

2011

Eighth Annual Brigham-Kanner Property Rights Conference Schedule of Events

William & Mary Law School

Tsinghua University School of Law

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SCHEDULE OF EVENTS

8TH ANNUAL BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE

Conference attendees are encouraged to arrive on October 11 or 12 to have adequate time to acclimate to the time difference prior to the conference. This schedule is subject to slight changes and revisions.

THURSDAY, OCTOBER 13, 2011

- 9:30-4:00: Optional Trip to the Great Wall
- 7:00: Reception honoring Justice Sandra Day O'Connor and host, Tsinghua University School of Law, at the United States Embassy, Beijing

FRIDAY, OCTOBER 14, 2011

- 9:00-9:15: Opening remarks and announcement of the *Brigham-Kanner Property Rights Conference Journal*
- 9:15-10:45: **Panel 1: Legal Protection of Property Rights: A Comparative Look**
- 11:00-12:30: **Panel 2: Reflections on Important Property Rights Decisions**
- 12:45-2:15: Lunch with keynote speaker, 8th annual Brigham-Kanner Property Rights Prize recipient, Justice Sandra Day O'Connor
- 2:30-4:00: **Panel 3: Property as an Instrument of Social Policy**
- 4:00: Group Photo
- 7:00: Dinner and presentation of the 2011 Brigham-Kanner Property Rights Prize to Justice Sandra Day O'Connor

SATURDAY, OCTOBER 15, 2011

- 7:30 – 8:45: **Breakfast Roundtable: How Practitioners Shape the Law**
- 9:15-10:45: **Panel 4: Culture and Property**
- 11:00-12:30: **Panel 5: Property as an Economic Institution**
- 12:45-1:45: Lunch
- 2:00-3:30: **Panel 6: Property Rights and the Environment**
- 3:45-5:15: **Roundtable Discussion on the Future of Property Rights**
- 7:00: Farewell Dinner

SUNDAY, OCTOBER 16 - SUNDAY, OCTOBER 23, 2011

William & Mary Law School Post-Conference Tour of China & Hong Kong

2011 BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE

PROGRAM PANELS

FRIDAY, OCTOBER 14, 2011

PANEL: LEGAL PROTECTION OF PROPERTY RIGHTS: A COMPARATIVE LOOK

This panel examines the nature of property rights under global legal systems, including the systems, processes, or methods for determining and enforcing private property rights. Panelists will discuss how different systems define and protect property rights, focusing on land use rights and the land-use regulatory systems that govern them. The panel will also compare the role of lawyers in the field of private property rights under different legal systems.

American panelists:

- **Mark F. (Thor) Hearne, II**, Arent Fox LLP, Washington, D.C.
- **Patricia Salkin**, Raymond & Ella Smith Distinguished Professor of Law, Associate Dean & Director, Government Law Center, Albany Law School

Moderator: Joseph T. Waldo, Waldo & Lyle, P.C., Norfolk, Virginia

PANEL: REFLECTIONS ON IMPORTANT PROPERTY RIGHTS DECISIONS

Comprised of winners of the Brigham-Kanner Prize as well a prominent practitioner, this panel will analyze some of United States Supreme Court Justice Sandra Day O'Connor's property rights decisions. Discussion will include thoughts on how these decisions have influenced property rights and property scholarship.

American panelists:

- **Alan Ackerman**, Ackerman Ackerman & Dynkowski, P.C., Bloomfield Hills, Michigan
- **James W. Ely**, Milton R. Underwood Chair in Free Enterprise Professor of Law, Emeritus & Professor of History, Emeritus, Vanderbilt University
- **Richard Epstein**, James Parker Hall Distinguished Service Professor, University of Chicago Law School; Director, Law and Economics Program & Laurence A. Tisch Professor, NYU Law School
- **Frank Michelman**, Robert Walmsley University Professor, Harvard Law School

Moderator: Lynda Butler, Chancellor Professor of Law & Director, Brigham-Kanner Property Rights Project, College of William & Mary Law School

LUNCH WITH KEYNOTE SPEAKER, 8TH ANNUAL BRIGHAM-KANNER PROPERTY RIGHTS PRIZE RECIPIENT, JUSTICE SANDRA DAY O'CONNOR

PANEL: PROPERTY AS AN INSTRUMENT OF SOCIAL POLICY

This panel explores the role that property plays in promoting social policy. The panel will discuss areas where property has played or is playing a major role in shaping social policy, as well as issues raised by this role.

American panelists:

- **Greg Alexander**, A. Robert Noll Professor of Law, Cornell Law School
- **Lee Ann Fennell**, Professor of Law, University of Chicago Law School

Moderator: Lynda Butler, Chancellor Professor of Law & Director, Brigham-Kanner Property Rights Project, William & Mary Law School

SATURDAY, OCTOBER 15, 2011

BREAKFAST ROUNDTABLE: HOW PRACTITIONERS SHAPE THE LAW

This roundtable will be led by a justice of the Supreme Court of Virginia and three practitioners with extensive experience in property rights matters. The roundtable will explore the important role practitioners play in influencing, shaping, and changing property law. The practitioners will discuss methods and strategies that are effective in shaping the law and will field questions from the attendees.

American Panelists:

- **The Honorable LeRoy Millette**, Justice, Supreme Court of Virginia
- **Jay S. Dushoff**, Gallagher & Kennedy, P.A., Phoenix, Arizona
- **Leslie A. Fields**, Faegre & Benson LLP, Denver, Colorado
- **James L. Thompson**, Miller, Miller & Canby, Rockville, Maryland

Moderator: Joseph T. Waldo, Waldo & Lyle, P.C., Norfolk, Virginia

SATURDAY, OCTOBER 15, 2011 (CONT.)

PANEL: CULTURE AND PROPERTY

This panel explores the impact of culture on property – on how property rights are defined, interpreted and protected or limited by different cultures. The panel will consider the impact of cultural attitudes and customs on how property is held, owned, used, or developed. It will also discuss how different cultures define values subject to property, including economic values affecting development and growth, personhood values tied to healthy self-development, and patrimonial values having historical importance or essential to community or group identity.

American panelists:

- **Lan Cao**, Boyd Fellow & Professor of Law, William & Mary Law School
- **Robert Ellickson**, Walter E. Meyer Professor of Property and Urban Law, Yale Law School
- **Margaret Jane Radin**, Henry King Ransom Professor, Michigan Law School; William Benjamin Scott & Luna M. Scott Professor of Law, emerita, Stanford University

Moderator: Lynda Butler, Chancellor Professor of Law & Director, Brigham-Kanner Property Rights Project, College of William & Mary Law School

PANEL: PROPERTY AS AN ECONOMIC INSTITUTION

This panel explores the role of property in promoting, driving, or shaping the economies of each country, including how property facilitates or hinders development and marketplace transactions.

American Panelists:

- **Eric Kades**, Vice Dean & Professor of Law, College of William & Mary Law School
- **Henry Smith**, Fessenden Professor of Law, Harvard Law School

Moderator: Ron Rosenberg, Associate Dean for Academic Affairs, Chancellor Professor of Law & Director, American Legal System Graduate Program and Foreign Exchanges, College of William & Mary Law School

PANEL: PROPERTY RIGHTS AND THE ENVIRONMENT

This panel considers the relationship between property rights and the environment. The panel will examine the extent to which the property law of each country incorporates principles that protect or exploit the environment, as well as ways environmental interests may unnecessarily impinge on property rights. The panel will discuss how the law is evolving in light of changes to the environment, including a comparison of how each country promotes sustainable land uses.

American panelists:

- **Jim Burling**, Director of Litigation, Pacific Legal Foundation, Sacramento, California
- **David Callies**, Benjamin A. Kudo Professor of Law, University of Hawaii Law School
- **Carol Rose**, Lohse Chair in Water and Natural Resources, University of Arizona College of Law; Gordon Bradford Tweedy Professor of Law and Organization, Emerita, Yale Law School

Moderator: Ron Rosenberg, Associate Dean for Academic Affairs, Chancellor Professor of Law & Director, American Legal System Graduate Program and Foreign Exchanges, College of William & Mary Law School

ROUNDTABLE DISCUSSION: THE FUTURE OF PROPERTY RIGHTS

This panel will involve all recipients of the Brigham-Kanner Prize, as well as preeminent Chinese scholars chosen by Tsinghua University.

American panelists:

- **Frank Michelman**, Robert Walmsley University Professor, Harvard Law School (2004 recipient)
- **Richard Epstein**, James Parker Hall Distinguished Service Professor, University of Chicago Law School; Director, Law and Economics Program & Laurence A. Tisch Professor, NYU Law School (2005 recipient)
- **James W. Ely**, Milton R. Underwood Chair in Free Enterprise Professor of Law, Emeritus, & Professor of History, Emeritus, Vanderbilt University (2006 recipient)
- **Margaret Jane Radin**, Henry King Ransom Professor, Michigan Law School; William Benjamin Scott & Luna M. Scott Professor of Law, Emerita, Stanford University (2007 recipient)
- **Robert Ellickson**, Walter E. Meyer Professor of Property and Urban Law, Yale Law School (2008 recipient)
- **Richard Pipes**, Frank B. Baird, Jr., Professor of History, Emeritus, Harvard University (2009 recipient)
- **Carol Rose**, Lohse Chair in Water and Natural Resources, University of Arizona College of Law; Gordon Bradford Tweedy Professor of Law and Organization, Emerita, Yale Law School (2010 recipient)

Moderators: Joseph T. Waldo, Waldo & Lyle, P.C., Norfolk, Virginia; Lynda Butler, Chancellor Professor of Law & Director, Brigham-Kanner Property Rights Project, College of William & Mary Law School