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**3rd Annual Conference!**

# Litigating Land Use Disputes

**Conquer the Courtroom and Avoid Common Pitfalls!**

**December 11-12, 2006 • Marriott Waterside Hotel and Marina • Tampa**

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  - Legal Staff
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  - Landowners
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- ... and anyone involved in land use issues in Florida!

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Conference Schedule and Speaker Biographies Inside



**Monday, December 11**

- 8:30 Registration and Continental Breakfast
- 9:00 **Welcome and Overview of Day One**  
*Robert C. Apgar, Esq., Program Chair*  
*Greenberg Traurig, Tallahassee*
- 9:15 **Case Law Update**  
New Features in the Land Use Litigation Landscape  
*Robert K. Lincoln, Esq.*  
*Icard, Merrill, Cullis, Timm, Furen & Ginsburg, Sarasota*
- 10:00 Morning Break
- 10:15 **The Threshold Question**  
Does the Petitioner/Plaintiff Have Standing?  
*David C. Ashburn, Esq.*  
*Greenberg Traurig, Tallahassee*
- 11:00 **Trial of a Major Case**  
Strategy and Tactics from the Trenches  
*Charles L. Siemon, Esq.*  
*Siemon & Larsen, Boca Raton*
- 11:45 Q&A Panel  
*Members of the Faculty*
- 12:00 Lunch Break
- 1:30 **Controlling Your Experts**  
Effective Preparation and Presentation of Expert Testimony  
*Donald E. Hemke, Esq.*  
*Carlton Fields, Tampa*

- 2:15 **Featured Presentation**  
A View from the Bench  
*The Honorable Gregory P. Holder*  
*Thirteenth Judicial District, Hillsborough County, Tampa*

- 3:00 Afternoon Break
- 3:15 **Keep It Down!**  
Issues with Noise Pollution  
*Mark S. Bentley, Esq.*  
*GrayRobinson, Tampa*
- 4:00 **Vested Rights**  
Striking the Right Balance Between Private Property Rights and Government Regulation  
*David Smolker, Esq.*  
*Brickleymer, Smolker & Bolves, Tampa*
- 4:45 Q&A Panel  
*Members of the Faculty*
- 5:00 Adjourn

**Tuesday, December 12**

- 8:30 Continental Breakfast
- 9:00 **Overview of Day Two**  
*Robert C. Apgar, Esq., Program Chair*
- 9:15 **Keynote Presentation**  
The Direction of Land Use Law and Litigation in Florida  
*Ronald L. Weaver, Esq.*  
*Stearns Weaver Miller Weissler Alhadeff & Sitterson, Tampa*
- 10:00 Morning Break
- 10:15 **Reflections on the Direction of Land Use Law and Litigation in Florida**  
A Panel Presentation  
*Shaw P. Stiller, Esq., Assistant General Counsel*  
*State of Florida, Department of Community Affairs, Tallahassee*  
*Donald E. Hemke, Esq.*  
*Charles L. Siemon, Esq.*  
*Robert C. Apgar, Esq., Program Chair*
- 11:00 **Ethics Update**  
Avoiding Ethical Quagmires  
*Pamella A. Seay, Esq., Professor of Law*  
*Florida Gulf Coast University, Fort Myers*
- 12:00 Lunch Break
- 1:15 **Comprehensive Plan Amendments**  
Administrative Challenges  
*Shaw P. Stiller, Esq., Assistant General Counsel*
- 2:00 **DRI Appeals**  
An Overview of the New Statutory Process  
*W. Douglas Hall, Esq.*  
*Carlton Fields, Tallahassee*
- 2:45 Afternoon Break
- 3:00 **Annexation**  
An Overview and Update on Annexation Law and Challenges  
*Rebecca A. O'Hara, Esq., Deputy General Counsel*  
*Florida League of Cities, Tallahassee*
- 3:45 **Quasi-Judicial Proceedings Before Local Governments**  
A How-To Toolbox  
*H. Ray Allen, II, Esq.*  
*Carlton Fields, Tampa*
- 4:30 Q&A Panel  
*Members of the Faculty*
- 4:45 Evaluations and Adjourn

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Dates!

Florida Wetlands  
November 16-17, Tampa  
Eminent Domain  
November 30 - December 1, Birmingham

Long-Term Care Litigation  
December 7-8, Tampa  
Winning Your Next Appeal  
December 8, Denver

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January 25-26, Los Angeles  
Ethics  
February 23, Tampa

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## Litigating Land Use Disputes

# meet your faculty

### Program Chair

**Robert C. Apgar** practices primarily in land development and growth management law. In his 25 years of practice, he has represented landowners and developers seeking a full range of land development approvals, from local zoning and site plan approvals to comprehensive plan amendments and developments of regional impact. He is a frequent lecturer on land development topics and has written numerous articles. He served as a Tallahassee-Leon County Planning Commissioner for five years and was the 2003 recipient of the Excellence in Conflict Resolution Award from the Florida Conflict Resolution Consortium.

### Keynote Presenter

**Ronald L. Weaver** has extensive experience in advising landowners, development companies, and local governments in environmental, land use law and property rights. Significant accomplishments include representing 100 Florida developers on zonings, DRIs, plan amendments, concurrency, property rights and local governments in NEPA projects, including a \$1.3-billion roadway and a \$56-million people mover. He has also chaired an ABA property rights subcommittee.

### Featured Presenter

**The Honorable Gregory P. Holder** was elected as a Circuit Judge in July 1996 and July 2002. Since being elected, he has served within the Juvenile Division, Family Law Division and the General Civil Division. Previously, Judge Holder was a Partner with the firm of Williams, Reed, Weinstein, Schifino & Mangione, where he practiced commercial litigation, eminent domain, and governmental and administrative law.

**H. Ray Allen, II**, is a shareholder in his firm's Government Law and Consulting Practice Group and Real Property Litigation Practice Group. He has experience in the areas of judicial and administrative litigation, appellate practice, land use law, and environmental and water permitting.

**David C. Ashburn** has extensive experience in the representation of a broad range of clients in their dealings with numerous regulatory agencies. Much of his practice is focused on the provision of administrative and regulatory counsel in the health industry.

**Mark S. Bentley** focuses his practice on eminent domain litigation, land use, zoning, governmental and administrative law. He has represented hundreds of private property owners against various condemning authorities.

**W. Douglas Hall** has a wide range of experience in land use litigation and has handled challenges to local government development orders under section 163.3215, certiorari proceedings, DRI appeals, and cases involving vested development rights. He also regularly represents developers in quasi-judicial proceedings before local governments.

**Donald E. Hemke** has a general commercial litigation practice. In addition, he is often involved in obtaining government permits and licenses. He has served as an arbitrator for the U.S. District Court for the Middle District of Florida and for the American Arbitration Association.

**Robert K. Lincoln** focuses his practice on land use permitting and litigation and administrative law. He has a broad background in urban and regional planning, having served as an Assistant Professor of Urban Planning at Michigan State University, a Senior Research Associate at the Cantanese Center for Urban and Environmental Solutions, and an Associate Planner with Sarasota County.

**Rebecca A. O'Hara** represents her organization on a variety of municipal matters, particularly environmental and land use issues. She also lobbies for the League before state executive agencies and the Florida legislature.

**Pamella A. Seay** is a past member of the Florida Bar Professional Ethics Committee and is licensed to practice law in both Florida and South Carolina. She is a past chair of the Punta Gorda Charlotte County Metropolitan Planning Organization and presently serves as chair of the Charlotte County Airport Authority, where she has been a commissioner since 1997.

**Charles L. Siemon** is a planning and planning law consulting attorney who has provided professional services to public and private sector clients in more than 25 states and in the Commonwealth of Puerto Rico. He has extensive experience in state and federal trial and appellate courts on takings issues, civil rights, impact fees, condemnation of open space and other matters.

**David Smolter** is a former city planner, and for the last 22 years has handled a wide variety of land use, environmental, eminent domain and inverse condemnation matters at the local, state and federal administrative, trial and appellate levels. He has written and lectured on topics ranging from access rights, regulatory takings, comprehensive planning, concurrency, development moratoria, and litigating land use and eminent domain cases.

**Shaw P. Stiller** focuses on statewide land use litigation. Prior to his current role, he was involved in land use litigation in the private sector, representing private interests, local governments, and neighborhood groups in state and federal courts.

**CLE INTERNATIONAL Program Attorney:**  
**Allison A. Gerkman**, [alli@cle.com](mailto:alli@cle.com).

# conference information

### Continuing Education Credit

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

**CLE INTERNATIONAL** is an approved sponsor of the Florida State Bar, Sponsor No. 750743.

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**Planning:** This course qualifies for up to 14 hours of AICP/CPDP credit.

For accreditation in other jurisdictions or disciplines, please contact **CLE INTERNATIONAL** at (800) 873-7130.

### 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](mailto:registrar@cle.com), or register on-line at [www.cle.com](http://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.

### Reserve Your Room Early

The Conference will be held at the Marriott Waterside Hotel and Marina, 700 South Florida Avenue, Tampa, FL 33602. To secure 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: \$795

The tuition fee of \$795 per person (\$695 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

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### About CLE International

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

### Course Materials

Each registrant will receive a set of course materials, prepared by the speakers especially for this Conference, which will be a valuable 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 \$795 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 prior to 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](mailto:shauna@cle.com).

3rd Annual Conference!

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Conquer the Courtroom and Avoid Common Pitfalls!

December 11-12, 2006 • Marriott Waterside Hotel and Marina • Tampa

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# Litigating Land Use Disputes

Trial Tips and Timely Topics

December 11-12, 2006 • Marriott Waterside Hotel and Marina • Tampa

**Featured Presentation:**

**A View from the Bench**



**The Honorable Judge  
Gregory P. Holder**

Thirteenth Judicial District  
Hillsborough County, Tampa

**Keynote Presentation:**

**Direction of Land Use Law and Litigation in Florida**



**Ronald L. Weaver, Esq.**

Stearns Weaver Miller Weissler  
Alhadeff & Sitterson, Tampa

