landuseinstitute.org

ABA CLE

AMERICAN BAR ASSOCIATION
Section of State and Local Government Law

32nd Annual

Land Use Institute:

Planning, Regulation, Litigation, Eminent Domain, and Compensation

Thursday and Friday, April 19-20, 2018

DETROIT MERCY LAW

651 East Jefferson Avenue

Sponsored by

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See the future American City being built before your eyes! – New York Times

Local government land use decisions affect economic development and quality of life. They can also create major challenges to efforts by property owners to develop and use their property, as well as to residents as they cope with growth and change.

This Annual Land Use Institute program is designed for attorneys, professional planners, and government officials involved in land use planning, zoning, permitting, property development, conservation and environmental protection, and related litigation. The entire approach of the program is to provide practice pointers that give immediate "take home value."

This outstanding program features:

- Preeminent faculty of practitioners and academics who provide nationwide perspective without losing sight of state specific issues;
- Critical review and analysis of the most important new cases;
- Practice-oriented discussion of basics and "hot" topics;
- Outstanding networking opportunities, including continental breakfast, mentoring lunches, breaks and a reception for registrants and faculty.

This course is an investment in your practice, in your career, in your ability to get out ahead of the competition in serving your clients, and in the appreciation and intellectual satisfaction you can get only from having knowledge of land use at the cutting edge.

"Clearly the best Land Use CLE program in the country."

"Great program! Excellent topics and faculty."

"I am a multi-year participant. I always learn two things each year. How much I don't know; some new item that helps me in the coming year, which generally pays for the cost of attending the seminar."

— past Land Use Institute participants

What You Will Learn

This course of study, comprising **11.5 hours of instruction** including **2 hours of Ethics**, is designed to provide an effective and efficient review of current issues in land use for attorneys, planners, public officials, developers, and academics. Now in its 32nd year, the Land Use Institute has earned its role as one of the most comprehensive land use continuing education program available.

> ***The course changes and does a good job of keeping me abreast of the latest trends in Land Use Law. – past LUI participant***

Special features of the 2018 Land Use Institute include:

Update on Planning, Land Use, and Eminent Domain Decisions

The year's course begins with a Thursday afternoon panel discussion of recent court decisions, providing a common foundation for all registrants to build a better understanding of the current state of land use law. Among the subject areas where cases will be addressed (subject to change) are: Affordable Housing; Comprehensive Planning; Eminent Domain; Energy; Exactions; First Amendment; Group Homes/Sober Homes; Historic Preservation; Impact Fees; Moratoria; Public Trust Doctrine; Religious Land Use; Takings; Tax Increment Finance; Variances; Vested Rights and Wetlands.

Ethical and Professionalism Considerations for the Land Use Practitioner and Government Lawyer

The Thursday afternoon session will conclude with 2 hours of ethics and professionalism instruction. The session will be an update of key issues facing practitioners, and will include audience participation.

Federal Laws, Regulations, and Programs Affecting Local Land Use Decision-Making

The federal government continues to encroach upon local government decision-making through a variety of policies and programs. This Friday morning session presents major current issues as they relate to environmental protection and real estate development at the local level, including the roll-back of regulations in selected programs. Among the topics to be discussed in detail (subject to change) are: Climate Change/Sea Level Rise; Drones and Autonomous Vehicles; Endangered Species; Energy; Hazardous Materials; Historic Preservation; Housing; Hydraulic Fracturing; NEPA; Religious Land Use; Energy Transmission Line Siting; Water and Wetlands.

Annual Richard F. Babcock Faculty Keynote Address

Richard F. Babcock was one of the twentieth century's greatest land use attorneys, and the first Chair of the predecessor to the *Land Use Institute*. In his honor, each year a selected faculty member presents a major address on a topic of substantial current interest. Faculty member Wendie Kellington has been selected to present this year's Address, and her presentation is entitled, "The Role of Planning and Law in Solving Homelessness." Included in this session is a response panel and the opportunity to address participant questions.

Hot Topic Concurrent Sessions

In response to registrants' requests for the opportunity to examine current issues in greater detail, Friday afternoon there are two sets of concurrent sessions and a plenary final session to provide a detailed analysis covering both "hot" topics and traditional critical practice areas. Faculty members summarize their prepared materials, overview key aspects of the topic, and provide ample time for participants' questions.

Program (All times are Eastern Standard Time)

Time is set aside throughout the program for faculty interaction and to address written questions submitted by the registrants, both in advance of and during the program. Continuing the tradition of expanded networking opportunities, there will be morning and afternoon breaks, a Thursday reception for registrants and faculty following the Program, held jointly with the ABA Section of State and Local Government Law Meeting participants and other co-sponsor organizations, and a Friday continental breakfast, a Friday Women in the Law Luncheon Session and a Young Practitioners Luncheon Session. After the Program ends on Friday, through the ABA Section of State and Local Government Law, there will be an optional tour and dinner.

> ***This was a great program, as always. The Babcock Lecture was 1st rate. – past LUI participant***

Thursday, April 19, 2018

1:00 p.m. **Registration**

1:30 p.m. **Welcome** – *Phyllis L. Crocker, Dean, University of Detroit, Mercy School of Law*
– *Robert H. Thomas, Damon Key Leong Kupckak Hastert, and Chair, ABA Section of State and Local Government Law, Honolulu, HI*
– *Mayor Mike Duggan, City of Detroit, MI*

Course Overview: *Mr. Schnidman, Chair, Land Use Institute*

2:00 p.m. **Update on Planning, Land Use, and Eminent Domain Decisions**
Moderator: Mr. Merriam; Panel: Mss. Agrimonti and Rosenthal; Prof. Callies and Eagle; Messrs. Ackerman, Cope, Dalton and Gray

3:45 p.m. **Networking and Refreshment Break**

4:00 p.m. **Ethical and Professionalism Considerations for the Land Use Practitioner and Government Lawyer**
Moderator: Mr. Schnidman:
Panel: Ms. Salkin and Mr. Brown

6:00 p.m. **Adjourn for the Day**

6:30 p.m. Welcome Reception held jointly with the ABA Section of State and Local Government Law Conference participants and other co-sponsor organizations.

Continued on next page

Program *continued*

Friday, April 20, 2018

8:00 a.m. **Continental Breakfast** (sponsored by State and Local Government Law Section's Land Use Committee)

8:30 a.m. **Federal Laws, Regulations, and Programs Affecting Local Land Use Decision Making**
Moderator: Mr. Gowder; Panel: Mss. Agrimonti, Kellington, Powers and Rosenthal; Messrs. Cope, Dalton, Gray, Merriam, and Thomas

10:30 a.m. **Networking Break**

10:45 a.m. **Annual Richard F. Babcock Faculty Keynote Address: "The Role of Planning and Law in Solving Homelessness"**
– *Introduction by Mr. Schnidman*
– *Speaker: Ms. Wendie Kellington*
– *Response Panel: Ms. Rosenthal, Prof. Eagle and Mr. Gray*

12:00 noon **Lunch Break** (sponsored on-site box lunch)

Women in the Law Luncheon Session *(Co-Chairs Mss. Rosenthal and Salkin)*
Young Practitioners Luncheon Session *(Co-Chairs Messrs. Merriam and Gowder)*

1:00 p.m. **CONCURRENT HOT TOPICS SESSIONS**

- **Nuts and Bolts of Land Use Practice: Eminent Domain, Vested Rights and Regulatory Takings: Where Are We Now**
  Moderator: Mr. Thomas; Panel: Prof. Eagle; Messrs. Ackerman and Roston
- **Public Private Partnerships**
  Moderator: Ms. Chumbler; Panel: Messrs. Kasdin, and Marquez
- **Climate Change and Resilient Development**
  Moderator: Ms. Powers; Panel: Messrs. Gowder and Merriam

2:30 p.m. **Networking and Refreshment Break**

2:45 p.m. **CONCURRENT HOT TOPICS SESSIONS**

- **Nuts and Bolts of Land Use Practice: Client Representation-Developer, Government and Citizen Groups**
  Moderator: Mr. Thomas; Panel: Ms. Agrimonti; Mr. Kasdin
- **Autonomous Vehicles – Local Planning for Planes, Trains and Automobiles**
  Moderator: Mr. Gowder; Panel: Ms. Kellington; Mr. Merriam
- **Housing Supply and Affordability – Planning Alternatives and Legal Consequences**
  Moderator: Ms. Salkin; Panel: Prof. Callies, and Messrs. Gray and Marquez

Continued on next page

Program *continued*

Friday, April 20, 2018 *Continued*

4:15 p.m. **Networking Break**

4:30 p.m. **The Land Use Issues Impacting the Fall and Rise of Downtown Detroit**

Moderator: Ms. Massaron

- *Michael McLauchlan, Vice President for Government Relations, Ilitch Holdings, Detroit, MI*
- *Jared Fleischer, Vice President of Government Relations, Quicken Loans, Detroit, MI*
- *Maurice D. Cox, Director, Planning & Development Department, Detroit, MI*

Response Panel

- *Dennis W. Archer, Former Mayor, Detroit, MI; Former ABA President; Chairman Emeritus, Dickinson Wright PLLC, Detroit, MI; Chairman and CEO, Dennis W. Archer, PLLC, Detroit, MI*
- *Neisen Kasdin, Former Mayor, Miami Beach, FL; Managing Partner, Akerman, Miami, FL*

6:00 p.m. **Adjournment**

6:30 p.m. **Optional Tour with Section of State and Local Government Law**
(Details to be Announced)

7:00 p.m. **Optional Dinner with Section of State and Local Government Law**
Texas de Brazil, 100 Woodward Avenue
(This is a ticketed event at $65/person)

Saturday, April 21, 2018

A.M. **State and Local Government Section Land Use Committee Meeting**

Total 60-minute hours of instruction: 11.5, including 2 hours of Ethics

Faculty

The faculty is unforgettable and entertaining.
– past LUI participant

The distinguished panel of diverse national faculty includes (subject to change):

Planning Chair (also on faculty)
Frank Schnidman, former Distinguished Professor of Urban and Regional Planning, and former John M. DeGrove Eminent Scholar Chair, Florida Atlantic University, Boca Raton, FL

Planning Co-Chair (also on faculty)
Patricia E. Salkin, Provost for the Graduate and Professional Division, Touro College, New York, NY

Babcock Lecturer
Wendie L. Kellington, Kellington Law Group PC, Lake Oswego, OR

Faculty
Alan T. Ackerman, Ackerman Ackerman & Dynkowski, P.C., Bloomfield Hills, MI
Lisa M. Agrimonti, Fredrikson & Byron, P.A., Minneapolis, MN
Dennis W. Archer, Former Mayor of Detroit (1986-1990 and 1994-2001); Former ABA President; Chairman Emeritus, Dickinson Wright PLLC, Chairman & CEO, Dennis W. Archer PLLC, Detroit, MI
Christopher L. Brown, Deputy Law Director, Mansfield, OH
David Callies, Benjamin A. Kudo Professor of Law, University of Hawaii at Manoa, William S. Richardson School of Law, Honolulu, HI
Martha Chumbler, Carlton Fields Jorden Bert, Tallahassee, FL
Ronald S. Cope, Schain, Banks, Kenny & Schwartz, Ltd., Chicago, IL
Maurice D. Cox, Planning & Development Department, City of Detroit, Detroit, MI
Daniel P. Dalton, Dalton & Tomich, Detroit, MI
Steven J. Eagle, Professor, George Mason University School of Law, Arlington, VA
Jared Fleisher, Vice President of Government Affairs, Quicken Loans, Detroit, MI
W. Andrew Gowder, **Jr.**, Austen & Gowder, Charleston, SC
Matthew S. Gray, Perkins Coie, San Francisco, CA
Neisen Kasdin, Akerman, Miami, FL
Victor Marquez, The Marquez Law Group, San Francisco, CA
Mary Massaron, Plunkett Cooney, Detroit, MI
Michael McLauchlan, Vice President of Government Affairs, Ilitch Holdings, Detroit, MI
Dwight Merriam, Robinson + Cole, Hartford, CT
Erica L. Powers, Department of Geography & Planning, State University at Albany, Albany, NY
Deborah Rosenthal, FitzGerald Yap Kreditor, LLP, Irvine, CA
Howard Roston, Fredrikson & Byron, P.A., Minneapolis, MI
Robert H. Thomas, Damon Key Leong Kupckak Hastert, Honolulu, HI

Registration & Tuition

Location

University of Detroit Mercy School of Law
651 E. Jefferson Avenue
Detroit, Michigan 48226

Tuition

Members of Section of State and Local Government Law and cosponsor Sections: **$400**

ABA Members (who are not members of the Section of State and Local Government Law or cosponsoring Sections): **$500**

Non-ABA or Sponsor entity members: **$600**

A comeback city set to make good on its promise. – New York Times

(ranking Detroit #9 in places to visit worldwide in 2017)

Registration

Register online at **landuseinstitute.org**

Lodging

Westin Book Cadillac Hotel
1114 Washington Boulevard, Detroit, Michigan 48226
Conference rate $183 per night, plus taxes and fees.
Register online at **landuseinstitute.org**

For assistance with course registration or questions, contact:

Tamara Edmonds Askew
Director, Section of State and Local Government Law
American Bar Association
info@landuseinstitute.org
(312) 988-5652

SAVE THE DATES

2018 ABA Annual Meeting, Chicago: August 2-5, 2018
2018 Brigham-Kanner Property Rights Conference: October 2018
2019 Land Use Institute: April 12-13, 2019
2020 Land Use Institute: April 23-24, 2020

Land Use Committee
ABA Section of State and Local Government Law

The Section

Let's keep this going! The American Bar Association's Section of State and Local Government Law is a nationwide group of private practitioners, government attorneys, legal academics and nonprofit lawyers who focus on legal issues involving state and municipal law. Our interests are as diverse as our practices, and the Section has Committees on Emergency Management and Homeland Security, Environmental and Energy Law, Ethics, Government Operations, Public Education, Native American Tribal Law, Public Contracts, the Sharing Economy, and Attorneys General and Department of Justice Issues, among others.

Our Land Use Committee

Of special interest to Land Use Institute attendees is the Section's **Land Use Committee**. The largest Committee in the Section, in addition to sponsoring the LUI; the Land Use Committee has two in-person meetings per year, and a full slate of web-based Continuing Legal Education programs throughout the year. It also holds regular online meetings featuring presentations and informal discussions of the latest breaking issues in land use and related topics. Leadership and publication opportunities abound.

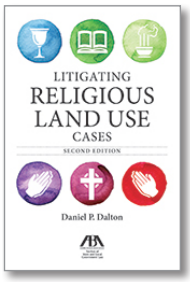
Come and join us, and tap into the knowledge of your urban, state, and local government colleagues from across the country.

Join Us!

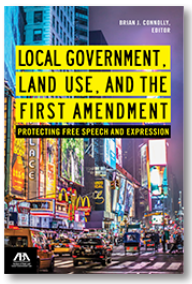
ABA membership is required to join the Section. If you are an ABA member, join the Section of State and Local Government Law. ABA lawyer and associate members can join for $60, while ABA law student members are free. To join over the phone or speak with a representative, please call 800.285.2221. Group discounts for government lawyers, judges, legal services providers, and law offices may be available.

Land Use Books We Publish

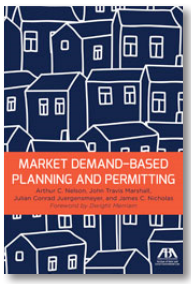
The Zoning and Land Use Handbook



Litigating Religious Land Use Cases



Local Government Land Use, and the First Amendment



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