraisers
- Researchers
- Right-of-Way Specialists
- Surveyors
- Traffic Engineers

... and anyone concerned with eminent domain issues in the Midwest!

Since 1996, over 5,500 people have attended CLE International's Eminent Domain Conferences around the country. Here's what they are saying:

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



Thursday, November 3**Friday, November 4**

8:30 Registration and Continental Breakfast

9:00 **Introduction and Welcome****Thomas F. Geselbracht, Esq., Program Chair**
*DLA Piper Rudnick Gray Cary, Chicago, IL*9:15 **Fifth Amendment Takings**The Federal Perspective
Lewis S. Wiener, Esq.
Sutherland Asbill & Brennan, Washington, DC

10:00 Morning Break

10:15 **The Public Use Requirement**Revitalizing the Community or Benefit to Private Interests?
Thomas F. Geselbracht, Esq., Program Chair11:00 **The Impact of *Kelo v. City of New London* on Economic Development Plans of Governmental Entities and Planning/Litigation Considerations for Governments and Owners/Developers****Steven Kaufman, Esq.**
Thompson & Hine, Cleveland, OH

11:45 Q&A Panel

Members of the Faculty

12:00 Lunch Break

1:30 **Temporary Takings Cases**Calculating Damages
Alan Ackerman, Esq., and
Darius Dynkowski, Esq.
*Ackerman & Ackerman, Troy, MI*2:15 **The Role of the Planner in Eminent Domain Litigation**The Relation of the Planner to Other Experts and the Attorney; Examples of How the Planner Technically Determines Highest and Best Use; Scenarios Illustrating the Most Common Mistakes Design Professionals Make in Determining Highest and Best Use
Allen L. Kracower, President
Allen L. Kracower & Associates, Buffalo Grove, IL

3:15 Afternoon Break

3:30 **Takings of Unique or Special Properties**Outdoor Advertising Sign Leaseholds, Limited Market Properties, Nurseries, Condominium Property and Others
Michael J. Devine, Esq.
*Deutsch, Levy & Engel, Chicago, IL*4:15 **Regulatory Takings**Lingle and the Substantive Law
Theodore J. Novak, Esq.
DLA Piper Rudnick Gray Cary, Chicago, IL

5:00 Adjourn

9:00 **Review of Day One, Issues for Day Two**
Thomas F. Geselbracht, Esq., Program Chair9:15 **The Valuation of Contaminated Properties**Point/Counterpoint
Richard F. Friedman, Esq.
Neal & LeRoy, Chicago, IL
Michele Sibley Gonzales, Esq.
Holland & Knight, Chicago, IL

10:15 Morning Break

10:30 **Hydrology Issues Related to Eminent Domain**What Issues Should Be Considered When Evaluating Property
Joseph E. Zgonina, PE, President
*Marchris Engineering, Schaumburg, IL*11:15 **Procedural Requirements in Regulatory Takings**San Remo and Ripeness
William Jacobs, Esq.
Thompson & Hine, Cleveland, OH

12:00 Lunch Break

1:30 **The Unit Rule**The Most Misunderstood Valuation Rule
Richard Redmond, Esq.
*Holland & Knight, Chicago, IL*2:15 **Turning Jurors into Witnesses**Computer Visualization for the Eminent Domain Trial
Craig Fries, President
Precision Simulations, Grass Valley, CA

3:00 Afternoon Break

3:15 **Appraisals and Valuation in Eminent Domain Proceedings**What You Don't Know About Your Expert's Appraisal Report
Joseph T. Thouvenell, MAI, CRE, President
PRS Consulting, Chicago, IL

4:15 Q&A Panel

Members of the Faculty

4:30 Evaluations and Adjourn



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These
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October 17, Minneapolis
Eminent Domain
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Creative Writing for Lawyers
November 1, Miami
November 14, Seattle
The Business of Winemaking
November 14, San Francisco

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December 2, Denver
Telecommunications Law
December 8-9, Denver

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Eminent Domain

meet your faculty

Program Chair

Thomas F. Geselbracht has tried and handled many kinds of land use litigation in a number of trials over the last two decades. His current caseload involves primarily eminent domain, zoning and environmental matters in both the trial and appellate divisions of federal and state courts. He is a frequent author and lecturer, and is an Adjunct Faculty member at Northwestern University School of Law. He also lectures at the University of Chicago Law School.

Alan Ackerman has over 25 years' experience, and has served as counsel in hundreds of condemnation trials and appeals in state and federal courts. A nationally recognized leader in eminent domain, he is a frequent author and speaker on all aspects of eminent domain. He has served as vice-chair or chair of the American Bar Association's Real Property Section Condemnation Law Committee for more than a decade.

Michael J. Devine serves as Special Assistant Attorney General. He concentrates in corporate and secured transactions, commercial litigation, eminent domain and appellate practice. He also represents publicly held and privately owned corporate clients.

Darius Dynkowski and his firm represent property owners and business clients in eminent domain and condemnation proceedings. He is the current Co-Chair of the ABA's State and Local Government Law Section Condemnation Committee.

Richard F. Friedman concentrates in litigation and real estate, particularly condemnation, zoning and historic preservation. He has taught land use law at the University of Chicago Law School and currently teaches historic preservation law at the Art Institute of Chicago.

Craig Fries has worked in the forensic and applied science communities for the past 10 years, and has contributed to pioneering work done in forensic visualization, basic and applied vision research and human factors technology.

Michele Sibley Gonzales is a real estate litigator. She devotes her practice to contractual disputes among developers and owners, non-competition, eminent domain, land use, and other real estate-related litigation. Additionally, she is approved to serve as Special Assistant Attorney General in Illinois for eminent domain matters. She recently co-authored "Environmental Law Issues in Eminent Domain Litigation," Ch. 13, *Illinois Eminent Domain Practice* (Ill. Inst. for Cont. Legal Ed.).

William Jacobs has devoted over 25 years of practice to litigating complex business matters. His practice involves significant cases with multiple parties, multiple claims and often multiple proceedings in federal and state courts. He focuses on business contract, business tort, fiduciary duty, trade secret, intellectual property, eminent domain, white-collar crime, and antitrust investigations.

Steven Kaufman counsels and serves as lead counsel on a wide variety of complex civil litigation matters, including eminent domain, civil rights, class action, commercial, constitutional, and corporate matters, among others. He served as special counsel to the Ohio Attorney General from 1991 to 1998.

Allen L. Kracower is a professional land planner, real estate consultant and landscape architect, and has been responsible for planning over 20,000 acres of land throughout the Chicago metro area. He has prepared comprehensive municipal plans and zoning ordinances for local levels of government and has assisted numerous governmental bodies with a variety of development-related issues, including site plan reviews.

Theodore J. Novak has more than 35 years' experience, and has been instrumental in the acquisition, condemnation, rezoning and development of all types of property. He has extensive experience with administrative, legislative and judicial processes. Within this area, he has vast litigation experience in the trial and appellate courts.

Richard Redmond focuses on eminent domain, regulatory takings, land use, environmental and other real estate related litigation. He represents private property owners, and also serves as a Special Assistant to the Illinois Attorney General.

Joseph T. Thouvenell is a real estate appraiser, counselor, broker, and analyst, and has been engaged in real estate analysis, valuation, counseling, appraising and brokerage since 1971. His extensive experience includes all aspects of valuation and analysis, as well as site acquisition, incentive analysis and tenant representation.

Lewis S. Wiener focuses his practice on complex commercial litigation, internal investigations/corporate compliance matters, construction law, and eminent domain/inverse condemnation. He also practices land use litigation before state and federal trial and appellate courts. Prior to joining his firm, he served as a trial lawyer with the United States Department of Justice.

Joseph E. Zgonina is an expert in civil, traffic and environmental engineering. He was the co-author of the Fourth Edition of the *ITE Trip Generation Manual*, 1989. He lectures at the University of Illinois and has served as consultant to the Village of Schaumb.

CLE International Program Attorney:
Lisa S. Lindsay, lisa@cle.com

conference information

Continuing Education Credit:

(MCLE) Illinois: The State of Illinois does not have a mandatory CLE requirement.

Wisconsin: This course meets the requirements for 13 hours of credit.

Indiana: This course meets the requirements for 11 hours of general continuing legal education credit.

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CLE INTERNATIONAL is an approved sponsor in every state with mandatory continuing legal education requirements.

For accreditation in other jurisdictions or disciplines, please contact Brian Fineberg at (800) 873-7130 or brian@cle.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/Order 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.

Reserve Your Room Early

The Conference will be held at the Hilton Hotel, 720 S. Michigan Avenue, Chicago, IL 60605. To secure your space and get the best rate, please call Community World Travel at (888) 724-0500 or visit www.communityworldtravel.com.

Tuition

The tuition fee of \$595 per person includes attendance at all sessions, course materials, continental breakfasts, and coffee breaks. **CLE INTERNATIONAL** offers special rates for 501(c)(3) organizations, full-time judges, and law students.

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Course Materials

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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 meets the requirements for self-study 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 Sarah Neenan, Marketing Coordinator, at (800) 873-7130 or sarah@cle.com.

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How Will *Kelo* Affect the Landscape of Eminent Domain?

November 3-4, 2005 • Hilton Hotel • Chicago

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Calculating Damages

The Federal Perspective on Fifth Amendment Takings

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Takings of Unique Properties

Turning Jurors into Witnesses

