

SCHEDULE OF EVENTS

(All times listed are Eastern Time Zone)

Thursday, October 1, 2020

**6:00 pm-
7:30 pm** **PRESENTATION OF THE
2020 BRIGHAM-KANNER
PRIZE**
Zoom Webinar

Speakers

A. Benjamin Spencer, Dean and
Chancellor Professor, William & Mary
Law School

Andrew Prince Brigham, Esq., Attorney
and Managing Owner, Brigham
Property Rights Law Firm,
Jacksonville, Florida

Lynda Butler, Chancellor Professor &
Director, Property Rights Project,
William & Mary Law School

*Prize Recipient: Henry E. Smith,
Fessenden Professor of Law and Director
of the Project on the Foundations of
Private Law, Harvard Law School*

Friday, October 2, 2020

**11:00 am –
12:30 pm** **Panel 1: *Where Theory
Meets Practice: A
Tribute to Henry E.
Smith***
Zoom Webinar

From a traditional land-centric system to the bundle of sticks approach recognizing distinct sticks as interests in property and the more recent systems view focusing on the architecture of property, theorists have long debated how to justify and conceptualize property. The theory taken matters greatly to the meaning of property rights and to how attorneys practice in this field. Rules developed under a traditional system may lose their relevance under a

theory disaggregating and commodifying sticks in the bundle, while a theory focusing on the architecture of property may renew interest in doctrine and concepts once thought to be outdated. As one of the nation's leading property theorists, Henry Smith has reinvigorated debate about the concepts, policies, and norms shaping the institution of property. Using Smith's work as a springboard, Panel 1 will discuss the ways theoretical approaches affect property rights and interact with the practice of property law.

*Opening Remarks, Henry E. Smith,
Fessenden Professor of Law and Director
of the Project on the Foundations of
Private Law, Harvard Law School*

Panelists

Robert C. Ellickson, Walter E. Meyer
Professor Emeritus of Property and
Urban Law and Professorial Lecturer in
Law, Yale Law School

Carol M. Rose, Gordon Bradford
Tweedy Professor of Law and
Organization, Emerita, Yale Law
School; and Ashby Lohse Professor of
Water and Natural Resource Law,
Emerita, University of Arizona Law
College

Thomas W. Merrill, Charles Evans
Hughes Professor of Law, Columbia
Law School

Steve Weise, Partner, Proskauer Rose
LLP, Los Angeles, California

Moderator

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

12:45 pm – 2:00 pm **Panel 2: *The Housing Crisis***
Zoom Webinar

An increasing number of people in the United States are rent-burdened, homeless, or facing foreclosure. The alarming growth in the low-income and homeless populations has been compounded by Covid-19 and the economic consequences of the pandemic. Panel 2 will discuss the nature and scope of the housing crisis, focusing on legal, moral, and policy issues raised by the crisis. In addition to discussing causes and impacts of the crisis, the panel will consider different strategies and proposals for addressing the crisis. Possible topics include deregulatory strategies like zoning abolition and developer mandates, eviction laws and processes, criminalization, and inclusionary zoning.

Panelists

Lisa T. Alexander, Professor of Law and Co-Director, Program in Real Estate and Community Development Law, Texas A&M School of Law

Ezra Rosser, Professor, American University, Washington College of Law

James S. Burling, Vice President for Legal Affairs, Pacific Legal Foundation, Sacramento, California

Wendie L. Kellington, Attorney, Kellington Law Group, PC, Lake Oswego, Oregon

Moderator

Myrisha S. Lewis, Associate Professor of Law, William & Mary Law School

2:15 pm – 3:15 pm **Roundtable: *Emerging Issues in Takings and Eminent Domain Law***
Zoom Webinar

Panelists

Maureen Brady, Assistant Professor of Law, Harvard Law School

Christian Torgrimson, Partner, Parker Poe Adams & Bernstein LLP, Atlanta, Georgia

Jeremy P. Hopkins, Partner, Cranfill Sumner & Hartzog LLP, Raleigh, North Carolina

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

Moderator

Andrew Prince Brigham, Esq., Attorney and Managing Owner, Brigham Property Rights Law Firm, Jacksonville, Florida

3:30 pm – 4:45 pm **Panel 3: *The Reach of Government's Confiscatory Powers over Exigencies and Emergencies***
Zoom Webinar

As government regulation of property has expanded, property owners increasingly are challenging the laws as confiscatory, unfair, and illegitimate. Panel 3 will examine the extent to which government may exercise its police or eminent domain powers to address serious threats to the public health, welfare, and safety. Recent perils have included persistent flooding, the pandemic (resulting in mandatory orders restricting or banning business operations), blight conditions, border safety, and market failures, among others.

Panelists

David L. Callies, FAICP, Benjamin A. Kudo Professor of Law, William S. Richardson School of Law, University of Hawaii at Manoa

Nicole Stelle Garnett, John P. Murphy
Foundation Professor of Law,
University of Notre Dame Law School

George Homewood, FAICP CFM,
Director of City Planning, Norfolk,
Virginia

Justin Hodge, Attorney, Marrs Ellis &
Hodge LLP, Houston, Texas

Moderator

James E. Krier, Earl Warren DeLano
Professor of Law, University of
Michigan Law School

5:00 pm – 6:15 pm – **Panel 4: *The Risk of
Unjust Compensation***
Zoom Webinar

The Fifth Amendment’s guarantee of just compensation has long been a subject of contention and debate. How and when condemned property is valued matters greatly in determining whether the amount of compensation is just and serves the underlying norms and purposes of the Eminent Domain Clause. Panel 4 will discuss issues affecting the meaning of just compensation, evaluating current laws and practices in light of historical perspectives, modern evidentiary rules, and the nature and extent of economic losses suffered by property owners. The discussion will

examine how well theoretical considerations of efficiency and justice underlying the just compensation guarantee match current condemnation practices, experiences, and laws.

Panelists

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

Brian Angelo Lee, Professor of Law,
Brooklyn Law School

Andrew Prince Brigham, Esq., Attorney
and Managing Owner, Brigham
Property Rights Law Firm

Jonathan D. Brightbill, Principal
Deputy Assistant Attorney General,
Environment and Natural Resources
Division, U.S. Department of Justice

Moderator

Mark F. (Thor) Hearne II, Esq., Founding
Partner, True North Law LLC, St. Louis,
Missouri

*Schedule is subject to change.
For more information, please contact Ali
Trivette at mtrivette@wm.edu or call
(757) 221-7466.