

Massaron, Ballentine contribute to eminent domain book

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Mary Massaron and Hilary A. Ballentine, appellate attorneys at Plunkett Cooney, one of the Midwest's oldest and largest law firms, were among several leading attorneys who recently co-authored a book on the hot legal topic of eminent domain.

Sponsored by the American Bar Association's Section of State and Local Government Law, "Eminent Domain: A Handbook of Condemnation Law" introduces general practitioners working for those condemning property and property owners resisting it alike to the many intricacies of condemnation practice.

Massaron and Ballentine co-authored the book's first chapter, titled: "Public Use and Public Purpose." In it, they discuss how public use evolves to public purpose, the state law variations on public use and purpose, and public use versus public necessity. This question of public use has been hotly debated in courts and legislatures around the country in the wake of two ground-breaking decisions, *County of Wayne v. Hathcock*, 684 N.W.2d 764 (Mich. 2004) and *Kelo v. City of New London*, 545 U.S. 469 (2005), both of which dealt with the public use doctrine. Mary Massaron was counsel of record and successfully argued the *Hathcock* case in the Michigan Supreme Court on behalf of the property owners.

"This was an exciting opportunity for Hilary and me to be involved in a topic that is so important. And it was a great chance for me to write about the public use doctrine and its meaning as the courts have defined it in the wake of *Hathcock*," said Massaron, who serves as the firm's Appellate Law Practice Group Leader. "Condemnation is a complex area of law. This book will help clarify the legal and factual issues that lawyers working in this area are likely to see on a daily basis."

The book also discusses the long and distinguished legal history of eminent domain, which dates back to the first limits on sovereign power in the Magna Carta. It delves into the newer concept of just compensation and the U.S. Supreme Court's decision in *Kelo v. New London*, which make the exercise of eminent domain controversial. And it offers practical insight into questions of how to value property, severance damages, condemnation in the areas of flooding and erosion, and other significant areas of condemnation law.

MASSARON, BALLENTINE CONTRIBUTE TO EMINENT DOMAIN BOOK Cont.

A member of the firm's Detroit office, Massaron is President Elect of DRI – The Voice of the Defense Bar. She is a past chair of the Appellate Practice Section of the State Bar of Michigan, DRI's Appellate Advocacy Committee, and the ABA Council of Appellate Lawyers (CAL), a division of the Appellate Judges Conference. A member of the prestigious American Academy of Appellate Lawyers, Massaron co-chairs the Michigan Appellate Bench Bar Conference Foundation, an organization of Michigan appellate judges and lawyers. She is also a former chair of the American Bar Association Standing Committee on Amicus Curiae Briefs, the five-member committee that oversees preparation of ABA briefs for filing in the U.S. Supreme Court.

A member of the firm's Detroit office, Ballentine concentrates her practice in appellate law. Her practice includes general liability, property, municipal, constitutional, and medical liability appeals. Ballentine has handled numerous appeals in the state and federal appellate courts, including the Michigan Court of Appeals, the Michigan Supreme Court, and the U.S. Court of Appeals for the Sixth Circuit.

Ballentine is active in the Michigan Defense Trial Counsel and serves as co-chair of its amicus section. As a member of DRI, Ms. Ballentine co-authored an amicus brief in the United States Supreme Court case of *Delbert Williamson v. Mazda Motor of America, Inc, et. al.* She has also authored several publications, including a guide to appellate practice in the Sixth Circuit.

Plunkett Cooney is one of the few Midwest law firms with a dedicated team of appellate attorneys, who routinely handle cutting-edge appeals involving issues of first impression and seek to reverse adverse judgments. In addition to representation before state and federal appellate courts, the firm's appellate attorneys provide a broad range of specialized services, including counsel during trial designed to optimally position cases for possible appeal.

Established in 1913, Plunkett Cooney employs over 160 attorneys in nine Michigan cities and one each in Columbus, Ohio and Indianapolis, Indiana. The firm, which provides a range of transactional and litigation services, has achieved the highest rating (AV) awarded by Martindale-Hubbell, a leading, international directory of law firms.

For more information about the chapter Mary Massaron and Hilary A. Ballentine authored for "Eminent Domain: A Handbook of Condemnation Law," contact Plunkett Cooney's Practice Development Manager John Cornwell at (248) 901-4008; jcornwell@plunkettcooney.com.

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