

# EMINENT DOMAIN

## Current & Emerging Issues

September 29-30, 2016 • Caesars Palace • Las Vegas

### Join Your Colleagues from Around the Country!

#### Dear Colleague:

The practice of eminent domain is morphing into a national practice, and the best practitioners now need to know about activity outside their own jurisdictions.

Please join us in Las Vegas on September 29 and 30 for a program that will help you stay abreast of the most important developments in eminent domain litigation all across the country.

The changes in the practice are driven in part by large construction projects that cross state lines. These are addressed in a series of panel discussions on:

- **Key Eminent Domain Issues in Highway Projects**
- **Organized Resistance to the Big Transmission Line Projects**
- **Valuation Issues in Pipeline Takings**

To provide a broad perspective on important changes in the law around the country, we've enlisted two outstanding practitioners to give you the big picture:

- **Robert Thomas from Honolulu will provide a Takings Law Update, and**
- **Chris Johns from Austin will provide an Update on Inverse Condemnations and Regulatory Takings**

Other segments in the program address hot topics and thorny issues in eminent domain litigation today, including:

- **Partial Takings**
- **Exactions**
- **Municipal Takings of Private Water Companies**
- **Just Compensation**
- **Attorney Fees**
- **Special Purpose Properties**

The program concludes with practical advice on litigation strategy from successful eminent domain litigators, and on trial tactics from a panel of judges.

With a full 12 hours of instruction, including an hour on ethics, the program will satisfy your CLE requirements and your need to stay current with briefings on the most important eminent domain developments.

Please join us in Las Vegas!



**Darius W. Dynkowski, Esq.**  
**Program Co-Chair**  
Ackerman Ackerman  
& Dynkowski  
Bloomfield Hills, MI



**Autumn L. Waters, Esq.**  
**Program Co-Chair**  
Law Offices of  
Kermitt L. Waters  
Las Vegas, NV



**Kermitt L. Waters, Esq.**  
**Program Co-Chair**  
Law Offices of  
Kermitt L. Waters  
Las Vegas, NV

### Conference Location & Hotel Accommodations



**Caesars Palace**  
3570 S. Las Vegas Blvd.  
Las Vegas, NV 89109

This classic, Roman-themed casino hotel is on the west side of the Strip between the Bellagio and the Mirage. Elegant rooms are housed in six towers and come with marble accents and designer bath products; suites add seating areas, dining tables, wet bars and whirlpool tubs. Perks include a coliseum-inspired performance venue with headliner entertainment, multiple pools, upscale shopping, a fountain show, nightclubs, spa, gym and several destination restaurants.

Enjoy the luxurious Caesars Palace at specially discounted rates exclusively for Conference participants!

#### For Hotel Reservations

Use the weblink to reserve your room today:  
[www.resweb.passkey.com/go/SCEMI6](http://www.resweb.passkey.com/go/SCEMI6)  
or call 866-227-5944, use group code SCEMI6.

## THURSDAY, SEPTEMBER 29

8:00 Registration and Continental Breakfast

### 9:00 **Welcome and Course Overview**

**Darius W. Dynkowski, Esq., Program Co-Chair**  
Ackerman Ackerman & Dynkowski, Bloomfield Hills, MI

**Autumn L. Waters, Esq., Program Co-Chair**  
Law Offices of Kermit L. Waters, Las Vegas, NV

**Kermit L. Waters, Esq., Program Co-Chair**  
Law Offices of Kermit L. Waters, Las Vegas, NV

### 9:10 **Featured Presentation**

Eminent Domain and Takings Law Update

**Robert H. Thomas, Esq.**  
Damon Key Leong Kupchak Hastert, Honolulu, HI

### 10:00 **Regional Perspectives on Key Eminent Domain Issues in Highway Projects**

When Does Planning Become a Taking? Where Do Precondemnation Damages Fit In?

**Michelle L. Davenport, Esq., Staff Attorney**  
Arkansas Highway and Transportation Department, Little Rock, AR

**Robert D. Kurdziel, Esq., Special Counsel on Eminent Domain**  
Nevada Department of Transportation, Las Vegas, NV

**Joseph Vadala, Esq., Special Counsel on Eminent Domain**  
Nevada Department of Transportation, Las Vegas, NV

10:45 Networking Break

### 11:00 **Taking It All**

When Power Line Easements Had to Take the Whole Property

**Daniel D. Hannula, Esq.**  
Hannula & Halom, Superior, WI

**Kurt C. Kielisch, President and Sr. Appraiser**  
Forensic Appraisal Group, Neenah, WI

**Michael B. Phillips, Esq.**  
Moffitt & Phillips, Little Rock, AR

12:00 Lunch Break (on your own)

### 1:15 **The Use of Engineers to Support Valuation Evidence in Eminent Domain**

Pre-litigation Role, Highest and Best Use Analysis, Importance in Partial Takings, and Creation of Exhibits

**Paul G. Henry, Esq.**  
Denlow & Henry, St. Louis, MO

### 2:00 **The Relocation Act**

How to Relocate a Business

**Robert D. Kurdziel, Esq.**  
**Autumn L. Waters, Esq., Program Co-Chair**

3:00 Networking Break

### 3:15 **New Approaches to Recurring Issues, Part 1**

Injurious Affection and the Canadian Approach to Damages for Partial Takings

**Shane Rayman, Esq.**  
Rayman Beitchman, Toronto, Ontario

### 4:00 **Ethics**

Ethical Issues in Eminent Domain Litigation

**Matthew H. Fellerhoff, Esq.**  
Strauss Troy, Cincinnati, OH

5:00 Adjourn

**Earn up to 12 Hours MCLE Credit  
Including One Hour of Ethics**

## FRIDAY, SEPTEMBER 30

8:00 Continental Breakfast and Networking

### 8:45 **Welcome Back and Day Two Overview**

**Darius W. Dynkowski, Esq., Program Co-Chair**  
**Autumn L. Waters, Esq., Program Co-Chair**  
**Kermit L. Waters, Esq., Program Co-Chair**

### 9:00 **Featured Presentation**

Pipeline Takings: The Big Projects, Organized Resistance, and Key Valuation Issues

**Thomas H. Peebles IV, Esq.**  
Waller Lansden Dortch & Davis, Nashville, TN

**Christian F. Torggrimson, Esq.**  
Pursley Friese Torggrimson, Atlanta, GA

**Jessica E. Yates, Esq.**  
Snell & Wilmer, Denver, CO

### 9:45 **Just Compensation in Utility Takings**

Thinking Outside the Box

**Roy R. Brandys, Esq.**  
Barron & Adler, Austin, TX

10:30 Networking Break

### 10:45 **Special Purpose Properties**

What Are They and How Do You Value Them?

**James Jack Leavitt, Esq.**  
Law Offices of Kermit Waters, Las Vegas, NV

### 11:30 **Municipal Takings of Water Companies**

Unique Right-to-Take Issues that Arise When Municipalities Seek to Condemn Private Utilities and Unique Valuation Issues that Arise When Municipalities Condemn

**Rick E. Rayl, Esq.**  
Nossaman, Irvine, CA

12:15 Lunch Break (on your own)

### 1:30 **Inverse Condemns and Regulatory Takings**

An Update

**Chris Johns, Esq.**  
Johns Marrs Ellis & Hodge, Austin, TX

### 2:15 **New Approaches to Recurring Issues, Part 2**

Exactions and Recovery of Attorney Fees

**Amy Brigham Boulris, Esq.**  
Gunster, Miami, FL

**Sarah Mastalir Kellner, Esq.**  
Faegre Baker Daniels, Denver, CO

3:00 Networking Break

### 3:15 **Eminent Domain Litigation**

Successful Strategies for the Litigator

**Brandon K. Moffitt, Esq.**  
Moffitt & Phillips, Little Rock, AR

**Randall A. Smith, Esq.**  
Smith & Fawer, New Orleans, LA

### 4:00 **Views from the Bench**

Key Issues in the Trial of an Eminent Domain Case

**Hon. Michelle Leavitt, Judge,**  
**Hon. Elizabeth Gonzalez, Judge** and  
**Hon. Jennifer P. Togliatti, Judge**  
Eighth Judicial District Court, Las Vegas, NV

*Moderator:* **Kermit L. Waters, Esq., Program Co-Chair**

4:45 Evaluations and Adjourn

**PROGRAM CO-CHAIRS**

**Darius W. Dynkowski** has been avidly defending landowners throughout the country since 1996. He is an expert in the areas of condemnation and eminent domain, and he has been involved in cases at both state and federal levels. Mr. Dynkowski has served as the lead attorney on several cases that have resulted in compensation exceeding the original offer by at least \$1 million.

**Kermitt L. Waters** has been defending landowners in eminent domain and inverse condemnation cases in Nevada and across the United States for over 40 years. Practicing exclusively in the areas of eminent domain and condemnation law, he has handled hundreds of eminent domain cases and has tried over fifty condemnation trials in Nevada alone. He works tirelessly to bring about changes to eminent domain law in the Nevada Constitution, the Nevada Revised Statutes, and Nevada case law to further protect Nevada landowners' rights.

**Autumn L. Waters** focuses exclusively on eminent domain and inverse condemnation. She has worked on dozens of cases in Nevada including partial takings with severance damages, business takings, airspace takings, and government delay for property owners of all types and sizes. Representing individuals, businesses, lenders, real estate brokers, and other attorneys, Ms. Waters' experience covers a wide range of property takings including condominium homes, open land, industrial facilities, air space, and commercial buildings such as apartments, hotels, retail, and office complexes.

**KEYNOTE PRESENTER**

**Robert H. Thomas, Esq.**  
Damon Key Leong Kupchak Hastert, Honolulu, HI

**FEATURED PRESENTERS**

**Thomas H. Peebles IV, Esq.**  
Waller Lansden Dortch & Davis, Nashville, TN  
**Christian F. Torgrimson, Esq.**  
Pursley Friese Torgrimson, Atlanta, GA  
**Jessica E. Yates, Esq.**  
Snell & Wilmer, Denver, CO

**FACULTY**

**Roy R. Brandys, Esq.**  
Barron & Adler, Austin, TX  
**Amy Brigham Boulris, Esq.**  
Gunster, Miami, FL  
**Michelle L. Davenport, Esq., Staff Attorney**  
Arkansas Highway and Transportation Department, Little Rock, AR  
**Matthew W. Fellerhoff, Esq.**  
Strauss Troy, Cincinnati, OH  
**Hon. Elizabeth Gonzalez, Judge**  
Eighth Judicial District Court, Las Vegas, NV  
**Daniel D. Hannula, Esq.**  
Hannula & Halom, Superior, WI  
**Paul G. Henry, Esq.**  
Denlow & Henry, St. Louis, MI  
**Chris Johns, Esq.**  
Johns Marrs Ellis & Hodge, Austin, TX  
**Sarah Mastalir Kellner, Esq.**  
Faegre Baker Daniels, Denver, CO  
**Kurt C. Kielisch, President and Sr. Appraiser**  
Forensic Appraisal Group, Neenah, WI

**FACULTY**

**Robert D. Kurdziel, Esq.**  
**Special Counsel on Eminent Domain**  
Nevada Department of Transportation, Office of the Nevada Attorney General, Las Vegas, NV  
**James Jack Leavitt, Esq.**  
Law Offices of Kermitt L. Waters, Las Vegas, NV  
**Hon. Michelle Leavitt, Judge**  
Eighth Judicial District Court, Las Vegas, NV  
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Nossaman, Irvine, CA  
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**Michael B. Phillips, Esq.**  
Moffitt & Phillips, Little Rock, AR  
**Shane Rayman, Esq.**  
Rayman Beitchman, Toronto, Ontario  
**Randall A. Smith, Esq.**  
Smith & Fawer, New Orleans, LA  
**Robert H. Thomas, Esq.**  
Damon Key Leong Kupchak Hastert, Honolulu, HI  
**Hon. Jennifer P. Togliatti, Judge**  
Eighth Judicial District Court, Las Vegas, NV  
**Christian F. Torgrimson, Esq.**  
Pursley Friese Torgrimson, Atlanta, GA  
**Joseph Vadala, Esq.**  
**Special Counsel on Eminent Domain**  
Nevada Department of Transportation, Office of the Nevada Attorney General, Las Vegas, NV  
**Jessica E. Yates, Esq.**  
Snell & Wilmer, Denver, CO

<b>4 EASY WAYS TO REGISTER</b>	<b>1</b> <a href="http://cle.com/CaesarsPalace">cle.com/CaesarsPalace</a>	<b>2</b> <b>FAX</b> (303) 321-6320	<b>3</b> <b>PHONE</b> (800) 873-7130	<b>4</b> <b>MAIL</b> 7995 East Prentice Avenue Suite 200 Greenwood Village, CO 80111

**YES!** Please register the following:

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**Cancellation**

Full tuition refunds (less a \$75 administrative charge) will be given only if notice of cancellation is received by 5:00 pm MST on the Friday prior to the Conference. Substitutions may be made at any time.

Course Materials provided in electronic format only.

**Tuition - includes Course Materials**

- \$795 per person
- \$695 each for two or more
- \$695 each for government, 501(c)(3) organizations, full-time judges, law students, and paralegals
- \$595 each for two or more government, 501(c)(3) organizations, full-time judges, law students, and paralegals

**Home Study - available after the Conference**

- Audio transcript and course materials  
 \$795 plus \$10 shipping and handling

**Course Materials Only**

- \$250 plus \$10 shipping and handling

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**New!** Two-Day National Conference- LIVE!



**Earn up to 12 Hours MCLE Credit  
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# EMINENT DOMAIN

## Big Projects, Key Issues & Successful Strategies

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### Two Featured Presentations!

#### Eminent Domain and Takings Law Update



**Robert H. Thomas, Esq.**  
Damon Key Leong Kupchak Hastert  
Honolulu, HI

#### Pipeline Takings: The Big Projects, Organized Resistance, and Key Valuation Issues



**Thomas H. Peebles IV, Esq.**  
Waller Lansden Dortch & Davis  
Nashville, TN



**Christian F. Torggrimson, Esq.**  
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Atlanta, GA



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