The State Bar of California

Real Property Law Section

Earn up to 14.5 Hours of MCLE Credit
Includes 3 Legal Ethics

36TH Annual
Real Property Law Section Retreat

Network and share ideas with Real Estate Professionals from around the State.

April 20 – 23, 2017

Silverado Resort and Spa

Napa, CA

March 27: Hotel Reservation Deadline

April 13: Early Program Registration Deadline

3-day registration fee includes Education Sessions, Program Materials, Thursday Reception, Friday Reception, Friday, Saturday and Sunday Continental Breakfast and Friday and Saturday Lunch.

http://realpropertylaw.calbar.ca.gov

Schedule of Events

[11] Landslides in CA: What Every Real Estate Attorney Needs to Know!

In California, when the rains come, the land moves. In this panel, you will learn the basics of earth movement liability law starting with a overview by geotechnical and hydrology experts concerning the causes and results of landslides, debris flows, mudslides, land subsidence, and cliff failures each of which has the potential for catastrophic failure to land and structures. The costs to repair the damage can be enormous and a landowner's first call is likely to be to his/her insurance carrier. Our panelists will explain the competing liability and insurance coverage issues for both plaintiffs and defendants when faced with a catastrophic landslide cleanup event.

Moderator: Christina R. Sansone, Esq., Sansone Law Firm, Glendale

Panelists: Steven C. Helfrich, P.E., Helfrich-Associates, Redlands
Ted Hromadka II, Ph.D., Hromadka & Associates, Rancho Santa Margarita
Stephen E. Smith, Esq., Smith Smith & Feeley LLP, Newport Beach
Jonathan F. Golding, Esq., Golding + Lamothe, Los Angeles

[12] Property Rights, Inverse Condemnation & Government Land Use Regulation: Are the U.S. & California Supreme Courts Headed in Opposite Directions?

Developers, investors, government agencies, environmental groups, and the general public all have input into the land use approval process in California. Lawyers play an increasingly important role in this interplay as pro development and growth control proponents advocate their positions. Two all-star panels of highly experienced lawyers who represent the stakeholders in the land approval process examine the current state of the law and discuss the possible trajectory of issues implicated in decisions by agencies and the courts on development projects. The panelists will cover specific areas such as inverse condemnation, fees, dedications and exactions, inclusionary zoning, and affordable housing. [Part 1 of SCOTUS and the CA Supremes: New Directions For Inverse Condemnation, Fees, Exactions and Dedications?]

Moderators: Stephen K. Cassidy, Powlan Cassidy Law LLP, Walnut Creek
Douglas Wiele, Founding Partner, Foothill Partners Inc., El Dorado Hills

Panelists: Michael Berger, Partner, Manatt, Phelps & Phillips, Los Angeles
Damien Schiff, Pacific Legal Foundation, Sacramento
Richard Frank, Professor, UC Davis School of Law

Application of Hydrologic Considerations for Landslide Analysis

Ted Hromadka, Ph.D., Ph.D., Ph.D.
Diplomate, American Academy of Water Resources Engineers
Licensed Civil Engineer: CA, NV, AZ, IA, HI, NY; Licensed Geoscientist
Certified Professional Hydrologist: Surface & Groundwater/Hydrogeology
Professor of Mathematical Sciences, USMA, West Point, NY
Board of Directors, Wessex Institute of Technology, Great Britain
Professor, Emeritus, California State University
Member, American Academy of Environmental Engineers & Scientists

Hydrologic Considerations:

- How did water trigger or play a part in the landslide?
  - Erosion
  - Undermined toe
  - Saturation
- What was the source of the water?
  - Broken pipe
  - Slow or intermittent leak
  - Rainfall
  - Diversion
  - Infiltration
  - Over-watering

Hydrologic Considerations:

- **Consider ALL possible sources of water & pursue them ALL in discovery**

LA CONCHITA LANDSLIDE

Ted Hromadka, Ph.D., Ph.D., Ph.D.
Diplomate, American Academy of Water Resources Engineers
Licensed Civil Engineer: CA, NV, AZ, IA, HI, NY; Licensed Geoscientist
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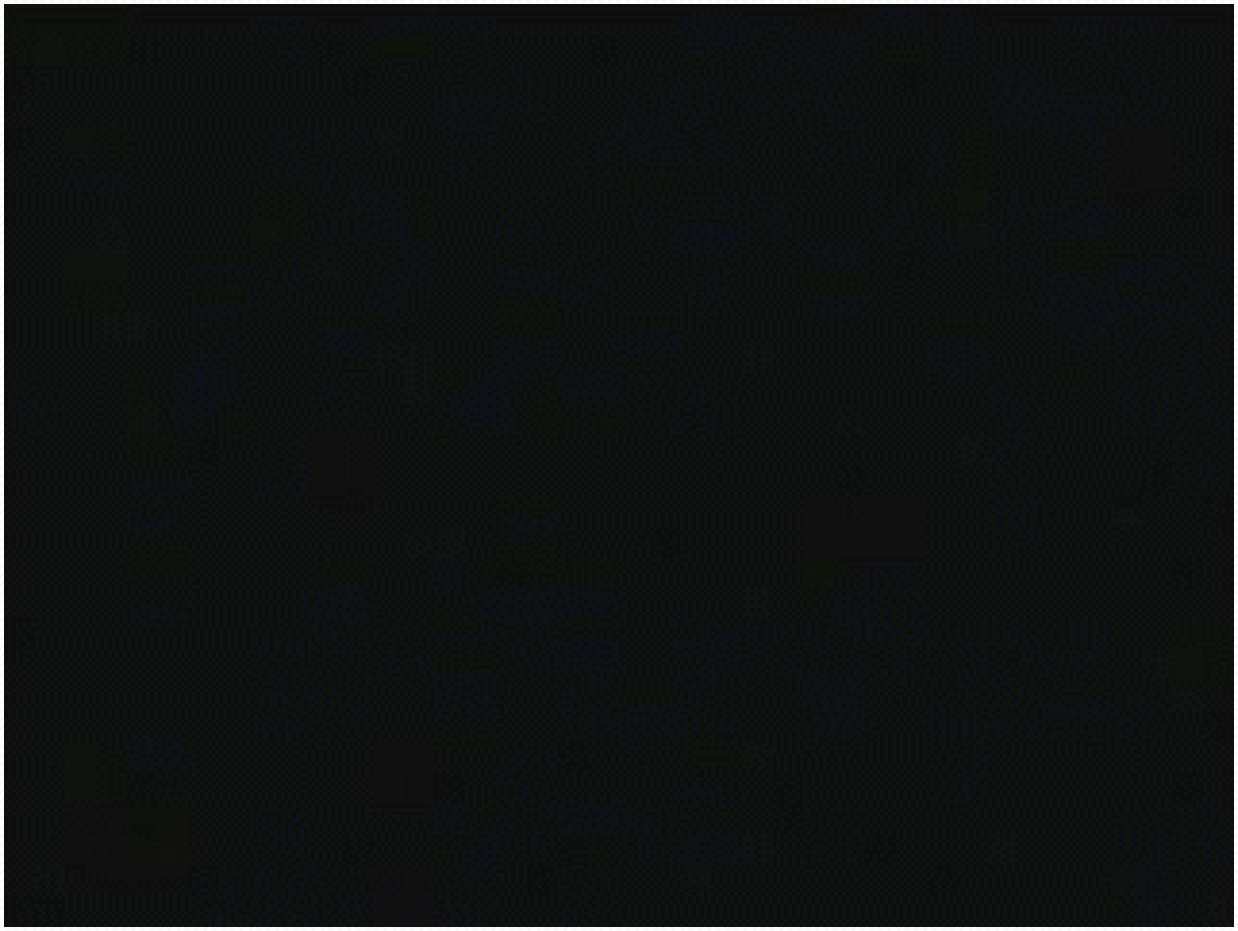
Board of Directors, Wessex Institute of Technology, Great Britain
Professor, Emeritus, California State University

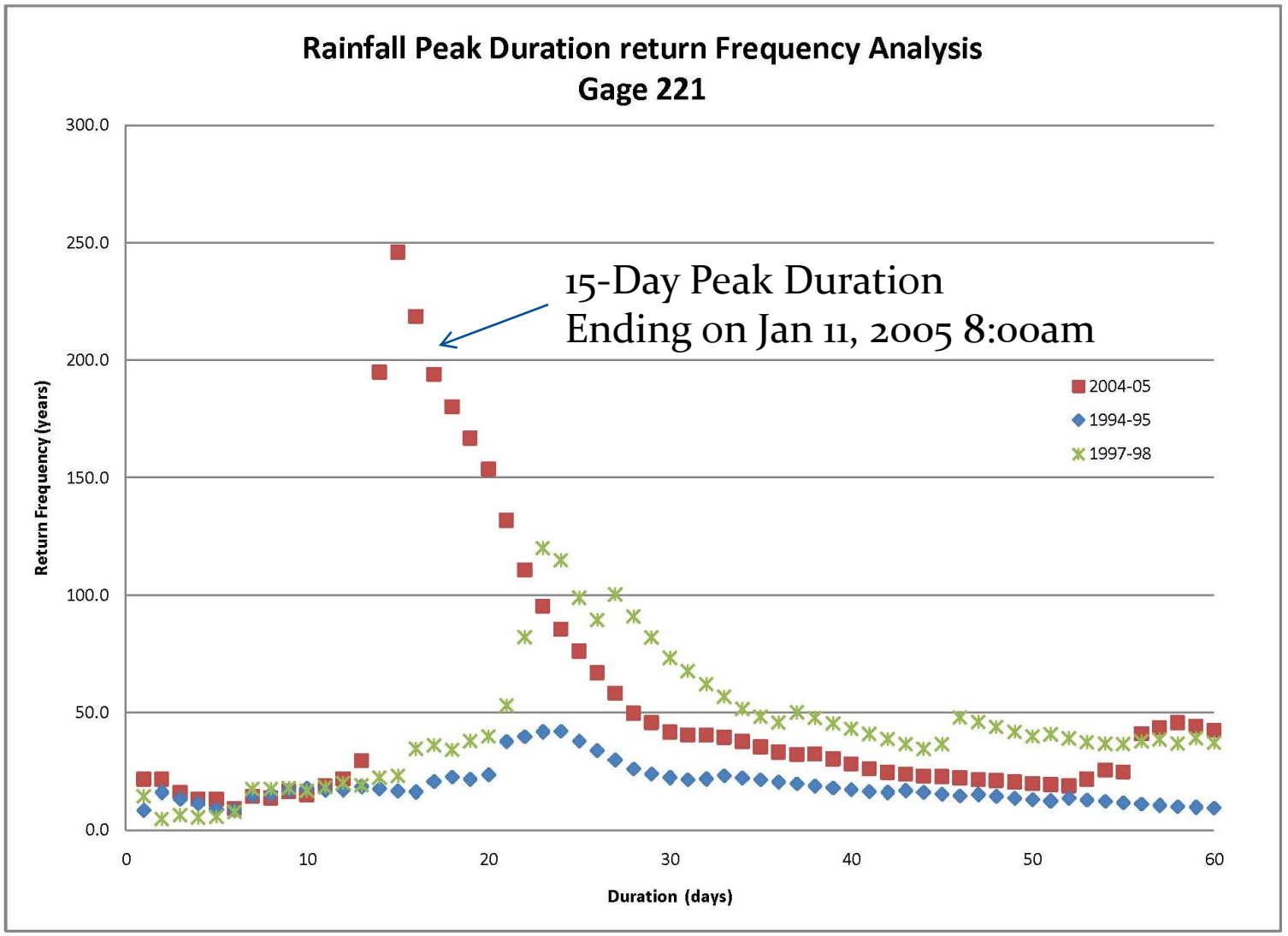
Hromadka & Associates
Hydrologic, Earth and Atmospheric Sciences

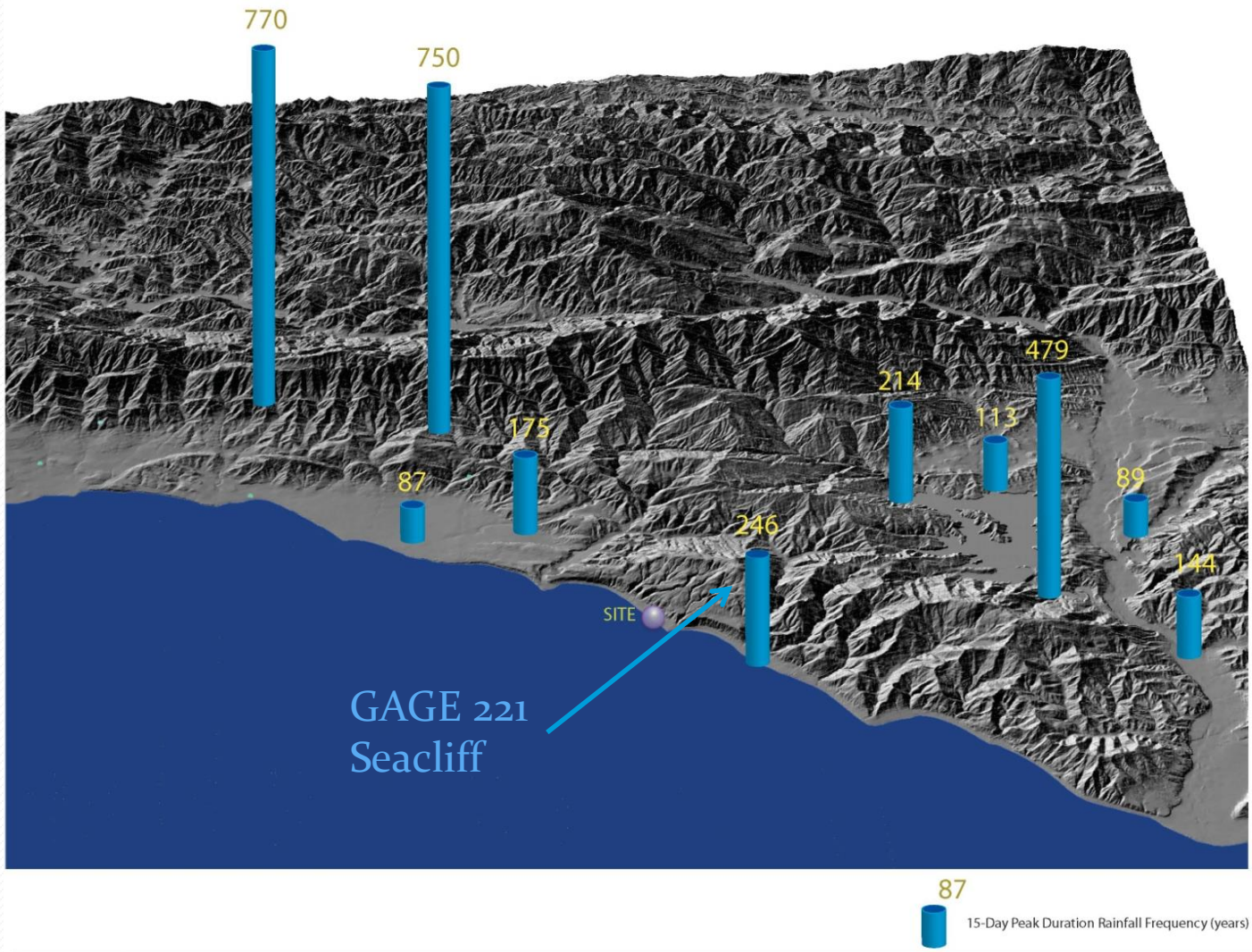
THE SLIDE



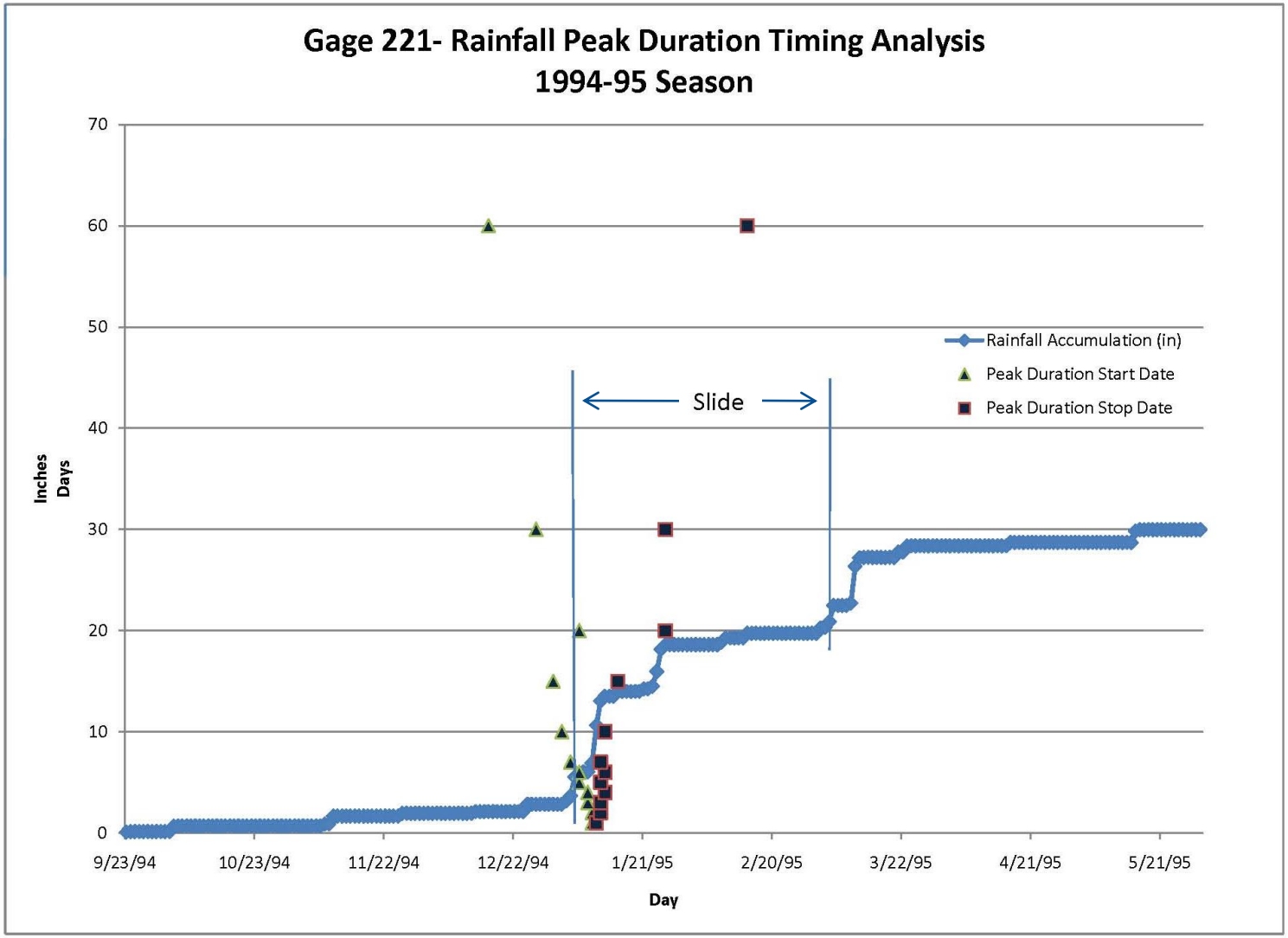
Comparison of Key Storm Seasons & Events

Using the Return Frequency analysis results, one can plot return frequency versus peak duration and obtain a graph that can be used to assess the severity of a particular rainfall event

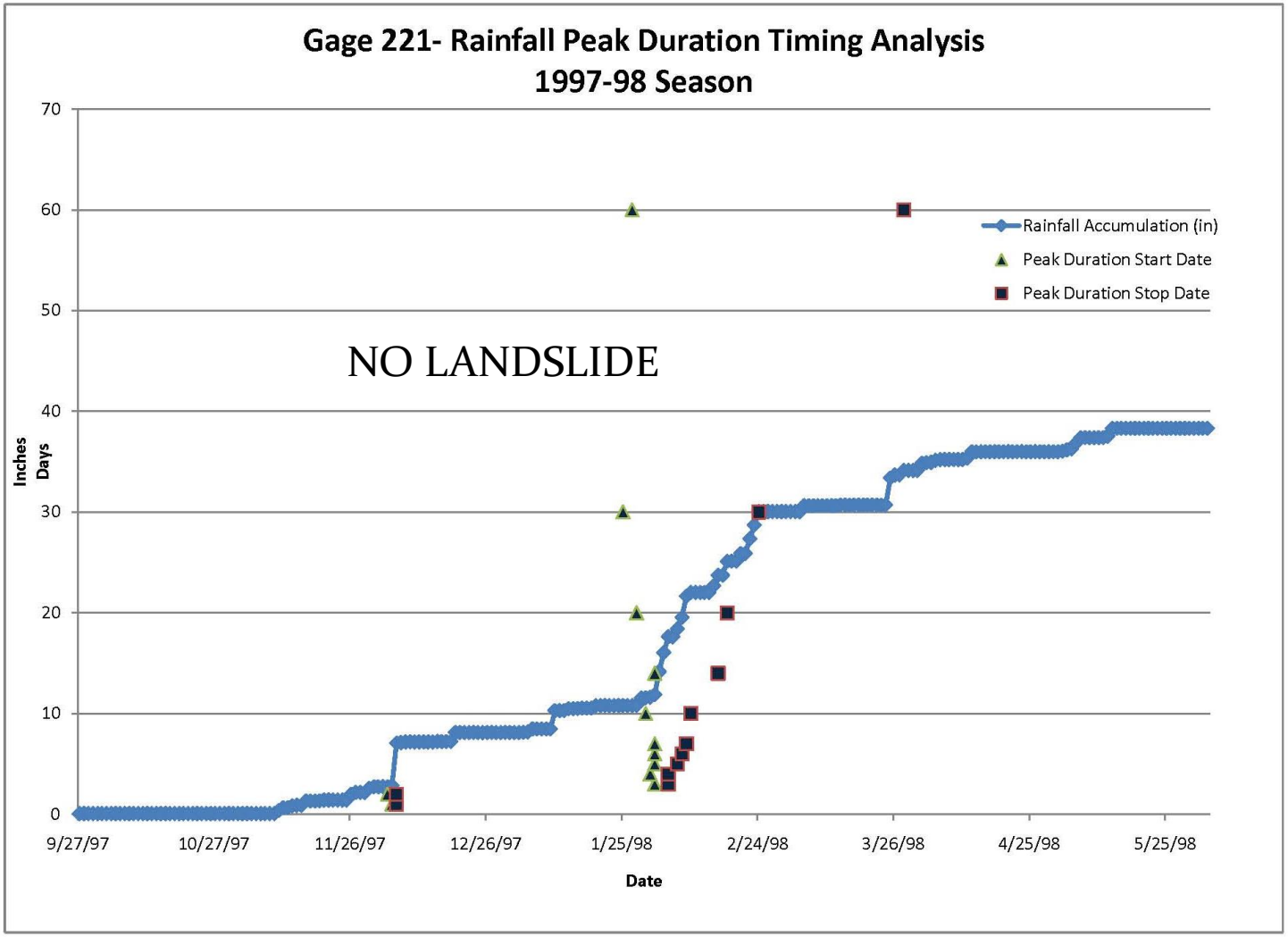

Rainfall Peak Duration return Frequency Analysis
Gage 221
15-Day Peak Duration
Ending on Jan 11, 2005 8:00am
Return Frequency (years)
300.0
250.0
200.0
150.0
100.0
50.0
0.0
0
10
20
30
40
50
60
Duration (days)
2004-05
1994-95
1997-98


770
750
175
87
214
113
479
89
246
144
SITE
GAGE 221
Seacliff
87
15-Day Peak Duration Rainfall Frequency (years)

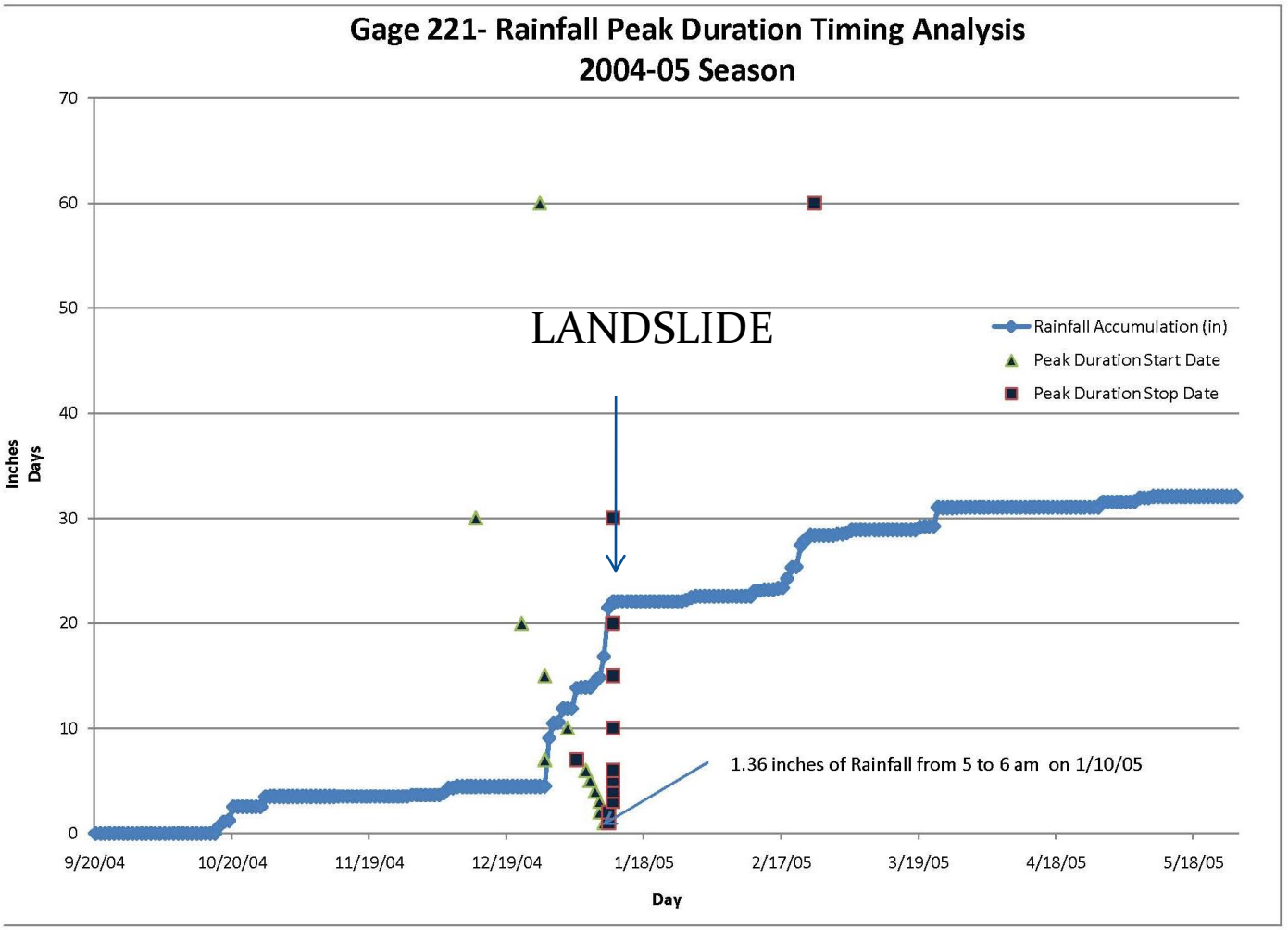
1995 Landslide



1997-1998 Rainfall Season



2005 Landslide



Rainfall Analysis:
Comparison of Key Storm Seasons & Events

- Using the Return Frequency analysis results, one can plot return frequency versus peak duration and obtain a graph that can be used to assess the severity of a particular rainfall event
  - + 2004-2005 season
  - + 1997-1998 season.
  - + 1994-1995 season

Rainfall Analysis:
Comparison of Key Storm Seasons & Events

- 1994-1995 storm season that caused the 1995 land slide was a very severe event.
- 1997-1998 storm season was another very severe and rare event, BUT THERE WAS NO LANDSLIDE. Why not? Well, at that time, there were changes in place which did NOT exist for the 1994-1995 storm season.
- 2004-2005 contained incredibly rare peak durational rainfalls, much more than the other two stated events, and there was a landslide