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Eminent Domain

Public Taking for Private Gain—A Sound Policy?

June 16-17, 2005 • Westin Hotel • Princeton

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 - Government Officials
 - Regulators
 - Planners
 - Consultants
 - Engineers
 - Architects
 - Landowners
 - Developers
 - Real Estate Professionals
 - Environmental Professionals
- ...and anyone interested in the future of New Jersey eminent domain law!



Visit our website at cle.com for a complete listing of MCLE requirements in all states. You will also find a schedule of our upcoming conferences and a listing of available homestudy courses.

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Don't Miss This Opportunity To:

- Hear Updates on the Most Recent Developments that Are Important to Your Practice
- Get a Balanced Perspective from Condemnors and Property Owners
- Leave the Conference Knowing that Both Your Time and Money Have Been Well Spent

Register Online at www.cle.com or Call (800) 873-7130
Conference Schedule and Speaker Biographies Inside 

Thursday, June 16**Friday, June 17**

8:30 Registration

9:00 Introduction

Overview and Welcoming Remarks

Thomas Carroll, III, Esq., Program Co-Chair*Hill Wallack, Princeton***Timothy Duggan, Esq., Program Co-Chair***Stark & Stark, Princeton***STATE OF THE STATE:
EMINENT DOMAIN IN NEW JERSEY****9:15 Case Law Developments**

A Discussion of Pending Matters and Recent Rulings

Thomas Carroll, III, Esq., Program Co-Chair

10:00 Morning Break

**10:15 Current Planning Issues Associated
with Eminent Domain**

A Panel Presentation

Vincent Mangini, Esq.*Stark & Stark, Princeton***Peter Steck, PP***Office of Peter G. Steck, Maplewood***J. Creigh Rahenkamp, AICP, NJPP***Creigh Rahenkamp & Associates, Palmyra***11:30 "In Need of Redevelopment" Designations**

Mounting an Effective Defense

John Buonocore, Jr., Esq.*McKirdy & Riskin, Morristown*

12:15 Lunch Break

THE ECONOMICS OF EMINENT DOMAIN**1:30 Severance Damages**

The Cost to Cure as an Element of Compensation

George Kroculick, Esq.*Ballard Spahr Andrews & Ingersoll, Voorhees***2:15 Relocation Benefits**

How Much Are Enough?

Timothy Duggan, Esq., Program Co-Chair

3:00 Afternoon Break

3:15 Beyond SuydamLessons from *NL Industries adv. Sayreville Economic Redevelopment Authority***Christopher Gibson, Esq., and****Jeffrey Gordon, Esq.***Archer & Greiner, Princeton***4:15 Appraisals and Valuation
in Eminent Domain Proceedings**

What You Don't Know About Your Expert's Appraisal Report

Mark Sussman, CRE, MAI*Lasser Sussman, Livingston*

5:00 Adjourn

9:00 Welcoming Remarks

Overview of Day Two

Thomas Carroll, III, Esq., Program Co-Chair**Timothy Duggan, Esq., Program Co-Chair****REDEVELOPMENT—PUBLIC TAKING
FOR PRIVATE GAIN?****9:15 Who's Getting Displaced**Challenging Municipal Blight Designations and
Redevelopment Plans in New Jersey**Douglas Gershuny, Esq.***South Jersey Legal Services, Atlantic City*

10:00 Morning Break

**10:15 The New Jersey School
Construction Corporation**

An Innovative Use of Eminent Domain in Financing Education

Elizabeth Bancroft, Esq.*Parker McCay, Marlton***THE STATE'S PERSPECTIVE****11:00 Right of Way Program Management**How Condemning Authorities Should Attempt to Coordinate and
Integrate Appraisal, Negotiation and Eminent Domain Functions;
Considerations of Condemning Authorities in Settling Real Estate,
Business Damages and Fees and Costs**Nicholas Monahan, Esq.***New Jersey Department of Transportation, Trenton*

12:00 Lunch Break

ETHICAL CONSIDERATIONS**1:15 Ethics**

Ethical Considerations for the Eminent Domain Practitioner

Bert Gall, Esq.*Institute for Justice, Washington, DC***EMINENT DOMAIN AND THE ENVIRONMENT****2:15 Environmental Issues Triggered by Takings**How the Law Can Benefit Both the Condemning Authority and the
Property Owner**Raymond Papperman, Esq.***Stark & Stark, Princeton***Laura Brinkerhoff, President***Brinkerhoff Environmental Services, Manasquan***Jack Smith, Director***American Risk Management Resources Network, Verona*

3:30 Afternoon Break

3:45 Wetlands Condemnations

Where the Environment and Development Clash in New Jersey

Anne Studholme, Esq.*Hill Wallack, Princeton***4:30 Down at the Shore**

Special Considerations for Coastal Condemnations

Paul Fericola, Esq.*Bowe & Fericola, Red Bank*

5:15 Adjourn

Eminent Domain

meet your faculty

Program Co-Chairs

Thomas Carroll, III, has a diverse practice, emphasizing litigation of land use matters at the trial level and in the appellate courts. Among the matters he has litigated are traditional zoning challenges, Mount Laurel suits, actions contesting decisions rendered by planning boards, and challenges to assessments and condemnations.

Timothy Duggan practices primarily in the areas of bankruptcy, condemnation (eminent domain), and real estate tax appeals. Prior to law school, he was a senior business development analyst at Sequa Corporation (formerly Sun Chemical Corporation), located in New York.

Elizabeth Bancroft practices in the areas of municipal and government relations, as well as land use and environmental law. Prior to joining her present firm, she clerked for the Honorable John Pursel in County Criminal Division Court.

Laura Brinkerhoff is a Certified Professional Geologist with more than 25 years of experience. Her specialized experience encompasses soil and groundwater remediation, environmental permitting, brownfields redevelopment and hazardous materials management and screening.

John Buonocore, Jr., is a prolific writer, having co-authored *New Jersey Condemnation Practice and Eminent Domain, Vol. 21, New Jersey Practice, Skills and Methods*, as well as numerous law journal and treatise articles. He is the Northeast Regional Editor for the American Bar Association's Section of Litigation, Committee on Condemnation, Zoning and Land Use.

Paul Fernicola concentrates his practices in the state's coastal communities, with emphasis on condemnation, inverse condemnation and eminent domain matters. He also has a general real estate practice, advising commercial owners and tenants.

Bert Gall litigates property rights, school choice, economic liberty and other constitutional cases in both federal and state courts. Before coming to the Institute for Justice, he spent two years in private practice at a large firm in Charlotte. After law school, he clerked for Judge Karen Williams of the U.S. Court of Appeals for the Fourth Circuit.

Douglas Gershuny oversees litigation and advocacy activities on behalf of low income clients. He has been involved in a variety of complex federal and state lawsuits and appeals involving housing, family, civil rights and constitutional legal issues.

Christopher Gibson is Chair of his firm's Litigation Department, as well as the firm's Environmental, Toxic Tort and Product Liability Litigation Group, and the firm's Condemnation Practice Group. He was recently listed in *The Best Lawyers in America*, 2005-2006, in the area of environmental law and litigation.

Jeffrey Gordon concentrates his practice in the areas of property taxation and eminent domain. He is a former New Jersey Tax Court law clerk. He advises clients regarding property tax issues and liabilities, and pursues property tax exemptions and abatements for real estate development projects.

George Kroclicik concentrates in eminent domain, land use, commercial litigation, and tax appeals. In addition to handling eminent domain matters for property owners, he also has experience in lease litigation, corporate disputes, and UCC litigation.

Vincent Mangini is active in the Central Jersey Builders Association and handles all aspects of commercial real estate transactions and the processing of development applications before planning and zoning boards.

Nicholas Monahan is the Right of Way Program Manager for NJDOT, and oversees the coordination of condemning authorities. As such, he is the state's chief negotiator in right-of-way valuation and condemnation mediations, as well as lead litigator.

Raymond Papperman is an officer of the Environmental Law Section of the New Jersey State Bar Association, Chairman of the Permits and Compliance Committee and a member of the Land Use, Construction and Public Contract sections. He is a frequent speaker and author on environmental and real estate development issues.

J. Creigh Rahenkamp has been called upon to calculate municipal housing obligations/needs using each of the methodologies used to date. He has served landowners seeking remedies, municipalities seeking certifications and has served as a court-appointed master in Mount Laurel cases.

Jack Smith is recognized for his expertise in environmental risk management, including the placement and service of environmental insurance coverage on some of the most difficult environmental risks in the country. He has consulted with leading national and regional insurance brokerage firms and developed numerous risk management practices.

Peter Steck is a licensed professional planner with broad experience in New Jersey housing and land use matters. Formerly the Township Planner for Montclair, he now advises private and public clients on an array of building and zoning matters.

Mark Sussman is a principal in his firm and has region-wide appraisal and related expertise in property tax matters, investment analysis and counseling, and appearances as an expert witness in litigated commercial, condemnation and eminent domain matters.

Anne Studholme specializes in zoning applications, civil rights aspects of land use law, litigation and appeals in state and federal courts. She is a former Visiting Research Scholar for Duke University School of Law. She writes and speaks on zoning applications, zoning appeals, civil rights of landowners, land use and litigation.

conference information

Continuing Education Credit

MCLE: This course has been accredited by the New Jersey State Bar Association for a maximum of 12 hours, including one hour of ethics. This course is qualified for up to 12 hours of substantive law, practice and procedure CLE credit, including one hour of ethics, by the Pennsylvania Continuing Legal Education Board. **CLE INTERNATIONAL** is an approved sponsor in all jurisdictions with mandatory continuing legal education requirements. For accreditation in other jurisdictions or disciplines, please contact Brian Fineberg at (800) 873-7130, or brian@cle.com.

Registration

Advance registration is recommended and you are encouraged to register early. Or simply call in your registration order to (800) 873-7130, fax the Registration/Order Form to (303) 321-6320, e-mail your registration to registrar@cle.com, or register online at www.cle.com. Full payment is due at the 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.

Conference Location and Accommodations

The Conference will be held at The Westin Princeton at Forrestal Village, 201 Village Blvd., Princeton, NJ 08540. Make your room reservation early to ensure the best rate and selection. For special rates, please contact Community World Travel at (888) 724-0500 or visit www.communityworldtravel.com.

Tuition

The tuition fee of \$595 per person includes attendance at all sessions, course materials, continental breakfasts and coffee breaks. **CLE INTERNATIONAL** offers special rates for 501(c)(3) organizations, full-time judges and law students.

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About CLE International

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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 Friday prior to the Conference. Substitutions may be made at any time.

Sponsorship Information

Sponsorship and exhibition opportunities are available. Please contact Sarah Neenan, Marketing Coordinator, at (800) 873-7130, or sarah@cle.com.

CLE International Program Attorney:
Bo Willsey, bo@cle.com.

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Innovative Uses in Land Use Planning

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State and Federal Case Law Update

Defending "In Need of Redevelopment" Designations

Severance Damages • Relocation Benefits

Appraisals and Valuation in Eminent Domain Proceedings

Challenging Municipal Blight Designations and Redevelopment Plans in New Jersey

New Jersey School Construction Corporation • Right of Way Program Management

Environmental Law Overview • Wetlands Condemnation

Eminent Domain Concerns at the Shore ...and more!



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Public Taking for Private Gain—A Sound Policy?

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