

Critical Issues On The Agenda

9:00 a.m. - 9:15 a.m.

I. Overview And Recent Case Law Developments

— *William J. Ward, Esq.*

9:15 a.m. - 10:00 a.m.

II. 2005 SCOTUS Trio: Lingle, San Remo, Kelo

— *Paula A. Franzese, Esq. and Edward D. McKirdy, Esq.*

- A. Regulatory Takings After Lingle And The Substantially Advances Formula
- B. Your Choice: State Or Federal Filings
- C. Economic Benefit And Public Use After Kelo
- D. *Lingle v. Chevron; Mt. Laurel Twp. v. Mipro Homes*
- E. *San Remo v. San Francisco*
- F. *Kelo v. New London*

10:00 a.m. - 10:45 a.m.

III. Proposed Federal And State Legislative Reform

— *Michael Patrick Carroll, Asm. (R), and Harry J. Riskin, Esq.*

- A. Status Of Reform Bills H.R. 4128/ S1313
- B. Status Of New Jersey Reform Bills
- C. Federal - H.R. 4128 (11/3/05) And S1313
- D. N.J. - ACR 255, 256
- E. N.J. - S177, S2739, S2832

10:45 a.m. - 11:00 a.m.

Break

11:00 a.m. - 11:45 a.m.

IV. Environmental Issues And Valuation

— *Drew K. Kapur, Esq., and James M. Turteltaub, Esq.*

- A. Valuation Of Contaminated Property
- B. The Cost To Cure
- C. Other Environmental Issues
- D. *Housing Authority Of New Brunswick v. Suydam, 177 N.J.2 (2003)*
- E. *National Lead v. Sera (A-3727-02t2)*

11:45 a.m. - 12:30 p.m.

V. What's Fair About Fair Market Value?

— *Rachel D. Godsil, Esq.,*

Louis S. Izenberg, MAI, SRA and George J. Krocilick, Esq.

- A. Valuation At The Date Of Taking
- B. Just Compensation: Appraisal And Negotiation

C. Residents Choice Rule

D. *Mt. Laurel v. Stanley A-103/104*

E. Reconsidering Remedies: Property Rules And Liability Rules

12:30 p.m. - 1:30 p.m.

Lunch (Included)

1:30 p.m. - 2:15 p.m.

VI. Contesting The Right To Take In New Jersey

— *John J. Curley, Esq., Michael B. Kates, Esq., and William J. Ward, Esq.*

- A. Defenses To The Taking
- B. Defining Blight
- C. Municipal Procedures
- D. Attorney Conflicts
- E. *ERETC, L.L.C. v. City Of Perth Amboy (A-2035-04t2)*
- F. *Township Of North Bergen v. Spyllen Of North Bergen, Inc. (A-6868-03t2)*
- G. *110 Washington Street v. Township Of Bloomfield (Esx-L-2318-05)*
- H. *Costa Realty Co., Inc., et al v. Borough Of Lodi (Ber-L-8768-03)*

2:15 p.m. - 3:00 p.m.

VII. People And Neighborhoods

— *Mindy Thompson Fullilove, M.D., and Peter G. Steck, P.P.*

- A. Planning Issues
- B. Dislocation Of People And Communities

3:00 p.m. - 3:15 p.m.

Break

3:15 p.m. - 4:00 p.m.

VIII. Ethical Considerations

— *Paula A. Franzese, Esq.*

4:00 p.m. - 4:30 p.m.

IX. Questions And Answers

— *William J. Ward, Esq.*

The Benefits For You

Seminar highlights:

- Recent case law developments and decisions
- 2005 U.S. Supreme Court cases and their impact on eminent domain practice: *Lingle v. Chevron, San Remo Hotel v. San Francisco* and *Kelo v. New London*
- Proposed federal and state legislative reforms – various bills and their statutes
- Environmental issues and valuation: *Housing Authority of New Brunswick v. Suydam* and *National Lead v. Sayreville Economic Redevelopment Agency*
- Fair market value: highest and best use, zoning and scope of project
- Contesting the right to take: prerogative writ, compliance with local redevelopment housing law and conflicts of interest
- People and neighborhoods: relocation, urban renewal and the planning of cities
- Ethical consideration in eminent domain practice

Learning objectives:

- The attendee will be able to understand the 2005 SCOTUS Trio: Lingle, San Remo, Kelo.
- The attendee will be able to Discuss Environmental issues and Valuation.
- The attendee will be able to recognize what's fair in Fair Market Value.
- The attendee will be able to understand the process of contesting the right to take in New Jersey.

Written Materials/CD Audio Recordings

You will receive a professionally prepared manual at this seminar. This manual has been compiled by the faculty specifically for this seminar. The seminar will be recorded. Your registration constitutes your consent to such recording. If you cannot attend, you may order a set of the digitally recorded CDs and the accompanying manual from this program by using the registration form on the back panel.


Continuing Education Credit


Please remember to bring your license number, ID or other necessary information to the seminar. This will ensure timely reporting of continuing education credit.

This program has been approved by the Pennsylvania Continuing Legal Education Board for 6.00 hours including 5.50 hours of substantive law, practice and procedure CLE credit and 0.50 hour of ethics, professionalism or substance abuse CLE credit.

This course has been approved in accordance with the requirements of the New York Continuing Legal Education Board for a maximum of 7.0 credit hours, of which 6.5 credit hours may be applied toward the Areas of Professional Practice requirement and 0.5 credit hour may be applied toward the Ethics and Professionalism requirement. Each hour may be counted only as satisfying one category of credit; duplicate credit for the same hour of instruction is not permitted. This course qualifies for both established and newly admitted attorneys. Lorman Business Center, Inc. has a financial hardship guideline.

This seminar has been submitted to the Construction Specifications Institute for 0.60 hours of continuing education credit.


 Lorman Education Services is an Accredited Continuing Education Provider (ACEP) of the Institute of Certified Bankers. The Institute of Certified Bankers (ICB) is dedicated to promoting the highest standards of performance and ethics within the financial services industry. The "Eminent Domain" content has been reviewed and approved for 7.75 continuing education credits toward the CLBB designation.

 Lorman Business Center, Inc. is registered with the AIA Continuing Education System (AIA/CES). This 6.00 hour program offers 6.00 Learning Unit hours, which will be reported directly to the AIA/CES for AIA members. This program qualifies for 6.00 hours of Health, Safety, Welfare (HSW).

An application has been submitted to the Professional Board of Engineers and Land Surveyors. Approval pending.

Lorman Business Center, Inc. is a recognized provider registered with the PMI Registered Educational Provider Program (PMI R.E.P.). Lorman Business Center, Inc. accepts and adheres to all PMI R.E.P. Program policies, requirements and rules concerning the provision of professional education activities and materials. This course qualifies for 6.00 PDUs.

This seminar may qualify for continuing education credit through the International Right of Way Association. Please contact the national IRWA office for approval of this course.

 Lorman Business Center, Inc. is an Authorized Provider by the International Association of Continuing Education and Training (IACET). Lorman Business Center, Inc. will award 0.60 CEUs to participants who successfully complete this program. Participants must complete an evaluation in order to receive CEUs. Please verify applicability with your professional board before attending.

Our Distinguished Faculty

Michael Patrick Carroll, Assemblyman (R), is an attorney in private practice as well as an assemblyman for the state of New Jersey Legislature. He received his B.A. degree in history and political science from Johns Hopkins University and his J.D. degree from Rutgers University School of Law. His legislative service includes the General Assembly from 1996 to the present, parliamentarian from 2002 to the present, and he serves on the Judiciary and the State Government Committees.

John J. Curley, Esq., is an attorney in private practice where he practices in the areas of commercial real estate, eminent domain, zoning, planning and land use, condemnation, environmental law and civil litigation. He received his B.A. degree from Boston College and his J.D. degree from Rutgers University Law School. Mr. Curley is a member of the Hudson County, New Jersey State and American Bar Association.

Paula A. Franzese, Esq., is a Peter W. Rodino Professor of Law. She received her B.A. degree, *summa cum laude*, Phi Beta Kappa, from Barnard College-Columbia University, where she was awarded the Bryson Prize, Alpha Zeta Fellowship, Marion Churchill White Prize, Davidson-Foreman Foundation Award and Barnard Alumnae Fellowship; and her J.D. degree from Columbia University School of Law, where she was an International Fellow, Teaching Fellow and recipient of the prestigious Rosenman Prize for excellence in public law courses. She was a litigator with Cahill, Gordon, and Reindel in New York City, where she also served as a member of the New York City Housing Court Reform Project and the Governor's Task Force on Life and Law. She clerked for Justice Alan B. Handler of the New Jersey Supreme Court. Nationally acclaimed for her teaching, Ms. Franzese is the seven-time recipient of the Student Bar Association's Professor of the Year Award. Nominated for the Robert Foster Cherry Prize for Great Teaching, she has been named Exemplary Teacher by the American Association of Higher Education and was ranked the Top Law Professor in New Jersey by the *New Jersey Law Journal*.

Mindy Thompson Fullilove, M.D., is a research psychiatrist at New York State Psychiatric Institute and a professor of clinical psychiatry and public health at Columbia University. She was educated at Bryn Mawr College and Columbia University. Dr. Fullilove is a board certified psychiatrist, having received her training at New York Hospital-Westchester Division and Montefiore Hospital. After several years of work as a community psychiatrist, Dr. Fullilove co-founded NYC RECOVERS, an alliance of organizations concerned with the social and emotional recovery of New York City in the aftermath of Sept. 11. This project provided the data for her book, *Root Shock: How Tearing Up City Neighborhoods Hurts America and What We Can Do About It*, June 2004, Ballantine Books.

Rachel D. Godsil, Esq., teaches equality under American law, and property, zoning and land use policy at Seton Hall University School of Law. Prof. Godsil has been involved in environmental justice law and policy, and has recently been working with attorneys representing the South Camden Citizens in Action. She has written extensively on the convergence of race, poverty and the environment. Prior to joining the Seton Hall School of Law faculty in 2000, Prof. Godsil was an assistant U.S. attorney for the Southern District of New York, an associate counsel at the NAACP Legal Defense and Educational Fund, an associate with Berle, Kass & Case and Arnold & Porter in New York City, and a law clerk for the Honorable John M. Walker Jr., U.S. Court of Appeals for the 2nd Circuit. She received her B.A. degree from the University of Wisconsin-Madison and her J.D. degree, *magna cum laude*, from the University of Michigan Law School. At Michigan, Prof. Godsil served as the executive article editor of the *Michigan Law Review*, was awarded the Henry M. Bates Memorial Award and was elected to the Order of the Coif.

Louis S. Izenberg, MAI, SRA, is president of Izenberg Appraisal Associates in Parsippany, New Jersey. Mr. Izenberg has his B.A. degree from Fairleigh Dickinson University in Madison, New Jersey. He is a member of the Appraisal Institute; a licensed real estate appraiser in New Jersey and New York; and qualified and recognized as an expert in the valuation of real estate before the U.S. Bankruptcy Court, the U.S. Tax Court Tax Court of New Jersey, New Jersey Superior Court and the U.S. District Court-Pennsylvania Superior Courts of New Jersey.

Drew K. Kapur, Esq., practices in the area of real estate law with a focus on the areas of eminent domain and condemnation, relocation assistance, and highway access management and control. Prior to entering private practice, Mr. Kapur was deputy attorney general at the Department of Law and Public Safety for the state of New Jersey, in which capacity he represented the state on several significant condemnation cases. He also advised the New Jersey Department of Transportation on state highway access issues. Admitted to practice in Pennsylvania and New Jersey, Mr. Kapur is a member of the American, New Jersey and Camden County bar associations, the International Right of Way Association and he is an affiliate member of the Appraisal Institute. Mr. Kapur is a graduate of Loyola University School of Law and North Carolina State University, with honors.

Michael B. Kates, Esq., is a partner of the firm Nashel, Kates, Nussman, Rapone & Ellis LLP. He practices in municipal law, zoning and planning, representing municipalities, zoning and planning boards, and a wide range of developer interests and environmental groups. He sits on the prestigious Technical Review Committee of the New Jersey State League of Municipalities, which authored the *Municipal Land Use Law* and is advisory to New Jersey Legislature. He is also a contributor to the definitive text on the subject, *Zoning and Land Use Administration* by William M. Cox, and he is an adjunct professor of Rutgers University, Department of Government Services.

Faculty Continued...

You will receive a professionally prepared manual at this seminar. If you are unable to attend, you may order a CD audio recording and manual. Please see back panel for details.

Register Now • www.lorman.com

Phone (866) 352-9539 • Fax (715) 833-3953

General Information

East Brunswick, NJ • March 28, 2006

Ramada Inn • 195 Route 18 South

Registration: 8:30 a.m. - 9:00 a.m. • Session: 9:00 a.m. - 4:30 p.m.

Lunch Break: 12:30 p.m. - 1:30 p.m. (Included)

Contact Lorman for hotel/seminar information at (866) 352-9539 (please call hotel for accommodations or directions only).

Walk-Ins: Call Lorman for final schedule information.

Cancellations: Substitute registrants are welcome and may be named at any time. If you cancel six or more business days in advance, you will receive a full refund, less a \$20.00 service charge. If you cancel within five business days you are not entitled to a cash refund. However, as a courtesy, we will allow you to apply your payment toward any future Lorman seminar within one year from the date you cancel. Your payment is transferable. Please note that if you do not attend and you do not cancel as described above, you are responsible for the entire payment. If Lorman cancels a program, you will receive a full refund. Lorman disclaims any liability for any other direct or compensatory payment.

For more information regarding administrative policies or to make suggestions, please contact our offices at (866) 352-9539.

On-Site Seminars Available: If you have a group of 10 or more, it may be financially beneficial for you to schedule a seminar at your facility. Contact Lorman or e-mail us at onsite@lorman.com to inquire about on-site seminars on this or other topics.

Copyright Statement: Lorman seminars are copyrighted and may not be recorded or transcribed in whole or part without its express prior permission. Your attendance at a Lorman seminar constitutes your agreement not to record or transcribe all or any part of it.

The facility is wheelchair accessible. Please contact us with any questions.

Our Distinguished Faculty, continued

George J. Kroculik, Esq., practices in the area of real estate law with a focus on eminent domain and highway access management and control, land use and land use litigation, relocation assistance, tax appeal matters, and general commercial litigation. Admitted to practice in Pennsylvania and New Jersey, Mr. Kroculik is a member of the American, New Jersey and Pennsylvania bar associations; an affiliate member of the Appraisal Institute; and a member of the IRWA, the New Jersey Builders Association and the South Jersey Builders League. Mr. Kroculik is a graduate of Villanova University School of Law and a *cum laude* graduate of Villanova University.

Edward D. McKirdy, Esq., a partner in McKirdy & Riskin, P.A., graduated from Harvard University, (B.A. degree, *cum laude*) and Yale University (J.D. degree). His 44 year career has been concentrated in eminent domain and land value litigation. A frequent speaker on eminent domain for New Jersey's ICLE and nationally for ALI-ABA and other organizations, he has authored many articles on eminent domain and is a co-author of "New Jersey Condemnation Practice", New Jersey ICLE. He is the 2004 recipient of Professional Lawyer of the Year Award from the New Jersey State and Morris County Bar Associations, and has been certified by the New Jersey Supreme Court as a civil trial attorney.

Harry J. Riskin, Esq., is a partner with McKirdy and Riskin, P.A. McKirdy and Riskin is a firm concentrating its practice in eminent domain. Mr. Riskin has been a deputy attorney general and special counsel to the New Jersey commissioner of transportation where he was responsible for handling condemnation matters. He has lectured both state-wide and nationally on all issues involving eminent domain. Mr. Riskin co-authored "New Jersey Condemnation Practice", New Jersey ICLE. A certified civil trial attorney, Mr. Riskin graduated from Rutgers College (B.A. degree) and Boston University (J.D. degree).

Peter G. Steck, P.P., is a community planning consultant based in Maplewood, New Jersey, with experience in representing municipalities, developers and neighborhood groups. He has presented expert testimony in several jurisdictions regarding areas in need of redevelopment designations. From 1981 to 1990, he served as director of planning and community development for the township of Montclair and currently serves as one of the planners on the Municipal Land Use Law Drafting Committee of the New Jersey League of Municipalities. Mr. Steck earned his B.S. degree in civil engineering from Marquette University and his master's degree in city and regional planning from Rutgers University.

James M. Turteltaub, Esq., is a partner with Carlin & Ward, P.C. His primary practice areas include condemnation of property by eminent domain and real estate tax appeals. Mr. Turteltaub received his J.D. degree from Suffolk University, his M.B.A. degree from the State University of New York at Albany and his B.B.A. degree from Emory University. He served a judicial clerkship with the Honorable Lawrence L. Lasser. Mr. Turteltaub is admitted to practice in New Jersey, New York and Massachusetts; is a member of the New Jersey State Bar Association, Taxation Section; and an affiliate member of the Appraisal Institute.

William J. Ward, Esq., is managing partner of Carlin and Ward, P.C. His career spans 35 years as deputy attorney general litigating cases for the Department of Transportation, secretary and general counsel for the New Jersey Sports and Exposition Authority, and director of an eminent domain practice representing private property owners for 20 years prior to establishing his own firm in 2002. Mr. Ward's practice is concentrated exclusively in eminent domain litigation and appeals, including real estate property valuation, access modification, relocation, condemnation and riparian claims. He has appeared before federal courts, and the N.J. Superior, Appellate and Supreme Courts. He received his B.S. degree from St. Peter's College and his J.D. degree from Seton Hall University. He is a member of the New Jersey Bar.

Eminent Domain In New Jersey • East Brunswick, NJ • March 28, 2006

LORMAN
EDUCATION SERVICES
A DIVISION OF LORMAN BUSINESS CENTER, INC.

Mail: Detach or photocopy this panel and mail with payment information to:
Lorman Education Services, P.O. Box 509, Eau Claire, WI 54702-0509
Fax: Complete this form, fax entire panel including payment information to (715) 833-3953
Phone: (866) 352-9539 (to register or for general questions)
Internet: www.lorman.com E-mail: customerservice@lorman.com

If you need special accommodations, please contact us two weeks in advance of the program.

Names of Attendees (Please print or type)

1. Name _____ Title _____
E-mail _____
2. Name _____ Title _____
E-mail _____
3. Name _____ Title _____
E-mail _____
Firm Name _____
Address _____ City _____
State/Zip _____ Telephone (____) _____ Fax (____) _____
Approving Manager Name _____ Title _____
E-mail _____

Method of Payment

Check enclosed payable to Lorman Education Services
 Charge to credit card ___ AE ___ MC ___ VISA ___ Signature _____ Exp. Date _____
Card number _____

© 2006 Lorman Education Services. All Rights Reserved. ID#363258

Register by February 10th
and save \$50!

Please route to:

- Managing Partner
- Senior Engineer
- Real Estate Mngr.
- President/VP

Seminar Tuition Includes manual

\$359 for a single registrant \$349 each for two or more

\$309 for a single registrant before February 10th

Product Orders

Please allow four to six weeks after the date of the seminar for delivery.

\$379 CD/manual package

\$119 manual only

(Add \$5 shipping/handling to product orders plus applicable sales tax.)

Send
2 or more
& save!

Please Return Entire Panel

Presorted Standard
U.S. Postage Paid
Permit No. 1877
Eau Claire, WI

Seminar ID: 363258

Please do not remove mailing label even if incorrect.

Priority Code: 17129

Eminent Domain In New Jersey

This one-day seminar is designed for attorneys, engineers, real estate professionals, presidents, vice presidents, owners, project managers, right of way agents, property owners and managers, surveyors, appraisers, city officials, planners, developers, zoning board members, architects and land specialists.

Register by
February
10th and
save \$50!

East Brunswick, NJ March 28, 2006

— Lunch Included —

William J. Ward, Esq., Moderator *Carlin & Ward, P.C.*

James M. Turteltaub, Esq.
William J. Ward, Esq.

Carlin & Ward, P.C.

**Michael Patrick
Carroll, Asm. (R)**

Legislative District 25 Offices

John J. Curley, Esq.

John J. Curley LLC

Paula A. Franzese, Esq.

Rachel D. Godsil, Esq.

Seton Hall University

Mindy Thompson

Fullilove, M.D.

Columbia University,

New York State

Psychiatric Institute

**Louis S. Izenberg, MAI,
SRA**

Izenberg Appraisal Associates

Drew K. Kapur, Esq.

George J. Kroculik, Esq.

Duane Morris LLP

Michael B. Kates, Esq.

Nashel, Kates, Nussman,

Rapone & Ellis LLP

Edward D. McKirdy, Esq.

Harry J. Riskin, Esq.

McKirdy and Riskin, P.A.

Peter G. Steck, P.P.

Community Planning

Consultant

Continuing education credit:

- IRWA
- PMI 6.00
- IACET 0.60
- CSI (Pending)
- NY CLE 7.0/Ethics and Professionalism 0.5
- PA CLE 6.00/Ethics 0.50
- NJ Surveyors (Pending)
- AIA/HSW 6.00
- Bankers 7.75

See inside for details.

LORMAN® *Serving North America's
Professionals Since 1987*
EDUCATION SERVICES
A DIVISION OF LORMAN BUSINESS CENTER, INC. www.lorman.com • customerservice@lorman.com