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# EMINENT DOMAIN

## Dealing with Recent Changes

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### Dear Colleague:

There is a reason why over 100 of Texas' top eminent domain professionals continue coming back to CLE International's Eminent Domain SuperConference in Austin each and every year – it's critical thinking from all points of view.

Don't miss the best Conference that 2012 has to offer in the ever-changing field of eminent domain and condemnation law, including a fresh look at:

- **Inverse Condemnation and *Kopplow***
- **The Larger Parcel**
- **Extraordinary Appraisal Issues**
- **Cross-Examining Experts**
- ***Texas Rice Land Partners v. Denbury Green Pipeline***
- **Dealing with the Legislative Changes Recently Enacted via Senate Bill 18**
- **Constitutional Case Study: The Asby High Rise Controversy**
- **Deposing the Eminent Domain Expert**

... and more!

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*"Great seminar."*

*"Another good conference. Well planned and presented with a good balance of perspectives."*

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*"Good as always—Essential to attend for those practicing in this area of law. Thanks."*

Stay on top of the issues and reserve your place today. We look forward to seeing you in Austin.



**Stephen I. Adler, Esq.**  
Program Co-Chair  
Barron & Adler, Austin



**Michael M. Barron, Esq.**  
Program Co-Chair  
Barron & Adler, Austin



**Christopher M. Clough, Esq.**  
Program Co-Chair  
Barron & Adler, Austin

Schedule and Information inside

**REGISTER NOW!** [www.cle.com/austintexas](http://www.cle.com/austintexas) or (800) 873-7130

8:30	Registration and Continental Breakfast
9:00	<b>Introduction and Welcome</b> Overview of Day One <b>Stephen I. Adler, Esq., Program Co-Chair</b> <b>Michael M. Barron, Esq., Program Co-Chair</b> <b>Christopher M. Clough, Esq., Program Co-Chair</b> Barron & Adler, Austin
9:15	<b>Case Law Update</b> Emerging Issues and Trends <b>Christopher M. Clough, Esq., Program Co-Chair</b>
10:00	<b>Constitutional Case Study</b> From Beginning to End, the Asby High Rise Controversy <b>Stephen I. Adler, Esq., Program Co-Chair</b>
10:45	Networking Break
11:00	<b>Inverse Condemnation by Flooding</b> <i>Kopplow vs. City of San Antonio</i> and Beyond <b>Paul D. Barkhurst Jr., Esq.</b> Barkhurst & Hinojosa, San Antonio
12:00	<b>Reflection, Critique and Discussion</b> Feedback from the Attorney General's Office, Guest Panelists and Audience Members <i>Moderators:</i> <b>Stephen I. Adler, Esq., Program Co-Chair</b> <b>Michael M. Barron, Esq., Program Co-Chair</b> <b>Christopher M. Clough, Esq., Program Co-Chair</b>
12:15	Lunch Break
1:30	<b>Texas Rice Land Partners v. Denbury Green Pipeline</b> <i>Landowner Perspective</i> <b>Amy Warr, Esq.</b> Alexander Dubose & Townsend, Austin <i>Pipeline Perspective</i> <b>Alaina King Benford, Esq.</b> Fulbright & Jaworski, Houston
2:45	Networking Break
3:00	<b>Depositions</b> Deposing the Eminent Domain Expert <b>Billy Coe Dyer, Esq.</b> Vinson & Elkins, Houston
4:00	<b>The Larger Parcel</b> Issues for Your Practice <b>Charles B. McFarland, Esq.</b> Joyce, McFarland + McFarland, Houston
4:45	<b>Reflection, Critique and Discussion</b> Feedback from the Attorney General's Office, Guest Panelists and Audience Members <i>Moderators:</i> <b>Stephen I. Adler, Esq., Program Co-Chair</b> <b>Michael M. Barron, Esq., Program Co-Chair</b> <b>Christopher M. Clough, Esq., Program Co-Chair</b>
5:00	Adjourn

8:30	Continental Breakfast
9:00	<b>Welcome Back</b> Overview of Day Two <b>Stephen I. Adler, Esq., Program Co-Chair</b> <b>Michael M. Barron, Esq., Program Co-Chair</b> <b>Christopher M. Clough, Esq., Program Co-Chair</b>
9:15	<b>Appraiser Do's and Don'ts</b> Defending Appraisers; Pitfalls for the Appraiser as Witness <b>Ted Whitmer, Esq., MAI, CCIM</b> Ted Whitmer Companies, College Station
10:00	Networking Break
10:15	<b>Extraordinary Appraisal Issues</b> Valuing Complex Properties and Current Texas Law <b>David R. Bolton, MAI, SREA</b> Bolton Real Estate Consultants, Austin
11:00	<b>Featured Presentation</b> Cross-Examination of Appraisers and Other Experts in Condemnation Cases <b>Lewis S. Wiener, Esq.</b> Sutherland, Asbill & Brennan, Washington, DC
12:00	<b>Reflection, Critique and Discussion</b> Feedback from the Attorney General's Office, Guest Panelists and Audience Members <i>Moderators:</i> <b>Stephen I. Adler, Esq., Program Co-Chair</b> <b>Michael M. Barron, Esq., Program Co-Chair</b> <b>Christopher M. Clough, Esq., Program Co-Chair</b>
12:15	Lunch Break
1:30	<b>Featured Panel Presentation</b> Dealing with the Legislative Changes Recently Enacted via Senate Bill 18 <i>Judicial Perspective</i> <b>Hon. Jacqueline Lucci Smith, Presiding Judge</b> Harris County Civil Court at Law No. 2, Houston <i>Access</i> <b>Michael M. Barron, Esq., Program Co-Chair</b> <i>Condemnor Perspective</i> <b>Susan D. Bonnen, Esq.</b> <b>Assistant Attorney General, Transportation Division</b> Office of the Attorney General, Austin <b>Randy Ward, Esq., Right of Way Attorney</b> <b>Acquisition/Eminent Domain Section</b> <b>Right of Way Division</b> Texas Department of Transportation, Austin <b>Cavitt F. Wendlandt, Esq.</b> <b>Senior Attorney, Transportation Division</b> Office of the Attorney General, Austin <i>Pipelines</i> <b>Nick Hofmann, Esq., Senior Attorney</b> Atmos Energy Corporation, Dallas
3:30	Networking Break
3:45	<b>Ethics in the Movies</b> Different Rules and Real Life Applications. <b>Teresa Schneider, Esq.</b> Winstead, Houston
4:45	Evaluations and Adjourn

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# MEET YOUR DISTINGUISHED FACULTY

## PROGRAM CO-CHAIRS

**Stephen I. Adler** is a past chair of the Eminent Domain Committee of the Real Property Section of the American Bar Association and is a frequent lecturer and author on the litigation of takings cases. He has co-chaired CLE International's Eminent Domain Conferences for nine years.

**Michael M. Barron** has more than 29 years of experience. He has participated in several hundred special commissioners' hearings and numerous jury trials. He previously served as the Chief of the Antitrust Division of the Texas Attorney General's Office.

**Christopher M. Clough** joined his firm in 2008, where he focuses exclusively on eminent domain, condemnation and inverse condemnation matters. He previously served for three years as an Assistant Attorney General in the Transportation Division.

## FEATURED PRESENTERS

**Michael M. Barron, Esq., Program Co-Chair**  
Barron & Adler, Austin

**Susan D. Bonnen** is board certified in Civil Appellate Law and has served as lead counsel for the State of Texas in numerous condemnation appeals. Previously, Ms. Bonnen served as a Briefing Attorney for the Eighth Court of Appeals in El Paso, as an Associate at the former firm of Joseph Rider and Cameron in Austin, and as an Assistant Public Defender in Erie, Pennsylvania.

**Nick Hofmann** is Atmos Energy's lead attorney on right of way, eminent domain, and real estate matters. The majority of his right of way work focuses on Atmos Energy's Texas pipeline division which consists of approximately 6,000 miles of intrastate transmission lines. He has been in-house counsel with Atmos for 6 years, and was in private practice before that.

**Hon. Jacqueline Lucci Smith** was elected as presiding judge of Harris County Civil Court at Law No. 2 in November, 2006 and took the bench on January 1, 2007. She presides over one of four County Civil Courts at Law with the constitutional jurisdiction of the county court and concurrent jurisdiction with the district courts in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$100,000.

**Randy Ward** has over 26 years of professional legal experience in governmental litigation, including 17 years with the Transportation Division of the Texas Attorney General's Office representing TxDOT and other state agencies in litigating eminent domain, inverse condemnation and flood cases, injunctions and other right of way matters.

**Cavitt F. Wendlandt** is responsible for managing all eminent domain litigation in South Texas. He has practiced in this field for almost 20 years, and he was most recently responsible for the management of approximately 435 parcels acquired for the expansion of the Katy Freeway in Houston.

**Lewis S. Wiener** is a member of his firm's Litigation Practice Group and chair of its Financial Services Litigation Team. He focuses his practice on all aspects of commercial litigation and also represents clients in eminent domain/inverse condemnation and land-use litigation before state and federal trial and appellate courts. He is a frequent lecturer on trial practices and related litigation issues and has published numerous articles on commercial and financial litigation and related topics.

## FACULTY

**Paul D. Barkhurst Jr., Esq.**  
Barkhurst & Hinojosa, San Antonio

**Alaina King Benford, Esq.**  
Fulbright & Jaworski, Houston

**David R. Bolton, MAI, SREA**  
Bolton Real Estate Consultants, Austin

**Billy Coe Dyer, Esq.**  
Vinson & Elkins, Houston

**Charles B. McFarland, Esq.**  
Joyce, McFarland + McFarland, Houston

**Teresa Schneider, Esq.**  
Winstead, Houston

**Amy Warr, Esq.**  
Alexander Dubose & Townsend, Austin

**Ted Whitmer, Esq., MAI, CCIM**  
Ted Whitmer Companies, College Station

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## Tuition

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### Two Featured Presentations

Cross Examination of  
Appraisers and Other Experts  
in Condemnation Cases



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Sutherland, Asbill & Brennan  
Washington, DC

Dealing with the Legislative Changes  
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