

2006

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By Kaila Gregory JD '09

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William & Mary Law School honored Professor James W. Ely, Jr. of Vanderbilt University with the 2006 Brigham-Kanner Property Rights Prize on Oct. 6 during the Third Annual Brigham-Kanner Property Rights Conference.

The prize, first awarded in 2004, recognizes a leading figure in property rights law and was presented to Ely at a dinner in his honor at William & Mary's historic Wren Building. The Law School's Property Rights Project and the Institute of Bills of Rights Law hosted the property rights conference the following day.

Eric A. Kades, Professor of Law and the Director of the Law School's Property Rights Project, said that Ely's "scholarly contribution has been enormous," noting his impact "as a legal historian, as a pure legal scholar, as a treatise author, and a case book author."

"I think it's safe to say that [Ely] is the preeminent contemporary scholar on the evolution of property rights in the United States," Kades said. "His scholarship extends far beyond the property clauses in the Constitution, to all the economic clauses in the Constitution."

As a treatise author, Kades said Ely's writing about easements demonstrates "complete mastery of the concept," calling Ely's treatise "an absolute model." Kades also noted that Ely's property case book "stands out as a model of clarity."

Ely's historical and legal knowledge produces an important brand of scholarship with regard to property rights. "[Ely is] someone who can think and write with an intimate knowledge of both the history and the law," Kades told the audience. "This is the reason for honoring him tonight."

Ely is the Milton R. Underwood Chair in Free Enterprise, a professor of law, and a professor of history at Vanderbilt University. He has written about a wide range of topics in legal history and is the author of numerous works including *The Guardian of Every Other Right: A Constitutional History of Property Rights*, *American Legal History: Cases and Materials*, *The Fuller Court: Justices, Rulings, and Legacy*, and



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Railroads and American Law. Ely served as assistant editor of the *American Journal of Legal History* from 1987 to 1989. Since joining the Vanderbilt faculty in 1979, he has also received numerous teaching awards.

The William & Mary Brigham-Kanner Property Rights Prize is named in recognition of Toby P. Brigham and Gideon Kanner for their lifetime contributions to private property rights and their efforts to advance pertinent constitutional protections. Brigham is a founding partner of Brigham Moore in Florida and has specialized in eminent domain and property rights law for more than 40 years. Gideon Kanner is professor of law emeritus at Loyola Law School in Los Angeles and is currently Of Counsel at Manatt, Phelps & Phillips in California.

Harvard Law School Professor Frank I. Michelman was the inaugural recipient of the Brigham-Kanner Prize in 2004. Professor Richard A. Epstein of the University of Chicago Law School received the 2005 Prize.