

2008

Fourth Annual Brigham-Kanner Property Rights Conference (Program)

William & Mary Law School

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COLLEGE OF WILLIAM & MARY
LAW SCHOOL
PROPERTY RIGHTS CONFERENCE
POB 8795
Williamsburg, VA 23187-8795

FOURTH ANNUAL
BRIGHAM-KANNER
PROPERTY RIGHTS
CONFERENCE
and
PRESENTATION
OF THE 2007
BRIGHAM-KANNER
PRIZE
to
MARGARET JANE RADIN
University of Michigan Law School



Sponsored by
William & Mary Law School

Presented by the
William & Mary Property
Rights Project and the
Institute of Bill of Rights Law

October 5 - 6, 2007
William & Mary Law School



THE FOURTH ANNUAL BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE
AND PRESENTATION OF THE 2007 BRIGHAM-KANNER PRIZE TO
PROFESSOR MARGARET JANE RADIN
OCTOBER 5 - 6, 2007

The Brigham-Kanner Property Rights Conference and Brigham-Kanner Property Rights Prize are named in recognition of Toby Prince Brigham and Gideon Kanner for their lifetime contributions to private property rights, their efforts to advance the constitutional protection of property, and their accomplishments in preserving the important role that private property plays in protecting individual and civil rights.

Mr. Brigham is an attorney who has specialized in eminent domain and property rights law for more than 40 years and is a founding partner of Brigham Moore, LLP, in Florida. Professor Kanner is professor of law emeritus at the Loyola Law School and is currently of counsel at Manatt, Phelps & Phillips, LLP, in California.



Professor Margaret Jane Radin is the 2007 recipient of the Brigham-Kanner Prize. She is professor of law at the University of Michigan Law School. Prior to joining the Michigan faculty in fall 2007, she was the William Benjamin Scott and Luna M. Scott Professor of Law at Stanford University. She also has been on the faculty of the University of Southern California Law Center and has been a visiting professor at UCLA and Harvard.

Professor Radin has published prolifically on property rights theory and institutions, commodification, intellectual property, and cyberlaw. Highlights of her property scholarship appear in *Contested Commodities* (Harvard University Press, 1996) and *Reinterpreting Property* (University of Chicago Press, 1993).



Wren Building, College of William & Mary

The Brigham-Kanner Prize has previously been awarded to Professor Frank I. Michelman (2004), Professor Richard A. Epstein (2005), and Professor James W. Ely, Jr. (2006).

AGENDA
FRIDAY, OCTOBER 5

- 1:00 p.m. **REGISTRATION AND WELCOME DESK OPEN**
William & Mary Law School
- 2 - 3:15 **BLIGHT: THE APPLICATION OF REDEVELOPMENT LAW TO BLIGHT**
William & Mary Law School
- COLIN GORDON**
Professor and Chair, Department of History, University of Iowa
- GEORGE LEFCOE**
Ervin and Florine Yoder Chair in Real Estate Law,
University of Southern California Gould School of Law
- JEFFREY MANNS**
Associate, Latham & Watkins, LLP, Washington, DC,
and Visiting Assistant Professor, William & Mary Law School
- 3:30 - 4:45 **KELO'S LEGACY: CASE STUDIES OF KELO'S EMPOWERMENT OF CONDEMNORS**
- THE HONORABLE DALE R. CATHELL**
State of Maryland Court of Appeals
- H. DIXON MONTAGUE**
Partner, Vinson & Elkins, LLP, Houston, Texas
- JAMES L. THOMPSON**
Member, Miller, Miller & Canby, Chartered, Rockville, Maryland
- 5:00 **PRESENTATION OF THE PLAQUE COMMEMORATING THE BRIGHAM-KANNER PRIZE RECIPIENTS**
Entrance Hall, William & Mary Law School
- 6:30 **RECEPTION**
Wren Building, College of William & Mary
- 7:30 **DINNER AND PRESENTATION OF THE 2007 BRIGHAM-KANNER PRIZE**
Great Hall, Wren Building
(please note the Wren Building has limited accessibility for people with physical disabilities)

SATURDAY, OCTOBER 6

- 8:45 a.m. **CONTINENTAL BREAKFAST**
(All Saturday events are at the William & Mary Law School)
- 9:15 - 10:30 **REFLECTIONS ON THE WORK OF PROFESSOR MARGARET JANE RADIN: A PANEL DISCUSSION**
- TOBY PRINCE BRIGHAM**
Founding Partner, Brigham Moore, LLP, Miami, Florida
- STEPHEN R. MUNZER**
Professor, University of California at Los Angeles Law School
- JEFFREY E. STAKE**
Professor and Louis F. Niezer Faculty Fellow,
University of Indiana at Bloomington School of Law
- LAURA S. UNDERKUFFLER**
Arthur Larson Professor of Law, Duke University Law School

SATURDAY, OCTOBER 6 (CONT.)

10:45 a.m. - noon **ABUSES OF EMINENT DOMAIN: A LOOK AT WHAT CAN GO WRONG**

GEORGE B. AUTRY, JR., Attorney, Cranfill, Sumner and Hartzog, LLP, Raleigh, North Carolina

TOM GOLDSTEIN, Assistant County Attorney, Miami-Dade County, Florida

EDWARD D. MCKIRDY, Member, McKirdy and Riskin, P.A., Morristown, New Jersey

RANDY WARD, Right of Way Attorney, Texas Department of Transportation, Austin, Texas

noon - 1:15 p.m. **LUNCHEON ROUNDTABLE DISCUSSION: MISSION IMPOSSIBLE? Can Redevelopment Projects Succeed Without the Use of Eminent Domain?**

JAMES S. BURLING, Director of Litigation, Pacific Legal Foundation, Sacramento, California

FRANK SCHNIDMAN, Senior Fellow, International Programs, Florida Atlantic University Center for Urban and Environmental Solutions

CHARLES L. SIEMON, Partner, Siemon Larsen & Marsh, Boca Raton, Florida

Statues, William & Mary Law School. George Wythe, at right, was William & Mary's – and the nation's – first professor of law. Chief Justice John Marshall, at left, was among the earliest law students at William & Mary.

THE WILLIAM & MARY PROPERTY RIGHTS PROJECT

The William & Mary Property Rights Project has two primary goals. First, it encourages legal scholarship on the role that property rights play in society. Second, it facilitates the exchange of ideas between the academy and the practicing property rights bar. In addition to awarding the Brigham-Kanner Property Rights Prize and hosting the allied conference each year, the Project develops web-based materials that serve its ends.

INSTITUTE OF BILL OF RIGHTS LAW

The Institute of Bill of Rights Law of the William & Mary Law School contributes to the ongoing national dialog about issues relating to the Constitution and the Bill of Rights through programs and events, such as the annual Supreme Court Preview conference. For more information on its programs, symposia, and scholarly endeavors, please visit www.wm.edu/law/ibr/.

SPEAKERS & PARTICIPANTS AT A GLANCE

GEORGE B. AUTRY, JR., Attorney, Cranfill, Sumner and Hartzog, LLP, Raleigh, North Carolina

TOBY PRINCE BRIGHAM, Founding Partner, Brigham Moore, LLP, Miami, Florida

JAMES S. BURLING, Director of Litigation, Pacific Legal Foundation, Sacramento, California

THE HONORABLE DALE R. CATHELL, State of Maryland Court of Appeals

TOM GOLDSTEIN, Assistant County Attorney, Miami-Dade County, Florida

COLIN GORDON, Professor and Chair, Department of History, University of Iowa

GEORGE LEFCOE, Ervin and Florine Yoder Chair in Real Estate Law, University of Southern California Gould School of Law

JEFFREY MANNS, Associate, Latham & Watkins, LLP, Washington, DC, and Visiting Assistant Professor, William & Mary Law School

EDWARD D. MCKIRDY, Member, McKirdy and Riskin, P.A., Morristown, New Jersey

H. DIXON MONTAGUE, Partner, Vinson & Elkins, LLP, Houston, Texas

STEPHEN R. MUNZER, Professor, University of California at Los Angeles Law School

MARGARET JANE RADIN, Professor of Law, University of Michigan Law School

FRANK SCHNIDMAN, Senior Fellow, International Programs, Florida Atlantic University Center for Urban and Environmental Solutions

CHARLES L. SIEMON, Partner, Siemon Larsen & Marsh, Boca Raton, Florida

JEFFREY E. STAKE, Professor and Louis F. Niezer Faculty Fellow, University of Indiana at Bloomington School of Law

JAMES L. THOMPSON, Member, Miller, Miller & Canby, Chartered, Rockville, Maryland

LAURA S. UNDERKUFFLER, Arthur Larson Professor of Law, Duke University Law School

RANDY WARD, Right of Way Attorney, Texas Department of Transportation, Austin, Texas

WILLIAM & MARY CONFERENCE COORDINATING COMMITTEE

Eric Kades, Conference Chairman, Professor of Law and Director of the Property Rights Project
Lynda L. Butler, Vice Dean and Chancellor Professor of Law
Joseph T. Waldo, Attorney at Law, Waldo & Lyle, Norfolk, Virginia

CREDIT

CLE credit is pending.

REGISTRATION AND FEES

The cost to attend Friday evening's reception and the dinner afterward is \$100 per person. The registration fee of \$50 includes admission to all conference panels, breakfast on Saturday, and Saturday afternoon's luncheon roundtable discussion.

The registration deadline is September 28, 2007. Please call William & Mary Law School to register after this date (757/221-3796).

FEES

\$100 Friday evening's reception and dinner
\$50 Registration for conference panels, breakfast on Saturday, and Saturday afternoon's luncheon roundtable discussion

Early registration is encouraged. Your registration form will be acknowledged.

AIR TRANSPORTATION

Newport News/Williamsburg International Airport is approximately 30 minutes from the William & Mary campus. Williamsburg is also served by Richmond International and Norfolk International Airports, each one hour away.

ACCOMMODATIONS

A block of rooms has been reserved at the Williamsburg Hospitality House (415 Richmond Road) at a special room rate of \$119 per night (double occupancy) for attendees. Please call 1/800-932-9192 to make your reservations and remember to mention the Property Rights Conference. Reservations must be made by September 6 to receive the special room rate.

REFUNDS

Requests for refunds must be made in writing and received no later than October 1, 2007. Refund requests received after that date will be handled on a reasonable justification basis.

LOCAL ATTRACTIONS

Colonial Williamsburg

Located less than a mile from the William & Mary Law School, Colonial Williamsburg is the world's largest living history museum – the restored 18th-century capital city of Britain's New World empire.



Colonial Williamsburg

Jamestown

Jamestown is the site of the first permanent English colony in America. Both the historic site and the museum are within a fifteen-minute drive from the Law School.

Yorktown National Battlefield

Yorktown National Battlefield is the site of the last major battle of the Revolutionary War. The museum and battlefield are within a twenty-minute drive from the Law School.

Links to these and other attractions may be found on the web at www.visitwilliamsburg.com.

REGISTRATION

THE FOURTH ANNUAL BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE OCTOBER 5 - 6, 2007

Please print or type and use a separate form for each person registering
Registration deadline: September 28, 2007

Name _____
Firm/affiliation _____
Title _____
Address _____
City _____ State _____ Zip Code _____
Phone number _____ Fax number _____
Email _____

Please let us know of any special needs you may have for participation in/or access to the conference. Also, please inform us of any special dietary requests.

METHOD OF PAYMENT

Check enclosed. Please make your check payable to William & Mary Law School.

Charge to my VISA MasterCard

Name as it appears on your credit card _____

Credit Card # _____

Expiration Date (month/year) _____

Signature of Cardholder _____

- Yes, I will attend the Friday, October 5 dinner
 Please reserve ____ additional dinner tickets for accompanying person(s)
 Guest name(s) to list on name tag(s) for dinner: _____
 Please check if you are a student and wish to request a waiver of the registration fee

_____ Friday evening's reception and dinner (\$100 per person)

_____ Registration fee (\$50), includes admission to all panels, breakfast, and the luncheon roundtable discussion

\$_____ Total enclosed

MAIL OR FAX TO:

William & Mary Law School
Att: Kathy Pond, Property Rights Conference
POB 8795, Williamsburg, VA 23187-8795
Fax: 757/221-6329

QUESTIONS?

Please call Kathy Pond
at 757/221-3796 or
email ktpond@wm.edu