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# Overview

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## Course Description

*Litigation Appraising: Specialized Topics and Applications* is one of three courses in the certificate program designed to provide appraisers with the educational foundation needed to engage in litigation valuation work. This two-day course provides a broad overview of numerous specialized topics involving areas of the law where the valuation of real estate is frequently an issue.

Examples of these topics include environmental contamination, ad valorem tax assessments, construction defects, bankruptcy, fraud and misrepresentation, income and estate tax disputes, and equitable distribution in divorce cases, among others. Participants will gain an understanding of the terminology and concepts involved in providing litigation-valuation services in these and other specialty areas. Moreover, upon completion of the course, real estate appraisers will be better informed about the many opportunities available for expanding their practices in the area of litigation valuation.

Good attorneys are experts at rules of evidence and can be masters of persuasion, but they are seldom well versed in real estate, let alone real estate values or valuation methodologies. Consequently, the importance of the appraiser's role in educating the attorney about real estate-oriented issues cannot be underestimated. When real estate values or market conditions constitute the primary issue of fact in a case, the ultimate outcome depends, to a great extent, upon the real estate experts' testimonies. The expert whose analysis and reporting of the real estate issues and values in question is most credible, and whose opinion is most clearly and convincingly communicated, will likely exert the greatest influence on the trier of fact. Through practice problems and group discussion questions, participants will apply these new concepts and address how to best handle valuation and reporting issues in a professional setting.

An underlying theme of the course is that strict compliance with the USPAP requirements establishes a minimum standard for appraisal analysis and reporting. Failure to comply with USPAP requirements can be presented as evidence of negligence in appraiser liability litigation. Part 9, detailing the appraiser's role in the context of a litigated case, discusses the review of other appraisers' reports for USPAP compliance and theoretical and mathematical errors.

Upon successful completion of the three courses that make up the litigation program (*Condemnation Appraising: Principles and Applications*, *Litigation Appraising: Specialized Topics and Applications*, and *The Appraiser as an Expert Witness: Preparation and Testimony*) and passing the related program exams, participants will receive a Certificate of Completion. This Certificate will provide participants with evidence that they have completed education in this topic for potential clients and employers. **Note.** This Certificate of Completion does not provide certification of any kind, nor does it attest to the competency of the participants. Recipients of a Certificate of Completion may represent that they have completed

the program's curriculum and passed the examinations. However, recipients of a Certificate of Completion may not represent themselves as certified in litigation or condemnation appraising, as holding a certification in litigation or condemnation appraising, or as having a specialization, competency, or expertise based solely on the successful completion of the program. The program provider does not assume any duty to the public for the services provided by program participants or any other person or entity.

## Learning Enhancements

The course has been designed with a variety of elements to enhance your learning experience.

- **Preview.** To give you a taste of what is to come, you will find a Preview page that begins each Part. Included on the Preview page is a brief overview of the content and learning objectives to consider as you move through the content that will assist you in understanding the information you're about to learn.
- **Learning Objectives.** Each learning objective covers essential information you need to know to fully understand the concepts in the course. Look them over before the Part begins so that you have a frame of reference as you move through the material. At the end of each Part, reread the objectives. Are you able to do what is stated? If not, this is the time to ask your instructor for help or review the concepts that you do not understand.
- **In-class Problems.** Supplementing the discussions, we've included in-class problems to help you visualize and practice what you are learning.
- **Review.** Each Part concludes with a Review page that repeats the learning objectives that were covered.

## Classroom Guidelines

To make the learning environment a positive experience for everyone attending, please follow these guidelines when class is in session:

- Limit use of laptops to classroom projects.
- Communicate with business associates during break time instead of class time.
- Put away reading materials such as newspapers and books that are not used in class.
- Please silence cell phones.
- Use recording devices only if prior permission has been granted.

- Refrain from ongoing conversations with those seated near you and other distracting behavior.

## General Information

- **Calculators.** A financial calculator is required. The accepted model used in the course is the HP-12C.

For additional help, go to the “Using a Financial Calculator” section of the Appraisal Institute’s Web site:

[http://www.appraisalinstitute.org/education/fin\\_calc.aspx](http://www.appraisalinstitute.org/education/fin_calc.aspx).

- **Breaks.** There will be one 15-minute break during the morning session and one 15-minute breaks during the afternoon session unless noted otherwise by the course sponsor. The lunch break is one hour.
- **Attendance sheets** will be distributed during class to verify your attendance during the morning and afternoon sessions. 100% attendance is required.
- **Certificates of completion** will be mailed after completion of the course, and attendance during the entire course is required.

## Recommended Text

- J.D. Eaton, MAI, SRA, *Real Estate Valuation in Litigation*, 2<sup>nd</sup> ed. (Chicago: Appraisal Institute, 1995.)

**Note.** Table 23.1 on page 532 of this textbook needs to be updated. Canon 6, which is shown in the table, has been deleted from the Code of Professional Ethics of the Appraisal Institute.