

2013

Merrill Honored With Brigham-Kanner Prize

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By Christopher Yakubisin '16

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On October 17 the William & Mary Law School Property Rights Project awarded the 2013 Brigham-Kanner Prize to Professor Thomas W. Merrill of Columbia Law School at a dinner in his honor on the eve of the tenth annual property rights conference. The conference drew many of the nation's leading scholars and practitioners to the Law School for a lively discussion of current property law issues and for the chance to celebrate Merrill's significant contributions to the field. Merrill is among the nation's leading scholars of property, administrative, and environmental law, and is the Charles Evans Hughes Professor at Columbia Law School.

In his remarks, Conference Co-Chairman Joseph T. Waldo, a 1978 graduate of the Law School, and founding partner of Waldo & Lyle in Norfolk, Va., spoke about property rights and their fundamental connection to human dignity. He said Merrill shared a philosophical kinship with the poet Robert Frost who once wrote that "a trespass against the land is a trespass against the soul."

Chancellor Professor of Law Lynda Butler, director of the Property Rights Project, told the audience at the dinner that the prize is awarded each year to a person "who has made significant contributions to our understanding of property. The prize is awarded to someone who has thought deeply about property's relationship with the human condition, and about the importance of property rights to our political, economic, and social systems."

Butler said that Merrill was "without a doubt one of the preeminent property scholars of our time." She cited his numerous articles on various aspects of property law, as well as his groundbreaking casebook with Henry Smith as evidence of his stature. Butler attributed its significance to its innovative approach in connecting "the conceptual dots, unifying some of the key foundational themes of property and enabling students to understand better the mystery of property." She also cited Merrill's achievements both in academia and in the practice of law. As examples she noted his body of scholarship, his service as a legal advisor to Senator John McCain during his presidential run, and his contributions as the deputy solicitor general supervising Supreme Court litigation in a variety of areas. "Professor Merrill, in other



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words, has not only talked the talk of the academic, but also walked the walk of the practitioner," Butler said.

Merrill joined an illustrious list of prior recipients that includes Professor Frank I. Michelman, Harvard Law School (2004), Professor Richard A. Epstein, University of Chicago Law School (2005), Professor James W. Ely, Jr., Vanderbilt Law School (2006), Professor Margaret Jane Radin, University of Michigan Law School (2007), Professor Robert C. Ellickson, Yale University (2008), Professor Richard E. Pipes, Harvard University (2009), Professor Carol Rose, University of Arizona (2010), Supreme Court Justice Sandra Day O'Connor (2011), and James E. Krier, University of Michigan (2012).

About William & Mary Law School

Thomas Jefferson founded William & Mary Law School in 1779 to train leaders for the new nation. Now in its third century, America's oldest law school continues its historic mission of educating citizen lawyers who are prepared both to lead and to serve.