

Introduction: The First and Second Annual Brigham-Kanner Property Rights Conferences

Repository Citation

Introduction: The First and Second Annual Brigham-Kanner Property Rights Conferences, 15 Wm. & Mary Bill Rts. J. 369 (2006), <https://scholarship.law.wm.edu/wmborj/vol15/iss2/2>

INTRODUCTION: THE FIRST AND SECOND ANNUAL BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCES

On November 5–6, 2004, the William & Mary School of Law inaugurated the annual Brigham-Kanner Property Rights Conference to inquire into pressing American legal questions surrounding property rights. The conference is named after Toby Prince Brigham, a founding partner of Brigham Moore, LLP, and Professor Emeritus Gideon Kanner of Loyola Law School.

I. THE 2004 BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE

The inaugural conference awarded Professor Frank I. Michelman of Harvard Law School with the Brigham-Kanner Prize. Professor Michelman's influential article *Property, Utility, and Fairness: Comments on the Ethical Foundations of "Just Compensation" Law*,¹ criticized the fairness of compensation practices, specifically challenging the administrative and legislative agencies' tendency to fall short of their responsibilities to give just compensation following takings for public use. Professor Michelman has also published prolifically on property law, constitutional law, and legal theory.

In this issue, the *William & Mary Bill of Rights Journal* presents the following written contributions to the conference:

Michelman as Doctrinalist

Gregory S. Alexander

Kelo's Moral Failure

Laura S. Underkuffler

Nuance and Complexity in Regulatory Takings Law

Gregory M. Stein

In addition to these authors, the following participants lent their expertise at the conference: The Honorable Jonathan M. Apgar, Roanoke City Circuit Court; The Honorable Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit; The Honorable Rebecca Beach Smith, U.S. District Court for the Eastern District of Virginia; Tobey Prince Brigham, Brigham Moore, LLP; James S. Burling, Institute for Justice; Timothy J. Dowling, Community Rights; Steven J. Eagle, George Mason University School of Law; William A. Fischel, Dartmouth College; Eric A. Kades, William & Mary School of Law; Gideon Kanner, Loyola Law School; Richard J. Lazarus, Georgetown University Law Center; Daniel R. Mandelker, Washington University in St. Louis School of Law; and Ronald H. Rosenberg, William & Mary School of Law.

¹ 80 HARV. L. REV. 1165 (1967).

II. THE 2005 BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE

The *William & Mary Bill of Rights Journal* is also proud to publish pieces from the second annual Brigham-Kanner Property Rights Conference, which occurred on October 28–29, 2005, at the William & Mary School of Law and was co-sponsored by the William & Mary Property Rights Project and the Institute of Bill of Rights Law.

Professor Richard A. Epstein of the University of Chicago Law School was awarded the 2005 Brigham-Kanner Property Rights Prize. Professor Epstein is the director of the John M. Olin Program in Law and Economics and has vigorously contributed work in a wide range of legal debates, drawing citation by the Supreme Court of the United States.

In this issue, the *William & Mary Bill of Rights Journal* presents the following written contributions to the conference:

Taking Stock of Takings: An Author's Retrospective

Richard A. Epstein

Impact of Richard A. Epstein

James W. Ely, Jr.

Reconstructing Richard Epstein

Eduardo M. Peñalver

Takings: An Appreciative Retrospective

Eric R. Claeys

In addition to these published scholars, the following scholars served as panelists at the conference: Robert W. Ashbrook, Dechert, LLP; Vicki L. Been, New York University School of Law; Dana Berling, Institute for Justice; M. Timothy Iglesias, University of San Francisco School of Law; Eric A. Kades, William & Mary School of Law; Bradley C. Karkkainen, University of Minnesota Law School; S. William Moore, Brigham Moore, LLP; Mark Tunick, Florida Atlantic University; and Joseph T. Waldo, Waldo & Lyle, PC.

The *William & Mary Bill of Rights Journal* is driven to publish innovative, timely, and artful pieces that substantially contribute to the development of constitutional law. We trust these eminent ensembles provoke subsequent debate in the legal community to advance this development, especially in property rights. We are grateful to the participants for their additions to these ongoing discussions, particularly the authors of the articles included in this issue. We hope publication of these conferences properly honors Messrs. Brigham and Kanner for their service.