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Including One Hour of Ethics**

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9th Annual SuperConference!

Eminent Domain

The U.S. Supreme Court Has Spoken. Now What?

October 27-28, 2005 • Safety Harbor Resort & Spa • Tampa

Who Should Attend:

- Attorneys
- Accountants
- Aerial Photographers
- Construction Cost Analysts
- 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 Florida!



Destination: Tampa. Here, a single day's itinerary might include breakfast at a waterside cafe, Busch Gardens, The Florida Aquarium, a streetcar ride to Channelside for shopping, and a Tampa Bay Buccaneers game. Then on to historic Ybor City, where the Cuban sandwiches are hot and crisp, the cigars are hand-rolled, and the colorful streets are lined with fun. What next? White, sugar sand beaches, sport fishing, jet skiing, parasailing, boating... and, oh yes, the most succulent seafood under the sun.

The Conference will be held at the unique Safety Harbor Resort & Spa, 105 North Bayshore Drive, Safety Harbor, Florida 34695. To secure your space and get the best rate, please contact Community World Travel at (888) 724-0500 or visit www.communityworldtravel.com.



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



Thursday, October 27**Friday, October 28**

- 8:30 Registration and Continental Breakfast
- 9:00 **Introduction and Welcome**
Dyana L. Petro, Esq., Program Co-Chair
GrayRobinson, Orlando
Andrew G. Diaz, Esq., Program Co-Chair
Gaylord Merlin Ludovici Diaz & Bain, Tampa
Prineet D. Sharma, Esq., Program Co-Chair
Harris, Harris, Bauerle & Sharma, Orlando
- 9:15 **Real Estate Market Overview and Forecast**
 Charting the Course
John Crossman, CCIM, Senior Vice President
TrammellCrowCompany, Orlando
- 10:00 **Case Law Update**
 The Big Changes You Need to Know About
Alan DeSerio, Esq.
Brandon
- 10:45 Morning Break
- 11:00 **Land Planning Issues and Compensation**
 Nonconforming Use, Site Plans and Probability of Rezoning
Andrew G. Diaz, Esq., Program Co-Chair
Ethel D. Hammer, Principal
Engelhardt, Hammer & Associates, Tampa
- 11:45 Lunch Break
- 1:00 **Making Sense of Federal Constitutional Takings After the 2004-05 U.S. Supreme Court Term**
 The Federal "Public Use" Requirement for Eminent Domain Actions; the Relationship Between Eminent Domain and Regulatory Takings Under the Federal Constitution; the Relationship Between Substantive Due Process and Regulatory Takings Claims; the Availability of a Federal Forum for Takings Claims; Prospects for the Next Set of Issues the Court is Likely to Consider
Mark Fenster, Esq., Assistant Professor
University of Florida, Levin College of Law, Gainesville
- 1:45 **Top Ten Eminent Domain Myths**
 When Off-site Cures Are Admissible in Evidence; When a Non-monetary Benefit Is Beneficial to the Condemnor; Interaction with the Property Owner and Business Operator Can Be Positive; Knowledge of Real Estate Law Is Essential in the Eminent Domain Field; Exploring the Novel Claim for Compensation
Deborah A. Ruster, Esq.
Peterson & Myers, Lakeland
- 2:30 **Full Compensation**
 Statutory Interest Under § 74.061 vs. Appreciation: In Today's Market Environment, Is Statutory Interest Enough to Satisfy the Constitutional Requirement of Full Compensation?
Jackson H. Bowman, IV, Esq.
Brigham Moore, St. Petersburg
- 3:15 Afternoon Break
- 3:30 **Getting It Done at Mediation**
 Maximizing Your Chances for Success
James A. Helinger, Jr., Esq.
Clearwater
- 4:15 **More on Mediation**
 Practice Pointers on Mediating Your Case Effectively
Lawrence Gendzier, Right-of-Way Manager, District 5
Florida Department of Transportation, DeLand
- 5:00 Adjourn to Meet-the-Faculty Reception
 Sponsored By:
Gaylord Merlin Ludovici Diaz & Bain,
GrayRobinson, and Harris, Harris, Bauerle & Sharma

- 9:00 **Overview and Topics for Day Two**
Dyana L. Petro, Esq., Program Co-Chair
Andrew G. Diaz, Esq., Program Co-Chair
Prineet D. Sharma, Esq., Program Co-Chair
- 9:15 **A View from the Bench**
 What Persuades and What Doesn't
The Honorable Judge Gregory P. Holder
Circuit Judge
Thirteenth Judicial District, Tampa
- 10:00 Morning Break
- 10:15 **Interrogating the Site**
 Asking the Right Questions, Leaving No Stone Unturned
Robert R. Sprinkle, PE, AICP
Sprinkle Consulting, Lutz
- 11:00 **Ethics**
 Ethical Responsibilities in Mediation
John N. Conrad, Esq.
Valrico
- 11:30 **Ethics Continued**
 Candor Toward the Tribunal
The Honorable Judge Emmett L. Battles, Circuit Judge
Thirteenth Judicial District, Tampa
- 12:00 Lunch Break
- 1:15 **FDOT v. Tire Centers**
 Off-site Mitigation: No Cure for the Hardship
Suzanne M. Driscoll, Esq.
Shutts & Bowen, Fort Lauderdale
- 2:00 **The Order of Taking**
 Who Needs to Be Included as a Party to the Suit and When They Can Be Dropped
Marcia Locke, Esq.
Chief, Eminent Domain Section, District 7
Florida Department of Transportation, Tampa
- 2:45 Afternoon Break
- 3:00 **Eminent Domain from the Appraiser's Perspective**
 A Panel Presentation
Jess Collister, MAI, Partner, and
Richard Parham, Partner
Calhoun, Collister & Parham, Tampa
John Veasey, MAI, SRA, Partner
Weigel-Veasey Appraisers, Middleburg
- 4:30 Q&A Panel
Members of the Faculty
- 4:45 Evaluations and Adjourn

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Dates!

Presentation Skills for Lawyers
October 28, Tampa

Creative Writing for Lawyers
November 1, Miami

Nursing Home Litigation
November 2, Tampa

Florida Wetlands
November 3-4, Tampa

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Eminent Domain

meet your faculty

Program Co-Chairs

Andrew G. Diaz represents a variety of business and property owners in eminent domain and property rights litigation. He has handled cases involving the taking of a wide array of properties, including large vacant parcels, national big box retailers, and ranches as well as other properties.

Dyana L. Petro is a trial lawyer who practices eminent domain, property rights litigation and commercial litigation. Her eminent domain practice includes representation of both property owners and taking authorities. She has a broad range of experience in a variety of property related areas, including mortgage foreclosures, title insurance claims and real estate closings.

Prineet D. Sharma practices eminent domain, local government law and commercial litigation. He has handled numerous condemnation actions for property owners and condemning authorities in cases relating to residential, commercial, agricultural and utility properties ranging in value into the millions of dollars.

The Honorable Judge Emmett L. Battles has been on the bench since 2002. From 1995 to 2001, he was Assistant General Counsel to the Florida Department of Transportation, District Seven. He was the 2005 Recipient of the Hillsborough County Bar Association Robert Patton Outstanding Jurist Award.

Jackson H. Bowman, IV, represents private property owners whose property has been either taken or excessively regulated by government. He holds the MAI and CCIM designations, and is an adjunct professor at Stetson University College of Law.

Jess Collister has been providing real estate valuation services since 1986. He and his firm specialize in eminent domain appraisal in Florida. He has been qualified as an expert witness in appraising and has provided testimony in several Circuit Courts.

John N. Conrad focuses on all aspects of eminent domain law. He is a member of the Association of Eminent Domain Professionals and the Florida Bar Association's Eminent Domain Committee.

John Crossman provides investment sales services to new development and existing retail centers throughout the Southeast. He was previously the Florida State Government Relations Committee Co-Chair for the ICSC.

Suzanne M. Driscoll practices eminent domain exclusively. Her extensive jury trial experience began as an Assistant Public Defender, continued at the Attorney General's Office and FDOT, where she served as a Senior Attorney.

Alan DeSerio is an appellate attorney and Certified Circuit Court Mediator specializing in eminent domain and condemnation. For nearly three decades he has served as appellate counsel and trial consultant to both condemnors and landowners.

Mark Fenster teaches Land Use and Property. His article "Takings Formulas and Regulatory Formalism" was recently chosen by the *Land Use and Environment Law Review* as one of the best land use and environmental law articles published each year.

Lawrence Gendzier has been his District's Eminent Domain Chief for over 10 years. He has mediated millions of dollars worth of parcels for FDOT in his 15-year tenure.

Ethel D. Hammer has over 24 years' experience in planning and public administration. She was previously the Chief Environmental Planner for Hillsborough County. She has testified as an expert on planning issues at the Circuit Court level.

James A. Helinger, Jr., focuses exclusively on eminent domain and inverse condemnation, and is a Supreme Court Certified Circuit Court Mediator specializing in eminent domain and local government law. He has been practicing eminent domain law for over 30 years.

The Honorable Judge Gregory P. Holder was elected as a Circuit Judge July 1996 and July 2002. Prior to his election, he was a partner with Williams, Reed, Weinstein, Schifino & Mangione, where he practiced commercial litigation, eminent domain, and governmental and administrative law.

Marcia Locke has been with FDOT since 1992. She was formerly a prosecutor in the Office of Bill James, and handled workers' compensation matters with Stiles, Taylor and Grace from 1990-1992.

Richard Parham has been working in the field of eminent domain appraisal since 1987. He is qualified as an expert witness and provides valuation services for property owners and condemning authorities throughout Florida.

Deborah A. Ruster practices civil litigation, concentrating in eminent domain. She has been a member of the Eminent Domain Committee of the Florida Bar since 1990. Prior to joining her firm, she was a senior condemnation attorney at the Department of Transportation for six years.

Robert R. Sprinkle has over 25 years of experience. He has provided services for public and private clients throughout Florida, designing and permitting projects from one-half acre to over 1,000 acres. He has provided technical expert services in eminent domain matters for over 15 years.

John Veasey has over 33 years' experience in real estate appraisal specializing in the field of eminent domain. Clients include both condemning authorities and landowners.

conference information

Continuing Education Credit

MCLE: This course has been approved by the Florida State Bar for a maximum of 14 hours of credit, including one hour of legal ethics.

Appraiser: This course meets the requirements for up to 14 hours appraiser credit in Florida.

Real Estate: This course meets the requirements for up to 14 hours real estate credit in Florida.

Engineer: This course meets the requirements for up to 14 hours engineering credit in Florida.

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, email your registration to registrar@cle.com, or visit 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 (800) 873-7130 if you require any special accommodations.

Reserve Your Room Early

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Tuition

The tuition fee of \$695 per person includes attendance at all sessions, course materials, Thursday's reception, 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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Save \$200 or more with our multiple registrant discount! The tuition fee is only \$595 per person for two or more registering from the same firm.

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

Course Materials

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

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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 of the Florida State Bar, Sponsor No. 750743, and in all states having mandatory continuing legal education requirements.

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How *Kelo* May Affect the Landscape of Eminent Domain

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from the Appraiser's Perspective



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