

COURSE OUTLINE: FUNDAMENTALS OF EMINENT DOMAIN PROCEDURE IN MINNESOTA

- I. EFFECT OF 2006 EMINENT DOMAIN REFORM
 - a. PROHIBITED/RESTRICTED HISTORICAL USES OF EMINENT DOMAIN
 - b. CHAPTER 117 SUPERSEDES ALL OTHER STATUTES
- II. COMMENCEMENT OF ACTION
 - a. PRE-CONDEMNATION STATUTORY REQUIREMENTS
 - i. APPRAISAL AND NEGOTIATION
 - ii. ENTRY FOR ENVIRONMENTAL TESTING
 - b. QUICK-TAKE V. "REGULAR" CONDEMNATION
 - c. HEARING ON PETITION
 - d. APPOINTMENT OF COMMISSIONERS
- III. COMMISSIONERS' HEARINGS
 - a. VIEWING
 - b. HEARING
 - i. GENERAL NATURE OF PROCEEDINGS
 - ii. BURDEN OF PROOF AND PRACTICAL IMPLICATIONS OF BURDEN
 - iii. LEGAL DISPUTES IN HEARINGS
 - 1. WHO DECIDES?
 - 2. ROLE OF DISTRICT COURT DURING COMMISSIONERS' HEARING PHASE
 - iv. AWARD
- IV. APPEAL FROM COMMISSIONERS' AWARD
 - a. STATUTORY PROCEDURE FOR APPEAL
 - b. CASES AFFECTING STATUTORY PROCEDURE
 - c. TRIAL IN DISTRICT COURT

- i. ROLE OF COMMISSIONERS AND THEIR AWARD
- ii. JURY INSTRUCTIONS OF NOTE

PRESENTER'S BIO

Daniel N. Rosen is the partner-in-charge of the Minnesota office of Kluger, Kaplan, Silverman, Katzen & Levine, PL, a Miami-based firm specializing in complex litigation nation-wide. He has been trying eminent domain cases for 25 years and has been lead counsel in some of Minnesota's largest eminent-domain cases, including the largest eminent-domain case in Minnesota history—the taking of the land necessary for Target Field. He has been listed among the “Best Lawyers in America” in the field of Eminent Domain for over ten years. He is a 1994 graduate of the University of Minnesota Law School. Before law school, he served as an officer in the United States Navy.

For more information about this and other continuing legal education programs, please visit:

richardclem.com/cle.html