

11th Annual Conference!

Eminent Domain

From Appraisal to Appeal

November 16-17, 2009 • Stanford Court • San Francisco



Nob Hill District, San Francisco, CA



Stanford Court, San Francisco, CA

Dear Colleague:

The current economic turbulence has had a significant impact on certain aspects of condemnation practice, while leaving other aspects unaffected.

Join us at CLE International's 11th Annual Eminent Domain Conference in San Francisco to learn about the latest damage and appraisal issues and get tips on mediations and appeals. A renowned faculty will provide you with expert insights on both theory and practice.

Whether you are a private practitioner, government employee, developer, planner, appraiser, environmental representative or real estate broker, this is one Conference you can't afford to miss! This Conference brings you expert speakers, continuing education credit, and invaluable networking opportunities. You will gain practical insights, tools and strategies to help you deal with the complex issues you face throughout the year.

Educational and in-depth, this is **the** must-attend annual Conference for anyone involved in or impacted by eminent domain issues in California.

We look forward to seeing you there.

Sincerely,

Brenda Aguilar-Guerrero



Brenda Aguilar-Guerrero, Esq.
Program Co-Chair
Erickson, Beasley & Hewitt
Oakland

Barton Hechtman



Barton G. Hechtman, Esq.
Program Co-Chair
Matteoni, O'Laughlin & Hechtman
San Jose

Stanford Court

905 California Street
San Francisco, CA 94108

Hotel Reservations

Community World Travel
(888) 724-0500 • www.cletravelinfo.com

Schedule and Instructor Bios Inside 

\$100 DISCOUNT
for Government Employees

REGISTER NOW!
www.cle.com/edsf or 800-873-7130

MONDAY, NOVEMBER 16

- 8:30 Registration and Continental Breakfast
- 9:00 **Welcome and Introduction**
Overview of Day One
Brenda Aguilar-Guerrero, Esq., Program Co-Chair
Erickson, Beasley & Hewitt, Oakland
Barton G. Hechtman, Esq., Program Co-Chair
Matteoni, O'Laughlin & Hechtman, San Jose
- 9:15 **From the Courts**
Case Law Update
John H. Erickson, Esq.
Erickson, Beasley & Hewitt, Oakland
- 10:00 Morning Break
- 10:15 **Precondemnation Damage Claims**
Theory and Practice
Dante Foronda, Esq.
Erickson, Beasley & Hewitt, Oakland
- 11:00 **Keynote Presentation**
Mediating the Eminent Domain Case
Making Mediation Work for You
The Honorable Robert A. Baines (Retired)
JAMS, San Jose
- 11:45 Lunch Break
- 1:00 **Goodwill Damages**
Billboards and Service Stations
Ronald W. Beals, Esq., Chief Counsel
California Department of Transportation (Caltrans), Sacramento
Donna Desmond, ASA, President
Donna Desmond Associates, Los Angeles
- 1:45 **Tenants' Goodwill Claims**
Issues for Month-to-Month Tenants
Brenda Aguilar-Guerrero, Esq., Program Co-Chair
Donna Desmond, ASA, President
Barton G. Hechtman, Esq., Program Co-Chair
- 2:30 Afternoon Break
- 2:45 **Orders for Possession/Property Taxes Issues**
Three Years In: How the Courts are Applying the New Rules on Possession Before Judgment; Apportionment, Payment and Cancellation of *Ad Valorem* Property Taxes on Property Acquired by Eminent Domain
Michael A. Churchill, Esq. and Kelly L. Pope, Esq.
Downey Brand, Sacramento
- 3:45 **Substance Abuse and Stress**
Coping Effectively with the Challenges of Work: An Examination of Stress, Depression, Substance Abuse and Other Personal Challenges Commonly Faced by Today's Professionals
Richard P. Carlton, MPH
Lawyer Assistance Program, State Bar of California, San Francisco
- 4:45 Adjourn

TUESDAY, NOVEMBER 17

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**
Overview of Day Two
Brenda Aguilar-Guerrero, Esq., Program Co-Chair
Barton G. Hechtman, Esq., Program Co-Chair
- 9:15 **Temporary Construction Easements and Severance Damages**
After Campus Crusade and Fisher
Scott E. Jenny, Esq.
Jenny, Jenny & Jenny, Martinez
David W. Skinner, Esq.
Meyers Nave, Oakland
- 10:15 Morning Break
- 10:30 **Right of Entry (CCP 1245.010-1245.060)**
Constitutional Limitations on the Scope of Permissible Studies and Activities
Gerry Houlihan, Esq.
Matteoni, O'Laughlin & Hechtman, San Jose
- 11:15 **Appeals**
What's a Trial Lawyer to Do Now?
Michael M. Berger, Esq.
Manatt, Phelps & Phillips, Los Angeles
- 12:15 Lunch Break
- 1:30 **Make Up Your Mind, Your Honors: Is It Fair or is It Just?**
Judicial Treatment of Eminent Domain
Gideon Kanner, Esq.
Manatt, Phelps & Phillips, Los Angeles
- 2:30 **Challenges of Appraising Property in the Current Market**
What's a Comp?
Walter D. Carney, MAI, Executive Vice President
Hulberg & Associates, San Jose
- 3:15 Afternoon Break
- 3:30 **Preparing Appraiser Trial Testimony**
Perspectives from Lawyers and Appraisers
F. Gale Connor, Esq.
Nossaman, San Francisco
Norman C. Hulberg, MAI, President
Hulberg & Associates, San Jose
Michael G. Thornton, Esq.
Nossaman, San Francisco
- 4:30 **Pulling Apart the Biscuit and Putting It Back Together**
Cross-Examination of the Appraisal Witness
John C. Murphy, Esq.
Luce Forward, Irvine
- 5:15 Evaluations and Adjourn

TELL US WHAT YOU WANT!

Do you have specific questions or topics you hope to see covered in this program? Would you like to see a Conference on another topic? Would you like to learn about sponsorship and exhibit opportunities? Contact **CLE INTERNATIONAL** Program Attorney Vini Gopal, vini@cle.com.

PROGRAM CO-CHAIRS

Brenda Aguilar-Guerrero is the Managing Partner of her firm and practices in the area of civil litigation, with an emphasis on public entity defense. She has specialized in representing public entities and property owners in direct and inverse condemnation actions for more than 15 years.

Barton G. Hechtman specializes in land use law and eminent domain and has represented a wide variety of property and business owners, public entities, and tenants. His work includes assemblage of parcels for large public projects and redevelopment-related condemnation.

KEYNOTE PRESENTER

Robert A. Baines has over 39 years of litigation experience, including 22 years on the trial bench in Santa Clara County. He was named Trial Judge of the Year in 2000 by the Santa Clara County Trial Lawyers Association and received that Association's Lifetime Achievement Award in 2006.

FACULTY

Ronald W. Beals was Caltrans' lead on billboard issues before becoming Chief Counsel. He has been involved in the adoption of essentially every amendment and regulation to California's Outdoor Advertising Act in the past 30 years.

Michael M. Berger is one of California's preeminent appellate lawyers. One of the top land use and condemnation lawyers in the United States, his cases have involved eminent domain, planning, zoning and environmental law.

Richard P. Carlton is in charge of education, research and program development for his organization. He also manages a no-cost, personal counseling service for members of the California Bar and is a consultant to the Ninth Circuit on matters of judicial stress and wellness.

Walter D. Carney has over 25 years of real property appraisal experience in complex and non-complex assignments of unique and special purpose properties, of agricultural, commercial, industrial and residential properties, and in eminent domain and inverse condemnation.

Michael A. Churchill specializes in eminent domain, inverse condemnation and other complex litigation. Before joining his firm, he served over six years in the San Jose City Attorney's Office, where he became the primary eminent domain attorney for the city and its redevelopment agency.

F. Gale Connor has a distinguished practice encompassing many aspects of real property law, including eminent domain, condemnation and inverse condemnation. He also serves as special outside counsel for real estate acquisitions for various public agencies.

Donna Desmond has specialized in business valuation since 1986 and has completed hundreds of appraisal assignments for both public agencies and private parties throughout California, Arizona and Nevada.

John H. Erickson started his firm in 1978. Since then, he has focused on litigation in federal and state courts, with an emphasis on complex eminent domain matters. He also has expertise in litigation of issues involving business goodwill and properties contaminated with hazardous waste.

Dante Foronda specializes in civil litigation, concentrating on eminent domain, public entity defense and employment law. He is a frequent lecturer on the subjects of eminent domain and condemnation.

Gerry Houlihan has represented property owners in condemnation and inverse condemnation actions at the trial and appellate levels. His work includes challenges to the right to take and asserting business goodwill.

Norman C. Hulberg has been a real estate appraiser since 1976. He has directed studies for clients, including major lenders, developers, property owners and government agencies. He is a frequent lecturer on real estate appraisal topics.

Scott E. Jenny and his firm have been successfully protecting the property rights of individuals, families and businesses in the San Francisco Bay Area and throughout California for more than a decade.

Gideon Kanner has been an appellate lawyer in eminent domain and inverse condemnation for 40 years. Prior to joining his law firm, he was a Professor of Law at the Loyola Law School in Los Angeles, where he remains a Professor Emeritus.

John C. Murphy specializes in eminent domain, inverse condemnation and other complex jury trials, representing a wide variety of public agencies, corporations and landowners. He was featured in *Best Lawyers in America* for 2008 and 2009 in the areas of eminent domain and real estate law.

Kelly L. Pope is a member of her firm's litigation department. Her practice includes condemnation, bankruptcy and general civil litigation. She is currently working on numerous property acquisitions for a large flood control project.

David W. Skinner is recognized statewide as one of the leading eminent domain practitioners in California. He has specialized in representing public agencies in eminent domain and inverse condemnation matters for over 18 years.

Michael G. Thornton is a litigation partner who has practiced law for over 20 years and has substantial trial experience. His practice focuses on eminent domain, inverse condemnation, valuation issues and other complex business litigation matters.

4 Easy Ways to Register

1 www.cle.com/edsf

2 FAX (303) 321-6320

3 PHONE (800) 873-7130

4 MAIL
CLE INTERNATIONAL
1620 Gaylord Street
Denver, CO 80206

YES! Please register the following:

Name: _____

Email: _____

Name: _____

Email: _____

Name: _____

Email: _____

Firm: _____

Address: _____

City: _____

State: _____ Zip+4: _____

Phone: _____ Fax: _____

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.

Tuition

- \$895 per person
- \$795 each for two or more
- \$795 each for government, 501(c)(3) organizations, full-time judges, law students and paralegals
- \$695 each for two or more government, 501(c)(3) organizations, full-time judges, law students and paralegals

Home Study

- Audio transcript and course materials
- \$895 plus \$10 shipping and handling

Course Materials Only

- \$150 plus \$10 shipping and handling

Course materials available in: CD Binder Both (Extra cost: \$50/set)

Payment

- Check payable to CLE International \$ _____ or charge my:
- VISA MASTERCARD AMEX Expiration Date: _____

Card No. _____

Signature _____

11th Annual Conference!

Eminent Domain

From Appraisal to Appeal

November 16-17, 2009 • Stanford Court • San Francisco



1620 Gaylord Street
Denver, CO 80206

Earn up to 12 Hours MCLE Credit
Including One Hour of Substance Abuse/Stress Credit

Earn up to 12 Hours Appraiser Credit

Stanford Court, San Francisco, CA

REGISTER NOW!

www.cle.com/edsf or 800-873-7130

11th Annual Conference!

Eminent Domain

Practical Solutions in Turbulent Times

November 16-17, 2009 • Stanford Court • San Francisco



Keynote Presentation

Mediating the Eminent Domain Case
Making Mediation Work for You

The Honorable Robert A. Baines (Retired)
JAMS, San Jose

\$100 DISCOUNT
for Government Employees

REGISTER NOW!
www.cle.com/edsf or 800-873-7130