



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

THE BASICS OF CONDEMNATION ISSUES

**December 14, 2012
2:00 p.m. to 4:00 p.m.
New Jersey State House
Room 301-10
Authorities Conference Room
125 West State Street
Trenton, New Jersey**

Program Summary

This presentation will focus on the basic principles of condemnation law. It will be comprised of four basic parts: 1) the power of eminent domain, concept of just compensation and overall purpose of the Eminent Domain Act, N.J.S.A. 20:3-1 et seq.; 2) Litigation Phase I: through the final judgment appointing commissioners; 3) Litigation Phase II: through the final judgment fixing just compensation; and 4) the distinguishing features of an inverse condemnation. Approximately four recent condemnation decisions will be woven into the discussion. The presentation is intended for lawyers with limited knowledge of eminent domain law.

Who Should Attend?

This program is intended for those invited to participate in the State House Series programs. Please do not attempt to register for this program if you have not already been selected to participate.

Who Is the Faculty?

Alvin Ricardo Little currently serves in the New Jersey Department of Law and Public Safety's Division of Law as the Assistant Attorney General In Charge - Administrative Practice (Newark). He received his law degree in 1982 from the Catholic University School of Law, and after graduation became an associate at the Kraft & Hughes law firm. He worked there as bond counsel until 1984 when he became the New Jersey Department of Transportation's Chief Regulatory Officer. After a few more years as bond counsel – at the Riker Danzig firm - and then after serving as an NJDOT Assistant Commissioner working with independent transportation authorities and overseeing the State's transportation financing authority, Mr. Little became a Deputy Attorney General in the Division of Law in 1991. His assignments at the

Division have included condemnation cases, construction claims litigation, environmental cost recovery cases, electric utility rate cases, complex commercial leases, real estate and transit-oriented development transactions, tax appeals, and maritime pilot regulation . Mr. Little has been counsel - either as the litigator who defended, or the transactional lawyer who facilitated – on various major public projects, including: the electrification of the Morris and Essex Rail Line; improvements to Edna Mahan Women’s Correctional Facility; construction and operation of the Hudson Bergen Line Light Rail Project, the River Line Light Rail Projects, the Montclair Connection Rail Project, and the Newark Liberty International Airport Monorail Project. Some of the cases he has litigated have resulted in reported decisions, most notably (a) *DeCamp, Inc. v. New Jersey Transit Corp.*, 396 N.J. Super. 151 (Law Div. 2007) (inverse condemnation claim based on state’s alleged predatory pricing is not sustainable without plaintiff showing investment backed entitlement to revenue loss); and (b) *Elizabeth Board of Education v. New Jersey Transit Corp.*, 342 N.J.S. 262 (App. Div. 2001) (general grant of power to condemn does not extend to State property, and an express legislative grant of such power is required – even if the State property in question is not in use). As an Assistant Attorney General, Mr. Little now manages the Deputy Attorneys General whose respective sections within the Division of Law represent the New Jersey Board of Public Utilities, the University of Medicine and Dentistry of New Jersey, and New Jersey Transit Corporation.

George Ljutich is a 1984 graduate of Seton Hall Law School where he served as Notes and Comments Editor of the Seton Hall Law Review. After serving as Law Clerk for the Honorable Wilfred P. Diana, Mr. Ljutich has been a Member of the Transportation, Construction and Condemnation Section of the Division of Law where he has primarily handled eminent domain matters for the past 20+ years representing such agencies as NJDOT, the NJ Economic Development Authority, NJ Transit and NJ Schools Development Authority. He has worked with outside counsel representing the Schools Development Authority and other State agencies in condemnation matters and currently serves as Assistant Section Chief of the Transportation, Construction and Condemnation Section. He has participated in a number of condemnation cases that have resulted in reported decisions, most notably 1) *CRDA v. Hauck*, 162 N.J. 576 (2000) (finding that interest runs from the date of condemnation or taking, not all dates of value); 2) *State v. Weiswasser*, 149 N.J. 320 (1997) (finding that a condemnor may utilize land owned by a third party to cure damages caused by a taking); 3) *State v. Shein*, 283 N.J. Super. 588; certif. denied 143 N.J. 325 (1996) (finding that the physical condition of land discovered after the condemnation is filed must be considered by a jury in determining just compensation; 4) *State v. F & J Partnership*, 250 N.J. Super. 19 (App. Div. 1991) (finding that the value of improvements made in bad faith in anticipation of condemnation is not to be considered in determining just compensation).

CLE Credit

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.0 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, and 2.0 qualify as hours of credit toward certification in civil trial law.

NY CLE Credit: 2.0 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.5 substantive credits (\$3.00 mandatory registration fee required).

How Do I Register?

State Employees

Most State employees are able to register for this course by going to <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> and creating an AGAI Course Registration account. To do so, your computer **must** be attached to the government's Garden State Network. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

Non-State Employees or State Employees not Connected to the Garden State Network

If you are not a State employee, or are otherwise unable to access the AGAI Course Registration System through the Garden State Network, kindly email the Advocacy Institute at: AdvocacyInstitute@lps.state.nj.us for an authorization code to allow you access to the AGAI Course Registration System through the My New Jersey portal. **Setting up your account through the portal is a two-step process, the details of which are set forth in the next two paragraphs.**

Once you receive the portal authorization code you will be prompted to go to the My New Jersey portal at <http://www.state.nj.us/> and create a portal account. This is Step 1 of the process, which you need only do once.

Upon setting up your portal account, you need to set up your AGAI Course Registration System account. This is Step 2. To do so, log on to the My New Jersey Portal <http://www.state.nj.us/>. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a new user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.