

2017

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By David F. Morrill

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With some 20 books and more than 90 articles on property and land use and eminent domain topics to his credit, Professor David L. Callies of the University of Hawai'i at Mānoa William S. Richardson School of Law ranks among the foremost experts on property rights.

And as of October 12, he's also the recipient of the 2017 Brigham-Kanner Property Rights Prize from the William & Mary Law School Property Rights Project.

The prize is named in honor of the lifetime contributions to property rights of Toby Prince Brigham, founding partner of Brigham Moore, LLP, and Gideon Kanner, professor of law *emeritus* at Loyola Law School in Los Angeles, and is presented annually to a scholar, practitioner or jurist whose work affirms the fundamental importance of property rights.

Callies received the award during the opening dinner of the annual Brigham-Kanner Property Rights Conference at William & Mary Law School. Now in its 14th year, the conference brings together members of the bench, bar and academia to explore recent developments in the law that affect property rights.

"One of the best barometers of the wisdom of our decision is the reaction of your peers," Professor Lynda L. Butler said when introducing Callies during the dinner. "I can tell you that I've received countless messages from the right and the left and the in-between applauding our choice of you as the next Brigham-Kanner recipient. We are deeply honored that you are here to receive the prize."

Butler, the Chancellor Professor of Law at William & Mary Law School and director of the Property Rights Project, said that two hallmarks of Callies' scholarship are his accessibility both to practitioners and to professors, and the timely relevance of the topics that he writes about. These qualities, as well as his commitment to advancing society's understanding of property have already been recognized by a number of prestigious professional organizations, including the American Law Institute and the American College of Real Estate Lawyers.



The Brigham-Kanner Property Rights Conference is renowned for its outstanding panel discussions and for bringing together the bench, bar and academics on its panels. Founded by William & Mary Law School alumnus Joseph T. Waldo '78 during the Campaign for William & Mary (2000-07), the conference is notable for its encouragement of active participation from the audience through its question and answer segments with each of the panels.

"We're here as the practicing bar because of the work that Gideon Kanner and Toby Brigham did for us," Waldo said during the dinner. "Property rights are a lot more than just property. It's about religious freedom, it's about privacy, it's about freedom of the press; property rights are the guardian of every other right."

With the conference's 15th year approaching and Waldo preparing to step down from the conference planning committee, the dinner often took on a nostalgic tone. During brief remarks, William & Mary President Taylor Reveley recounted how he thought a property rights conference was a great idea, but incredibly hard to pull off.

"Joe made it possible," Reveley said. "And it has been hard to pull off, but it has flowered to a brilliant degree, far beyond, I think, Joe's or my dreams."

Waldo then honored Reveley, who is set to [retire](#) in 2018, with a bronze plaque containing Robert Frost's poem "The Gift Outright." The plaque was presented "to honor the gifts of service to the College of William & Mary by W. Taylor Reveley III both as Dean of the College of William & Mary Law School and as the President of the College of William & Mary."

Professor Callies then capped the evening by noting the sometimes daunting, often thankless, and always time-consuming work practitioners and scholars carry out in favor of property rights. But, he cautioned, it's not enough.

"We need to share property rights; we need to broaden their appeal, not only because it's the right thing to do, but because it's the practical thing to do," Callies said. "Such rights are more and more available to fewer and fewer, not only the poor but also the young middle class, who are increasingly divorced from such rights...finding them out of reach. We need to change that."

The following day, 22 scholars and practitioners participated in panel discussions and moderated sessions. Topics ranged from "The Future of Land Use Regulation: A



Tribute to Callies” to “Challenges to the Western Idea of Property,” “Property Rights in Water,” and “The Denominator Problem and Other Emerging Issues in the Regulatory Takings Field,” among others.

The conference has twice taken on an international perspective. William & Mary cosponsored the 2011 conference with Tsinghua Law School in Beijing, China, and the 2016 conference with the Grotius Center of International Legal Studies at the World Court in The Hague, Netherlands.

Previous recipients of the Brigham-Kanner Property Rights Prize include Professor Frank I. Michelman of Harvard University (2004), Professor Richard Epstein of the New York University School of Law (2005), Professor James W. Ely, Jr., of Vanderbilt University (2006), Professor Margaret Jane Radin of the University of Michigan Law School (2007), Professor Robert C. Ellickson of Yale Law School (2008), Professor Richard E. Pipes of Harvard University (2009), Professor Carol Rose of the University of Arizona James E. Rogers College of Law (2010), retired Supreme Court Justice Sandra Day O'Connor (2011), Professor James E. Krier of the University of Michigan Law School (2012), Professor Thomas W. Merrill of Columbia Law School (2013), Michael M. Berger of Manatt, Phelps & Phillips (2014), Professor Joseph William Singer of Harvard Law School (2015), and Hernando de Soto, President of the Institute for Liberty and Democracy (Lima, Peru) (2016).

Papers from the conference will be published in Volume 7 (2018) of the *Brigham-Kanner Property Rights Conference Journal*, published by the William & Mary Law School Property Rights Project. Volume 6, *The Role of Property in Secure Societies*, dedicated to papers from the October 2016 conference in The Hague, Netherlands, was published in October 2017.

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.