

**Fourteenth Annual
BRIGHAM-KANNER
PROPERTY RIGHTS CONFERENCE**
**and Presentation of the
2017 Brigham-Kanner Prize to
David Callies, Benjamin A. Kudo Professor of Law
at the University of Hawaii at Mānoa**

**October 12-13, 2017
Williamsburg, Virginia**

**Sponsored by
William & Mary Law School**

**Presented by the
William & Mary Property Rights Project**



**WILLIAM & MARY
LAW SCHOOL**

WILLIAM & MARY LAW SCHOOL

THE BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE

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 constitutional protection of property. The Brigham-Kanner Property Rights Conference began in 2004 at William & Mary Law School. The Conference is designed to bring together members of the bench, bar, and academia to explore recent developments in the law that affect property rights. The Prize is awarded each year to an individual whose work affirms that property rights are fundamental to protecting individual liberty.

The *Brigham-Kanner Property Rights 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 with the goal of extending the debate to a wider audience. Through the *Journal*, the Property Rights Project ensures that the proceedings of the Conference and any accompanying nonconference articles selected for publication are preserved and made available on its website for all interested parties. The *Journal* is available in print and electronic form through the Project's website, <http://law.wm.edu/academics/intellectuallife/researchcenters/property-rights-project/conference-journal/index.php>.

SCHEDULE

OF EVENTS

Thursday, October 12, 2017

- 6:30 pm** **RECEPTION**
President's Gallery, Wren Building
(please note the Wren Building has limited accessibility for people with physical disabilities)
- 7:30 pm** **DINNER AND PRESENTATION OF THE 2017 BRIGHAM-KANNER PRIZE**
Great Hall, Wren Building

Friday, October 13, 2017

- 8:30 am** **REGISTRATION AND CONTINENTAL BREAKFAST**
William & Mary Law School
- 9:00 am – 10:30 am** **Panel 1: *The Future of Land Use Regulation: A Tribute to Callies***

Comprehensive land use regulation has been an integral part of our legal and political system since the United States Supreme Court first upheld a comprehensive zoning ordinance in *Village of Euclid v. Ambler Realty Co.* David Callies, the 2017 prize recipient, has focused much of his scholarly work on land use regulation—on the evolution of state and local laws governing land use, on the problems and issues that they raise, and on constitutional limits of land use regulation. Using Callies's work as a springboard, Panel 1 will discuss the future of land use regulation, particularly in light of evolving constitutional limits and the tensions between public and private rights.

Opening Remarks, David L. Callies, FAICP, Benjamin A. Kudo Professor of Law, William S. Richardson School of Law, University of Hawai'i at Mānoa

Panelists

Michael M. Berger, Partner, Manatt, Phelps & Phillips, LLP, Los Angeles, California

James W. Ely Jr., Milton R. Underwood Professor of Law, Emeritus, and Professor of History, Emeritus, Vanderbilt University

Shelley Saxer, Laure Sudreau-Rippe Chair in Law, Pepperdine University School of Law

Robert H. Thomas, Damon Key Leong Kupchak Hastert, Honolulu, Hawaii

Moderator

Lynda L. Butler, Chancellor Professor of Law and Director, Property Rights Project, William & Mary Law School

10:30 am – 10:45 am **Networking Break**

10:45 am – 12:00 noon **Panel 2: *Challenges to the Western Idea of Property***

As the income divide among the world's peoples widens and as climate change proceeds faster than predicted, challenges to the western idea of property are mounting. Throughout the world, the poor and the displaced are questioning whether a capitalist property regime can ever work for them or their children. Can a western system of private property become more inclusive? Are there ways to reform it to address the challenges and needs of the poor and the dis-

placed? Do the belief systems of Indigenous and other peoples provide more effective ways to define the relationship between humans and nature? Panel 2 will consider these and other questions.

Panelists

Craig Anthony (Tony) Arnold, Boehl Chair in Property and Land Use, University of Louisville

Kristen A. Carpenter, Associate Dean for Research & Council Tree Professor of Law, University of Colorado Law School

Angela R. Riley, Professor of Law and Director, Native Nations Law and Policy Center, UCLA School of Law

Mark D. Savin, Fredrikson & Byron, P.A., Minneapolis, Minnesota

Moderator

James Y. Stern, Associate Professor, William & Mary Law School

**12:15 pm – 1:15 pm Lunch Roundtable:
Public/Private Partnerships, Civil Forfeiture, Infrastructure Takings, and Other Emerging Issues in Constitutional Protection of Property**

Panelists

Andrew Prince Brigham, Brigham Property Rights Law Firm, PLLC, Jacksonville, Florida

Gideon Kanner, Professor of Law, Emeritus, Loyola Law School

Mark F. (Thor) Hearne II, Partner, Arent Fox LLP Law Firm, St. Louis, Missouri

Zygmunt J.B. Plater, Professor of Law, Boston College Law School; Coordinator, Boston College Land & Environmental Law Program

Moderator

Joseph T. Waldo, Partner & President, Waldo & Lyle, P.C., Norfolk, Virginia

1:30 pm – 2:45 pm Panel 3: *Property Rights in Water*

Rising population and increasingly severe water shortages have led to serious crises in the United States and the world. Efforts to deal with water shortages in the United States are often met with lawsuits from water rights holders whose uses are restricted or curtailed. For those rights holders, even severe drought conditions do not justify changes to their water allocations. Panel 3 will consider the extent to which government may limit or prohibit water use in times of prolonged water scarcity. Topics include the role of public health and safety factors (such as adequate water supplies for safe drinking and firefighting), the constitutionality of laws limiting water use of riparian owners, the priority of environmental water rights, and more generally the impact of drought and climate change on traditional water allocation systems.

Panelists

Robert H. (“Bo”) Abrams, Professor of Law, Florida A&M University

Eric C. Alston, Scholar-in-Residence & Faculty Director, Hernando de Soto Capital Markets Program, University of Colorado Boulder

Holly Doremus, James H. House and Hiram H. Hurd Professor of Environmental Regulation, UC Berkeley Law School

Renee Moulun, Assistant Attorney-in-Charge, Natural Resources Section, Oregon Department of Justice

Moderator

Linda Malone, Marshall-Wythe Foundation Professor of Law, William & Mary Law School

2:45 pm – Networking Break
3:00 pm

3:00 pm – Panel 4: *The*
4:15 pm *Denominator Problem*
and Other Emerging
Issues in the Regulatory
Takings Field

Though the regulatory takings doctrine has existed for almost one hundred years, *Murr v. Wisconsin* demonstrates that key issues remain unsettled, including how to define the property that is at issue. The answer matters a lot, affecting whether a government regulation has taken all of the property or instead only a part. Panel 4 will consider *Murr* and other emerging issues in regulatory takings law.

Panelists

Stuart Banner, Norman Abrams
Professor of Law, UCLA School of
Law, Los Angeles, California

Steven J. Eagle, Professor of Law,
Antonin Scalia Law School, George
Mason University

John Groen, Executive Vice President
& General Counsel, Pacific Legal
Foundation

Zygmunt J.B. Plater, Professor of Law,
Boston College Law School;
Coordinator, Boston College Land &
Environmental Law Program

Moderator

Stephen J. Clarke, Partner, Waldo &
Lyle, P.C., Norfolk, Virginia

4:15 pm – RECEPTION
4:45 pm

THE BRIGHAM-KANNER

PROPERTY RIGHTS PRIZE

Every year during the Brigham-Kanner Property Rights Conference, the Property Rights Project presents the Brigham-Kanner Prize to an outstanding figure in the field. The Prize is named in recognition of Toby Prince Brigham and Gideon Kanner for their lifetime contributions to private property rights, their efforts to advance constitutional protections of property, and their accomplishments in preserving the important role that private property plays in protecting individual and civil rights. Toby Prince Brigham is a founding partner of Brigham Moore, LLP, in Florida and, prior to his retirement, practiced eminent domain and property rights law for more than fifty years. Gideon Kanner is Professor of Law, *Emeritus*, at Loyola Law School in Los Angeles, California.

This year, the Brigham-Kanner Prize will be awarded to Professor David L. Callies for his outstanding contributions as a practitioner and scholar.

David L. Callies



A prolific scholar whose work explores land use, property, and state and local government law, Callies has lectured around the world and authored or collaborated on more than ninety articles and twenty books. He is the Benjamin A. Kudo Professor of Law at the University of Hawai‘i at Mānoa. He is an elected member of the College of Fellows, American Institute of Certified Planners; a member of the American College of Real Estate Lawyers; and a member of the prestigious American Law Institute since 1990. Prior to entering academia, he was an attorney in private practice and an assistant state’s attorney.

Callies’ previous recognitions include The Owners’ Counsel of America’s Crystal Eagle Award, the Lambda Alpha International Member of the Year Award, and the Jefferson Fordham Lifetime Achievement Award, which is conferred by the ABA’s Section of State and Local Government Law. He was awarded a University of Hawai‘i Regents Medal for Excellence in Teaching in 2009.

PAST RECIPIENTS

OF THE BRIGHAM-KANNER PRIZE



2004

Frank I. Michelman

Frank I. Michelman is Robert Walmsley University Professor, *Emeritus*, at Harvard University, where he taught from 1963 to 2012. He is the author of *Brennan and Democracy* (1999), and has published widely in the fields of property law and theory, constitutional law and theory, comparative constitutionalism, South African constitutionalism, local government law, and general legal theory. Professor Michelman is a fellow of the American Academy of Arts and Sciences and a past President (1994-1995) of the American Society for Political and Legal Philosophy. He has served on the Committee of Directors for the annual Prague Conference on Philosophy and the Social Sciences, the Board of Directors of the United States Association of Constitutional Law, and the National Advisory Board of the American Constitution Society. In 2005, Professor Michelman was awarded the American Philosophical Society's Phillips Prize in Jurisprudence and, in 2004, the Brigham-Kanner Property Rights Prize.

In January, 1995, and again in January 1996, Professor Michelman served as a co-organizer and co-leader of Judges' Conferences sponsored by the Centre on Applied Legal Studies of the University of the Witwatersrand, devoted to matters of constitutional law in South Africa. In December, 2011, Professor Michelman delivered the keynote address for a multi-day conference on "The 20th Anniversary of Israel's Human Rights Revolution," at a session held at the Knesset, Jerusalem.



2005

Richard A. Epstein

Professor Richard A. Epstein is the inaugural Laurence A. Tisch Professor of Law at the New York University School of Law. He is also the Peter and Kirsten Bedford Senior Fellow at the Hoover Institution, and the James Parker Hall Distinguished Service Professor of Law, *Emeritus*, and Senior Lecturer at the University of Chicago Law School. He is an Adjunct Scholar at the Cato Institute, and a Visiting Scholar at the Manhattan Institute. He has served as editor of the *Journal of Legal Studies* and the *Journal of Law and Economics*. He has written on a wide range of legal and interdisciplinary topics and is the author of numerous works including *The Classical Liberal Constitution: The Uncertain Quest for Limited Government* (Harvard University Press 2014), *Design for Liberty: Private Property, Public Administration, and the Rule of Law* (Harvard University Press 2011), *Skepticism and Freedom: A Modern Case for Classical Liberalism* (University of Chicago Press 2003), *Simple Rules for a Complex World* (Harvard University Press 1995), *Bargaining with the State* (Princeton University Press 1993) and *Takings: Private Property and the Power of Eminent Domain* (Harvard University Press 1985). He was inducted into the American Academy of Arts and Sciences in 1985 and was awarded the Bradley Prize in 2011.



2006

James W. Ely, Jr.

Professor James W. Ely, Jr., is Milton R. Underwood Professor of law, *Emeritus*, and Professor of History, *Emeritus*, 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* (Oxford University Press 3rd ed. 2008), *American Legal History: Cases and Materials* (Oxford University Press 4th ed. 2011) (with Kermit L. Hall and Paul Finkelman), *The Fuller Court: Justices, Rulings, and Legacy* (ABC-CLIO 2003), *Railroads and American Law* (University Press of Kansas 2001), and *The Chief Justiceship of Melville W. Fuller, 1888–1910* (1995) (paperback edition 2012). His most recent book is *The Contract Clause: A Constitutional History* (2016). Ely served as assistant editor of the *American Journal of Legal History* from 1987 to 1999.



2007

Margaret Jane Radin

Professor Margaret Jane Radin is the Henry King Ransom Professor of Law at the University of Michigan Law School and Faculty of Law Distinguished Research Scholar at the University of Toronto. Prior to joining the Michigan faculty in fall 2007, she was the William Benjamin Scott and Luna M. Scott Professor of Law at Stanford University, and director of Stanford Law School's Program in Law, Science, and Technology. She also has been on the faculty of the University of Southern California Law Center and has been a visiting professor at UCLA, NYU, Berkeley, and Harvard. Radin has published prolifically on property rights theory and institutions, commodification, intellectual property, and cyberlaw, as well as on contracts and legal theory. Highlights of her property scholarship include *Contested Commodities* (Harvard University Press

1996) and *Reinterpreting Property* (University of Chicago Press 1993). Radin is a Fellow of the American Academy of Arts and Sciences.



2008

Robert C. Ellickson

Professor Robert C. Ellickson is the Walter E. Meyer Professor of Property and Urban Law at Yale Law School. Prior to joining the Yale faculty in 1988, he was a member of the law faculties at the University of Southern California and Stanford University. Professor Ellickson's books include *The Household: Informal Order Around the Hearth* (Princeton University Press 2008), *Order Without Law: How Neighbors Settle Disputes* (Harvard University Press 1991), *Land Use Controls* (with Vicki L. Been) (Aspen Law and Business 3rd ed. 2005), and *Perspectives on Property Law* (with Carol M. Rose and Bruce A. Ackerman) (Aspen Law and Business 3rd ed. 2002). He is a fellow of the American Academy of Arts and Sciences and was President of the American Law and Economics Association in 2001.



2009

Richard E. Pipes

Richard E. Pipes is the Frank B. Baird, Jr., Professor of History, *Emeritus*, at Harvard University. Among his appointments, he served as director of Harvard University's Russian Research Center from 1968–1973, as chairman of the CIA's "Team B" to review Strategic Intelligence Estimates in 1976, and as director of East European and Soviet Affairs in President Ronald Reagan's National Security Council from 1981–1982. Professor Pipes's books include *Formation of the Soviet Union: Communism and Nationalism, 1917–1923* (Russian Research Center Studies 1954, 1964, 1998), *Struve: Liberal on the Left, 1870–1905* (Russian Research Center Studies 1970) (v. 1), *Russia under the Old Regime* (Penguin History 1974), *Struve: Liberal on the Right, 1905–1944*

(Russian Research Center Studies 1980) (v. 2), *The Russian Revolution* (Vintage 1990), *Russia under the Bolshevik Regime* (Vintage 1994), *Property and Freedom* (Vintage 1999), *Communism: A History* (Modern Library 2001), *Vixi: The Memoirs Property and the Power of Eminent Domain* (Harvard University Press 1985). He was inducted into the American Academy of Arts and Sciences in 1985 and was awarded the Bradley Prize in 2011.



2010

Carol M. Rose

Carol M. Rose is the Gordon Bradford Tweedy Professor of Law and Organization, *Emerita*, at Yale Law School and the Ashby Lohse Professor of Water and Natural Resource Law, *Emerita*, at the University of Arizona Law College. Her research focuses on history and theory of property, and on the relationships between property and environmental law. Her writings include four books: *Saving the Neighborhood: Racially Restrictive Covenants, Law, and Social Norms* (with R. R. W. Brooks, 2013); *El Derecho de Propiedad en Clave Interdisciplinaria* (2010) [The Right to Property in an Interdisciplinary Key]; *Property and Persuasion* (1994); and *Perspectives on Property Law* (4th ed. 2014, with R.C. Ellickson and H. E. Smith), as well as numerous articles on traditional and modern property regimes, environmental law, natural resource law, and intellectual property. Her work has appeared in journals and anthologies in other countries and has been translated into other languages, particularly Italian, Spanish, and Chinese. She has degrees from Antioch College (BA Philosophy), the University of Chicago (MA Political Science, JD Law), and Cornell University (Ph.D. History), and an Honorary Degree from the Chicago Kent College of Law. She is on the Board of Editors of the Foundation Press and is a member of the American Academy of Arts and Sciences.



2011

Justice Sandra Day O'Connor

Justice Sandra Day O'Connor received the 2011 prize at the eighth annual conference, which was held in Beijing. The 2011 conference was co-sponsored by Tsinghua University School of Law and was a featured event during the university's celebration of the hundredth anniversary of its founding.

Justice O'Connor served as an associate justice of the Supreme Court from 1981 to 2006 and as Chancellor of the College of William & Mary from 2005 until 2011. In May 2010, the William & Mary Law School faculty awarded her its highest honor, the Marshall-Wythe Medallion, in recognition of her exceptional accomplishments and leadership. Justice O'Connor served as an Arizona assistant attorney general from 1965 to 1969, when she was appointed to a vacancy in the Arizona Senate. In 1974, she ran successfully for trial judge, a position she held until she was appointed to the Arizona Court of Appeals in 1979. Eighteen months later, on July 7, 1981, President Ronald Reagan nominated her to the Supreme Court.



2012

James E. Krier

Professor James E. Krier, Earl Warren DeLano Professor of Law at University of Michigan Law School, was awarded the 2012 Brigham-Kanner Property Rights Prize at the ninth annual conference. He teaches courses on 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* (with R.B. Stewart) (Bobbs-Merrill Co. 1978), *Pollution and Policy* (with E. Ursin) (University of California Press 1977) and *Property* (Aspen Publishing 7th ed.

2010). His most recent articles have been published in *Harvard Law Review*, *Supreme Court Economic Review*, *UCLA Law Review*, and *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 both Harvard University Law School and Cardozo School of Law.



2013

Thomas W. Merrill

Thomas W. Merrill is the Charles Evans Hughes Professor of Law at Columbia Law School, where he teaches property, torts, and administrative law. He previously taught at Northwestern University School of Law and Yale Law School. He has undergraduate degrees from Grinnell College and Oxford University and a law degree from the University of Chicago. He clerked on the D.C. Circuit (for Chief Judge David Bazelon) and the U.S. Supreme Court (for Justice Harry Blackmun) and served as Deputy Solicitor General (from 1987 to 1990). Professor Merrill is the author of *Property: Principles and Policies* (Foundation Press 2nd ed. 2012) (with Henry E. Smith); *The Oxford Introductions to U.S. Law: Property* (2010) (also with Smith); and *Property: Takings* (Foundation Press 2002) (with David Dana); as well as numerous articles. He is a member of the American Academy of Arts and Sciences.



2014

Michael M. Berger

Michael M. Berger is one of the top eminent domain and land use lawyers in the United States. His appellate practice at Manatt, Phelps & Phillips has involved condemnation, due process, and equal protection. He is the first practicing lawyer to receive the Brigham-Kanner Property Rights Prize and is considered by his peers to be among the best takings lawyers in the nation.

Mr. Berger has argued four cases before the U.S. Supreme Court, as well as cases before appellate courts throughout California, numerous federal courts of appeal, and several state supreme courts. He is also a frequent author of amicus curiae briefs in various appellate courts, particularly the U.S. Supreme Court, pressing client interests in important pending cases. His energetic defense of property owners contributed major decisions to Fifth Amendment jurisprudence in cases such as *Tahoe-Sierra* (where Mr. Berger's opposing counsel was John Roberts, who is now Chief Justice of the United States), *Del Monte Dunes*, *Preseault*, and *First English*. After attending Brandeis University, Mr. Berger received his J.D. from Washington University School of Law and his LL.M. (in real property) from the University of Southern California.

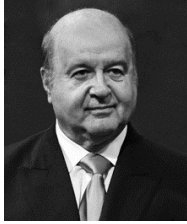


2015

Joseph William Singer

Singer has long been recognized as one of the nation's foremost theorists in property law. In addition to a casebook and treatise on property law, he is the author of *Entitlement: The Paradoxes of Property* (Yale University Press 2000), *The Edges of the Field: Lessons on the Obligations of Ownership* (Beacon Press 2000), and *No Freedom without Regulation: The Hidden Lesson of the Subprime Crisis* (Yale University Press 2015).

Singer, who joined the Harvard Law School faculty in 1992, was appointed Harvard's Bussey Professor of Law in 2006. Prior to that, he taught at Boston University School of Law, practiced law in Boston, and served as a law clerk to Justice Morris Pashman of the Supreme Court of New Jersey. In addition to books on property law and federal Indian law, he has published more than seventy law review articles. He received his law degree and master's degree (Political Science) from Harvard and is a graduate of Williams College.



2016

Hernando de Soto

Hernando de Soto is the author of *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (Basic Books 2000); *The Other Path: The Economic Answer to Terrorism* (Basic Books 2002), which includes a new updated preface, “The Other Path after Ten Years”; and *Swiss Human Rights Book Volume 1: Realizing Property Rights* (2006), co-authored with Francis Cheneval. He has received numerous international recognitions and honors, including, for example, the Adam Smith Award (Association of Private Enterprise Education), BearingPoint, Inc.-Forbes Magazine Compass Award for Strategic Direction, the CARE Canada Award for Outstanding Development Thinking, *The Economist* magazine’s Innovation Award, the Freedom Prize (Max Schmidheiny Foundation), and the Milton Friedman Prize for Advancing Liberty (Cato Institute).

PANELISTS AND MODERATORS

BIOGRAPHIES



Robert H. (Bo) Abrams

Robert H. Abrams is Professor of Law at Florida A&M University. He is co-author of two textbooks, *Legal Control of Water Resources* and *Environmental Law and Policy*. He is a life member of the American Law Institute, a past Chair of the ABA Water Resources Committee, and a current Vice Chair of that committee.



Eric C. Alston

Eric Alston's research is in the field of institutional and organizational analysis, which draws from the disciplines of economics, law, and political science. Eric's projects include a co-authored institutional-analysis textbook, constitutional-design studies, and archival research into property rights along frontiers. Eric's service activities include provenance of educational materials, instructional workshops, and comparative expertise to constitutional-drafting processes worldwide.



Craig Anthony (Tony) Arnold

Tony Arnold is the Boehl Chair in Property and Land Use at the University of Louisville, where he teaches in the Brandeis School of Law and the Department of Urban and Public Affairs and also directs the interdisciplinary Center for Land Use and Environmental Responsibility. He writes and teaches at the intersection of property, land use, water, and the environment.



Stuart Banner

Stuart Banner is the Norman Abrams Professor of Law at UCLA. His most recent book is *Speculation: A History of the Fine Line Between Gambling and Investing* (Oxford University Press 2017). In *Murr v. Wisconsin* he was counsel for amici curiae National Association of Counties et al.



Andrew Prince Brigham

Mr. Brigham has over twenty-five years of experience representing property owners in condemnation and property rights cases. Over his career, he has participated in both constitutional and legislative reforms of property rights. As a trial lawyer, he obtained the largest jury trial verdict in state court eminent domain proceedings in Florida. He frequently lectures on property rights and trial advocacy.



Lynda L. Butler

Lynda Butler specializes in property rights and property law, land and water use, and environmental policy. She received her J.D. from the University of Virginia and her B.S. from the College of William & Mary. Prior to joining the faculty at William & Mary Law School, she practiced at Wilmer, Cutler & Pickering in Washington, D.C.

**Kristen Carpenter**

Kristen Carpenter is Council Tree Professor of Law at the University of Colorado Law School, where her teaching and research focus on issues of property, culture, religion, and human rights. Professor Carpenter also serves on the United Nations Expert Mechanism on the Rights of Indigenous Peoples as its member from North America. She is a graduate of Dartmouth College and Harvard Law School.

**Stephen J. Clarke**

Believing that property rights are fundamental to liberty, Steve limits his practice to representing property owners in eminent domain and property rights litigation. Steve has appeared in courts around Virginia and in West Virginia, representing homeowners, farmers, small business owners, and Fortune 500 companies. He regularly speaks and writes about the importance of private property ownership.

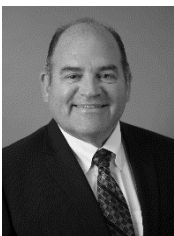
**Holly Doremus**

Holly Doremus is an elected Fellow of the American Association for the Advancement of Science and a member of the Board of Directors of Defenders of Wildlife. She holds a Ph.D. in plant physiology from Cornell University and a J.D. from UC Berkeley. The intersection between property rights and environmental regulation has been a major focus of her scholarship.

**Steven J. Eagle**

Steven J. Eagle teaches property and land use law at the Antonin Scalia Law School at George Mason University. He is the author of numerous scholarly and popular articles on the nature of property rights and land use regulation, and on public policy relating to housing. He lectures extensively on these topics.

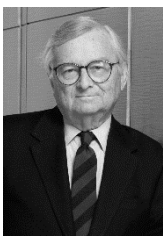
Professor Eagle is a graduate of the Yale Law School, and an elected member of the American Law Institute and a Fellow of the American College of Real Estate Lawyers.

**John Groen**

John Groen has extensive experience in public interest litigation before all levels of federal and state courts. He joined Pacific Legal Foundation ("PLF") in 1987 and nine years later founded Groen Stephens & Klinge LLP, in Bellevue, Washington, where he litigated land use issues and takings claims. In 2015, John returned to PLF and is now Executive Vice President and General Counsel. On behalf of the Murr family, he argued *Murr v. Wisconsin* at the United States Supreme Court.

**Mark F. (Thor) Hearne II**

Thor Hearne has earned a national reputation for his work in three areas of legal practice: complex federal and state litigation and appeals, especially matters involving property rights; constitutional law; and election issues. Thor has been counsel to high net-worth families and closely held businesses on wealth preservation and tax and succession planning, and political and election law.

**Gideon Kanner**

Gideon Kanner has been an advocate for individual property rights. He has acted as counsel for parties and amici curiae in eminent domain and inverse condemnation cases in the U.S. Supreme Court and the California Supreme Court. Prior to his retirement, he was Professor of Law at the Loyola Law School in Los Angeles, where he taught property, land use, eminent domain, and advanced appellate advocacy from 1974 to 1990. He currently serves as Professor of Law, *Emeritus*. He is the recipient of the Shattuck Prize of the American Institute of Real Estate Appraisers and the Harrison Tweed Award of ALI-ABA.

**Renee Moulun**

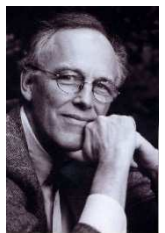
Renee Moulun is general counsel for the Oregon Water Resources Department and the Oregon Department of Agriculture, has expertise in water quantity and water quality issues, and has been an adjunct professor of Water Law at the University of Oregon School of Law and at Lewis and Clark Law School.

**Angela R. Riley**

Angela R. Riley (Citizen Potawatomi Nation) is Professor of Law at UCLA. She received her B.A. from the University of Oklahoma and her J.D. from Harvard. In 2003 she became the first female Justice of the Citizen Potawatomi Nation Supreme Court and has served as Chief Justice since 2010. She currently Co-Chairs a U.N. based policy board regarding indigenous rights and recently served as a visiting professor at Harvard Law School.

**Linda A. Malone**

Linda A. Malone is the Marshall-Wythe Foundation Professor of Law and the Founding Director of the Human Security Law Center at the College of William and Mary School of Law. She is a member of the American Law Institute and a board member of the International Society for the Reform of Criminal Law. She has authored and co-authored twelve books on international law, human rights, and environmental law, including *Environmental Regulation of Land Use*, the preeminent book in that field for nearly thirty years.

**Zygmunt J. B. Plater**

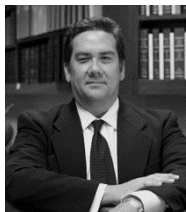
Zygmunt Plater has taught on seven faculties and teaches Property and Environmental Law at Boston College Law School. His professional work includes the Exxon-Valdez Commission; BP Deepwater Horizon; predatory condemnation; stripmining; "Civil Action" toxics; whale entanglement; chemical pollution; parklands; etc. With students, he won the U.S. Supreme Court's first major endangered species case and a unanimous economic verdict in the first, Cabinet-level, ESA God Committee. His books include *The Snail Darter and the Dam*, and *Environmental Law & Policy: Nature, Law & Society* (casebook).

**Mark D. Savin**

Mark Savin is a lawyer with Fredrikson & Byron's Minneapolis Eminent Domain Group. He represents institutional clients, national and regional companies, and smaller business owners in takings litigation. He was previously a participant in the 2013 Brigham-Kanner conference and the 2016 conference in The Hague. Mr. Savin has a J.D. from the University of Minnesota and a Ph.D. from Stanford University.

**Shelley Saxer**

Shelley Ross Saxer is the Laure Sudreau-Rippe Chair in Law at Pepperdine University School of Law. While in law school, Dean Saxer served as the chief managing editor of the *UCLA Law Review*. Professor Saxer teaches property, land use, environmental law, water law, and community property. She is a co-author with Professor Callies on a Land Use casebook published by West.

**Robert H. Thomas**

Robert H. Thomas (LLM, Columbia Law; JD, University of Hawai'i Law School), a Director with Damon Key Leong Kupchak Hastert, focuses on appellate law, regulatory takings, and eminent domain. He is a member of Owners' Counsel of America and is the Managing Attorney for the Pacific Legal Foundation Hawaii Center. Previously, he taught law at the University of Santa Clara and beginning in 2016 will be Chair-Elect of the ABA's Section of State & Local Government Law.

**James Y. Stern**

James Y. Stern is Associate Professor of Law at William & Mary Law School. He writes on property law and theory, intellectual property, and conflict of laws. Professor Stern received his A.B. from Harvard and his J.D. from the University of Virginia, and he served as law clerk to Judge J. Harvie Wilkinson and Justice Anthony Kennedy.

**Joseph T. Waldo**

The founder of the Brigham-Kanner Property Rights Conference, Joe Waldo has practiced law since graduating from William & Mary Law School. He obtained his B.A. from the University of North Carolina at Chapel Hill. In 1998, he founded Waldo & Lyle, P.C., the only law firm in Virginia exclusively dedicated to representing property owners in eminent domain proceedings. He has tried over on hundred cases on behalf of property owners facing the exercise of the power of eminent domain. He lectures, writes, and frequently makes appearances to advocate for the defense of individual property rights, drawing the connection to individual liberty and human dignity.

WILLIAM & MARY

LAW SCHOOL

Legal education began at William & Mary in 1779 at the urging of Thomas Jefferson. He was governor of Virginia at the time and a member of the College's Board of Visitors. Jefferson believed that aspiring members of the profession should be trained to be citizen lawyers—passionate legal advocates and honorable human beings. The College's Board created the first Chair of Law in the United States in that year, naming George Wythe as its first occupant. Students of Wythe included Thomas Jefferson, John Marshall, James Monroe, and Henry Clay. The growth of the law school was halted by the beginning of the Civil War in 1861. Sixty years later, the study of law was revived in a modern program that attracts students from all regions of the nation.

William & Mary Law School has hosted the Brigham-Kanner Property Rights Conference since 2004. In 2011 William & Mary co-sponsored the Conference with Tsinghua Law School in Beijing, China, and with the Grotius Center of International Legal Studies in The Hague, the Netherlands in 2016.

THE COLLEGE OF

WILLIAM & MARY

Chartered in 1693 by Queen Mary II and King William III of England, The College of William and Mary is the second oldest institution of higher learning in the country. The College's student body has just over 8,740 full-time (graduate and undergraduate) students with a twelve to one student/faculty ratio. *U.S. News and World Report: Best Colleges 2018* ranks the College sixth among top public schools in the country. Known as “the alma mater of a nation,” William & Mary has educated three American presidents—Thomas Jefferson, James Monroe and John Tyler—and George Washington served as its first chancellor.

W. Taylor Reveley, III, was sworn in as the twenty-seventh president of The College of William & Mary on September 5, 2008, after serving as interim president since February 2008. Before assuming his current post, he served as dean of William & Mary Law School for almost a decade, starting in August 1998. He is the John Stewart Bryan Professor of Jurisprudence.