Third Symposium on Advanced Legal Topics in Land Conservation

Convening leading legal experts and practitioners to address emerging issues in land conservation

Francis Marion Hotel
Charleston, SC
June 11-12, 2012

EARN UP TO 11 HOURS OF CLE CREDIT

PROGRAM COMMITTEE

Larry Kueter
Attorney, Denver, CO

Bill Silberstein
Kaplan Kirsch & Rockwell LLP

Joan Dwoskin
The Nature Conservancy

Leslie Ratley-Beach
Land Trust Alliance

Land Trust Alliance
Together, conserving the places you love

Schedule-At-A-Glance

Sunday, June 10

6:00 PM **Social Hour**
with complimentary beverages and snacks.

Monday, June 11

7:00 AM **Registration and Continental Breakfast**

8:15 AM **Welcome**
Mary Pope Hutson, Executive Vice President, Land Trust Alliance (DC)

8:30 AM **Using Common Sense and Administrative Discretion in Stewardship**
- Impermissible private benefit – Explore a significant dilemma and the solution process.
- Governance and decision-making process for board, staff and volunteers.

Larry Kueter, Attorney (CO) - Moderator
Jessica Jay, Attorney, Conservation Law, P.C. (CO)
Laurel Florio, Attorney (GA)

10:15 AM **Timely Topics**
Bill Silberstein, Attorney, Kaplan Kirsch & Rockwell LLP (CO) - Moderator

Due Diligence in Mitigation Easements
Why should land trusts do mitigation easements? What due diligence is essential?
Jessica Wilkinson, Senior Science & Policy Analyst, Environmental Law Institute (DC)

Problem Solving for Oil and Gas Activities in Conservation Easements
How to approach and manage oil and gas extraction activities to be consistent with upholding conservation purposes on conservation lands.
Cathy Howell, Senior Attorney, The Nature Conservancy (TX)

12:30 PM **Lunch Included**
with expert-anchored topic tables

2:00 PM **Drafting to Avoid Deduction Challenges**
Match recent IRS rulings to conservation easement clauses and documents and discuss applications and implications in small break-out groups.
Bill Silberstein, Moderator
Ronald Levitt, Shareholder, Sirote & Permutt, PC (AL)
David Wooldridge, Shareholder, Sirote & Permutt, PC (AL)
David Braun, Principal, Braun & Gresham, PLLC (TX)

5:00 PM **Welcome Reception**
Hosted by The Nature Conservancy, Kaplan Kirsch & Rockwell LLP and Sirote & Permutt, PC

Tuesday, June 12

7:30 AM **Continental Breakfast**

8:45 AM **Welcome**

9:00 AM **First Day Highlights: Practical Problem Solving and Risk Management**
Synthesize the critical points from the first day and implications for conservation.
Leslie Ratley-Beach, Conservation Defense Director, Land Trust Alliance (VT)

9:30 AM **Analyzing Legal Uncertainties and Competing Duties and Goals**
- What are the legal implications of creative financing?
- Is good conservation enough?
- Can we ignore valuation and taxpayer issues?
- How do we counsel boards on governance issues involving policy, principle and law?
- How do land trusts balance competing factors?
- Does employing risk management help resolve the issues?

Leslie Ratley-Beach - Moderator
Elizabeth Hagood, Executive Director, Lowcountry Open Land Trust (SC)
Larry Kueter, Attorney (CO)
Tim Lindstrom, Attorney (WY)

11:00 AM **Small Group Break-Out Discussion on Competing Duties and Goals**

12:00 PM **Lunch**
on your own with optional networking group leaders

1:30 PM **Using Records in Defense and Enforcement**
- Records: introduction to evidence, credibility and authentication.
- Baselines: landowner and land trust acknowledgements.
- How to have the right records (and shred the rest).
- Lessons learned from litigation.

Leslie Ratley-Beach - Moderator
R. Anthony Rupp III, Partner, Rupp, Baase, Pfalzgraf, Cunningham & Coppola LLC (NY)
Tom Fanslow, Stewardship Director, Carolina Mountain Land Conservancy (NC)

2:45 PM **Small Group Break-Out Discussion on Risk Management Review of Records at Your Land Trust**

3:15 PM **Reconvene for Panelist Summaries**

3:30 PM **Conclude**

SEMINAR NOTES:

- Perpetuity and ethics are constant considerations in conservation work. These themes will emerge in every discussion.
- This program committee chose depth over breadth in topics based on your comments from the first two Advanced Topics Symposiums in Denver and Boston. If you do not see your favorite topic or critical current issue, it is because we deferred it to the Fourth Advanced Topics Symposium to be held at a later date.
- The program committee allowed additional time for vigorous discussion on every topic. Please offer your point of view as we proceed.
- Please use the evaluation form to suggest topics for the Fourth Advanced Topics Symposium.

"This was an excellent symposium; one of the best continuing education programs I have attended in 30 years of practice."

Fritz Gahagan
Attorney (CT)

REGISTRATION FEES

Register by May 16th and save $35.

- Staff and board of Alliance Member Land Trusts - $475 | $510 after May 16th
- Partners and Others - $575 | $610 after May 16th
- Students - $325

Fee includes continental breakfast and sessions on Monday and Tuesday, Monday lunch, course materials, Sunday and Monday evening receptions and continuing legal education credit (if applicable).

LODGING

We are pleased to offer a discounted rate of $139/night (single/double, plus tax) at the historic Francis Marion Hotel at 387 King Street in Charleston, SC. All reservations must be made by May 16th in order to receive the discounted rate. Please call (877) 756-2121 to reserve your room and reference Land Trust Alliance.

REGISTRATION

Please register online at www.lta.org/legal. Registration opens March 12th. If you prefer a paper copy of the registration form, you may download the form online.

Registration questions?

Please email registration@lta.org or call (970) 245-5811.
Course content questions or suggestions?
Please email lrbeach@lta.org or call (802) 262-6051.

STANDARD CANCELLATION POLICY

The Land Trust Alliance must receive a written request for refund before close of business on Wednesday, May 16th. Non-refunded payment for the Advanced Legal Topics in Conservation Symposium will not be credited toward any other service or contribution to the Alliance. There will be a $35 administrative fee for all changes and cancellations resulting after your initial registration.

Who Should Attend?

Attorneys • Senior Practitioners • Law School Faculty

This level of advanced discussion is rarely available on these topics, so take advantage of this opportunity to be a part of the community working on the complex legal issues of land conservation.

- Help craft practical legal solutions
- Provide input into emerging conservation law
- Contribute your insights and expertise

All while earning your CLEs!

Visit **www.lta.org/legal** for details.
Registration opens March 12, 2012.

RECEPTION HOSTS:

Kaplan Kirsch Rockwell

The Nature Conservancy
Protecting nature. Preserving life.

Sirote