



Earn up to 13 Hours MCLE Credit  
Including One Hours of Ethics

2nd Annual Conference!

# Eminent Domain

Legislation, Valuation and Litigation

April 7-8, 2005 • The Venetian Resort Hotel Casino • Las Vegas

## Who Should Attend:

- Attorneys
- Appraisers
- Government Officials
- Accountants
- Engineers
- Landowners
- Valuation Experts
- Developers
- Real Estate Professionals
- Planners
- Consultants

...anyone involved in  
eminent domain in  
Nevada!

**Since 1996, over 5,000 people have attended CLE International's Eminent Domain Conferences around the nation. Here's what they are saying:**

"This was a very helpful Conference. It provided an excellent big-picture overview of eminent domain practice, with an emphasis on attorney involvement through the entire takings process..." **-Los Angeles, 2004**

"The best eminent domain education that can be obtained in two days. Great update on recent, pending cases."  
**-Austin, 2003**

"Highly educational and very informative." **-Denver, 2003**

"I believe this course has widespread interest. The insight provided by the experienced litigators is very valuable to any real estate professional." **-Durham, 2003**

"Faculty were very knowledgeable with very good written materials." **-Los Angeles, 2003**

"The best eminent domain seminar in Texas. Great panel of speakers." **-Austin, 2002**



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



**Thursday, April 7****Friday, April 8**

8:30 Registration

9:00 **Introduction and Welcome**

Overview of the Next Two Days  
**Kermitt L. Waters, Esq., Program Co-Chair, and  
 James J. Leavitt, Esq., Program Co-Chair**  
*The Law Offices of Kermitt L. Waters, Las Vegas*

9:15 **New Developments in Eminent Domain Law**

New Legislation and Case Law in the Past Year  
**Gideon Kanner, Esq.**  
*Berger & Norton, Los Angeles*

10:00 Morning Break

10:15 **KISS**

Presenting a Simple Case to the Jury  
**Kermitt L. Waters, Esq., Program Co-Chair**

11:00 **Inverse Condemnation**

Making Laws and Sausages: A Quarter-Century  
 Retrospective on *Penn Central*  
**Gideon Kanner, Esq.**

11:45 **Takings of and by Water**

Surface Flow and Other Issues  
**Gregory Walch, Esq.**  
*Santoro, Driggs, Walch, Kearney, Johnson & Thompson, Las Vegas*

12:30 Lunch Break

1:45 **Ethics—A Panel Presentation**

Hypothetical Scenarios Unique to the Eminent Domain Practitioner  
**Members of the Faculty**

2:45 **Temporary Regulatory Takings**

Measuring Damages  
**Darius Dynkowski, Esq.**  
*Ackerman & Ackerman, Troy*

3:30 Afternoon Break

3:45 **County of Clark v. Hsu**

Developments in Airport Takings Law  
**Kirk B. Lenhard, Esq.**  
*Jones Vargas, Las Vegas*

4:30 **Necessity Challenges to Takings**

The Implications of the *Poletown* Decision  
**Darius Dynkowski, Esq.**  
**James J. Leavitt, Esq., Program Co-Chair**

5:30 Adjourn

9:00 **Overview and Topics for Day Two**

**Kermitt L. Waters, Esq., Program Co-Chair, and  
 James J. Leavitt, Esq., Program Co-Chair**

9:15 **The Uniform Relocation and Assistance and Real Property Acquisition Policies**

Federal and Federally Assisted Programs  
**Kirby C. Gruchow, Jr., Esq.**  
*Santoro, Driggs, Walch, Kearney, Johnson & Thompson, Las Vegas*

10:00 Morning Break

10:15 **Federal Takings Law**

What You Need to Know when Litigating a Case Against  
 the Federal Government  
**Darius Dynkowski, Esq.**

11:00 **Access Damages**

Substantial Impairment and Circuity of Travel  
**Brian C. Padgett, Esq.**  
*The Law Offices of Kermitt L. Waters, Las Vegas*

11:45 Lunch Break

1:00 **Special Use Properties**

Unique Valuation Concerns  
**James J. Leavitt, Esq., Program Co-Chair**

1:45 **City of North Las Vegas v. Robinson**

Developments in Dedication Requirements and Eminent Domain Law  
**R. Douglas Kurdziel, Esq.**  
*Jones Vargas, Las Vegas*

2:30 **Testifying in the Eminent Domain Action**

Cross-Examination  
**Brent A. Larsen, Esq.**  
*Deaner, Deaner, Scann, Malan & Larsen, Las Vegas*

3:15 **Turning Jurors into Witnesses**

Computer Visualization for the Eminent Domain Trial  
**Craig Fries, President**  
*Precision Simulations, Grass Valley*

4:00 **The Appraiser's Testimony—  
A Panel Presentation**

Testifying in the Eminent Domain Action

Preparing an Appraisal Report  
**Shelli Lowe, MAI, Appraiser**  
*Shelli Lowe & Associates, Las Vegas*

Direct Examination  
**Keith Harper, MAI, Vice President**  
*Morgan, Beebe & Harper, Las Vegas*

Defending an Appraisal on Cross-Examination  
**Reese Perkins, MAI, SRA, Principal**  
*Johnson-Perkins & Associates, Reno*

5:00 Adjourn

Save  
These  
Dates!

NEPA  
 March 11, San Francisco  
 Commercial Real Estate Leases  
 March 18, Phoenix

Land Use Law  
 March 21-22, Phoenix  
 Interstate Wine Sales  
 April 29, San Francisco

Winemaking for Lawyers  
 May 2, Seattle  
 Law of the Colorado River  
 May 19-20, Las Vegas

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

**James J. Leavitt** practices primarily in the area of eminent domain law and has presented cases to juries and the Nevada Supreme Court. He is a member of the Nevada Trial Lawyers Association and the Clark County Bar Association and is an active Boy Scout Leader.

**Kermitt L. Waters** has practiced primarily in the area of eminent domain and condemnation law for the past 30 years. He has tried over fifty condemnation trials in Clark County. His representation of condemnees before the Nevada Supreme Court has resulted in landmark opinions protecting landowners' rights.

**Darius Dynkowski** and his firm, Ackerman & Ackerman, represent property owners and business clients in eminent domain and condemnation proceedings. Mr. Dynkowski is the current Co-Chair of the American Bar Association's State and Local Government Law Section Condemnation Committee.

**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.

**Kirby C. Gruchow, Jr.**, has handled cases in a wide variety of civil matters in both state and federal court, including commercial litigation involving contract disputes, condemnation law, environmental law, and mechanic lien law. Additionally, he regularly practices before the United States Bankruptcy Court for the District of Nevada representing creditors' rights.

**Keith Harper** is Vice President of his firm and is a certified appraiser. He has worked on behalf of the owners of the Algiers Hotel.

**Gideon Kanner** is a Professor of Law Emeritus at Loyola Law School, where he has taught property, land-use and eminent domain law for 20 years. He is Editor and Publisher of *Just Compensation*, a monthly periodical on the law of eminent domain and inverse condemnation, and is Of Counsel to his firm.

**R. Douglas Kurdziel** focuses on eminent domain, litigation, and construction law. He is a member of the Clark County and Nevada Trial Lawyers Association, and the Nevada Inns of Court.

**Brent A. Larsen** focuses on real property law, eminent domain, probate litigation, trust litigation, commercial litigation, business organization and real estate transactions. He is a frequent speaker on conducting effective cross-examination.

**Kirk B. Lenhard** emphasizes eminent domain, litigation, bankruptcy law and construction law. He is a fellow of the American College of Trial Lawyers and member of the Local Rules Committee for the U.S. District Court for the District of Nevada.

**Shelli Lowe** is involved primarily in litigation, which includes condemnation work for both public agencies and individual property owners. She has prepared many appraisals for government agencies, including the Downtown Redevelopment Agency for the City of Las Vegas, the City of Henderson, the Nevada Department of Transportation, and McCarran International Airport, among others.

**Brian C. Padgett** focuses on all aspects of eminent domain, including valuation, inverse condemnation, and eminent domain litigation.

**Reese Perkins** is a commercial real estate appraiser and consultant, and has appraised virtually all types of property, including commercial and industrial buildings, vacant land, hotels and casinos, among many others. He was President of the Nevada Commission of Real Estate Appraisers in 2001.

**Gregory Walch** practices environmental, water, land use, mining, eminent domain and administrative law in southeastern Nevada. Previously an engineer, he engineered water supply and groundwater systems for industrial and municipal clients until 1989.

**CLE International Managing Program Attorney:**  
**Heidi A. Ray, heidi@cle.com.**

# conference information

### Continuing Education Credit

**MCLE:** This course has been accredited by the Nevada Board of Continuing Legal Education for a maximum of 13 hours, including one hour of legal ethics.

**Appraisers:** Application has been made to the Nevada State Appraisal Board for 13 credit hours.

**Engineering:** This course meets the requirements for 13 hours of engineering credit as set forth by the Nevada State Board of Engineers and Land Surveyors.

**Real Estate:** Application has been made to the State of Nevada Real Estate Commission for 13 credit hours.

For accreditation in other jurisdictions or disciplines, please call **CLE INTERNATIONAL** at (303) 377-6600.

### 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, e-mail your registration to registrar@cle.com, or register online at www.cle.com. Full payment is due at the time of registration. Walk-in registrations will be subject to space availability. Please call **CLE INTERNATIONAL** at (303) 377-6600 if you require any special accommodations.

### Conference Location and Accommodations

The Conference will be held at The Venetian Resort Hotel Casino, 3355 Las Vegas Boulevard South, Las Vegas, NV 89109. A block of rooms is being held for Conference attendees until March 8.

For reservations and special rates, please contact 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.

### Save When Two or More Register

Save \$200 or more with our multiple registrant discount! The tuition fee is only \$495 per person for two or more registering from the same firm.

### Sponsorship Information

Sponsorship and exhibition opportunities are still available. For more information, please contact Sarah Neenan, Marketing Coordinator, at (303) 377-6600 or at sarah@cle.com.

### Course Materials

Each registrant will receive a set of course materials, prepared by the speakers for this Conference that will be invaluable as a future reference. The course materials alone are available for \$95 plus \$10 shipping and handling.

### Homestudy Package

If you cannot attend, **CLE INTERNATIONAL** also offers a complete audio transcript of the Conference (including all course materials) for \$595 plus \$10 shipping and handling. **CLE INTERNATIONAL's** courses are approved for self study.

### 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 prior to the Conference. Substitutions may be made at any time.

### About CLE International

**CLE INTERNATIONAL**, a leading provider of continuing professional education, has been presenting high-quality programs nationwide since 1983. **CLE INTERNATIONAL** is an approved sponsor in all states with mandatory continuing legal education requirements.

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Facing New Challenges

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