

Bernadette Duran-Brown

Partner | Orange County

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Bernadette Duran-Brown is a real estate litigation attorney primarily focusing on eminent domain, inverse condemnation, regulatory takings and valuation matters. With more than a decade of experience, she has advised numerous public agencies on complex property acquisitions for a variety of projects including railways, schools, grade separations, bus rapid transit and flood control projects, and has had the privilege to work on some of the largest infrastructure projects in California. In addition, Bernadette has developed a particular expertise in relocation claims and issues arising under the Uniform Relocation Act.

Bernadette plays an integral role in project planning and implementation, from initial planning and the precondemnation acquisition process all the way through trial and appeal. Her experience in project oversight and coordination ensures the necessary steps are taken to meet project construction schedules, thereby minimizing construction delays or the potential loss of project funding. Her team's early involvement results in a high percentage of voluntary acquisitions at a significant cost savings, and where agreements with property owners cannot be reached, her agency clients see far fewer challenges to their right to take or their attempts to secure pre-judgment possession.

Bernadette has also worked on a broad-range of real estate matters and has extensive experience assisting clients on landlord/tenant, telecommunications, unlawful detainer, quiet title, land use, water rights and contractual disputes.

EXPERIENCE

San Bernardino County Transportation Authority (SBCTA). Currently representing SBCTA to acquire the property necessary for its Redlands Passenger Rail Project, a 9-mile extension of light rail service from San Bernardino to the City of Redlands, and its Downtown San Bernardino Passenger Rail Project/San Bernardino Transit Center, a \$128 million, 1-mile extension of Metrolink service in San Bernardino. Bernadette also represented SBCTA in connection with the acquisition of 150+ parcels for its sbX E-Street Corridor Bus Rapid Transit Project, a 15.7 mile bus rapid transit line which connects to the rail system at the Transit Center and provides passengers easy access to alternative modes of transportation.

San Diego Association of Governments (SANDAG). Currently representing SANDAG with project planning, environmental approval, and right-of-way acquisitions for the Mid-Coast Corridor Transit Project, and also represented SANDAG on the Sorrento Valley Double Track Project, the South Bay BRT Project, and the Inland Rail Trails Project.

Southern California Edison Company. Assisted Edison with acquiring property necessary for its Falcon Ridge Substation Project, which includes construction of a new substation and installation of 66 kV subtransmission lines and related appurtenances in the cities of Fontana, Rancho Cucamonga and Rialto.

City of Modesto. Currently assisting the City with acquiring property necessary for its State Route 132 West Expressway Project, a \$214 million highway project which includes construction of a new four lane freeway/expressway and related bridges and appurtenances.

Honolulu Authority for Rapid Transit. Currently assisting HART with acquiring certain complex, high-value parcels and advising it on relocation issues for its Honolulu Rail Transit Project, a \$6.7 billion passenger rail project that will provide a 20-mile rail corridor with twenty-one (21) new transit stations and a maintenance and storage facility.

Los Angeles County Metropolitan Transportation Authority. Currently assisting Metro with property acquisitions necessary for two light rail transit lines: the \$2+ billion LAX/Crenshaw Transit Corridor Project, an 8.5-mile light rail line with eight stations and the \$6+ billion Westside Subway Extension Project (Purple Line), a 9-mile rail line with seven stations, which involve passenger rail lines running through dense, urban areas of Los Angeles. The work includes acquiring numerous properties for transit stations, construction staging areas, and easement rights.

Exposition Metro Line Construction Authority. Assisted Expo with acquiring commercially developed properties in Santa Monica necessary for terminal stations for Phase II of the Project, along with securing easements for street widening and utility relocations.

INSIGHTS

PUBLICATIONS

Co-Author, "Expiration Date: When Can Appraisers Use Data and Information After the Date of Value?," *Valuation*, 07.01.2020

Author, "Open Questions About New California Redevelopment Bill," *Law360*, 09.29.2015

Co-Author, "Shifting the Date of Value for Public Agency Acquisition Appraisal Assignments," *The Appraisal Journal*, 03.17.2014

Co-Author, "Precondemnation vs. De Facto: A Cautionary Tale," *Law360*, 09.11.2013

Co-Author, "Temporary Regulatory Takings Do Exist In California!," *Law360*, 05.22.2013

Co-Author, "Eminent Domain Opinions Focus on 'Just Compensation'," *Daily Journal*, 01.04.2013

SPEAKING ENGAGEMENTS

Speaker, "The Ins and Outs of TCEs," Condemnation Summit XXIX, Phoenix, AZ, 05.12.2023

Speaker, "Taming Tricky TCEs," Nossaman's 2023 Southern California Eminent Domain Seminar, Costa Mesa, CA, 03.28.2023

Panelist, "Preparing Your Expert Witness to Shine in Virtual Proceedings: Tools and Tips for Trial Lawyers," American Law Institute Continuing Legal Education's Eminent Domain and Land Valuation Litigation 2023, Austin, TX, 02.02.2023 – 02.04.2023

Panelist, "Real Property Acquisition for Project Managers," Transportation Research Board's 102nd Annual Meeting, Washington, DC, 01.09.2023

Panelist, "Partial Acquisitions: Project Benefits and Mitigation Strategies Related to Offsetting Severance Damages," Nossaman Webinar, 11.16.2022

Panelist, "Years in Review: Developments in Eminent Domain and Land Use Law and Practice 2020-2022," Transportation Research Board's 61st Annual Workshop on Transportation Law, Portland, OR, 07.24.2022 – 07.27.2022

Co-Chair, "Southern California Chapter of the Appraisal Institute's 54th Annual Litigation Seminar," 11.04.2021

Speaker, "Eminent Domain in 2020: A Year in Review," Nossaman Webinar, 02.11.2021

Speaker, "Navigating COVID-19 for the Right of Way Industry," Nossaman Webinar, 04.01.2020

Speaker, "Current Topics in the Appraisal of Easements," Southern California Chapter of the Appraisal Institute's 52nd Annual Litigation Seminar, Cerritos, CA, 11.07.2019

Panelist, "Right of Way Best Practices in Light of Recent Trends and Developments in Eminent Domain and Land Use Law," Transportation Research Board's 58th Annual Workshop on Transportation Law, Cleveland, OH, 07.23.2019

Speaker, "Right of Way Best Practices in Light of Recent Trends in Eminent Domain Law," Transportation Research Board 2019 Annual Meeting, Washington, DC, 01.15.2019

Co-Chair, "51st Annual Litigation Seminar," Southern California Appraisal Institute, Los Angeles, CA, 11.01.2018

Panelist, "Recent Developments in Eminent Domain and Condemnation Law," Transportation Research Board's 57th Annual Workshop on Transportation Law, Cambridge, MA, 07.17.2018

Panelist, "Utility Coordination and Relocation," 2018 Northern California Eminent Domain Seminar Hosted by Nossaman LLP and Bender Rosenthal, Inc., Sacramento, CA, 04.18.2018

Panelist, "Utility Coordination and Relocation," Nossaman's 2018 Southern California Eminent Domain Seminar, Costa Mesa, CA, 03.29.2018

Panelist, "Acquiring Railroad Right of Way – Issues That Impact Valuation," International Right of Way Association Chapter 1 26th Annual Valuation Seminar, Montebello, CA, 02.13.2018

Speaker, "In Limine Practice: Bringing Your Case Back to Earth and What the Jury Will Hear," American Law Institute's 35th Annual Advanced Course on Eminent Domain & Land Valuation Litigation, Charleston, SC, 01.26.2018

Speaker, "Right-of-Way for Project Managers: Eminent Domain and Condemnation," Transportation Research Board's 97th Annual Meeting, Washington, DC, 01.08.2018

Speaker, "Summary of Recent Eminent Domain and Valuation-Related Cases," Southern California Appraisal Institute's 50th Annual Litigation Seminar, Arcadia, CA, 11.09.2017

Speaker, "Recent Developments in Eminent Domain," Transportation Research Board 56th Annual Workshop on Transportation Law, Salt Lake City, UT, 07.31.2017

Speaker, "Eminent Domain Basics: What Every Agency Lawyer Should Know," Transportation Research Board's 56th Annual Workshop on Transportation Law, Salt Lake City, UT, 07.31.2017

Guest Lecturer, "Real Estate Law and Business II," University of Southern California Gould School of Law, Los Angeles, CA, 04.2017

Speaker, "Parcel Mitigation Strategies," International Right of Way Association Chapter 67 Luncheon, 02.14.2017

Speaker, "Legislative Grace or Constitutional Command: Are Reasonable Attorney Fees a Constitutional Requirement?," American Law Institute Eminent Domain & Land Valuation Litigation Conference, San Diego, CA, 01.26.2017

Speaker, "The Intersection of Environmental Due Diligence, Condemnation and Valuation," Condemnation Summit XIX, Phoenix, AZ, 10.21.2016

Speaker, "Eminent Domain Use: Update on Kelo and Emerging Issues," International Right of Way International Conference, Nashville, TN, 06.14.2016

Speaker, "Precondemnation Procedures: Acquiring Right of Way in a New World," Nossaman's 2016 Northern California Eminent Domain Seminar, Oakland, CA, 03.01.2016

Speaker, "Multi-Parcel Acquisition and Prejudgment Possession in a Post-Property Reserve World," Continuing Legal Education Eminent Domain Conference, San Diego, CA, 02.26.2016

Speaker, "Eminent Domain Update: The Passage of AB2 and the Creation of Community Revitalization and Investment Authorities," Orange County Bar Association Real Estate Section Meeting, 02.23.2016

Speaker, "Almost Everything You Need to Know About Litigation Appraisals," Appraisal Institute San Diego Chapter, Intro to Right of Way Appraising Seminar, 11.12.2015

Speaker, "Assembly Bill 2: Is it Redevelopment 2.0?," International Right of Way Chapter 67 Luncheon, 11.10.2015

Speaker, "How Do Attorneys Select and Evaluate Experts," Appraisal Institute Annual Litigation Seminar, Los Angeles, CA, 11.13.2014

Speaker, "How Cellular Sites are Impacted by Public Projects," International Right of Way Chapter 57 Educational Seminar, 10.17.2014

Speaker, "How to be an Effective Litigation Expert and What Not to do as an Expert," Cal Poly Pomona & Orange County Chapter of the California Land Surveyors Association's Joint Conference, 09.26.2014

Speaker, "*Expo v. Patchett* – Leasehold & Goodwill Issues," International Right of Way Chapter 1 Annual Valuation Seminar, 04.24.2014

Speaker, "How to Acquire Right of Way Without Blowing Your Project's Budget," Nossaman's 2014 Eminent Domain Seminar, Costa Mesa, CA, 03.20.2014

Speaker, "The Condemnation of Underwater Mortgages: Will it Float?," International Right of Way Chapter 1 Annual Fall Seminar, Montebello, CA, 10.23.2012

Speaker, "Everything You Need to Know About Appraisals for Litigation," American Society of Appraisers Seminar, Costa Mesa, CA, 03.21.2012

COMMUNITY & PROFESSIONAL

Women in Transportation – Orange County Chapter, Second Vice President, Membership Chair
Transportation Research Board, Standing Committee on Eminent Domain and Land Use (AL060)
Appraisal Institute – Southern California Chapter, 54th Annual Litigation Seminar, Co-Chair
International Right of Way Association – Chapter 67, Member
Orange County Bar Association, Member

HONORS

Listed, *The Legal 500 United States*, Industry Focus - Real Estate - Land Use/Zoning, 2021-2022
Selected to the Southern California Rising Stars list, 2014-2018

PRACTICES

Eminent Domain & Valuation
Project & Right of Way Acquisitions
Business Owners Facing Condemnation
Inverse Condemnation & Regulatory Takings
Leasehold & Other Valuation Disputes
Private Landowners Facing Condemnation
Litigation
Water Law

INDUSTRIES

Transportation

EDUCATION

University of Southern California School of Law, J.D., 2007

Seattle University, B.A., 2004, *magna cum laude*

ADMISSIONS

California

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, Central District of California

U.S. District Court, Southern District of California

U.S. District Court, Eastern District of California

Supreme Court of California