

ALI-ABA Course of Study
Eminent Domain and Land Valuation Litigation

January 8 - 10, 2009
Miami Beach, Florida

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ALI-ABA Course of Study/Live Webcast
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January 8-10, 2009
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PROGRAM

Thursday, January 8, 2009

8:00 a.m. Registration and Networking Session

Webcast Segment A: Overview, Updates, and Trends

9:00 a.m. **Conference Overview** – *Ms. Fields and Mr. Waldo*

9:15 a.m. **National Law Update: The State of Takings Law and Valuation Issues around the Nation** — *Mr. Kanner*

10:00 a.m. Networking Break

10:15 a.m. **How Public Use Affects the Right-to-Take Litigation across the States**
— *Ms. Boulris*

11:00 a.m. **Recent Trends in Exercising Eminent Domain Powers in a Post-Kelo World** — *Moderator: Ms. Fields, moderator; Ms. Berliner and Messrs. Toby Brigham, McKirdy, Scott, and Waldo*

12:00 noon Lunch Break

AFTERNOON CONCURRENT SESSIONS

(Registrants may shuttle between meeting rooms)

Webcast Segment B: Organizing Your Case, Claims to Proceeds, Mediation, and Severance Damages

1:30 p.m. Practice Issues:*

Planning to Win Your Condemnation Trial: Themes, Focus Groups, Exhibits, Jury Prep, Notebooks, and Factual and Legal Land Mines
— *Mr. Denlow*

Substantive Issues:

Condemning for Corridors – Legal Issues Involved in Pipelines, Transmission Lines, and Other Utility Acquisitions — *Mr. Ale*

2:15 p.m. Practice Issues:*

Dealing with Opposing Claims to the Condemnation Proceeds between Lessors, Lessees, and Lenders — *Mr. Savin and Ms. Tish*

Substantive Issues:

Receiving Full Compensation for Real Effect of a Project When Faced with Restrictive Rules on Damage Recovery — *Ms. Fields*

3:00 p.m. Networking Break

- 3:15 p.m. Practice Issues:*
- Mediation of Eminent Domain Cases: How to Make it Work for You**
— *Judge Harris and Mr. Johnson*
- Substantive Issues:
- Square Pegs, Round Holes, and Easy Targets: Valuation of Churches, Schools, Charitable Establishments, and Other Non-Profits in Condemnation** — *Mr. Murphy*
- 4:00 p.m. Practice Issues:*
- Property Owner Strategies for Addressing Anticipated Severance Damages Due to Highway Improvements: Case Studies in Proactive Negotiations with the Condemnor** — *Ms. Jacobs and Mr. Masterman*
- Substantive Issues:
- The Citrus Canker Eradication Program, a Case Study on Litigating a Takings Claim as a Class Action** – *Mr. Gilbert*
- 5:00 p.m. Adjournment for the Day; **Meet and Greet Reception**** Meet your colleagues from around the nation
- 6:00 p.m. **Hospitality Events and Networking Dinner*****; join your colleagues, faculty, and the Hospitality Committee (Donna Elliott, Brenda Couzart, and Patricia Cohen) for dinner (*optional; dinner not included in tuition*)

Friday, January 9, 2009

- 7:30 a.m. Networking Session
- Webcast Segment C: Ethical Issues, Jury Assessment, Complaints against Appraisers, Alternative Approach to Redevelopment; Public Private Partnerships**
- 8:00 a.m. **Recognizing and Handling Quotidian Ethical Issues**** — *Ms. Fields, moderator; Mss. Brody and Urquhart*
- 9:00 a.m. **Viewing Your Eminent Domain Case through the Eyes of a Jury** — *Mr. Waldo, moderator; Mss. Fields and Macpherson*
- 10:00 a.m. **Dealing with Retaliatory Complaints and Grievances against Appraisers** — *Mr. Waldo, moderator; Ms. Coleman and Messrs. Marchitelli and Small*
- 10:45 a.m. Networking Break
- 11:00 a.m. **An Alternative Approach to Redevelopment Projects: Assemble Owners Rather than Lands** — *Mr. Schnidman*
- 11:45 a.m. **Public Private Partnerships (PPP's) as An Alternative to Condemnation: Is This the Wave of the Future?** — *Mr. Toby Brigham*
- 12:30 noon Lunch Break

AFTERNOON CONCURRENT SESSIONS

(Registrants may shuttle between meeting rooms)

Webcast Segment D: PPP Fundamentals, Government and Private Perspectives on PPP's, Financing PPP's, and PPP Case Studies

1:45 p.m. Practice Issues:*

Public Private Partnership Fundamentals —*Mr. Clary*

Substantive Issues:

Regulatory Takings 101 — *Messrs. Berger and Burling*

2:30 p.m. Practice Issues:*

PPP's from the Government and Private Sector Perspectives —*Ms. Brown and Messrs. Beatty and Stutler*

Substantive Issues:

Compensation Law for the Taking of Trade Fixtures — *Mr. Rikon*

3:15 p.m. Networking Break

3:30 p.m. Practice Issues:*

Financing PPP's — *Mr. Bradshaw*

Substantive Issues:

Does the Undivided Basis Rule in Valuing Property Promote or Undermine the Payment of Just Compensation — *Ms. Brody and Mr. Kanner*

4:15 p.m. Practice Issues:*

Two PPP Case Studies Worth Examining: The Miami Metrorail Extension and the Texas CDA Program — *Messrs. Toby Brigham, Brown, Russell, and Spillman*

Substantive Issues:

How to Try Your Case So if You Lose You Win: It's the Record Stupid — *Mr. Emmert*

5:15 p.m. Adjournment for the Day; **Hospitality Events and Networking Dinner****; join your colleagues, faculty, and the Hospitality Committee (Donna Elliott, Brenda Couzart, and Patricia Cohen) for dinner (*optional; dinner not included in tuition*)

Saturday, January 10, 2009

8:30 a.m. Networking Session

Webcast Segment E: Regulatory Takings Update, PPP's as the New Serfdom, and National Forum

9:00 a.m. **Regulatory Takings Update**** — *Mr. Berger*

9:45 a.m. **Are Public Private Partnerships the New Serfdom?***** — *Mr. Burling*

10:45 a.m. Networking Break

11:00 a.m. **National Forum**** — *Ms. Fields and Messrs. Andrew Brigham, Sperber, and Waldo*

12:00 Noon Adjournment

Total 60-minute hours of instruction, 16.25, including one hour of ethics

*Session not recorded or webcast

**Joint Session for registrants of both *Eminent Domain* and *Condemnation 101*

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