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**2nd Annual Conference!**

# Eminent Domain

**Condemnation, Litigation, Valuation, Relocation**

**September 18-19, 2006 • Sheraton Hotel • North Charleston**

## Who Should Attend:

- Attorneys
- Legal Staff
- Appraisers
- Real Estate Professionals
- Developers
- Judges
- Consultants
- Engineers
- Builders
- Planners
- Landowners
- City and County Representatives

... and anyone who is interested in eminent domain issues!

## Don't Miss This Seminar!

This is the must-attend annual meeting for anyone involved in eminent domain issues—

- ✓ Hear the latest developments in South Carolina
- ✓ Listen to Justice Pleicones speak on his decision on inverse condemnation
- ✓ Get countless practical tips for your day-to-day practice
- ✓ Learn new legislation in outdoor advertising

An outstanding group of top professionals who will provide you with the tools you need to address eminent domain issues successfully. This faculty features the industry's most knowledgeable people with hands-on experience, who will give you in-depth information in a clear and engaging way.

## Featuring Speakers from:

**South Carolina Supreme Court**

**Charleston School of Law**

**Winthrop Real Estate Advisors**

**South Carolina Department of Transportation**

**Federal Highway Administration**

**South Carolina Department of Health  
and Environmental Control**



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



**Monday, September 18****Tuesday, September 19**

8:30 Registration and Continental Breakfast	9:00 <b>Overview of Day Two</b> <i>Paul deHolczer, Esq., Program Co-Chair</i> <i>Jerry Finkel, Esq., Program Co-Chair</i>
9:00 <b>Introduction and Welcome</b> <i>Paul deHolczer, Esq., Program Co-Chair</i> <i>Moses, Koon &amp; Brackett, Columbia</i> <i>Jerry Finkel, Esq., Program Co-Chair</i> <i>Finkel &amp; Altman, Charleston</i>	9:15 <b>Outdoor Advertising</b> 2006 New Legislation Adding Section 39-14-10, et seq., Entitled South Carolina Landowner and Advertising Protection and Property Valuation Act <i>Barbara Wessinger, Esq., Assistant Chief Counsel</i> <i>South Carolina Department of Transportation, Columbia</i>
9:15 <b>Kelo</b> The Legislative Response <i>Jerry Finkel, Esq., Program Co-Chair</i>	10:00 Morning Break
10:00 Morning Break	10:15 <b>Right-of-Way Acquisition/Relocation</b> The Uniform Act <i>Melvin Cooper, Division Realty Officer</i> <i>Federal Highway Administration, Columbia</i>
10:15 <b>Inverse Condemnation</b> Affirmative Government Acts; Regulatory Delay <i>The Honorable Justice Costa Pleicones</i> <i>South Carolina Supreme Court, Columbia</i>	11:00 <b>Ethics</b> The Art of Takings <i>Pamella Seay, Esq., Professor of Law</i> <i>Florida Gulf Coast University, Fort Myers</i>
11:15 <b>Lucas and Beyond</b> Developments in Modern Takings Jurisprudence, Including Temporary Takings <i>William Padget, Esq.</i> <i>Finkel &amp; Altman, Columbia</i>	12:00 Lunch Break
12:00 Lunch Break	1:30 <b>Discussion of Damages</b> Mitigation, Benefits, Cost-to-Cure <i>Paul deHolczer, Esq., Program Co-Chair</i>
1:30 <b>South Carolina and Georgia Litigation</b> Compare and Contrast <i>Stephen Spitz, Esq., Professor</i> <i>Charleston School of Law, Charleston</i>	2:15 <b>Highest and Best Use Valuation Issues in Direct and Inverse Condemnation Cases</b> The Larger Parcel Concept; The Admissibility of Zoning or Other Land Use Restriction Changes; Damage to the Remainder Valuation Methods for Changes in the Highest and Best Use <i>Richard D. Bybee, Esq.</i> <i>Smith, Bundy, Bybee &amp; Barnett, Mount Pleasant</i>
2:15 <b>Beyond Simple Valuation</b> Dealing with Cost to Cure; Wetlands; Change of Use <i>Deborah Haskell, CRE, MAI</i> <i>Winthrop Real Estate Advisors, Columbia</i>	3:00 Afternoon Break
3:00 Afternoon Break	3:15 <b>Environmental Issues in Condemnation Cases, Part One</b> Liability for Cleaning Contaminated Property <i>Keith Babcock, Esq.</i> <i>Lewis &amp; Babcock, Columbia</i>
3:15 <b>Relocation Assistance</b> A Government Perspective <i>Donald Liester, State Relocation Coordinator</i> <i>South Carolina Department of Transportation, Columbia</i>	4:00 <b>Environmental Issues in Condemnation Cases, Part Two</b> Evidence of Contamination in a Condemnation Trial <i>Jacquelyn Dickman, Esq., Deputy General Counsel</i> <i>South Carolina Department of Health and Environmental Control</i> <i>Columbia</i>
4:15 <b>Relocation</b> A Legal Perspective <i>Armand Derfner, Esq.</i> <i>Derfner, Altman &amp; Wilborn, Charleston</i>	4:45 Q&A Panel <i>Members of the Faculty</i>
5:00 Q&A Panel <i>Members of the Faculty</i>	5:00 Evaluations and Adjourn
5:15 Adjourn	

Save  
These  
Dates!

Doing Business in China  
September 7-8, Beijing  
Wine, Beer & Spirits Law  
September 11-12, Phoenix

Land Use Law  
September 14-15, Reston  
Land Use Law  
September 14-15, Tampa

Eminent Domain  
October 12-13, Princeton  
Eminent Domain SuperConference  
October 26-27, Tampa

For more information about these and other programs, visit our website at [www.cle.com](http://www.cle.com).

## Eminent Domain

# meet your faculty

### Program Co-Chairs

**Paul deHolczer** is a partner at Moses, Koon & Brackett, a firm that focuses its practice on eminent domain issues. He served as a law clerk to the Honorable Frank McGowan of the South Carolina Circuit Court and Assistant Chief Counsel to the South Carolina Department of Transportation. He is also a member of the South Carolina Bar Government Law Section and a frequent lecturer on eminent domain-related topics.

**Jerry Finkel** is the founding member of his firm. He is a past President of the South Carolina Trial Lawyers Association. He is a Distinguished Visiting Professor at the Charleston School of Law and an Adjunct Professor at the University of South Carolina School of Law. He was the attorney for David H. Lucas in the seminal regulatory takings case, *Lucas v. South Carolina Coastal Council*, 112 S.Ct. 2886, 120 L.E. 2d 798 (1992).

**Keith Babcock** is a former South Carolina Assistant Attorney General and is a founding member of his firm, practicing in the areas of condemnation, inverse condemnation, business litigation and professional negligence. He is a South Carolina Bar Examiner and an active member of the Owner's Counsel of America, a voluntary network of experienced eminent domain trial lawyers.

**Richard D. Bybee** concentrates on litigation matters, including construction, environmental, direct eminent domain actions and inverse condemnation cases. The firm has been involved in a number of significant eminent domain cases serving as trial and appellate counsel, including *Lucas v. S.C. Coastal Council*, *Georgia Department of Transportation v. Jasper County*, and *Gray v. S.C. Highways and Department of Transportation*.

**Melvin Cooper** serves as the FHWA authority to his division, SCDOT and local agencies for the federal-aid-right-of-way program. This involves interpreting federal regulations, including the Uniform Act and the Code of Federal Regulations.

**Armand Derfner** and his firm concentrate on trials, appellate and Supreme Court litigation in state and federal courts and administrative hearings. He is a member of the Charleston County Bar Association, District of Columbia Bar Association, South Carolina Bar Association, the Association of Trial Lawyers of America and the National Employment Lawyers Association.

**Jacquelyn Dickman** practices in the areas of environmental law, health and healthcare law and administrative law. She currently serves as the Chief Counsel for Environmental Quality Control.

**Deborah Haskell** has performed consulting and valuation assignments on a regional, national and international basis for private and public clients. She has performed consulting and valuation assignments on a national and international basis for major corporate clients, law firms, lending institutions, institutional investors, developers and private individuals.

**Donald Liester** is a Program Manager I for the South Carolina Department of Transportation where he oversees the relocation activities, as well as other activities that are involved with the right-of-way process. He is an active member of the International Right-of-Way Association and continues to keep abreast of changes in the relation to right-of-way.

**William Padgett** practices commercial and business litigation, construction litigation, and bankruptcy litigation, in both state and federal courts. In his experience, he has developed a particular interest in insurance and takings law.

**Justice Costa Pleicones** served as a part-time Municipal Judge for the City of Columbia, and was elected County Attorney for Richland County. In 1991, he was elected Circuit Court Judge for the 5th Judicial Circuit. He assumed his present position as an associate justice of the South Carolina Supreme Court in 2000.

**Pamella Seay** teaches ethics and constitutional law. She is the author of *Ethics: New Meaning for an Old Idea* and is a regular speaker on ethics issues. She served six years on the Florida Bar Professional Ethics Committee.

**Stephen Spitz** is a Professor of Law at the Charleston School of Law. He has taught courses in remedies, real estate transactions and environmental law, including a seminar on the federal Superfund law. At USC, he won the Gedney M. Howe Outstanding Teaching Award. He is former chair of the State Water Law Revision Committee. Prior to becoming a professor, he practiced law in Omaha, Nebraska.

**Barbara Wessinger** counsels on condemnation, construction and outdoor advertising legal issues for the South Carolina Department of Transportation. She is a graduate of the Governor's EXCEL leadership institute, the Strategic Training for Agency Representative Program, and Certified Public Managers. She has also been Chairwoman of the National Alliance of Highway Beautification Agencies.

# conference information

### Continuing Education Credit

**MCLE:** The State Bar of South Carolina does not approve or accredit CLE activities for the Mandatory Continuing Legal Education requirement. This activity may qualify for up to 12 hours toward your annual CLE requirement, including one hour of ethics.

**Real Estate:** This course meets the requirements for up to 12 hours of real estate credit.

**Appraiser:** This course meets the requirements for up to 12 hours of appraiser credit.

**Planning:** This course qualifies for up to 12 hours of AICP/CPDP credit.

**CLE INTERNATIONAL** is an approved sponsor 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](mailto:jill@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 form to (303) 321-6320, register online at [www.cle.com](http://www.cle.com), or email 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 (800) 873-7130 if you require any special accommodations.

### Reserve Your Room Early

The Conference will be held at the Sheraton Hotel, 4770 Goer Drive, North Charleston, South Carolina 29406.

To reserve your space and get the best rate, please call Community World Travel at (888) 724-0500, or visit [www.communityworldtravel.com](http://www.communityworldtravel.com).

### Tuition: \$595

The tuition fee of \$595 per person (\$495 for 501(c)(3) organizations, full-time judges, law students and paralegals) includes attendance at all sessions, course materials, continental breakfasts and coffee breaks.

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### About CLE INTERNATIONAL

**CLE INTERNATIONAL**, a leading provider of continuing education, has been presenting high-quality professional education programs nationwide since 1983.

### Course Materials

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.

### Homestudy Package

**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 Monday preceding the Conference. Substitutions may be made at any time.

**CLE International Program Coordinator:**  
Stacey L. Axlund, [stacey@cle.com](mailto:stacey@cle.com)

2nd Annual Conference!

# Eminent Domain

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September 18-19, 2006 • Sheraton Hotel • North Charleston

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# Eminent Domain

*Kelo, Lucas and More*

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*Lucas and Beyond*

Justice Cleicones on Inverse Condemnation

Right-of-Way Acquisition/Relocation

*G.D.O.T. vs. Jasper County* (Port Terminal Case)

New Legislation in Outdoor Advertising

Two-Part Series on Environmental Issues in Condemnation

The Admissibility of Zoning or  
Other Land Use Restriction Changes

