

South Texas  
COLLEGE OF LAW

**CLE**

CONTINUING LEGAL EDUCATION



# EMINENT DOMAIN CONFERENCE

Hosted by

Harris County Attorney  
Mike Stafford

CONTINUING LEGAL EDUCATION

**May 1, 2008**

South Texas College of Law  
1303 San Jacinto - Garrett-Townes Hall  
Houston, Texas

South Texas College of Law is an accredited sponsor approved by the State Bar of Texas Committee on MCLE

Accredited by the State Bar of Texas for  
**6.5 MCLE Hours, 1.0 Ethic Hours**

See registration information inside



# EMINENT DOMAIN CONFERENCE

hosted by Harris County Attorney

Mike Stafford

Thursday, May 1, 2008

8:00

Registration and Continental Breakfast

8:45

Welcome and Opening Remarks

- James J. Alfini, *Dean and President, South Texas College of Law Houston*
- Professor Lisa L. Dahm, J.D. LL.M., *Director of CLE, South Texas College of Law Houston*
- Robert W. Soard, *Chief, Real Property Division, Harris County Attorney's Office Houston*

### Morning Session

9:00

Planned and Future Projects in Harris County

Harris County spent over \$34 million last year buying property for roads, drainage projects, parks, and public buildings. Arthur L. Storey, Executive Director for the County Public Infrastructure Department, discusses how Harris County uses this property and describes works projects that are underway and planned for the future.

9:30

Building Public Projects in Harris County

Over 3.6 million people live within Harris County and its population continues to grow. William Reeves Gilmore, Assistant Director, Planning & Operations of the County Public Infrastructure Department, explains how Harris County works to provide a modern, efficient infrastructure that meets the demands of its residents. He demonstrates how a project develops from conception to concrete reality.

10:00

Ethical Considerations For Government Attorneys

Attorneys who represent governmental entities grapple with unique issues: How do Open Records laws impact attorney-client confidences? Does an attorney have authority to bind elected officials in the settlement of a case? When do conversations with a judge become improper *ex parte* communications? Rock Owens, Environmental Section Chief for the Harris County Attorney's Office, provides guidance.

10:30 Morning Break

10:45

The Power of Condemnation

Government has always had the power to take private property for public use. David Brooks, Assistant Harris County Attorney and the author of the *Texas Practice Series, County and Special District Law*, discusses the power of eminent domain, its origins, how it has evolved, and the current view of how this power should be used.

11:15

Everything You Never Wanted to Know about Harris County Road Law But Probably Should

Most condemnations filed by Harris County are for the acquisition of property for road and road drainage. James C. Jones, Senior Assistant Harris County Attorney, reviews the special law applicable to Harris County roads, their operation and control.

11:45

Landowner's Bill of Rights

A law effective February 1, 2008 requires condemning authorities to provide landowners affected by potential condemnation with a written statement of their rights and options. Robert Soard, Chief, Real Property Division, Harris County Attorney's Office, examines how this legislation affects the acquisition of property by Harris County and discusses other aspects of good faith negotiations from the County's perspective.

12:00 Lunch Break (lunch provided)

### Afternoon Session

1:00

Voir Dire in a Condemnation Proceeding

As the public has become more aware of eminent domain, attorneys may encounter hostile jury panels. Charles S. Brack, Assistant Harris County Attorney, explains how voir dire can be used to deal with misconceptions the public may have about eminent domain. He discusses the law on jury selection and how it is applied in the county civil courts in Harris County.

1:30

Daubert Challenges to the Condemnation Expert

Do appraisers and other experts meet the standards established in *Daubert v. Merrell Dow Pharmaceuticals* and its progeny? George Nachtigall, Senior Assistant Harris County Attorney, provides guidance as to when experts should be allowed to testify and when they should not.

2:00

Presenting Evidence in a Trial in the 21st Century

The Harris County Civil Justice Center provides courtroom video systems with multi-touch panel interfaces, LCD flat panel monitors, and drop-down projection screens for presenting cases to the judge and jury. Jeremy Baker, Assistant Harris County Attorney, and Robert Snyder, president of CAPsync, Inc., demonstrate how this technology can be used to persuade the fact finder in a condemnation case.

2:30

Environmental Factors in the Acquisition of Property

As Harris County becomes more urbanized with fewer vacant tracts available for public works, the probability of having to deal with contaminated property grows. Snehal R. Patel, Senior Assistant Harris County Attorney with the Environmental Section, looks at how environmental regulations impact the condemnation process and provides tips for avoiding unintended and costly consequences.

3:15 Afternoon Break

3:30

Inverse Condemnation

Sometimes the government acquires property without following the process set out in the Texas Property Code. Douglas P. Ray, Assistant Harris County Attorney, explains the elements of an inverse condemnation claim and how this is similar to and different from those of a direct condemnation.

4:00

Denial of Access

The government's denial of a landowner's access to a public road can obligate the government to pay substantial damages. Melissa Barlocco, Deputy Chief, Real Property Division, Harris County Attorney's Office, provides an overview of the law and procedures on dealing with these issues.

4:30

What We Can Expect from the Legislature in 2009

Following the last session of the Texas Legislature, the governor vetoed legislation that would have made sweeping changes in condemnation law. Cathy Sisk, Director of Legislative Relations for Harris County, offers insight on the concerns expressed by elected representatives about eminent domain and possible legislation for the 2009 session.

5:00 Closing Remarks by Mike Stafford, Harris County Attorney and Adjourn to Reception

**Join Harris County Attorney  
Mike Stafford  
and the course faculty  
for a reception**

**Thursday, May 1, 2008**  
in the Emilie Slohm Room,  
6th floor of the Fred Parks Law Library  
**5:00 p.m. - 6:00 p.m.**

**PLANNING COMMITTEE**



**Mike Stafford**  
Harris County Attorney

**Robert Soard, Chair**  
Harris County  
Attorney's Office

**Jeremy Baker**  
Harris County  
Attorney's Office

**Melissa L. Barloco**  
Harris County  
Attorney's Office

**Charles S. Brack**  
Harris County  
Attorney's Office

**Cynthia Cedillos**  
Harris County  
Attorney's Office

**Darlene Hadaway**  
Harris County  
Attorney's Office

**Paul R. Nesheim**  
Harris County  
Attorney's Office

**Cara Protain**  
Harris County  
Attorney's Office

**Prof. Lisa L. Dahm,  
J.D., LL.M.**  
Director of CLE

**Kimberly Smith**  
Program Administrator

**Registration Information**

**Location:** South Texas College of Law, Garrett-Townes Hall (in the atrium), 1303 San Jacinto, Houston, Texas 77002. For directions, call Kimberly Smith at (713) 646-1757 or (800) 646-1253. For map, visit [www.stcl.edu/01welcome/map\\_houston.htm](http://www.stcl.edu/01welcome/map_houston.htm).

**To Register:** See Registration Form below. For those who register early, course books, meals and seating will be reserved until the start of the first presentation. Allow one week to process registration. Confirm your registration at [www.stcl.edu/cle/registrationconfirmation.html](http://www.stcl.edu/cle/registrationconfirmation.html). **No written confirmation will be sent.**

**State Bar of Texas MCLE Credit:** Accredited for 6.5 MCLE hours, including 1.0 hour of legal ethics.

**Texas Board of Legal Specialization Credit:** Accredited in Civil Trial Law and Real Estate Law.

Real estate agents and brokers may claim MCE elective credit for this course towards TREC requirements. Accreditation also pending with the Texas Appraiser Licensing and Certification Board.

**Judges:** Full-time active Texas court judges and associate judges may attend for a reduced tuition of \$75. Attendance is required. Call Kimberly Smith for more information at (713) 646-1757 or (800) 646-1253.

**Refund Policy:** Refunds, less a \$45.00 processing fee, are given to those who cancel in writing by 5:00 p.m., April 29, 2008. No refunds will be granted

thereafter. Course materials will automatically be shipped via UPS (*please allow 3 weeks for delivery*) to prepaid registrants who were not able to attend. Substitute attendees are accepted.

**Hotel Accommodations:** Two great hotels in the Historic Humble Oil Building, located two blocks from the law school are each offering a rate of \$131 per night, guaranteed until **April 13, 2008.**

**Courtyard by Marriott,** 916 Dallas Street, Houston, Texas, (888) 269-2163.  
**Residence Inn by Marriott,** 904 Dallas Street, Houston, Texas, (800) 730-3931. Reservations may be made at <http://cwp.marriott.com/houdt/stcl/> or directly with the hotel. Please indicate you are attending the South Texas College of Law Continuing Legal Education program to receive the discounted rate.

**Parking:** Fannin Garage, 1112 Clay Street (*between Fannin and San Jacinto*), **\$5.00 per day** (Early-Bird Special: Enter by 9:00 a.m. and pay only \$3.00), no in-and-out privileges. Reserved parking for the disabled on floors 5, 7, 9 and 11 near the elevator. Classified Parking System (*surface lots at Polk and Austin*), **\$4.00 per day.** Main Street Garage, 1301 Main Street, **\$9.00 per day.** Additional parking is available in garages and on surface lots near the law school.

**Special Accommodations:** For any special needs as addressed in the Americans with Disabilities Act, call Kimberly Smith at (713) 646-1757 or (800) 646-1253 by **April 4, 2008** or as soon thereafter as possible.

**Registration Form**

South Texas College of Law

**Harris County Eminent Domain Conference May 1, 2008**

Hosted by Harris County Attorney Mike Stafford

\$200 for non-government attendees ( \$225 at the door)

\$175 for government employees ( \$200 at the door)

*Tuition includes continental breakfast, lunch, refreshments and course materials*

Name  Mr.  Ms. \_\_\_\_\_ Bar Card # \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Ph: ( \_\_\_\_\_ ) \_\_\_\_\_ Fax: ( \_\_\_\_\_ ) \_\_\_\_\_

E-Mail: \_\_\_\_\_  Please add me to your e-mail distribution list.

**Payment Method:**  Check Enclosed (# \_\_\_\_\_) or, charge to:  AMEX®  MASTERCARD®  VISA®

Card Number \_\_\_\_\_ Exp. Date \_\_\_\_\_

Authorized Signature \_\_\_\_\_

**TO REGISTER**

**Phone:** (713) 646-1757 or (800) 646-1253

**Fax:** (713) 646-1780

**On-line:**  
[www.stcl.edu/cle/cle.html](http://www.stcl.edu/cle/cle.html)

**Mail-in:**  
South Texas College of Law  
CLE Department  
1303 San Jacinto, Suite 1115  
Houston, TX 77002

Payments made to:  
South Texas College of Law  
Credit Card payments must include an American Express, MasterCard or Visa number and expiration date.

**Confirm your registration at:**  
[www.stcl.edu/cle/registrationconfirmation.html](http://www.stcl.edu/cle/registrationconfirmation.html)  
**No written confirmation will be sent.**

Allow one week to process.

**No refunds after 5:00 p.m., Tuesday, April 29, 2008.**  
See refund policy above.