

EMINENT DOMAIN

Looking Forward

February 11-12, 2013 • Omni Hotel at Southpark • AUSTIN

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Dear Colleague:

Don't miss the Event of the Year for top Eminent Domain professionals in Texas!

Experience in person what last year's attendees raved about:

"Timely topics, excellent faculty. Among the best I have attended."
(Marlin M. Blake, Marlin M. Blake & Associates, Dallas)

"This was, by far, the most beneficial course I have attended in years. [The program co-chairs] are giants in this field." (Don Crow, Yates Law Firm, Horseshoe Bay)

"This is the best that I have attended so far!" (William C. Coleman, ROW Appraiser, Kemp)

"The discussion on SB18 was very engaging and informative. The faculty was extraordinary."
(Steven J. Thoreson, SH 130 Concession Company, Buda)

New topics this year:

- *LaSalle Pipeline v. Donnell Lands*
- Trends, Numbers and Practical Considerations in Pre-Suit Proceedings
- Jurisdictional Challenges in the Wake of *Whittington* and *Malcolmson*
- *State of Texas v. Clear Channel Outdoor, Inc.*
- Groundwater Regulation After *Day* and *Bragg*
- Unique Challenges Facing Condemnor's Counsel Today
- Mediating Eminent Domain Cases
- *Daubert* Challenges in Condemnation Cases
- Analysis of Remainder Damages in Electric Transmission Line Cases
- *Enbridge v. Avinger*
- Appraising C-Stores
- Inverse Condemnation: Examining the *Penn Central* Test
- Preparing the Condemnation Case from the Condemnor's Perspective
- *In re State of Texas* (The *Laws* Decision)

Register today! We look forward to seeing you in February.



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



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



Roy R. Brandys, Esq.
Program Co-Chair
Barron & Adler, Austin

Monday, February 11

- 8:00 Registration and Continental Breakfast
- 8:30 **Introduction and Welcome**
Stephen I. Adler, Esq., Program Co-Chair
Michael M. Barron, Esq., Program Co-Chair and
Roy R. Brandys, Esq., Program Co-Chair
Barron & Adler, Austin
- 8:40 **Case Law Update**
Review and Analysis of Eminent Domain Cases from 2012
Christopher M. Clough, Esq.
Barron & Adler, Austin
- 9:20 **Inverse Condemnation**
Examining the *Penn Central* Test
William W. Wade, President
Energy and Water Economics, Columbia, TN
- 10:00 **Enbridge v. Avinger**
The Appraisal Dilemma and Remainder Damages
R. Scott Moran, Esq.
Burford & Ryburn, Dallas
- 10:30 Networking Break
- 10:45 **Pre-Suit Proceedings**
Trends, Numbers and Practical Considerations
Randy Ward, Esq., Right of Way Attorney
Acquisition/Eminent Domain Section, Right of Way Division
Texas Department of Transportation, Austin
- 11:15 **Senate Bill 18 - The Aftermath**
Current and Anticipated Applications
Paul D. Barkhurst Jr., Esq.
Barkhurst & Hinojosa, San Antonio
Philip Arnold, Esq.
Assistant Attorney General, Transportation Division and
Cavitt F. Wendlandt, Esq.
Senior Attorney, Transportation Division
Office of the Attorney General, Austin
Michael M. Barron, Esq., Program Co-Chair
- 12:15 Lunch Break
- 1:30 **Preparing the Condemnation Case**
From the Condemnor's Perspective
Sejin Brooks, Esq.
Assistant Attorney General, Transportation Division and
Renee Hollander, Esq.
Assistant Attorney General, Transportation Division
Office of the Attorney General, Austin
- 2:15 **Featured Presentation**
LaSalle Pipeline v. Donnell Lands
Nissa Dunn, Esq. **Thomas Alan Zabel, Esq.**
San Antonio Zabel Freeman, Houston
- 3:00 **Unique Appraisal Issues**
Ted Whitmer, Esq., MAI, CCIM
Ted Whitmer Companies, College Station
- 3:30 Networking Break
- 3:45 **In re State of Texas**
The *Laws* Decision - What Does It Mean and How Will It Be Applied?
Anthony J. Blazi, Esq.
Assistant Attorney General, Transportation Division and
Susan D. Bonnen, Esq.
Assistant Attorney General, Transportation Division
Office of the Attorney General, Austin
Stephen I. Adler, Esq., Program Co-Chair
- 4:30 **Ethics in Eminent Domain Cases**
Thomas H. Watkins, Esq.
Brown McCarroll, Austin
- 5:30 Adjourn

Tuesday, February 12

- 8:00 Continental Breakfast
- 8:30 **Welcome Back**
Stephen I. Adler, Esq., Program Co-Chair
Michael M. Barron, Esq., Program Co-Chair
Roy R. Brandys, Esq., Program Co-Chair
- 8:40 **Jurisdictional Challenges**
In the Wake of *Whittington* and *Malcolmson*
Ramon A. Molina, Esq.
Ross Molina Oliveros, San Antonio
- 9:20 **Daubert Challenges in Condemnation Cases**
When and When Not To?
Jody McSpadden, Esq. and
Glenn Sodd, Esq.
Dawson & Sodd, Corsicana
- 10:00 **Damage Considerations in Electric Transmission Line**
Analysis and Methodology
Scott T. Doggett, Esq.
Burford & Ryburn, Dallas
- 10:30 Networking Break
- 10:45 **State of Texas v. Clear Channel Outdoor, Inc.**
Billboard Takings
Richard L. Rothfelder, Esq.
Rothfelder & Falick, Houston
- 11:30 **Mediating Eminent Domain Cases**
What's Effective and What's Not
Honorable Michael J. Schless, Esq.
Mediator and Arbitrator
Austin
- 12:00 Lunch Break
- 1:15 **Cross-Examination of Appraisers**
In Eminent Domain Cases
James K. Spivey, Esq.
Spivey Valenciano, San Antonio
- 2:00 **Featured Presentation - How to Win with Convenience Store Appraisals**
Strengths and Weaknesses of Convenience Retail Appraisal Reports
Robert E. Bainbridge, Author, Instructor, Appraiser
C-Store Valuations, Ontario, OR
- 2:45 Networking Break
- 3:00 **Groundwater Regulation After Day and Bragg**
What Are the Limits and How Do You Measure Damages?
Paul M. Terrill III, Esq.
The Terrill Firm, Austin
Thomas G. Mason, Esq.
Graves, Dougherty, Hearon & Moody, Austin
- 3:45 **Unique Challenges Facing Condemnor's Counsel Today**
What You Should Know
Robert B. Neblett, Esq. and
W. Brad Anderson, Esq.
Jackson Walker, Austin
- 4:30 Evaluations and Adjourn

Earn up to 12 Hours MCLE Credit Including One Hour of Ethics
Earn up to 12 Hours Real Estate and Appraisal Credit

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 eight 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.

Roy R. Brandys joined Barron & Adler in 2008. He is a member of the State Bars of Texas, Illinois and New Mexico and practices exclusively in the area of eminent domain law.

FEATURED PRESENTERS

Robert E. Bainbridge
Author, Instructor, Appraiser
C-Store Valuations, Ontario, OR

Nissa Dunn, Esq.
San Antonio

Thomas Alan Zabel, Esq.
Zabel Freeman, Houston

CLE INTERNATIONAL PROGRAM ATTORNEY:
Kerry Mason, kerry@cle.com

FACULTY

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Cavitt F. Wendlandt, Esq.
Senior Attorney, Transportation Division
Office of the Attorney General, Austin

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

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Trends & Challenges

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San Antonio

Thomas Alan Zabel, Esq.

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How to Win with Convenience Store Appraisals

Robert E. Bainbridge

Author, Instructor, Appraiser

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