2013

Tenth Annual Brigham-Kanner Property Rights Conference Brochure

William & Mary Law School

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Tenth Annual Brigham-Kanner Property Rights Conference

And Presentation of the 2013 Brigham-Kanner Prize to Thomas W. Merrill
Columbia Law School

October 17-18

Sponsored by William & Mary Law School

Presented by the William & Mary Property Rights Project
law.wm.edu/propertyrights
THURSDAY: OCTOBER 17, 2013

6:30p  Reception  
President’s Gallery, Wren Building  
*(please note the Wren Building has limited accessibility for people with physical disabilities)*

7:30p  Dinner and Presentation of the 2013 Brigham-Kanner Prize  
Great Hall, Wren Building

FRIDAY: OCTOBER 18, 2013

8:00a  Registration and Continental Breakfast  
William & Mary Law School

8:30-10:15  Panel 1: *The Impact of a Leading Property Scholar: Defining the Essence of Property*  
Opening Remarks on “Exclusion and Its Rivals”: Thomas W. Merrill, Charles Evans Hughes Professor of Law, Columbia Law School  
Hanoch Dagan, Stewart and Judy Colton Professor of Law, Tel Aviv University Law School  
Robert Ellickson, Walter E. Meyer Professor of Property and Urban Law, Yale Law School  
Larissa Katz, Associate Professor of Law, University of Toronto  
Mark Savin, Fredrikson & Byron, P.A., Minneapolis, Minnesota  
Henry E. Smith, Fessenden Professor of Law and Director, Project on the Foundations of Private Law, Harvard Law School  
Moderator: Lynda L. Butler, Chancellor Professor of Law and Director, William & Mary Property Rights Project, William & Mary Law School

10:15-10:30  Networking Break

10:30-12:00p  Panel 2: *Promoting Government Forbearance*  
Andrew Prince Brigham, Brigham Property Rights Law Firm, PLLC, Jacksonville, Florida  
James W. Ely, Jr., Milton R. Underwood Professor of Law, Emeritus, Professor of History, Emeritus, and Lecturer in Law, Vanderbilt University  
William Fischel, Professor of Economics and Robert C. 1925 & Hilda Hardy Professor of Legal Studies, Dartmouth College  
Laura Underkuffler, Associate Dean for Academic Affairs and J. DuPratt White Professor of Law, Cornell Law School  
Moderator: James Stern, Assistant Professor of Law, William & Mary Law School
12:00-1:15  
Lunch

1:15-2:45  
Roundtable Panel: Implications of the Court’s Recent Takings Cases  
James S. Burling, Director of Litigation, Pacific Legal Foundation, Sacramento, California  
J. Peter Byrne, Associate Dean for the J.D. Program, Professor of Law, and Faculty Director, Georgetown Climate Center, Georgetown University Law Center  
Michael Rikon, Goldstein, Rikon, Rikon & Houghton, P.C., New York, New York  
Ilya Somin, Professor of Law, George Mason University School of Law  
Moderator: Joseph T. Waldo, Waldo & Lyle, P.C., Norfolk, Virginia

2:45-3:00  
Networking Break

3:00-4:30  
Panel 4: Property Rights in Times of Transition  
Dana Berliner, Litigation Director, Institute for Justice, Arlington, Virginia  
Nestor M. Davidson, Professor of Law, Fordham University School of Law, and Director, Fordham Urban Law Center  
Holly Doremus, James H. House and Hiram H. Hurd Professor of Environmental Regulation, Co-Director, Center for Law, Energy & the Environment, and Director, Environmental Law Program, U.C. Berkeley School of Law  
James E. Krier, Earl Warren DeLano Professor of Law, University of Michigan  
Moderator: Christopher L. Griffin, Jr., Assistant Professor of Law, William & Mary Law School

4:30-5:30  
Reception

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 an annual conference, the Project develops web-based materials that serve these goals.

WILLIAM & MARY CONFERENCE COORDINATING COMMITTEE  
Lynda L. Butler, Chancellor Professor of Law and Director, Property Rights Project  
Joseph T. Waldo, Attorney at Law, Waldo & Lyle, P.C., Norfolk, Virginia  
Kathy Burger, Assistant Director, Brigham-Kanner Property Rights Conference

Professor Merrill holds a B.A., with honors in history, from Grinnell College and a B.A., with first-class honors in philosophy, politics, and economics, from Oxford University, where he was a Rhodes Scholar. After earning his J.D. at the University of Chicago, he clerked for Judge David L. Bazelon of the U.S. Court of Appeals for the D.C. Circuit and then for U.S. Supreme Court Justice Harry A. Blackmun. After clerking, Professor Merrill practiced at Sidley, Austin, Brown & Wood in Chicago and then served as deputy solicitor general in the Department of Justice, a role in which he supervised Supreme Court litigation. He was the John Paul Stevens Professor of Law at Northwestern University before joining the Columbia University faculty in 2003.

The Brigham-Kanner Property Rights Prize has been awarded annually since 2004. It is named in recognition of the lifetime contributions to property rights of Toby Prince Brigham, founding partner of Brigham Moore, LLP, in Florida, and Gideon Kanner, professor of law, *emeritus*, at Loyola Law School in Los Angeles. Previous recipients include Professor Frank I. Michelman of Harvard University (2004), Professor Richard A. Epstein of the University of Chicago (2005), Professor James W. Ely, Jr., of Vanderbilt University (2006), Professor Margaret Jane Radin of the University of Michigan (2007), Professor Robert C. Ellickson of Yale University (2008), Professor Richard E. Pipes of Harvard University (2009), Professor Carol Rose of the University of Arizona (2010), retired Supreme Court Justice Sandra Day O'Connor (2011), and Professor James E. Krier of the University of Michigan (2012).
**SPEAKERS & PARTICIPANTS AT A GLANCE**

**DANA BERLINER.** Litigation Director, Institute for Justice, Arlington, Virginia

**ANDREW PRINCE BRIGHAM.** Brigham Property Rights Law Firm, PLLC, Jacksonville, Florida

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

**LYNDA L. BUTLER.** Chancellor Professor of Law and Director, William & Mary Property Rights Project, William & Mary Law School

**J. PETER BYRNE.** Associate Dean for the J.D. Program, Professor of Law, and Faculty Director, Georgetown Climate Center, Georgetown University Law Center

**HANOCH DAGAN.** Stewart and Judy Colton Professor of Law, Tel Aviv University Law School

**NESTOR M. DAVIDSON.** Professor of Law, Fordham University School of Law, and Director, Fordham Urban Law Center

**HOLLY DOREMUS.** James H. House and Hiram H. Hurd Professor of Environmental Regulation, Co-Director, Center for Law, Energy & the Environment, and Director, Environmental Law Program, U.C. Berkeley School of Law

**ROBERT ELlickson.** Walter E. Meyer Professor of Property and Urban Law, Yale Law School

**JAMES W. ELY, JR.** Milton R. Underwood Professor of Law, Emeritus, Professor of History, Emeritus, and Lecturer in Law, Vanderbilt University

**WILLIAM FISCHEL.** Professor of Economics and Robert C. 1925 & Hilda Hardy Professor of Legal Studies, Dartmouth College

**CHRISTOPHER L. GRIFFIN, JR.** Assistant Professor of Law, William & Mary Law School

**LARISSA KATZ.** Associate Professor of Law, University of Toronto

**JAMES E. KRIER.** Earl Warren DeLano Professor of Law, University of Michigan

**THOMAS W. MERRILL.** Charles Evans Hughes Professor of Law, Columbia Law School

**MICHAEL RIKON.** Goldstein, Rikon, Rikon & Houghton, P.C., New York, New York

**MARK SAVIN.** Fredrikson & Byron, P.A., Minneapolis, Minnesota

**HENRY E. SMITH.** Fessenden Professor of Law and Director, Project on the Foundations of Private Law, Harvard Law School

**ILya SOMIN.** Professor of Law, George Mason University School of Law

**JAMES STERN.** Assistant Professor of Law, William & Mary Law School

**LAURA UNDERKUFFLER.** Associate Dean for Academic Affairs and J. DuPratt White Professor of Law, Cornell Law School

**JOSEPH T. WALDO.** Waldo & Lyle, P.C., Norfolk, Virginia

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**REGISTRATION AND FEES**

The cost to attend Thursday’s reception and dinner is $100 per person. The registration fee of $50 includes admission to panels, and breakfast and lunch on Friday. The registration fee is waived for students with advance registration. The deadline to register is October 11. Please call the Law School to register after this date at (757) 221-3796.

**CREDIT:** CLE credit pending
FEES
$100 Thursday evening's reception and dinner
$50 Registration for conference panels, breakfast, and lunch on Friday

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 Hilton Garden Inn (1624 Richmond Road) for attendees. Please call (757) 253-9400 to make your reservations and remember to mention the Property Rights Conference.

REFUNDS
Requests for refunds must be made in writing and received no later than September 28, 2013. 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.

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

Name ________________________________

Firm/affiliation __________________________

Title _____________________________

Address ____________________________________________

City ___________________________ State _______ Zip _______

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 Day (month/year) __________

Signature of Cardholder ____________________________

☐ Yes, I will attend the Thursday, October 17 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

☐ Thursday evening’s reception and dinner ($100 per person)

☐ Registration fee ($50), includes admission to all panels, breakfast, and lunch. Fee waived for current law students with advance registration.

$ _______ Total enclosed

Please indicate how you wish to receive your CLE material:

☐ printed copy

☐ on thumb drive

Mail or fax to:
William & Mary Law School
Attn: Kathy Burger, Property Rights Conference
Post Office Box 8795, Williamsburg, VA 23187-8795
(757) 221-6329

Questions?
Please contact Kathy Burger
(757) 221-3796
ktburger@wm.edu