

College of William & Mary  
Law School  
Property Rights Conference  
POB 8795  
Williamsburg, VA 23187-8795

Third Annual  
Brigham-Kanner  
Property Rights Conference  
and  
Presentation of the 2006  
Brigham-Kanner Prize  
to

Professor James W. Ely, Jr.  
Milton R. Underwood Chair in Free Enterprise  
Professor of Law  
Professor of History  
Vanderbilt University



October 6 - 7, 2006  
William & Mary Law School

Sponsored by the  
William & Mary Law School

Presented by the  
William & Mary Property  
Rights Project and the  
Institute of Bill of Rights Law



The Third Annual Brigham-Kanner Property Rights Conference  
and Presentation of the 2006 Brigham-Kanner Prize to  
Professor James W. Ely, Jr.  
October 6-7, 2006

The Brigham-Kanner Property Rights Conference and Brigham-Kanner Property Rights Prize are named in recognition of Toby Prince Brigham and Gideon Kanner for their lifetime contributions to private property rights, their efforts to advance the constitutional protection of property, and their accomplishments in preserving the important role that private property plays in protecting individual and civil rights. Mr. Brigham is an attorney who has specialized in eminent domain and property rights law for more than 40 years and is a founding partner of Brigham Moore, LLP, in Florida. Professor Kanner is professor of law emeritus at the Loyola Law School and is currently of counsel at Manatt, Phelps & Phillips, LLP, in California.



Professor James W. Ely, Jr., is the recipient of the 2006 Brigham-Kanner Prize. He is the Milton R. Underwood Chair in Free Enterprise, professor of law, and professor of history at Vanderbilt University. Professor Ely has written on 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* (2d ed., Oxford University Press, 1998), *American Legal History: Cases and Materials* (3rd ed., Oxford University Press, 2004) (with Kermit L. Hall and Paul Finkelman), *The Fuller Court: Justices, Rulings, and Legacy* (ABC-CLIO, 2003), and *Railroads and American Law* (University Press of Kansas,

2001). He served as assistant editor of the *American Journal of Legal History* from 1987-99 and has received numerous teaching awards since joining the Vanderbilt faculty in 1972. Professor Frank I. Michelman of Harvard Law School was the inaugural recipient of the Brigham-Kanner Prize in 2004. Professor Richard A. Epstein of the University of Chicago Law School received the 2005 Prize.

In addition to commentary on the impact of Professor Ely's work, the conference will include a discussion of the protections given to property rights compared to those given other rights under the Constitution. The conference concludes with a luncheon round table which will explore judicial responses to *Kelo*.



Wren Building, College of William & Mary

Agenda

Friday, October 6

- 6:30 p.m. **Reception**  
Wren Building, College of William & Mary
- 8:00 **Dinner and Presentation of the 2006 Brigham-Kanner Prize to Professor James W. Ely, Jr.**  
Great Hall, Wren Building  
(Please note the Wren Building has limited accessibility for people with physical disabilities.)

Saturday, October 7

- 8:45 a.m. **Continental Breakfast and Registration**  
William & Mary Law School
- 9:30 **Reflections on Professor Ely's Work and Its Effect on the Law of Property Rights**
- Stuart Banner**  
Professor of Law  
University of California at Los Angeles Law School
- Charles W. McCurdy**  
Professor of History and Law  
University of Virginia
- John V. Orth**  
William Rand Kenan, Jr., Professor of Law  
University of North Carolina Law School
- 10:30 **Comparing the Treatment of Property Rights to the Protections Given to Other Rights under the Bill of Rights**
- Michael M. Berger**  
Partner  
Manatt, Phelps, and Phillips  
Los Angeles, California
- Stephanie M. Stern**  
Assistant Professor  
Loyola University Chicago Law School
- Eric Kades**  
Professor of Law  
Director, Property Rights Project  
William & Mary Law School
- Toby Prince Brigham**  
Partner  
Brigham Moore, LLP  
Coral Gables, Florida





Noon

**Luncheon Round Table: Judicial Responses to *Kelo***

**Amy Brigham Boulris**  
Partner  
Brigham Moore, LLP  
Coral Gables, Florida

*Statues, William & Mary Law School.  
George Wythe, at right, was William & Mary's  
– and the nation's – first professor of law.  
Chief Justice John Marshall, at left, was among  
the earliest law students at William & Mary.*

**The William & Mary Property Rights Project**

The William & Mary Property Rights Project has two primary goals. First, it encourages legal scholarship on the role that property rights play in society. Second, it facilitates the exchange of ideas between the academy and the practicing property rights bar. In addition to awarding the Brigham-Kanner Property Rights Prize and hosting the allied conference each year, the Project develops web-based materials that serve its ends.

**Institute of Bill of Rights Law**

The Institute of Bill of Rights Law of the William & Mary Law School contributes to the ongoing national dialog about issues relating to the Constitution and the Bill of Rights through programs and events, such as the annual Supreme Court Preview conference. For more information on its programs, symposia and scholarly endeavors, please visit [www.wm.edu/law/ibrll/](http://www.wm.edu/law/ibrll/).

**Speakers & Participants at a Glance**

**Stuart Banner**, Professor, University of California at Los Angeles Law School

**Michael M. Berger**, Partner, Manatt, Phelps, and Phillips, Los Angeles, California

**Amy Brigham Boulris**, Partner, Brigham Moore, LLP, Coral Gables, Florida

**Toby Prince Brigham**, Partner, Brigham Moore, LLP, Coral Gables, Florida

**James W. Ely, Jr.**, Milton R. Underwood Chair in Free Enterprise, Professor of Law,  
Professor of History, Vanderbilt University

**Charles W. McCurdy**, Professor of History and Law, University of Virginia School of Law

**John V. Orth**, William Rand Kenan, Jr., Professor of Law, University of North Carolina at  
Chapel Hill Law School

**Stephanie M. Stern**, Assistant Professor, Loyola University Chicago Law School

**William & Mary Conference Coordinating Committee**

Eric Kades, Conference Chairman; Professor of Law and Director of the Property Rights Project  
Lynda L. Butler, Vice Dean and Chancellor Professor of Law  
Joseph T. Waldo, Attorney at Law, Waldo & Lyle, Norfolk, Virginia

**Credit**

Three hours of CLE credit are pending.

**Registration and Fees**

Friday evening's reception is \$20 per person. The cost to attend both Friday evening's reception and the dinner afterward is \$100 per person. The registration fee of \$50 includes admission to all Saturday's events (breakfast, panels and round table, lunch).

The registration deadline is September 22, 2006. Please call William & Mary Law School to register after this date (757/221-3796).

**Fees**

\$20	Friday evening's reception
\$100	Friday evening's reception and dinner
\$50	Registration for Saturday's sessions and round table (includes breakfast and 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**

Friday evening's dinner will be held at the College of William & Mary's historic Wren Building, the oldest academic building in continuous use in America.

A block of rooms has been reserved at the Williamsburg Lodge at Colonial Williamsburg (310 South England Street) at a special room rate of \$179 per night (double occupancy) for symposium attendees. Please call 1/800-261-9530 to make your reservations and remember to mention the Property Rights Conference booking code (PROJ05A). Reservations must be made by September 30 to receive the special room rate.

**Refunds**

Requests for refunds must be made in writing and received no later than September 29, 2006. Refund requests received after that date will be handled on a reasonable justification basis.

**Local Attractions**

**Colonial Williamsburg**

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



*Colonial Williamsburg*

**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](http://www.visitwilliamsburg.com).

**Registration**

**The Third Annual Brigham-Kanner Property Rights Conference  
October 6-7, 2006**

Please print or type and use a separate form for each person registering  
Registration deadline: September 22, 2006

Name\_\_\_\_\_

Firm/affiliation\_\_\_\_\_

Title\_\_\_\_\_

Address\_\_\_\_\_

City\_\_\_\_\_ State\_\_\_\_\_ Zip Code\_\_\_\_\_

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 Date (month/year) \_\_\_\_\_

Signature of Cardholder \_\_\_\_\_

- ☐ Yes, I will attend the Friday, October 6 dinner  
☐ Please reserve \_\_\_\_ additional dinner tickets for accompanying person(s)  
☐ Guest name(s) to list on name tag(s) for dinner: \_\_\_\_\_  
☐ Yes, I will attend the Saturday, October 7 conference  
☐ Please check if you are a student and wish to request a waiver of the registration fee

\_\_\_\_\_ Friday evening's reception (\$20)

\_\_\_\_\_ Friday evening's reception and dinner (\$100 per person)

\_\_\_\_\_ Registration fee (\$50), includes admission to Saturday's panels, round table,  
breakfast, and lunch.

\$\_\_\_\_\_ Total enclosed

**Mail or fax to:**

William & Mary School of Law  
Att: Kathy Pond, Property Rights Conference  
POB 8795, Williamsburg, VA 23187-8795  
Fax: 757/221-6329

**Questions?**

Please call Kathy Pond at  
757/221-3796 or email  
[ktpond@wm.edu](mailto:ktpond@wm.edu).