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Eminent Domain

Understanding Special Issues and Litigation Strategies

June 14-15, 2007 • Renaissance Hotel Greenway Plaza • Houston

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**6 Reasons Why You'll
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1. More in-depth coverage
2. More of the most knowledgeable experts
3. More networking opportunities
4. More diverse faculty and participants
5. More proven, effective speakers
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Dear Colleague:

As eminent domain issues reach prominence in the public's awareness, you need up-to-date information and perspectives to improve your own services.

Attend this Conference and you will learn the latest about special issues for eminent domain, litigation strategies, and appraisal practices from experts with cutting edge approaches.

You'll network with the leaders in this field and make connections that extend beyond this two-day event, improving the services you bring to your clients.

From specialized litigation topics, including "Outlines and Strategies for a Winning Case," to in-depth analyses of project design, vehicular access and non-conforming projects, you can't afford to miss this Conference if eminent domain issues are an integral part of your profession.

We hope to see you in June!



Thomas E. Sheffield, Esq.
Program Co-Chair



Stephen I. Adler, Esq.
Program Co-Chair

Thomas E. Sheffield, Esq.
Program Co-Chair
Barron & Adler, Houston

Stephen I. Adler, Esq.
Program Co-Chair
Barron & Adler, Houston



Visit our website at cle.com for a complete listing of MCLE requirements in all states. You will also find a schedule of our upcoming conferences and a listing of available homestudy courses.

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



Thursday, June 14

- 8:30 Registration and Continental Breakfast
- 9:00 **Welcome and Introduction**
Overview of Day One
Thomas E. Sheffield, Esq., Program Co-Chair, and Stephen I. Adler, Esq., Program Co-Chair
Barron & Adler, Austin
- 9:15 **Case Law Update**
Implications for Eminent Domain in Texas
Kimberli D. Loessin, Esq.
Barron & Adler, Houston
- 10:00 **Public Use in Texas: The Law and Legislature**
Post-Kelo Implications and Outcomes
Stephen I. Adler, Esq., Program Co-Chair
- 10:45 Morning Break
- 11:00 **Legislative Update**
Making Sense of the Legislative Activity
Margaret A. Pollard, Esq.
Sullins, Johnston, Rohrbach & Magers, Houston
- 11:30 **Non-Conforming Projects**
Non-Conformance Due to Condemnation or Change in Ordinance; Owner's Rights; Transfer and Termination of Rights
Reid C. Wilson, Esq.
Wilson, Cribbs & Goren, Houston
- 12:15 Lunch Break
- 1:30 **Ethics**
Considerations in the Eminent Domain Arena
Margaret A. Pollard, Esq.
- 2:30 **Highest and Best Use in Eminent Domain Valuation**
Feasible Selection of Comparable Data
Wayne B. Baer, MAI, Partner
Bolton & Baer, Houston
- 3:15 Afternoon Break
- 3:30 **Public Improvement Projects: The Appraiser's Role in the Process**
Appraiser's Involvement in Final Design; Identifying Problem Areas; Eliminating Significant Potential Damages; Interfacing with Engineers and Attorneys
Michael W. Welch, Associate Director Litigation
Integra Realty Resources, Houston
- 4:15 **Compensability of Billboards Under Texas Condemnation Law**
Are They Personal or Real Property; Or Does It Make Any Difference?
Laura Fiorentino Cahill, Esq.
Assistant County Attorney, Eminent Domain Division
Harris County Attorney's Office, Houston
Richard L. Rothfelder, Esq.
Rothfelder & Falick, Houston
- 5:15 Adjourn

Friday, June 15

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**
Overview of Day Two
Thomas E. Sheffield, Esq., Program Co-Chair
Stephen I. Adler, Esq., Program Co-Chair
- 9:15 **Impact of Project Design on the Acquisition of Property Through Eminent Domain**
Access Damages; Lost Profits; Risk Assessment for Public Projects; *State of Texas v. PR Investments*
J. Mark Breeding, Esq.
Andrews Kurth, Houston
- 10:00 Morning Break
- 10:15 **Vehicular Access to Private Property**
State Requirements
Peter S. Boecher, AICP, ASLA
Senior Planner, Landscape Architect
Vernon G. Henry & Associates, Houston
- 11:00 **Hubenak Fallout**
Dicta and Legislators in Black Robes?
William D. Noel, Esq.
Houston
- 11:45 Q&A Panel
Members of the Faculty
- 12:00 Lunch Break
- 1:15 **Remainder Damages in the Real World**
Review of Properties Prior to Acquisition and Construction; Testimony Related to Acquisitions and Alleged Damages; Review of Property Status After Acquisition and Construction; Future Best Practices
Cavitt Wendlandt, Esq.
Senior Attorney, Transportation Division
Office of the Attorney General, Austin
- 2:00 **Future Best Practices for Claims of Remainder Damages**
A Roundtable Discussion
Albert N. Allen, CRE, MAI, SR/WA, Principal
Allen, Williford & Seale, Houston
James T. Archibald, MAI
Archibald & Associates, Houston
Michael J. Urban, MAI, SRA, President
Michael J. Urban Real Estate Appraisers & Consultants, Houston
- 3:00 Afternoon Break
- 3:15 **Outlines and Strategies for a Winning Case**
Litigation Preparation and Projections; Understanding Your Own Case for Settlement and Trial
Edward D. Vassallo, Jr., Esq.
Law Offices of Eddie Vassallo, Dallas
- 4:00 **Evidence and Discovery Update**
Practical Things to Know
Anthony J. Blazi, Esq., Assistant Attorney General
Department of Transportation
Texas Attorney General's Office, Austin
- 4:30 Q&A Panel
Members of the Faculty
- 4:45 Evaluations and Adjourn

instructors

Eminent Domain

meet your

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 and author on the litigation of takings cases.

Thomas E. Sheffield focuses almost exclusively in eminent domain, representing both landowners and condemning authorities. He is a frequent speaker on eminent domain issues and recently joined his firm after running a sole practice.

Albert N. Allen specializes in right of way valuation and litigation support and has been in the appraisal industry since 1972. He is a past International President of the International Right of Way Association and is a frequent speaker on appraisal, right of way and eminent domain issues.

James T. Archibald is a state-certified appraiser with over 20 years of experience. He handles development, brokerage and appraisal, which allows for comprehensive valuations.

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. He is a State Certified Real Estate Appraiser and Licensed Real Estate Broker in Texas.

Anthony J. Blazi represents the Texas Department of Transportation and other state agencies in eminent domain litigation throughout Texas.

Peter S. Boecher has over 27 years of planning experience, and is an expert in vehicular access issues. He also focuses on site selection and evaluation, development feasibility, and comprehensive city and regional planning.

J. Mark Breeding has 25 years' experience representing governmental bodies, condemning authorities and landowners in eminent domain proceedings and inverse condemnation cases. He has made more than 15 oral arguments before the Texas Courts of Appeal and the Texas Supreme Court.

Laura Fiorentino Cahill is a litigator specializing in eminent domain cases. She has trial experience in multi-million dollar properties and has participated in over 250 administrative hearings. Previously, she was General Counsel for the Harris County Flood Control District.

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. She previously served as in-house counsel to Exxon Mobil.

William D. Noel was the lead attorney for the landowners in the 2004 case *Hubenak v. San Jacinto Gas Transmission Co.* Since 1996, he has focused his practice solely on the representation of landowners whose property is being condemned.

Margaret A. Pollard has represented landowners in eminent domain litigation for 24 years. She has tried condemnation cases in multiple counties throughout Texas and has represented landowners in numerous mediations and appeals through the Supreme Court of Texas.

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. He serves as the Mayor of Southside Place.

Michael J. Urban has been in the real estate industry since 1977. He completes appraisals for condemning authorities, financial institutions and individuals on commercial, industrial and residential properties. He is a prior Director of the Houston Chapter of the Society of Real Estate Appraisers.

Edward D. Vassallo, Jr., handles commercial litigation, real estate, eminent domain, inverse condemnation, condemnation, zoning, and land use matters. He is a frequent speaker on eminent domain issues.

Michael W. Welch has been involved in real estate appraisal and consulting since 1988. He is an expert in appraisal and consulting for properties involved in litigation, and he is a Certified General Real Estate Appraiser with the State of Texas.

Cavitt Wendlandt is responsible for managing all eminent domain litigation in South Texas. He has practiced in this field for almost 20 years, and he was most recently responsible for the management of approximately 435 parcels acquired for the expansion of the Katy Freeway in Houston.

Reid C. Wilson focuses on commercial real estate and land use law and is board certified in commercial real estate law. He chairs numerous educational conferences in Texas and serves as Chairman for the West University Place Planning and Zoning Commission.

information

conference

Continuing Education Credit

MCLE: This course has been approved by the Texas State Bar for 12 credit hours, including one hour of ethics.

Real Estate: This course meets the requirements for 12 hours of Mandatory Continuing Education credit from the Texas Real Estate Commission.

Appraiser: This course meets the requirements for 12 hours of Mandatory Continuing Education (MCE) credit from the Texas Appraiser Licensing and Certification Board.

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

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Registration

Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or home study order to (800) 873-7130, fax the registration form to (303) 321-6320, email your registration to registrar@cle.com, or register online at www.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.

Tuition: \$695

The tuition fee of \$695 per person (\$595 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.

Save When Two or More Register

Save \$200 or more with our multiple registrant discount! For two or more registering from the same firm, the tuition fee is only \$595 per person (\$495 for government employees, 501(c)(3) organizations, full-time judges, law students and paralegals).

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.

Home Study Package

CLE INTERNATIONAL also offers a complete audio transcript of the Conference (including all course materials) for \$695 plus \$10 shipping and handling. This course may qualify for home 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 Shauna Kraczek, at (800) 873-7130 or shauna@cle.com.

CLE INTERNATIONAL Program Attorney:

Caroline R. Kert, caroline@cle.com.

Back in Houston!

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Understanding Special Issues and Litigation Strategies

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Mastering the Details and Making the Case

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- How to apply recent case law and legislation to your case
- How to analyze special cases
 - Non-Conforming Projects
 - Billboards
 - Public Improvement Projects
 - Vehicular Access
- How project design impacts the acquisition of property
- How to handle remainder damages
- How to prepare your own case for settlement and trial
... and much more!



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