

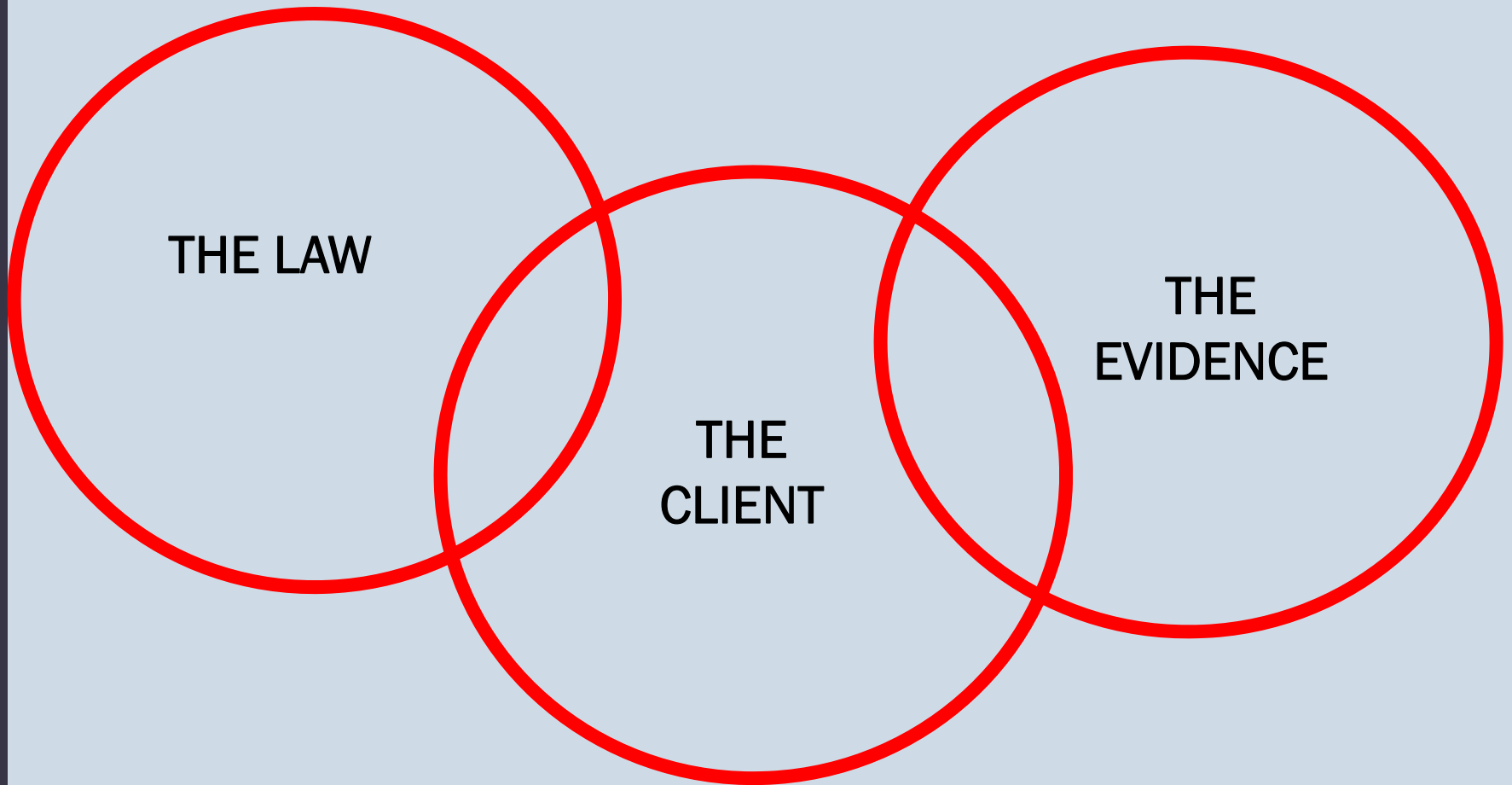
KEY CONCEPTS

For the Beginning Practitioner

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THREE KEY CONCEPTS




THE LAW

THE
CLIENT

THE
EVIDENCE

RELATIONSHIPS

- Quote, music or video clip?
- Friends close, enemies closer – the godfather
- Honest ones you want to watch out for – pirates of caribbean



There's three ways to
do things, the right way,
the wrong way and
the way that I do it.

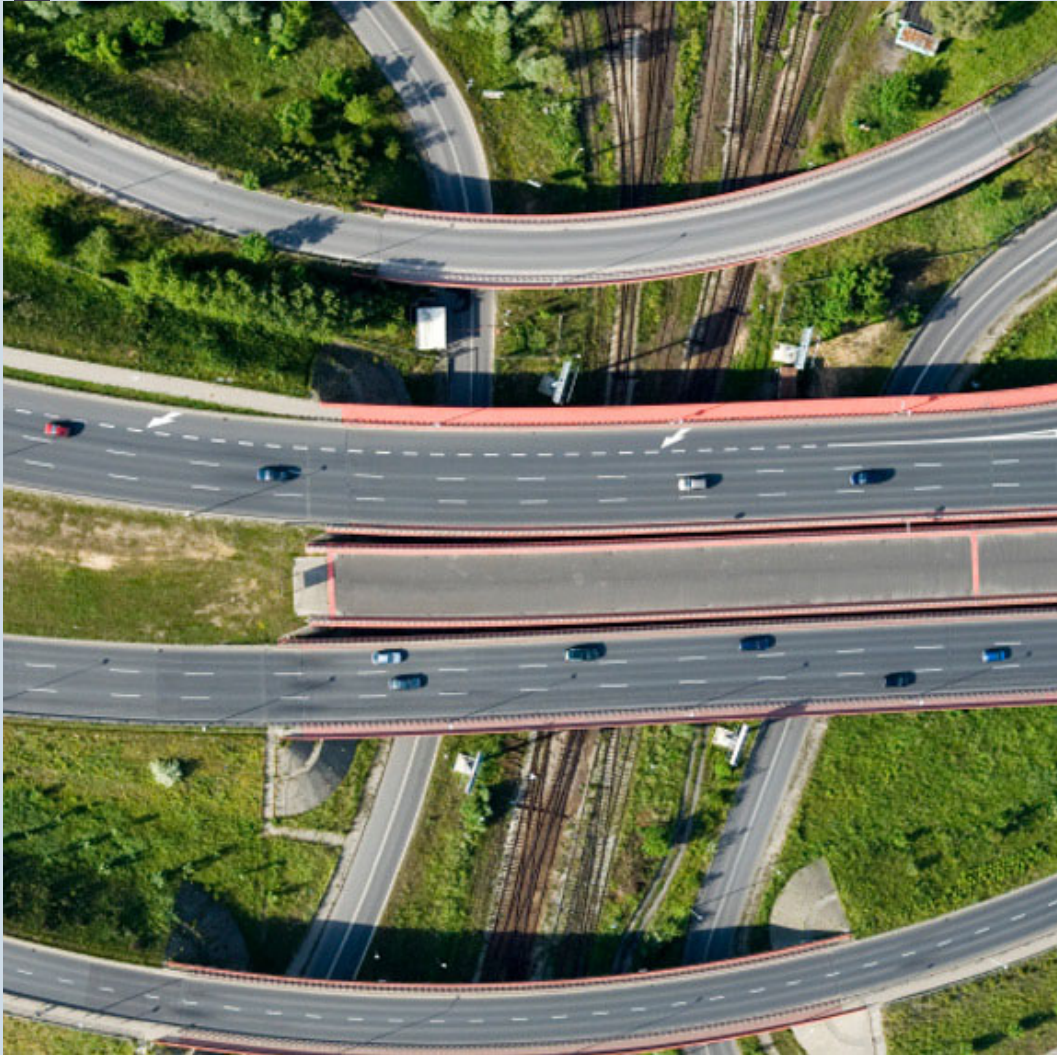


Casino [1995]
www.geckoandfly.com

Laws Across the 50 States



Condemnation Basics



CONSTITUTIONAL POWER

Public Use

Just & Adequate \$\$\$

Every Single Property

& Every Single Right

Acquisition v. Litigation

Title Vesting Event

Just Compensation

For the taking and damaging of property rights and interests

Intended to make the owner “whole”



Measured by

Fair Market Value:

the price a willing buyer and willing seller come to when neither is being compelled to act

Compensation: Neither Just Nor Adequate

- ❖ Land
- ❖ Buildings
- ❖ Improvements
- ❖ Signage, FF&E
- ❖ Leasehold/Fee
- ❖ Easements
- ❖ Consequential Damages
- ❖ Business Damages
- ❖ Contract Rights
- ❖ Suppliers
- ❖ Loss of income/sales
- ❖ Loss of customers
- ❖ Traffic patterns
- ❖ Medians
- ❖ Sentimental value



CASE EXAMPLE?

- Ga 400 PROJECT has bad law issue
- Holbert – access issue, moving road away; separation of business & real estate

LACK OF KNOWLEDGE CAN BITE YOU

- HOLBERT PHOTOS, PLANS
- Issues in case – access, business damages/separation of business entity from real estate

THE EVIDENCE

1. Experts
2. Telling a Story
3. Relationship between the jury and the client
4. NO overreaching

The Story Part I



The Story Part II

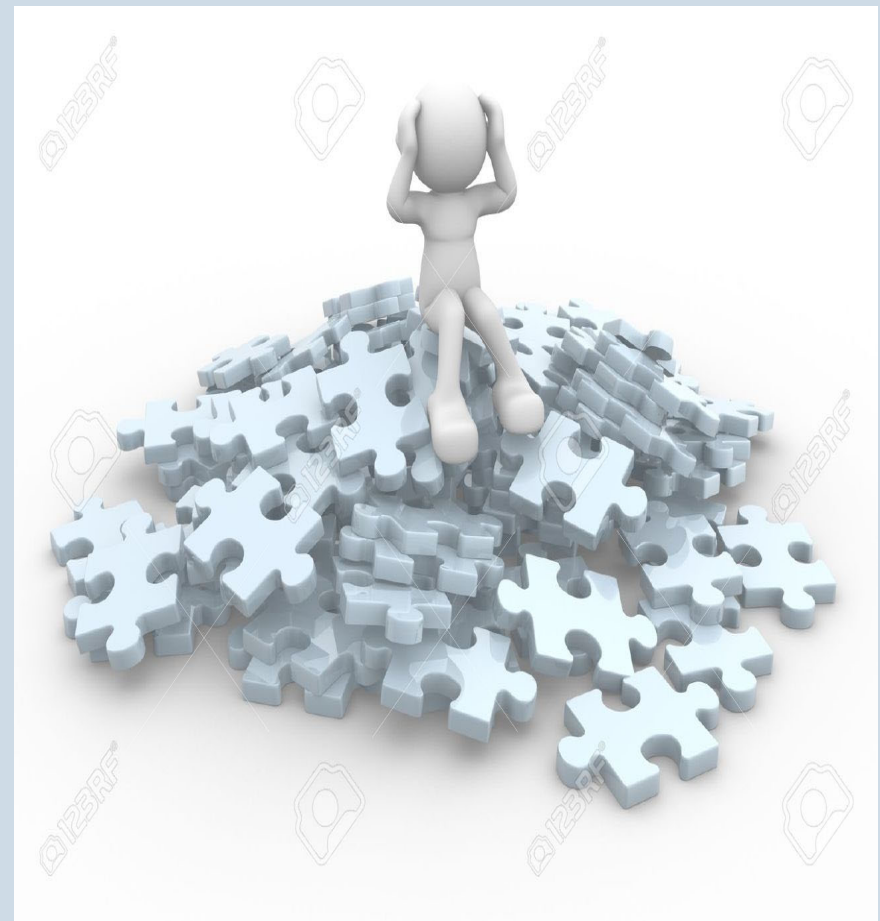




The Client

Expectations & Managing Relationship

Using The Client as the Witness



Predicting the Unpredictable

Practitioner as part psychologist, part fortune teller



Case example

- How things don't turn out as expected at beginning
- Cole/Houston County?
- USI?