

WILLIAM & MARY LAW SCHOOL

NINTH ANNUAL
BRIGHAM - KANNER
PROPERTY RIGHTS CONFERENCE



AND PRESENTATION OF THE
2012 BRIGHAM-KANNER PRIZE TO
JAMES E. KRIER
UNIVERSITY OF MICHIGAN LAW SCHOOL

OCTOBER 11-12

Sponsored by
William & Mary Law School

Presented by the
William & Mary Property Rights Project
law.wm.edu/propertyrights

THURSDAY: OCTOBER 11, 2012

- 6:30p **Reception**
President's Gallery, Wren Building
(please note the Wren Building has limited accessibility for people with physical disabilities)
- 7:30p **Dinner and Presentation of the 2012 Brigham-Kanner Prize**
Great Hall, Wren Building

FRIDAY: OCTOBER 12, 2012

- 8:00a **Registration and Continental Breakfast**
William & Mary Law School
- 8:30-9:45 ***The Impact of a Leading Property Scholar***
Robert Ellickson, Walter E. Meyer Professor of Property and Urban Law, Yale Law School
Lee Ann Fennell, Max Pam Professor of Law and Herbert & Marjorie Fried Research Scholar, University of Chicago Law School
Thomas W. Merrill, Charles Evans Hughes Professor of Law, Columbia Law School
Carol Rose, Lohse Chair in Water and Natural Resources, University of Arizona College of Law; Gordon Bradford Tweedy Professor of Law and Organization, *Emerita*, Yale Law School
Comments: James E. Krier, Earl Warren DeLano Professor of Law, University of Michigan Law School
Moderator: Lynda L. Butler, Chancellor Professor & Director, William & Mary Property Rights Project, William & Mary Law School
- 9:45-11:00 ***The Judiciary's Role in Shaping Constitutionally Protected Property***
Alan Ackerman, Ackerman Ackerman & Dynkowski, P.C., Bloomfield Hills, Michigan
Daniel B. Kelly, Associate Professor of Law & Robert & Marion Short Scholar, Notre Dame Law School
The Honorable LeRoy F. Millette, Jr., Justice, Supreme Court of Virginia
Eduardo Moisés Peñalver, Professor of Law, Cornell Law School
Moderator: Joseph T. Waldo, Waldo & Lyle, P.C., Norfolk, Virginia
- 11:00-11:15 **Networking Break**
- 11:15a-12:45p ***Property Rights in Times of Economic Crisis***
James W. Ely, Jr., Milton R. Underwood Chair in Free Enterprise, Professor of Law, *Emeritus*, & Professor of History, *Emeritus*, Vanderbilt University
William Fischel, Professor of Economics & Robert C. 1925 & Hilda Hardy Professor of Legal Studies, Dartmouth College
Rachel D. Godsil, Eleanor Bontecou Professor of Law, Seton Hall University Law School
Eric Kades, Professor of Law, William & Mary Law School
Robert H. Thomas, Damon Key Leong Kupchak Hastert, Honolulu, Hawaii
Moderator: Lynda L. Butler, Chancellor Professor & Director, William & Mary Property Rights Project, William & Mary Law School

FRIDAY (CONT.)

- 12:45-1:30 **Lunch**
- 1:30-2:45 ***Property's Moral Dimension***
Gregory S. Alexander, A. Robert Noll Professor of Law, Cornell Law School
Eric R. Claeys, Professor of Law, George Mason University
Christopher Serkin, Professor of Law, Brooklyn Law School
Stewart E. Sterk, H. Bert and Ruth Mack Professor of Real Estate Law, Benjamin N. Cardozo School of Law
Moderator: Lynda L. Butler, Chancellor Professor & Director, William & Mary Property Rights Project, William & Mary Law School
- 2:45-3:00 **Networking Break**
- 3:00-4:30 ***Round Table: How Fundamental Are Property Rights?***
Robert Ellickson, Walter E. Meyer Professor of Property and Urban Law, Yale Law School
James W. Ely, Jr., Milton R. Underwood Chair in Free Enterprise, Professor of Law, *Emeritus*, & Professor of History, *Emeritus*, Vanderbilt University
Mark F. (Thor) Hearne, II, Arent Fox LLP, Washington, D.C.
James E. Krier, Earl Warren DeLano Professor of Law, University of Michigan Law School.
Richard E. Pipes, Frank B. Baird, Jr., Professor of History, *Emeritus*, Harvard University
Carol Rose, Lohse Chair in Water and Natural Resources, University of Arizona College of Law; Gordon Bradford Tweedy Professor of Law and Organization, *Emerita*, Yale Law School
Moderator: Joseph T. Waldo, Waldo & Lyle, P.C., Norfolk, Virginia
- 4:30-5:30 **Reception**

ABOUT THE CONFERENCE, PRIZE AND JOURNAL

The Brigham-Kanner Property Rights Conference, Prize, and Journal are named in recognition of Toby Prince Brigham and Gideon Kanner for their lifetime contributions to private property rights and their efforts to advance the constitutional protection of property. The Prize is awarded each year to an individual whose work affirms that property rights are fundamental to protecting individual liberty. The Conference Journal was established in 2012 to provide a forum for scholarly debate on property rights issues. The journal publishes papers presented at the annual conference in order to extend that debate to a wider audience.

THE NINTH ANNUAL
BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE
AND PRESENTATION OF THE 2012 BRIGHAM-KANNER PRIZE TO
JAMES E. KRIER
OCTOBER 11 - 12, 2012



James E. Krier, the Earl Warren DeLano Professor of Law, has been recognized for decades as a leading property scholar. He is known to many students and law faculty as the coauthor (with J. Dukeminier et al.) of the groundbreaking casebook *Property* (now in its 7th edition). He has taught courses on contracts, property, trusts and estates, behavioral law and economics, and pollution policy. His research interests are primarily in the fields of property and law and economics, and he is the author or coauthor of several books, including *Environmental Law and Policy*, *Pollution and Policy*, and *Property* (7th ed.). Professor Krier’s

most recent articles have been published in the Harvard Law Review, the Supreme Court Economic Review, the UCLA Law Review, and the Cornell Law Review. A professor of law at UCLA and Stanford before joining the Michigan Law faculty in 1983, he has been a visiting professor at Harvard Law School, Yeshiva University’s Benjamin N. Cardozo School of Law, and the University of Alabama Law School. He earned his BS with honors and his JD with highest honors from the University of Wisconsin, where he was articles editor of the Wisconsin Law Review. After graduation from law school, he served for one year as law clerk to the Hon. Roger J. Traynor, Chief Justice of the Supreme Court of California. He then practiced law for two years with Arnold & Porter in Washington, D.C.

The Brigham-Kanner Prize has previously been awarded to Frank I. Michelman, Harvard University (2004); Richard A. Epstein, University of Chicago (2005); James W. Ely, Jr., Vanderbilt University (2006); Margaret Jane Radin, University of Michigan (2007); Robert C. Ellickson, Yale University (2008); Richard E. Pipes, Harvard University (2009); Carol M. Rose, University of Arizona (2010); and retired Supreme Court Justice Sandra Day O’Connor (2011).

SPEAKERS & PARTICIPANTS AT A GLANCE

- ALAN ACKERMAN, Ackerman Ackerman & Dynkowski, P.C., Bloomfield Hills, Michigan
- GREGORY S. ALEXANDER, A. Robert Noll Professor of Law, Cornell Law School
- LYNDA L. BUTLER, Chancellor Professor of Law and Director, Property Rights Project
- ERIC R. CLAEYS, Professor of Law, George Mason University
- ROBERT ELLICKSON, Walter E. Meyer Professor of Property and Urban Law, Yale Law School
- JAMES W. ELY, JR., Milton R. Underwood Chair in Free Enterprise, Professor of Law, *Emeritus*, & Professor of History, *Emeritus*, Vanderbilt University
- LEE ANN FENNELL, Max Pam Professor of Law and Herbert & Marjorie Fried Research Scholar, University of Chicago Law School
- WILLIAM FISCHER, Professor of Economics & Robert C. 1925 & Hilda Hardy Professor of Legal Studies, Dartmouth College
- RACHEL D. GODSIL, Eleanor Bontecou Professor of Law, Seton Hall University Law School
- MARK F. HEARNE, II, Arent Fox LLP, Washington, D.C.
- ERIC KADES, Professor of Law, William & Mary Law School
- DANIEL B. KELLY, Associate Professor of Law & Robert & Marion Short Scholar, Notre Dame Law School
- JAMES E. KRIER, Earl Warren DeLano Professor of Law, University of Michigan Law School
- THOMAS W. MERRILL, Charles Evans Hughes Professor of Law, Columbia Law School
- THE HONORABLE LEROY F. MILLETTE, JR., Justice, Supreme Court of Virginia
- EDUARDO MOISÉS PEÑALVER, Professor of Law, Cornell Law School
- RICHARD E. PIPES, Frank B. Baird, Jr., Professor of History, *Emeritus*, Harvard University
- CAROL ROSE, Lohse Chair in Water and Natural Resources, James E. Rogers College of Law, University of Arizona; Gordon Bradford Tweety Professor of Law and Organization, *Emerita*, Yale Law School
- CHRISTOPHER SERKIN, Professor of Law, Brooklyn Law School
- STEWART E. STERK, H. Bert and Ruth Mack Professor of Real Estate Law, Benjamin N. Cardozo School of Law
- ROBERT H. THOMAS, Damon Key Leong Kupchak Hastert, Honolulu, Hawaii
- JOSEPH T. WALDO, Attorney at Law, Waldo & Lyle P.C., Norfolk, Virginia

WILLIAM & MARY CONFERENCE COORDINATING COMMITTEE
Lynda L. Butler, Chancellor Professor of Law and Director, William & Mary Property Rights Project
Joseph T. Waldo, Attorney at Law, Waldo & Lyle P.C., Norfolk, Virginia

CLE CREDIT PENDING

REGISTRATION AND FEES
The cost to attend Thursday evening’s reception and dinner is \$100 per person. The registration fee of \$50 includes admission to all conference panels, breakfast on Friday, and Friday afternoon’s lunch. Registration fee is waived for law students with advance registration. The registration deadline is October 5, 2012. Please call William & Mary Law School to register after this date at (757) 221-3796.

FEES
\$100 Thursday evening’s reception and dinner
\$50 Registration for conference panels, breakfast on Friday, and Friday afternoon’s lunch.

Early registration is encouraged. Your registration form will be acknowledged.

AIR TRANSPORTATION
Newport News/Williamsburg International Airport is approximately 30 minutes from the William & Mary campus. Williamsburg is also served by Richmond International and Norfolk International Airports, each one hour away.

ACCOMMODATIONS
A block of rooms has been reserved at the Williamsburg Hospitality House (415 Richmond Road) for attendees. Please call (800) 932-9192 to make your reservations and remember to mention the Property Rights Conference.

REFUNDS
Requests for refunds must be made in writing and received no later than September 28, 2012. Refund requests received after that date will be handled on a reasonable justification basis.

LOCAL ATTRACTIONS

COLONIAL WILLIAMSBURG
Located less than a mile from William & Mary Law School, Colonial Williamsburg is the world’s largest living history museum – the restored 18th-century capital city of Britain’s New World empire.



JAMESTOWN
Jamestown is the site of the first permanent English colony in America. Both the historic site and the museum are within a fifteen-minute drive from the Law School.

YORKTOWN NATIONAL BATTLEFIELD
Yorktown National Battlefield is the site of the last major battle of the Revolutionary War. The museum and battlefield are within a twenty-minute drive from the Law School.

Links to these and other attractions may be found on the web at www.visitwilliamsburg.com.

REGISTRATION

NINTH ANNUAL BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE
OCTOBER 11 - 12, 2012
Please print or type and use a separate form for each person registering.
Registration deadline: October 5, 2012

Name _____

Firm/affiliation _____

Title _____

Address _____

City _____ State _____ Zip _____

Phone number _____ Fax number _____

Email _____
Please let us know of any special needs you may have for participation in or access to the conference. Also, please inform us of any special dietary requests.

METHOD OF PAYMENT
☐ Check enclosed. Please make your check payable to William & Mary Law School.

Charge to my ☐ VISA ☐ MasterCard

Name as it appears on your credit card _____

Credit Card # _____

Expiration Day (month/year) _____

Signature of Cardholder _____

- ☐ Yes, I will attend the Thursday, October 11 dinner
- ☐ Please reserve _____ additional dinner tickets for accompanying person(s)
- ☐ Guest name(s) to list on name tag(s) for dinner: _____
- ☐ Please check if you are a student and wish to request a waiver of the registration fee

_____ Thursday evening’s reception and dinner (\$100 per person)
_____ Registration fee (\$50), includes admission to all panels, breakfast, and lunch. Fee waived for current law students with advance registration.
\$ _____ Total enclosed

Mail or fax to:
William & Mary Law School
Attn: Kathy Pond, Property Rights Conference
Post Office Box 8795, Williamsburg, VA 23187-8795
fax (757) 221-6329

Questions?
Please contact Kathy Pond
(757) 221-3796
ktpond@wm.edu