

2006

## Joe Waldo '78 Funds Property Rights Conference and Prize

College of William & Mary Communications



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By College of William & Mary Communications

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Those who say you can't fight city hall have never met Joseph T. Waldo J.D. '78. A Norfolk, Va., attorney who specializes in eminent domain and property rights, Waldo has made it his life's work to represent property owners and ensure that they are treated fairly by the government, known as "the condemning authority" in eminent domain law.

He has also tried to make sure that people become well educated about property issues by founding the Brigham-Kanner Property Rights Conference through an endowment to the Campaign for William & Mary. The conference is an annual Law School event named in honor of his mentors, property rights experts Toby Prince Brigham, a founding partner of Brigham Moore, LLP, in Florida, and Gideon Kanner, professor of law emeritus at Loyola Law School and currently of counsel at Manatt, Phelps & Phillips, LLP, in California. It brings together members of academia, the bench and the bar to explore recent developments in takings law and other areas of the law affecting property rights. During the conference, the Brigham-Kanner Prize is awarded to an outstanding figure in the field.

"We want to educate and support as many lawyers from across the nation as possible on the fundamental right of private property and the importance that it plays in our form of constitutional democracy," says Waldo. "And, of course, we want to recognize the authors of the best writings on the subject through our annual prize."

The inaugural conference in 2004 saw a number of national experts discuss judicial comments and other developments in takings litigation as well as whether existing property rights protections are sufficient, and Frank I. Michelman of Harvard Law School was awarded the Brigham-Kanner Prize. The second conference, coming on the heels of the Supreme Court's affirmation of the Connecticut Supreme Court's ruling in *Kelo v. the City of New London* upholding the city's proposed takings, was just as well attended and honored Richard A. Epstein of the University of Chicago Law School.

According to Eric Kades, professor of law and director of the Law School's Property Rights Project, William & Mary is the perfect setting for such a unique event. "A



number of the founding fathers associated with the Law School — especially James Madison — were strong advocates of property rights,” he says. “When you come right down to it, the formal study of property rights in America began right here in Williamsburg.”

Waldo became interested in eminent domain when, as a young lawyer, he was notified that some property he owned was going to be condemned for redevelopment. Not wanting to give up without a fight, he searched for the top practicing attorney in the nation and found Toby Brigham. “When I asked Toby if he would represent me, he said, ‘No, I won’t — I want you to represent yourself,’” Waldo explains. “I said, ‘I don’t know the first thing about this,’ and Toby said, ‘You’ll learn.’”

Waldo did learn and made the transition from transactional lawyer to property rights specialist. In 1998, he left his firm to create Waldo & Lyle, the only law practice in Virginia that specializes in eminent domain and property rights issues.

It was gratitude for those who helped shape his career — such as past William & Mary law deans James Whyte and William Spong LL.D. ’87, as well as Brigham and Kanner — that inspired Waldo to create the conference. He is likewise grateful for the exceptional leadership of William & Mary Law School Dean Taylor Reveley. “Taylor not only approved the program, he embraced it,” Waldo says. “His passion for this program and his encouragement really have been important.”

Not surprisingly, reviews of the first two conferences have been overwhelmingly positive. “We’ve had a great response, especially from students,” Waldo says. “It’s exposing them to the very best practitioners in the nation. Most law schools just concentrate on academics or focus just on a practice area of the law, but William & Mary Law School is really serving a need by balancing academics with practice.”

Waldo believes that lawyers’ growing acceptance of the importance of this balance ensures a bright future for the conference, especially in the wake of the Supreme Court’s Kelo decision. “Everyone is talking about eminent domain after Kelo,” he says, “and, in the past few years, I’ve noticed that people are much more ready to challenge the government than they used to be.”

That may mean more work for Waldo, but it’s enjoyable work — as enjoyable, he says, as helping develop a cutting-edge property rights program as unique as the law school that hosts it.



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[i] Want to go? The 3rd Annual Brigham-Kanner Property Rights Conference will be held on October 6 -7. This year's recipient of the Brigham-Kanner Prize is Professor James W. Ely, Jr., of Vanderbilt University. For more information, please contact [wmprop@wm.edu](mailto:wmprop@wm.edu).