

*Annual ALI-ABA Summer Course of Study
August 19-21, 1987, in Reno, Nevada*

LAND USE INSTITUTE

**Planning, Regulation, Litigation,
Eminent Domain, and Compensation**

Cosponsored by the FAU/FIU Joint Center
for Environmental and Urban Problems

Through the joint efforts of three course chairmen, ALI-ABA and the Florida Atlantic University/Florida International University Joint Center for Environmental and Urban Problems will present a comprehensive update program on land use. This three-day course of study is the combination of three popular ALI-ABA courses. *Land Use Litigation, Land Planning and Regulation of Development, and The Compensation Issue*. It will be presented Wednesday through Friday, August 19-21, 1987, at Harrah's Reno Hotel in Reno, Nevada.

Scope and Purpose

This third combined update program is designed to provide an effective and efficient review of current issues in land use for attorneys, planners, public officials, developers, and academics. The format of the program is a direct presentation by specific faculty members on each panel, followed by spontaneous comment from the other faculty members, and concluding with an audience question-and-answer period. The course faculty have been selected not only for their expertise in the subject matter of their presentations, but also for the depth of their practice experience. The program provides registrants with a unique opportunity to hear the faculty discuss each other's comments. This year's program includes concurrent sessions, which afford registrants the opportunity to choose those topics most closely associated with their areas of interest. Among the issues to be covered are:

- **Overview of Recent Decisions.** The course will begin with a half-day discussion of recent decisions, which will provide the common foundation for all registrants to build a better understanding of the current state of land use planning and law. Extensive faculty comment, along with an audience question-and-answer period, will cover the facts of each important case, the legal issues involved, the differing perspectives on the meaning of the court opinions, and how these opinions affect everyday activity in the "real world."
- **Concurrent Sessions.** An afternoon of concurrent sessions will provide



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registrants the opportunity to attend sessions of greatest personal interest. These sessions will allow for substantial interaction among faculty and registrants.

- **Transportation Impacts.** A serious growth issue is transportation capacity and the effect of new development. Presentations will review the latest planning and legal efforts to address the issue.
- **Computer and Videotape Use.** A brief introduction will be provided to the growing use of computer and video technology in land use practice.
- **Influence of the U.S. Constitution.** Commemorating the bicentennial of the Constitution, this presentation will detail the role the Constitution has played in the ability of government to regulate the use of private land and to acquire private land for public use.
- **Development Agreements and Negotiated Development.** California and Hawaii are current leaders in allowing agreements between developers and municipalities, and numerous local governments all over the United States are considering them. Also, development permission is increasingly a discretionary action by government, resulting in increased interests in negotiation. These sessions will examine the current status of agreements and negotiation.
- **Wetlands Regulation.** After more than a decade of evolution, it appears that regulation of developments affecting wetlands has matured. This session will examine recent case law and regulatory activity that substantially expand the definition of "wetlands," and along with it, regulatory jurisdiction.
- **Litigating the Inverse Condemnation Case.** The U.S. Supreme Court has not yet provided definitive guidelines on inverse condemnation. This session will review the state of the law and recommend strategies for both plaintiff and defendants in such suits.
- **Hazardous Materials and Hazardous Wastes.** New legislation has placed liability on landowners for hazardous materials and hazardous wastes, whether or not they were the "generators." Presentations will review key aspects of federal and state legislation and explain how to avoid such problems or how to handle them if the contaminated property has been acquired or contamination is found on the client's property.
- **Civil Rights, Antitrust, and Bankruptcy Litigation.** Substantial case law now exists on the relation of civil rights, antitrust, and bankruptcy litigation to land use planning, regulation, and development. This session will update the current situation and review possible future activity.
- **Exactions, Dedications, In-Lieu Fees, and Linkage.** Fiscal concerns of local government have led to viewing development as a source of financial contribution to help meet the effects of growth. No longer just school sites, but also day-care, low-income housing, and job programs now are common "requests" during the approval process. A comprehensive session will examine this topic.
- **Ethics and Professional Responsibility.** Planners and lawyers face many difficult ethical situations in their daily professional lives. This panel has been designed to review a number of typical situations and to provide guidance on appropriate action.

Time will be set aside throughout the program for faculty interaction and to address written questions submitted by the registrants.

Planning Chairman

Frank Schnidman, Senior Research Fellow and Visiting Professor, Florida Atlantic University/Florida International University Joint Center for Environmental and Urban Problems, Fort Lauderdale

Planning Cochairmen

Fred P. Bosselman, Burke, Bosselman & Weaver, Chicago

Gideon Kanner, Professor, Loyola Law School, Los Angeles

Faculty

Stanley D. Abrams, Abrams, West & Storm, Bethesda, Maryland

Gus B. Bauman, Litigation Counsel, National Association of Home Builders, Washington, D.C.

Linda J. Bozung, Jones, Day, Reavis & Pogue, Los Angeles

David Callies, Professor, University of Hawaii School of Law, Honolulu

Donald L. Connors, Choate, Hall & Stewart, Boston

Daniel J. Curtin, Jr., McCutchen, Doyle, Brown & Enersen, Walnut Creek, California

John M. DeGrove, Director, Florida Atlantic University/Florida International University Joint Center for Environmental and Urban Problems, Fort Lauderdale

John J. Delaney, Linowes and Blocher, Silver Spring, Maryland

Robert H. Freilich, Hulen Professor of Law in Urban Affairs, University of Missouri-Kansas City School of Law, Kansas City

Theodore C. Taub, Taub & Williams, P.A., Tampa

N. Gregory Taylor, Senior Assistant Attorney General, Office of the Attorney General, Los Angeles

Rufus C. Young, Jr., Fox and Young, Newport Beach, California

Program

Wednesday, August 19, 1987

8:00 a.m. Registration

9:00 a.m. Welcome and Course Overview – *Mr. Schnidman*

COURSE REGISTRATION FORM

To register please clip, fill out, and mail this form together with payment to The American Law Institute-American Bar Association Committee on Continuing Professional Education: REGISTRAR, ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104.

Please enter my registration(s) for the ALI-ABA **Land Use Institute**, August 19-21, 1987, in Reno, Nevada.

_____ Registration(s) at \$465 **C240**

_____ I cannot attend **Land Use**. Please send me the study outline book for \$40, available August 19. (*Pa. residents add \$2.40 sales tax.*) In the event that these materials exceed one volume, please bill me for an additional \$40 per volume (*plus sales tax if applicable*). **\$240**

\$ _____ Total Check enclosed*

Please charge to my credit card, checked below:

AMEX Carte Blanche Diners Club
 MasterCard VISA

Card no.: _____

Card expiration date: _____

* Make check payable to ALI-ABA. Please attach names and addresses of additional registrants. **Terms: Payment by check or credit card should accompany order or registration. Invoice billing available to approved credit accounts.** To open an account send your name, office and home street addresses, firm name, office telephone number, and bank reference with Martindale-Hubbell or equivalent credit reference rating to: ALI-ABA, 4025 Chestnut Street, Philadelphia, Pennsylvania 19104, ATTN: New Account Registration.

Advance Confirmation Required for Door Registration

NAME (please print) _____

FIRM _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

SIGNATURE _____

- 9:15 a.m. Overview of Recent Decisions – *Messrs. Bauman, Bosselman, and Freilich*
- 10:30 a.m. Coffee Break
- 10:45 a.m. Faculty Discussion of Recent Decisions; Question and Answer Session
- 12:00 noon Lunch Break
- 1:30 p.m. Concurrent Sessions (Group One)
- Overview of Basic Land Use Law – *Messrs. Connors, DeGrove, and Delaney*
 - Update on Eminent Domain – *Messrs. Kanner and Taylor*
 - Use of Demonstrative Evidence in Administrative and Judicial Proceedings – *Messrs. Taub and Young*
- 3:00 p.m. Coffee Break
- 3:30 p.m. Concurrent Sessions (Group Two)
- Downtown Zoning Issues – *Ms. Bozung and Mr. Connors*
 - Creating the Administrative Record – *Messrs. Abrams and Curtin*
 - Regional Growth Management Strategies – Florida's New Legislation and an Update on the Lake Tahoe Situation – *Messrs. DeGrove and Taylor*
- 5:00 p.m. Adjournment for the Day and Reception

Thursday, August 20, 1987

- 8:30 a.m. Dealing with Transportation Effects; Question and Answer Session – *Messrs. Bosselman, DeGrove, and Freilich*
- 10:00 a.m. Coffee Break
- 10:15 a.m. Computer and Videotape Applications in Land Use Planning and Development; Question and Answer Session – *Messrs. Abrams, Kanner, and Schnidman*
- 11:15 a.m. Ethics – *Messrs. Delaney, Schnidman, Taub, and Taylor*
- 12:00 noon Lunch Break
- 1:30 p.m. The Influence of the U.S. Constitution on Land Use Law – *Introduction by Mr. Bosselman; Presentation by Mr. Callies*
- 2:00 p.m. Use of Property Development Agreements – *Messrs. Callies, Connors, Curtin, and Kanner*
- 3:30 p.m. Coffee Break
- 3:45 p.m. Negotiated Development – Case Study – *Messrs. Abrams, Delaney, and Kanner and Ms. Bozung*
- 4:15 p.m. Development Agreement and Negotiated Development: Question and Answer Session
- 5:00 p.m. Adjournment for the Day

Friday, August 21, 1987

- 8:30 a.m. Update on Wetlands Preservation; Question and Answer Session – *Messrs. Bosselman, Schnidman, and Taylor*
- 9:30 a.m. Litigating the Inverse Case; Question and Answer Session – *Messrs. Kanner, Schnidman, and Taub*
- 10:30 a.m. Coffee Break
- 10:45 a.m. Legal Aspects of Hazardous Materials and Hazardous Wastes; Question and Answer Session – *Messrs. Bosselman, Kanner, and Young*
- 12:00 noon Lunch Break
- 1:30 p.m. Update on Civil Rights, Antitrust, and Bankruptcy Litigation; Question and Answer Session – *Messrs. Bauman, Freilich, and Schnidman*
- 3:00 p.m. Coffee Break
- 3:15 p.m. How Far a City Can Go in Imposing Exactions, Dedications, In-Lieu Fees, and Linkages; Question and Answer Session – *Messrs. Bauman, Bosselman, Connors, Curtin, and Taub*
- 4:30 p.m. Faculty Discussion and Question and Answer Session from the Day's Presentations
- 5:30 p.m. Adjournment

STUDY MATERIALS

A book of specially prepared study outlines and related material will be distributed at the course site. To ensure that study materials are as timely as possible, books generally are not printed until immediately before the program, and thus are not usually available in advance of the course for which they are prepared.

REGISTRATION

The registration fee for **Land Use Institute** is \$465. This fee entitles registrants to admission to all sessions, a set of study materials, and a reception. To register, simply return the form provided, with your check made payable to ALI-ABA. Registrations will be accepted at the door if space is available, but please call in advance to avoid disappointment. **All course accounts must be settled by the first session of the course to assure admittance to the classroom.**

CANCELLATIONS

Cancellations received no later than **August 14** will be honored and registration fees refunded, less a \$25 nonrefundable processing fee. Cancellations received by noon **August 18** also will be honored and registration fees refunded, minus, however, a \$50 nonrefundable processing fee. Telephone cancellations (215-243-1631) will be honored under the above time limits and terms, but *must* be confirmed by letter; all requests for refunds must be received in writing and postmarked no later than **August 24**.

HOTEL ACCOMMODATIONS

A limited block of rooms has been reserved at Harrah's Reno Hotel. Room rates are \$62 per night for a single or double room, including airport transfers. These rooms will be held as a block until about a month before the program, at which time they will be released to the general public. Each registrant must make his own hotel reservations and indicate that he is attending the ALI-ABA Course of Study to qualify for a room in the block.

Room reservations may be made by calling or writing to Harrah's Reno Hotel, P.O. Box 10, Reno, NV 89504; phone (702) 786-3232 or (800) 648-3773.

Please note that most hotels will not hold reservations beyond 6 p.m. without an advance deposit. Persons planning a late arrival should guarantee their reservations with the hotel.

DISCOUNTED AIRFARES

For ABA discounted airfares, please call: DELTA 1-800-241-6760, re: File #E0001; UNITED 1-800-521-4041, re: File #7050-J.

CLE COURSE CREDIT

Mandatory continuing legal education, certification of specialists, and other CLE requirements have been adopted in some states. To obtain information on CLE credit approval of this course, please write to Registrar, CLE Course Credit, ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104.

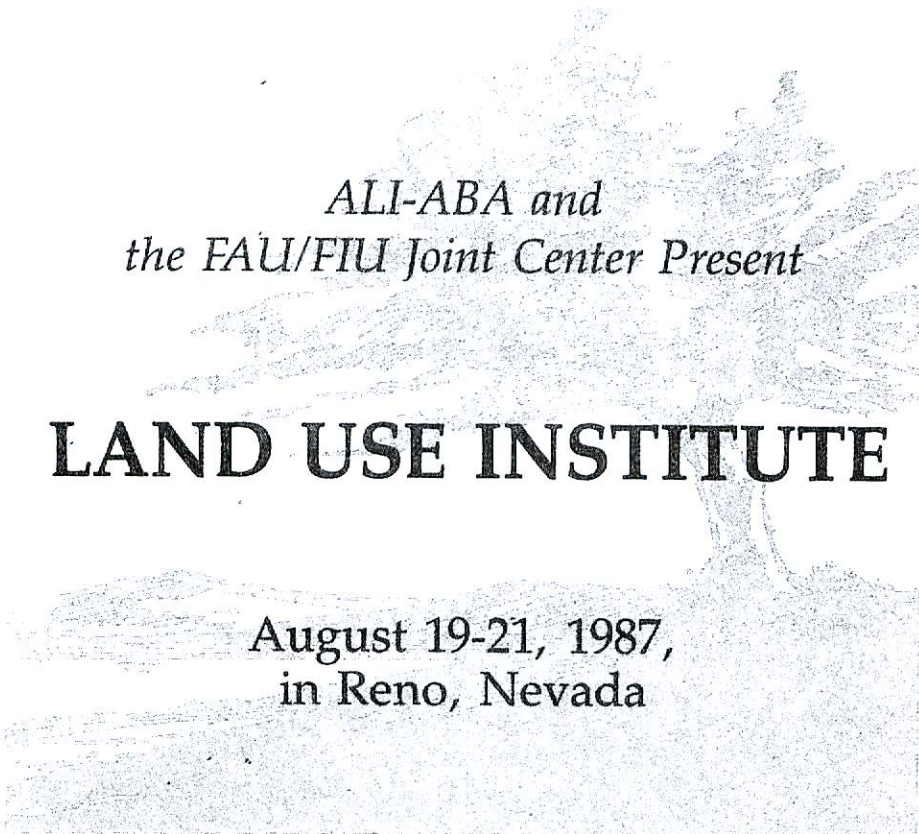
ADDITIONAL INFORMATION

For further information write Donald M. Maclay, Director, Courses of Study, ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104, or telephone (215) 243-1630 or (800) CLE-NEWS (*toll free, Continental U.S. except Pa.*).

Suggested Prerequisite: Graduation from law school and practice experience with land use planning and law, or a graduate planning education and substantial experience with land use law

Educational Objective: Acquisition of knowledge and skills to develop proficiency as a practitioner

Level of Instruction: Advanced



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