

2011

Eighth Annual Brigham-Kanner Property Rights Conference Program

William & Mary Law School

Tsinghua University School of Law

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EIGHTH ANNUAL
BRIGHAM-KANNER
PROPERTY RIGHTS CONFERENCE

第八届
布里格姆-凯奈尔 产权会议

OCTOBER 14-15, 2011

BEIJING

二零一一年十月十四至十五日
中国北京

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The College of
WILLIAM & MARY
威廉-玛丽大学法学院



TSINGHUA
UNIVERSITY
清华大学



Marshall-Wythe Statues

In 1779, The College of William & Mary established America's first law school at the behest of Virginia Governor Thomas Jefferson. Jefferson appointed George Wythe, a signer of the Declaration of Independence and one of the most distinguished lawyers in America, as William & Mary's first professor of law. Wythe's most distinguished student was Chief Justice John Marshall, the single most important Supreme Court justice in American history. Years later, William & Mary's law school was named "Marshall-Wythe School of Law" in honor of its most distinguished student and its most distinguished professor.

马歇尔-瑞斯雕像

威廉-玛丽学院在时任弗吉尼亚州州长托马斯·杰斐逊的敦促之下，于1779年建立了美国第一个法学院。杰斐逊任命乔治·瑞斯为威廉-玛丽学院的第一位法学教授，这位教授是美国独立宣言的签署者，也是美国最杰出的律师之一。首席大法官约翰·马歇尔是瑞斯最优秀的学生，在美国历史上可堪称为独一无二、声誉显赫的最高法院大法官。多年以后，威廉-玛丽法学院被命名为“马歇尔-瑞斯法学院”，以纪念他们引以为豪的最优秀的学生和最杰出的教授。

THE BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE

The annual Brigham-Kanner Property Rights Conference is presented by the William & Mary Property Rights Project and is named in recognition of Toby Prince Brigham and Gideon Kanner for their lifetime contributions to private property rights. 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 Brigham-Kanner Property Rights Conference began in 2004 at William & Mary Law School. Each year, the Conference awards the Brigham-Kanner Property Rights Prize to an individual whose work has advanced the cause of property rights and has contributed to the overall awareness of the important role property rights occupy in the broader scheme of individual liberty.

Beginning with the 2011 Property Rights Conference in Beijing, the Brigham-Kanner Property Rights Conference Journal will be published annually in both electronic and print format. The Conference Journal will contain the proceedings of the Conference, as well as non-conference articles selected for publication. Through the Conference Journal, the Property Rights Project will ensure that the proceedings of the Conference and any accompanying articles are preserved and made available on its website for all interested parties.

The Brigham-Kanner Property Rights Conference is renowned for its outstanding panel discussions and for bringing together the bench, bar and academics on its panels. The Conference is notable for its encouragement of active participation from the audience through its question and answer segments with each of the panels.

This is the Conference's inaugural year abroad.

第八届布里格姆-凯耐尔 产权研究年会

布里格姆-凯耐尔产权研究年会是由威廉-玛丽大学产权项目中心主持，以托比普林斯布里格姆和基甸凯耐尔 (Toby Prince Brigham and



Gideon Kanner) 命名从而表彰他们一生为个人产权理论所做的贡献。会议集法官、律师及法学界的研究人员一堂，旨在共同探讨影响产权法的最新动向。

首届布里格姆-凯耐尔产权研究年会于2004年在威廉-玛丽大学的法学院举行。每届年会评选出一名获布里格姆-凯耐尔产权大奖的人士，其研究工作推动了产权事业的发展，提升了公众产权意识以及产权在弘扬个人自由理念方面发挥的重要作用。

2011年度的布里格姆-凯耐尔产权研究会议将在中国举行。从这次会议开始，其年刊将以电子和印刷两种形式出版。年刊内容将包括会议的各项议题以及会议之外入选的文章。故此所有产权项目均将通过年刊确保会议的各项议题以及任何附带文章存档于会议网站，从而为感兴趣浏览的各方人士提供方便。

布里格姆-凯耐尔产权研究年会的闻名之处是杰出的专题小组讨论会，将法官、律师以及法学界专家集聚一堂。会议的另一个显著特点是鼓励参与、积极互动，为专题小组的每个成员留出提问和解答的时段，以期形成热烈的讨论。

今年的产权研究会议是首次在美国本土之外举行。



The Great Wall

SCHEDULE OF EVENTS

会议日程

Thursday, October 13, 2011

星期四 (2011年10月13日)

**8:00-1:00 OPTIONAL DAY TRIP TO THE
FORBIDDEN CITY
(RESERVATIONS REQUIRED)**

故宫一日游 (自由参加)

**5:15 BUSES LEAVE THE WENJIN
HOTEL FOR THE UNITED
STATES EMBASSY, BEIJING**

专车从文津国际酒店出发去美国驻华大使馆

**7:00 RECEPTION HONORING
JUSTICE SANDRA DAY
O'CONNOR AND HOST,
TSINGHUA LAW SCHOOL,
AT THE UNITED STATES
EMBASSY, BEIJING**

招待会, 以表示对桑德拉·黛·欧康纳大法官以及会议主办单位清华大学法学院的感谢和敬意。地点在北京美国大使馆。

Friday, October 14, 2011

星期五 (2011年10月14日)

**9:00-9:15 OPENING REMARKS AND
ANNOUNCEMENT OF
THE BRIGHAM-KANNER
PROPERTY RIGHTS
CONFERENCE JOURNAL**

会议开幕致词; 宣布布里格姆-凯耐尔产权研究会议年刊

**9:15-10:30 PANEL 1: LEGAL PROTECTION
OF PROPERTY RIGHTS: A
COMPARATIVE LOOK**

Panelists will examine the nature of property rights under global legal systems, including methods for determining and enforcing private property rights. The

panel will also explore how different systems define and protect property rights, focusing on land use rights and land-use regulatory systems. Panelists will compare the role of lawyers in the field of property rights under different legal systems.

第一专题小组: 产权法律保护的比较研究

该专题小组将评议产权在全球法律制度下的性质, 包括产权的体制、过程以及确定和执行私有产权的方式和方法。专题小组还将讨论不同的体制如何限定和保护产权, 重点为土地使用权以及土地使用管理的监管制度。此外, 专题小组还将针对私有财产权的问题, 比较不同法律制度下律师的作用。

Panelists

Cui Jianyuan, Professor of Law, Tsinghua Law School & Vice President of Chinese Civil Law Society

Mark F. (Thor) Hearne, II, Arent Fox LLP, Washington, D.C.

Patricia Salkin, Raymond & Ella Smith Distinguished Professor of Law, Associate Dean & Director, Government Law Center, Albany Law School

Wang Liming, Vice President of Renmin University, President of Chinese Civil Law Society

Moderators

Shen Weixing, Professor & Vice Dean of Tsinghua Law School

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

**10:45-12:15 PANEL 2: REFLECTIONS ON
IMPORTANT PROPERTY
RIGHTS DECISIONS**

Analyzing some of United States Supreme Court Justice Sandra Day O'Connor's property rights decisions, this discussion will include thoughts on how these

decisions have influenced property rights and property scholarship.

第二专题小组：对若干重要产权决定的思考

该专题小组的发言人包括布里格姆-凯耐尔大奖的获得者和一位卓越的法律从业者，他们将分析美国联邦最高法院大法官，桑德拉黛 欧康纳的某些产权决策。讨论内容包括这些决策是如何影响了产权以及财产问题的学术研究的。

Panelists

Alan Ackerman, Ackerman Ackerman & Dynkowski, P.C., Bloomfield Hills, Michigan

Cheng Jie, Associate Professor, Tsinghua Law School

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

Richard Epstein, James Parker Hall Distinguished Service Professor, University of Chicago Law School; Director, Law and Economics Program & Laurence A. Tisch Professor, NYU Law School

He Haibo, Associate Professor, Tsinghua Law School

Jiang Ping, Professor of Law, China University of Political Science and Law

Frank Michelman, Robert Walmsley University Professor, Harvard Law School

Moderators

Lynda Butler, Chancellor Professor of Law & Director, Brigham-Kanner Property Rights Project, William & Mary Law School

Shen Weixing, Professor & Vice Dean of Tsinghua Law School

12:30-2:00 GROUP PHOTOGRAPH ON THE FRONT STEPS OF TSINGHUA LAW SCHOOL, FOLLOWED BY LUNCH

在清华大学法学院楼前合影留念，然后午餐，午餐之后是主题发言人演讲。

2:15-3:45 PANEL 3: PROPERTY AS AN INSTRUMENT OF SOCIAL POLICY

This panel will explore the role that property plays in promoting social policy and discuss areas where property has played or is playing a major role in shaping social policy, as well as issues raised by this role.

第三专题小组：财产作为制定社会政策的工具

该专题小组探讨财产在推动社会政策方面所起的作用，讨论内容包括财产在制定社会政策方面已经和正在发挥的重要作用，以及由此所引发的问题。

Panelists

Greg Alexander, The A. Robert Noll Professor of Law, Cornell Law School

Lee Ann Fennell, Professor of Law, Chicago Law School

Gao Qicai, Professor of Law, Tsinghua Law School

Xu Defeng, Associate Professor of Law, Peking University

Yao Hui, Professor of Law, Renmin University

Zhang Xisheng, Professor of Law, Yunnan University

Moderator

Lynda Butler, Chancellor Professor of Law & Director, Brigham-Kanner Property Rights Project, William & Mary Law School

Wang Chenguang, Professor of Law & former Dean of Tsinghua Law School

4:00-5:30 PANEL 4: CULTURE AND PROPERTY

Exploring the impact of culture on property — on how property rights are defined, interpreted, and protected or limited by different cultures, this panel will consider the affect of cultural attitudes and customs on how property is held, owned, used, or developed. It will also discuss how different cultures define values subject to property, including economic values affecting development and growth, personhood values tied to healthy self-

development, and patrimonial values having historical importance or that are essential to community or group identity.

第四专题小组：文化与财产

该专题小组的主题是探讨文化对财产的影响，即不同的文化是如何定义、如何理解、如何保护或限制财产权利的。讨论内容包括文化态度和习俗对财产的持有、拥有、使用以及开发等方面产生的影响，议题还涉及在不同的文化背景下财产对各种价值观念的影响，包括影响社会发展和进步的经济价值，自我健康发展的人格价值以及具有历史意义和对社会、群体身份至关重要的传统价值。

Panelists

Lan Cao, Boyd Fellow & Professor of Law, William & Mary Law School

Robert Ellickson, Walter E. Meyer Professor of Property and Urban Law, Yale Law School

Li Hao, Associate Professor of Law, Beihang University

Qiao Shitong, J.S.D. Candidate, Yale Law School

Margaret Jane Radin, Henry King Ransom Professor, Michigan Law School; William Benjamin Scott & Luna M. Scott Professor of Law, emerita, Stanford University

Wang Hongliang, Associate Professor of Law, Tsinghua Law School

Moderators

Lynda Butler, Chancellor Professor of Law & Director, Brigham-Kanner Property Rights Project, William & Mary Law School

Wang Chenguang, Professor of Law & former Dean of Tsinghua Law School

7:00 DINNER AND PRESENTATION OF THE 2011 BRIGHAM-KANNER PROPERTY RIGHTS PRIZE TO JUSTICE SANDRA DAY O'CONNOR

晚餐：向欧康纳大法官颁发2011年布里格姆-凯耐尔财产权利奖

Saturday, October 15, 2011

星期六（2011年10月15日）

9:00-10:30 PANEL 5: PROPERTY AS AN ECONOMIC INSTITUTION

This discussion explores the role of property in promoting, driving, or shaping the economies of each country, including how property facilitates or hinders development and marketplace transactions.

第五专题小组：财产作为一种经济机构

该专题小组探讨的主题是财产在促进、推动和打造每一个国家的经济体制所发挥的作用，内容包括财产是如何促进或阻碍社会发展和市场交易的。

Panelists

Chen Huabin, Professor of Law, Central University of Finance and Economics

Chang Yun-chien, Assistant Research Professor, Institutum Iurisprudentiae, Academia Sinica, Taiwan, China

Eric Kades, Vice Dean & Professor of Law, William & Mary Law School

Henry Smith, Fessenden Professor of Law, Harvard Law School

Yin Fei, Associate Professor of Law, Central University of Finance and Economics

Moderators

Ron Rosenberg, Associate Dean for Academic Affairs, Chancellor Professor of Law & Director, American Legal System Graduate Program and Foreign Exchanges, William & Mary Law School

Shi Tiantao, Professor & Vice Dean of Tsinghua Law School

10:45-12:15 PANEL 6: PROPERTY RIGHTS AND THE ENVIRONMENT

The panelists will explore the relationship between property rights and the environment. The extent to which the property law of each country incorporates principles that protect or exploit the environment will be examined, along with ways environmental interests may unnecessarily impinge on property rights. The panel will discuss how the law is evolving in light of changes to the

environment, including a comparison of how each country promotes sustainable land uses.

第六专题小组：产权与环境

该专题小组的讨论主题是产权和环境之间的关系，包括各国财产法在何等程度上体现了保护或利用环境的原則，以及为什么人们对环境的关注却会导致没有必要地侵犯他人的财产权。专题小组还将讨论法律如何根据环境的变化而变化，包括比较各国是如何提高合理使用土地的。

Panelists

Jim Burling, Director of Litigation, Pacific Legal Foundation, Sacramento, California

David Callies, Benjamin A. Kudo
Professor of Law, University of Hawaii Law School

Zhou Ke, Professor of Law,
Renmin University

Lu Zhongmei, Professor of Law, Zhongnan University of Economics and Law

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

Wang Hui, Lecturer, Shanghai Maritime University

Wang Wenjun, Associate Professor of Law, Dalian Maritime University

Zhang Libin, Broad & Bright Law Firm

Moderators

Ron Rosenberg, Associate Dean for Academic Affairs, Chancellor Professor of Law & Director, American Legal System Graduate Program and Foreign Exchanges, William & Mary Law School

Shi Tiantao, Professor & Vice Dean of Tsinghua Law School

12:30-1:30 LUNCH

午餐

**1:45-3:15 ROUNDTABLE DISCUSSION I:
HOW PRACTITIONERS
SHAPE THE LAW**

The roundtable will explore the important role practitioners play in influencing, shaping, and changing property law. The practitioners will discuss methods and strategies that are effective in shaping the law and will field questions from the attendees.

圆桌讨论会 1：法律从业者如何制定法律

该圆桌讨论会的主持人是佛杰尼亚最高法院的一位法官和在产权方面具有丰富经验的三位从业人员。讨论会将探讨从业人员在影响、制定和修改财产法方面所应发挥的重要作用。三位法律从业者还将讨论有效制定财产法的方法和策略，并回答与会者提出的问题。

Panelists

Andrew Prince Brigham, Brigham Moore, LLP, Jacksonville, Florida

Dong Jiao, Lawyer, Kirkland & Ellis LLP

Leslie A. Fields, Faegre & Benson LLP, Denver, Colorado

Lu Dingliang, Researcher, Intellectual Property Center, Ministry of Industry and Information Technology

Ma Yunpeng, Clerk of Beijing Second Intermediate People's Court & PhD candidate, Tsinghua University

The Honorable LeRoy Millette, Justice, Supreme Court of Virginia

James L. Thompson, Miller, Miller & Canby, Rockville, Maryland

Zhao Lihui, Judge, Beijing Second Intermediate People's Court

Moderators

Jin Qingjun, King and Wood Law Firm, Beijing, P.R.C.

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

3:30-5:00 ROUNDTABLE DISCUSSION II: THE FUTURE OF PROPERTY RIGHTS

This discussion will involve all recipients of the Brigham-Kanner Prize, as well as preeminent Chinese scholars chosen by Tsinghua University.

圆桌讨论会 2: 产权的前景

该专题小组的成员包括历届布里格姆-凯耐尔产权奖的获得者以及由清华大学推选的著名中国学者。

American Panelists

Frank Michelman, Robert Walmsley
University Professor, Harvard Law School
(2004 recipient)

Richard Epstein, James Parker Hall
Distinguished Service Professor, University
of Chicago Law School; Director, Law
and Economics Program & Laurence A.
Tisch Professor, NYU Law School (2005
recipient)

James W. Ely, Milton R. Underwood
Chair in Free Enterprise Professor of Law,
Emeritus; Professor of History, Emeritus,
Vanderbilt University (2006 recipient)

Margaret Jane Radin, Henry King
Ransom Professor, Michigan Law School;
William Benjamin Scott & Luna M.
Scott Professor of Law, emerita, Stanford
University (2007 recipient)

Robert Ellickson, Walter E. Meyer
Professor of Property and Urban Law,
Yale Law School (2008 recipient)

Richard Pipes, Frank B. Baird, Jr.,
Professor History, Emeritus, Harvard
University (2009 recipient)

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 (2010 recipient)

Chinese panelists

Wang Zhenmin, Professor & Dean,
Tsinghua Law School

Wang Chenguang, Professor of Law,
Tsinghua Law School

Lu Zhongmei, Professor of Law, Zhongnan
University of Economics and Law

Zhou Ke, Renmin University

Chen Huabin, Professor of Law, Central
University of Finance and Economics

Zhang Xisheng, Professor of Law,
Yunnan University

Cheng Jie, Associate Professor,
Tsinghua Law School

He Haibo, Associate Professor,
Tsinghua Law School

Moderators

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

Shen Weixing, Professor & Vice Dean of
Tsinghua Law School

7:00: FAREWELL DINNER

会议闭幕晚餐

Sunday, October 16, 2011

星期日 (2011年10月16日)

8:00-2:00 OPTIONAL DAY TRIP TO
THE GREAT WALL
(RESERVATIONS REQUIRED)

长城一日游 (自由参加)

Sunday, October 16 through Sunday, October 23, 2011

2011年10月16日 (星期日) 至
2011年10月23日 (星期日)

William & Mary Law School post-
conference tour of China & Hong Kong

会议后威廉-玛丽法学院组织游览内地
和香港



Photo: Alexander Kravets

The Wren Building
The Sir Christopher Wren Building at The College of William & Mary in Virginia is the oldest college building in the United States and the oldest of the restored public buildings in Williamsburg. For over three hundred years, William & Mary students have attended classes and lectures and enjoyed meals there.

雷恩大楼
耸立在威廉-玛丽学院的克里斯多夫·雷恩先生大楼是美国历史最悠久的大学楼，同时也是威廉斯堡市修复的公共建筑中最古老的一所。三百余年来，威廉-玛丽学院的学生在此楼上课、听讲座、用餐以及参加教堂活动。

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 in Florida and has practiced eminent domain and property rights law for more than 40 years. Gideon Kanner is professor of law emeritus at Loyola Law School in Los Angeles and is currently Of Counsel at Manatt, Phelps & Phillips in California.

This year, the Brigham-Kanner Prize will be awarded to former Supreme Court Justice Sandra Day O'Connor for her commitment to upholding the constitutional protections afforded to property rights.

每届布里格姆-凯耐尔产权研究会都将向一位在产权领域做出杰出贡献的人士颁发布里格姆-凯耐尔大奖。大奖以托比普林斯·布里格姆和基甸·凯耐尔 (Toby Prince Brigham and Gideon Kanner) 二人命名，以表彰他们一生为个人产权理论所做的贡献，在制定宪法过程中为保护个人财产所做的努力，以及推动私有财产在维护个人和公民的权利中所起的重要作用。托比普林斯·布里格姆是佛罗里达州Brigham Moore 律师事务所的创办合伙人，在国家对私有财产的征用权和产权法方面有长达四十年的从业经验。基甸·凯耐尔是洛杉矶约拉法学院的名誉教授，目前为加利福尼亚州 Manatt Phelps Phillips 律师事务所的顾问。

今年的布里格姆-凯耐尔大奖将授予美国联邦最高法院前大法官桑德拉·黛·欧康纳，以表彰她为支持宪法应保护私有产权方面所作的贡献。



Photograph by Steven Biver

Justice Sandra Day O'Connor

Sandra Day O'Connor, who retired as Associate Justice of the United States Supreme Court, was named twenty-third Chancellor of the College by The College of William & Mary Board of Visitors.

The first woman to serve on the United States Supreme Court, Justice O'Connor was born in El Paso, Texas, on March 26, 1930. She earned a B. A. in economics (*magna cum laude*) from Stanford University, and went on to receive an LL. B. from Stanford Law School, where she graduated third in her class.

She served as Deputy County Attorney of San Mateo County, California, from 1952 to 1953, and as a civilian attorney for the Quartermaster Market Center, Frankfurt, Germany, from 1954 to 1957. From 1958 to 1960, she practiced law in Maryvale, Arizona, and served as Assistant

Attorney General of Arizona from 1965 to 1969. She was appointed to the Arizona State Senate in 1969, and was subsequently reelected to two two-year terms.

In 1975, she was elected Judge of the Maricopa County Superior Court and served until 1979, when she was appointed to the Arizona Court of Appeals.

President Ronald Reagan nominated her as an Associate Justice of the Supreme Court, and she took her seat September 25, 1981. She was married to the late John Jay O'Connor III, and has three sons: Scott, Brian and Jay.

前大法官—桑德拉·黛·欧康纳

桑德拉·黛·欧康纳从美国联邦最高法院退休后，被威廉·玛丽学院督查委员会任命为学院的第二十三任院长。

桑德拉·黛·欧康纳1930年3月26日出生于德克萨斯州的埃尔帕索，是美国联邦最高法院的第一位女性大法官。她曾以优异成绩获得斯坦福大学经济学学士学位，继而又以全班第三的排名获得斯坦福法学院的法学士学位。

欧康纳前大法官于1952至1953年担任加州San Mateo县的副检察长；1954至1957年在德国法兰克福的Quartermaster Market中心担任民事律师；1958至1960年在亚利桑那州玛丽威尔从事法律事务工作；1965至1969年担任亚利桑那州的司法部长助理，她还在1969年被任命为亚利桑那州参议员，并两次连任，为期各为两年。

欧康纳1975年当选为马立克帕县最高法院的法官，直至1979年被任命为亚利桑那上诉法院的法官。后由时任总统里根提名，欧康纳于1981年9月25日正式担任美国联邦最高法院的大法官。她的丈夫，约翰·杰·欧康纳三世已去世，她有三个儿子：斯科特，布莱恩和杰伊。

Justice O'Connor and Property Rights

During her illustrious tenure on the Supreme Court, Justice Sandra Day O'Connor approached property rights with her trademark balance and

sensitivity. She authored memorable opinions in several landmark cases, and many of her pronouncements have left a lasting impression on takings jurisprudence.

In one of her first cases, Justice O'Connor wrote for a unanimous Court in *Hawaii Housing Authority v. Midkiff*, 467 U.S. 229 (1984), a seminal case in defining the “public use” component of the Fifth Amendment’s Takings Clause. The Hawaii Land Reform Act of 1967 allowed a state agency to condemn certain leased private properties and then sell them to private lessees. Deferring to the state’s interests in breaking up its historical land oligopoly, Justice O'Connor concluded that the Act had a direct public purpose and therefore did not violate the “public use” requirement of the Takings Clause.

Three years later, in *Hodel v. Irving*, 481 U.S. 704 (1987), Justice O'Connor again wrote for a unanimous Court, this time striking down a federal statute that required the escheat to the Oglala Sioux tribe of fractional interests of property owned by individual tribal members. She reasoned that the right to pass property to heirs is a fundamental property right, and that a complete abrogation of this right constitutes a taking that requires just compensation.

In *Eastern Enterprises v. Apfel*, 524 U.S. 498 (1998), the Court, in a plurality opinion, invalidated the Coal Industry Retiree Health Benefit Act’s employer-funded health-benefits mandate. Writing for four justices, Justice O'Connor reasoned that the mandate worked an uncompensated taking by imposing a severe, retroactive, and unexpected financial liability on mining companies.

Finally, in *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528 (2005), a decision best known for its clarification of regulatory-takings doctrine, Justice O'Connor, writing for a unanimous Court, held that the “substantially advances” test should not control the question of whether the government has worked a regulatory takings. In the process, Justice O'Connor put the emphasis of regulatory takings on the character of the property burden rather than on the nature of the governmental interest involved.

Justice O'Connor also authored particularly notable concurring and dissenting opinions

in the property-rights area. In *Kelo v. City of New London*, 545 U.S. 469 (2005), the Court held that a government's condemnation and subsequent transfer of private residences to a private commercial developer was permitted by the Constitution. In one of her most forceful dissents, Justice O'Connor distinguished between direct and indirect public purposes and rejected the idea that indirect and speculative economic development could be a "public use" justifying private-to-private transfer of property under the state's eminent domain power. And, in *Palazzolo v. Rhode Island*, 533 U.S. 606 (2001), Justice O'Connor filed a concurrence arguing that pre-existing land-use regulations are relevant in determining whether the property owner can pursue a regulatory-takings claim. In contrast to the rigid per se rule adopted by the Court, Justice O'Connor made a compelling case for an ad hoc, balanced approach that looks at context and facts. Though it did not then command a majority vote, her concurrence is now seen as a controlling legal principle.

美国联邦最高法院前大法官奥康纳与财产权利

桑德拉 奥康纳大法官在美国联邦最高法院任职期间，以她特有的平衡能力和敏锐风格处理产权问题，广受赞誉，名声显赫。在数个经典案例里，她都提出了令人难忘的见解，从而对土地征用法学理论产生了持久的影响。

奥康纳大法官早期经手的一个案子是：夏威夷房产管理局诉讼米德里夫 (*Hawaii Housing Authority v. Midkiff*, 467 U.S. 229, 1984年)，正是在这一开创性的案例审理中，她代表最高法院的一致看法，明确界定了第五修正案中征用条款里的“公共用途”的概念。夏威夷州曾在1967年推出土地改革法，允许州级机构没收征用那些已被租凭的私有财产，然后再将这些没收的财产卖给私人承租人。为了终止土地寡头的垄断，保护国家的利益，奥康纳大法官做出裁定：该土地改革法直接服务于公益事业，因此与征用条款里的“公共用途”要求没有任何相悖之处。

三年之后，在霍德尔诉讼欧文 (*Hodel v. Irving*, 481 U.S. 704, 1987年)一案中，奥康纳大法官又一次代表最高法院的一致看法，推翻了一个联邦政府的法规，此法规要求印地安人保留地Oglala Sioux部落成员的财产的一部分在其去世后转归部落集体所有。奥康纳大

法官认为：个人财产遗赠给继承人是一项基本的权利，而完全废除这个权利则构成了征用，继承人有权得到赔偿。

在东方集团诉讼阿非尔集团 (*Eastern Enterprises v. Apfel*, 524 U.S. 498, 1998年)一案中，联邦最高法院法官以压倒多数的意见推翻了煤矿工业退休人员的医疗福利法中有关雇主必须资助退休人员医疗福利的条款。奥康纳大法官归纳了四位法官的理由：该条款是施加给矿业公司的严厉的、追补的、无法意料的经济义务，从而使之成为一种无偿的征用。

最后是2005年的林格尔诉讼美国雪福龙公司 (*Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528)。奥康纳大法官在这个案例中做出了她最著名的决策，并澄清了管制征用私有财产的法规。她代表意见一致的法院指出，对合法诉讼程序的全面、仔细的审查，不应该限制人们对政府是否操纵着监管征用私有财产的疑问。在此过程中，奥康纳大法官强调对私有财产的监管征用应根据财产负担的性质进行而不应该考虑政府其中的利益。

奥康纳大法官在财产权利领域还撰写了一些极其著名的观点，有的与法院大多数意见结论一致但理由不同，而有的则属于少数人的意见。在2005年 在2005年的克洛诉讼新伦敦市 (*Kelo v. City of New London*, 545 U.S. 469)一案中，法院认为美国宪法允许政府依法征用私人住宅，然后将其转让给个体开发商。奥康纳大法官与此最有力的异议就是，她认为直接为公共事业服务与间接为公共服务是完全不同的概念，拒绝接受这样一种观点，即间接的、投机性的经济发展可以在国家财产征收权利的保护之下，以“公众使用权”的名义进行合法的私人对私人的财产转让。此外，在 2001年的帕拉佐罗诉讼罗德岛 (*Palazzolo v. Rhode Island*, 533 U.S. 606)一案中，奥康纳大法官提交了一个意见，认为原有的对土地使用的限制法规仍然适用于裁决业主能否向国家索取征用赔偿金。与法院通过的死板教条的法规完全相反，奥康纳大法官根据案件的背景和事实，既针对此案的自身特点又平衡各方，其处理方式引人注目。她的观点当时虽然没有得到大多数的投票，但现仍被视为制定法律、法规的准则。



Beijing Central Business District

PAST RECIPIENTS

OF THE BRIGHAM-KANNER PRIZE

历年获奖者名单

All past recipients of the Brigham-Kanner Prize are participating as Conference panelists.



2004 Frank I. Michelman

Professor Frank I. Michelman earned his B.A. at Yale and his LL.M. at Harvard. He is the Robert Walmsley University Professor at Harvard Law School where he has taught since 1963. He is the author of

Brennan and Democracy (Princeton University Press 1999) as well as numerous articles on property law and theory, constitutional law and theory, local government law and jurisprudence. He is a member of the Board of Directors of the U.S. Association of Constitutional Law and of the National Advisory Board of the American Constitution Society. In recognition of his numerous contributions and achievements, he was inducted into the American Academy of Arts and Sciences in 1986.

2004年的获奖者

富兰克林·米希尔曼(Frank I. Michelman)教授：耶鲁大学学士，哈佛硕士，自1963年起作为罗伯特·沃姆斯利大学教授在哈佛大学法学院任教。他撰写了《布雷南与民主》(Brennan and Democracy) (1999年，普林斯顿大学出版社)以及关于财产法、宪法和地方政府法的大量文章。米希尔曼教授是美国宪法联合会的董事会成员、美国宪法学会国家咨询委员会委员。鉴于他的多项贡献与成就，于1986年被正式纳入美国艺术与科学研究院。



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 James Parker Hall Distinguished Service Professor of Law and the Director of the

Law and Economics Program at the University of Chicago Law School. He is an Adjunct Scholar at the Cato Institute, the Peter and Kirsten Bedford Senior Fellow at the Hoover Institution, and a senior fellow at the University of Chicago Medical School's Center for Clinical Medical Ethics. He has written on a wide range of legal and interdisciplinary topics and is the author of numerous works including *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.

2005年的获奖者

理查德·爱波斯特(Richard A. Epstein)教授 是纽约大学法学院的首届劳伦斯·迪斯教授，也是芝加哥大学法学院的詹姆斯·帕克 杰出服务教授和法律与经济项目的主任。他是卡托研究所的助理学者、彼得和克里斯汀·贝德福德胡佛机构的高级研究员、以及芝加哥大学医学院临床医学伦理中心的高级研究员。爱波斯特教授撰写了大量关于法律与跨学科主题的相关文章，包括《怀疑论与自由：一个古典自由主义的现代案例》(2003年，芝加哥大学出版社)，《简约法律的力量》(1995年，哈佛大学出版社)，《与国家谈判》(1993年，普林斯顿大学出版社)，和《征用：私有财产与政府征用权》(1985年，哈佛大学出版社)。于1985年被正式纳入美国艺术与科学研究院。



2006 James W. Ely, Jr.

Emeritus Professor James W. Ely, Jr., was the Milton R. Underwood Chair in Free Enterprise, a professor of law, and a professor of history 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 (3rd ed. 2005) (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). Ely served as assistant editor of the *American Journal of Legal History* from 1987 to 1989. Since joining the Vanderbilt faculty in 1979, he has also received numerous teaching awards.

2006年的获奖者

名誉教授 詹姆斯·小伊利 (James W. Ely, Jr.) 曾任弗雷企业的米尔顿·安德伍德主席一职、法律教授以及范德比尔特大学的历史教授。他撰写了众多关于法制史和其他相关主题的文章，包括：《权利的守护：财产权的宪政史》（*The Guardian of Every Other Right: A Constitutional History of Property Rights*, 2008年第三版，牛津大学出版社），《美国法制史：案例与材料》（2005年第三版，牛津大学出版社）（与克米特·霍尔，保罗·芬克尔曼合著），《福勒的法庭：正义，裁决，与遗产》（*The Fuller Court: Justices, Rulings, and Legacy*, 2003年，ABC-CLIO出版社），以及《铁路运输与美国法律》（2001年，堪萨斯大学出版社）。伊利教授与1987年至1989年担任《美国法制史期刊》的助理编辑。从1979年加入范德比尔特大学开始，他获得了多项教学荣誉奖。



2007 Margaret Jane Radin

Professor Margaret Jane Radin is the Henry King Ransom Professor of Law at the University of Michigan Law School. Prior to joining the Michigan faculty in fall

2007, she was the William Benjamin Scott and Luna M. Scott Professor of Law, and director of Stanford Law School's Program in Law, Science and Technology at Stanford University. She also has been on the faculty of the University of Southern California Law Center and has been a visiting professor at UCLA and Harvard. Radin has published prolifically on property rights theory and institutions, commodification, intellectual property, and cyberlaw. Highlights of her property scholarship appear in *Contested Commodities* (Harvard University Press 1996) and *Reinterpreting Property* (University of Chicago Press 1993).

2007年的获奖者

玛格丽特·简·雷丁 (Margaret Jane Radin) 教授是密西根大学法学院的亨利·金·兰深法律教授。在2007年秋季加入密西根大学教职员行列之前，她是斯坦福大学的威廉·本杰明·斯科特和卢娜·斯科特法律教授，斯坦福大学法学院法律、科学与技术项目的主任。她曾是南加州大学法学院的教职员，以及加州大学洛杉矶分校和哈佛大学的访问教授。雷丁教授发表了大量关于财产权理论与机制，商品化，知识产权法与网络空间法的相关文章。她在财产法方面的学术精华体现在《有争议的商品》（*Contested Commodities*, 1996年，哈佛大学出版社）和《对财产的重新释义》（*Reinterpreting Property*, 1993年，芝加哥大学出版社）。



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* (2008), *Order Without Law: How Neighbors Settle Disputes* (1991), *Land Use Controls* (with Vicki L. Been) (3rd ed. 2005), and *Perspectives on Property Law* (with Carol M. Rose and Bruce A. Ackerman) (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.

2008年的获奖者

罗伯特·C·埃里克什 (Robert C. Ellickson) 是耶鲁法学院的财产和城市法瓦伦特·迈尔教授。在1998年加入耶鲁大学之前，他是南加州大学和哈佛大学法学院的教职员。埃里克教授撰写的书籍包括：《家居：壁炉旁延伸出的社会，经济和法律》(The Household: Informal Order Around the Hearth, 2008年)，《没有法律的秩序：邻里是如何解决纠纷的》(1991年)，《土地使用管制》(2005年第三版) (与薇琪·L·宾合著)，和《对财产法的研究评述》(2002年第三版) (与卡罗尔·M·罗斯，布鲁斯·A·艾克曼合著)。他是美国艺术与科学研究院的研究员，并曾在2001年担任美国法律与经济协会主席一职。



2009 Richard E. Pipes

Professor 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 Regan'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), 2 vols. (1970, 1980), *Russia under the Old Regime* (Penguin History 1974), *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 of a Non-Belonger* (Yale University Press 2003), and *Conservatism and its Critics* (Yale University Press 2006). Professor Pipes was the 2007 recipient of the National Humanities Medal.

2009年的获奖者

理查德·E·拍波 (Richard E. Pipes) 任哈佛大学的弗兰克·B·小贝尔德名誉历史教授。从1968到1973年，他曾兼任哈佛大学俄罗斯研究中心主任，于1976年担任美国中央情报局B组的主席负责审查战略情报评估，并在1981

至1982年间担任东欧和前苏联总统罗纳德·里根年代的国家安全委员会的主任一职。拍波教授撰写的书籍包括：《前苏联的形成：共产主义和民族主义，1917-1923》(1954, 1964, 1998年，俄罗斯研究中心)，《抗争：左翼的自由，1870-1905》两册 (1970, 1980年，俄罗斯研究中心)，《旧政权下的俄罗斯》(1974年，Penguin History)，《俄国革命》(1990年，Vintage)，《布尔什维克政权下的俄罗斯》(1994年，Vintage)，《财产与自由》(1999年，Vintage)，《共产主义：一段历史》(2001年，现代文库)，《自传：一个非本土人的回忆录》(2003年耶鲁大学出版社)，和《保守主义及其批判》(2006年，耶鲁大学出版社)。拍波教授是2007年国家人文奖章的获得者。

2010 Carol M. Rose



Professor Carol M. Rose is the Ashby Lohse Chair in Water and Natural Resources at the University of Arizona James E. Rogers College of Law. Prior to joining the faculty at Arizona, Professor Rose was the Gordon Bradford Tweedy Professor of Law and Organization at Yale University Law School.

She has authored numerous articles and several books, including *Perspectives on Property Law* (Aspen 2nd ed. 1995) (3rd ed. 2002) (co-author, with Bruce Ackerman & Robert Ellickson) and *Property and Persuasion: Essays on the History, Theory, and Rhetoric of Ownership* (Westview Press 1994).

2010年的获奖者

卡罗尔·M·罗斯 (Carol M. Rose) 教授是亚利桑那大学法学院的水与自然资源项目的阿式比·洛斯主任。在加入亚利桑那大学教职员行列前，罗斯教授曾是耶鲁大学法学院的戈登·布拉德福德·崔迪教授。她撰写了大量文章和书籍，包括：《对财产法的研究评述》(1995年，Aspen第二版) (与布鲁斯·艾克曼，罗伯特·埃里克森合著)，和《财产与说服：关于所有权的历史、理论与修辞学的文章》(1994年，Westview出版社)。

PANELIST AND MODERATOR BIOGRAPHIES

专家组成员简介

AMERICAN PANELISTS AND MODERATORS



Alan Ackerman

The managing partner of Michigan-based Ackerman & Dynkowski P.C., Alan Ackerman received his B.A. and M.A. from Michigan State University, and his J.D. from the University of Michigan Law School. He has taught eminent domain law as an adjunct professor at the University of Detroit Law School since 1983, and now serves as an adjunct professor at Michigan State University College of Law.

艾伦 阿克曼

阿克曼先生是总部在密西根州的阿克曼与邓肯维西律师事务所的执行合伙人，拥有密西根州立大学学士和硕士学位，以及密西根大学法学院的博士学位。他于1983年起任底特律大学兼职教授，讲授国家对私有财产的征用权，现为密西根州立大学法学院兼职教授。



Greg Alexander

Professor Gregory Alexander, a nationally renowned expert in property and trusts and estates, has taught at Cornell Law School since 1985. He received his J.D. from Northwestern University School of Law and began his teaching career at the University of Georgia School of Law.

雷格 亚历山大

亚历山大教授是美国著名的财产、信托和房地产方面的专家。他拥有西北大学法学院的法学博士学位，并在乔治亚大学法学院开始了他的教学生涯。自1985年以来，他在康奈尔大学法学院任教。



Andrew Prince Brigham

Andrew Prince Brigham is a partner with Brigham Moore in Jacksonville, Florida, a firm devoted to representing owners in eminent domain proceedings. He graduated from Wheaton College with a B.A. in English Literature and then received his J.D. from University of Florida College of Law.

安德鲁·普林斯·布里格姆

是佛罗里达州杰克逊维尔市的Brigham Moore律师事务所的合伙人，这家事务所专门代表业主诉讼国家对私有财产的征用案。布里格姆毕业于惠顿学院，获得该院的英国文学学士学位，继而在佛罗里达大学法学院获得法学博士学位。



Jim Burling

Jim Burling is Pacific Legal Foundation's Director of Litigation and principal attorney in PLF's Property Rights practice group. He has a B.A. from Hamilton College, a Masters of Science from Brown and a J.D. from University of Arizona College of Law.

吉姆 博林

博林先生现任太平洋法律基金会的诉讼主任和PLF产权业务的首席律师；他是汉米尔顿学院的学士、布朗大学的硕士和亚利桑那大学法学院的法学博士。



Lynda Butler

Chancellor Professor of Law and Director of the Brigham-Kanner Property Rights Project, 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.

琳达 巴特勒

巴特勒女士是威廉-玛丽学院院长、法学资深教授、布里格姆-凯奈尔产权会主席。她拥有威廉-玛丽学院的学士学位和弗吉尼亚大学的法学博士学位，其研究方向是财产权和财产法、土地和水资源的使用以及环保政策。



David Callies

David Callies is the Kudo Professor of Law at the University of Hawaii Law School. He holds degrees and honors from the University of Michigan (J.D.); Nottingham University (LL.M land planning law); and Clare Hall, Cambridge (foreign fellow and life member).

大卫 卡利斯

大卫 卡利斯是夏威夷大学法学院的荣誉教授，拥有诺丁汉大学土地规划法的硕士学位和密西根大学的法学荣誉博士学位。他还是剑桥大学克莱尔霍学院的外籍院士和终身会员。



Lan Cao

Lan Cao is a Boyd Fellow and Professor of Law at William & Mary Law School. She received her B.A. from Mount Holyoke College and her J.D. from Yale Law School. Cao joined the faculty of William & Mary Law School in 2001 after teaching at Brooklyn Law School for six years.

曹兰

曹兰女士是蒙特豪利克学院的硕士以及耶鲁大学的法学博士，她在布鲁克林法学院任教六年之后于2001年加盟威廉-玛丽法学院，现为该院法学教授和博伊德研究员。



Davison M. Douglas

Hanson Professor of Law and Dean Davison M. Douglas joined the William & Mary Law School faculty in 1990 and became Dean in 2009. He has a B.A. from Princeton, an M.A.R. from Yale Divinity School, and a Ph.D. in History and J.D. from Yale.

戴维森 道格拉斯

道格拉斯是汉森法学教授和威廉-玛丽法学院院长，于1990年开始在威廉-玛丽法学院任教，自2009年起担任院长一职。他是普林斯顿大学的硕士、耶鲁神学院的硕士、耶鲁大学的历史博士以及法学博士。



Lee Anne Fennell

Lee Fennell received her J.D. *magna cum laude* from Georgetown University Law Center. Since 2007, she has been a professor at the University of Chicago Law School. She also taught at the University of Texas School of Law (2001–2004) and at the University of Illinois College of Law (2004–2007).

李 安娜 分埃尔

芬埃尔女士以麦格纳优等生资格获得乔治敦大学法律中心法学博士学位。她先后任教于德克萨斯大学法学院（2001年–2004年），伊利诺伊大学法学院（2004年–2007年）和芝加哥大学法学院（2007年至今）。



Leslie A. Fields

Leslie Fields is a Managing Partner with Faegre & Benson, a law firm with offices in Minnesota, Colorado, Iowa, London and Shanghai. Ms. Fields received her J.D. from the University of Denver Sturm College of Law and her B.A. *cum laude* from the University of Denver.

莱丝丽 非尔茨

非尔茨女士是斐格律师事务所执行合伙人，该事务所在美国的明尼苏达州、科罗拉多州、英国伦敦以及中国上海设有办事处。她是丹佛大学学士学位优等生，还拥有丹佛大学斯特姆法学院的法学博士学位。



Mark F. (Thor) Hearne, II

Mark Hearne is a partner with Arent Fox LLP in Washington, D.C. He received his J.D. from Washington University Law School and a B.A. from Washington University in St. Louis.

马克 海尔纳

海尔纳是位于华盛顿特区的Arent Fox LLP 律师事务所的合伙人，曾在圣路易斯州的华盛顿大学获得学士学位和法学博士学位。



Eric Kades

Past director of the Brigham-Kanner Property Rights Project, Eric Kades is a professor of law at William & Mary Law School. He earned a B.A. from Yale University and a J.D. from Yale Law School.

埃里克 卡德斯

卡德斯先生曾任布里格姆-凯奈尔产权项目主任，现为威廉-玛丽法学院的法学教授。他拥有耶鲁大学法学院的学士和法学博士学位。



LeRoy Millette

A graduate of William & Mary Law School, Justice Millette was appointed to the Virginia Supreme Court by Governor Tim Kaine in 2008 and subsequently elected to a twelve year term by the General Assembly in 2009. In 1990, he joined the General District Court and three years later was elevated to the Circuit Court of Prince William County.

里绕 米列特

米列特法官毕业于威廉-玛丽法学院，1990年加入弗吉尼亚地方法院，并于三年之后擢升为普林威廉县巡回法院的法官，2008年被蒂姆凯恩州长任命为弗吉尼亚最高法院的法官，并在2009年的州议会上当选，任期为十二年。



Ron Rosenberg

Chancellor Professor Ron Rosenberg holds both a J.D. and a Master's degree in Regional Planning from the University of North Carolina at Chapel Hill, and a B.A. from Columbia University. Professor Rosenberg joined the faculty of William & Mary Law School in 1982.

罗恩 罗森堡

罗森堡先生是法学资深教授在哥伦比亚大学获得学士学位，在北卡州立大学、教堂山分校获得法学硕士和博士学位。他于1982年加入威廉-玛丽法学院，其专长为土地使用规划。



Patricia Salkin

Patricia Salkin is the Raymond and Ella Smith Distinguished Professor of Law, Associate Dean and Director of the Government Law Center at Albany Law School. She earned a B.A. from the State University of New York at Albany and a J.D. from the Albany Law School.

帕特里夏 萨尔金

萨尔金女士是Raymond and Ella Smith 的特聘法学教授，并任奥尔巴尼法学院的政府法律中心的副院长和主任。她拥有纽约-奥尔巴尼州立大学的学士和奥尔巴尼法学院的法学博士学位。



Henry Smith

Henry Smith is the Fessenden Professor of Law and the Director of the Project on the Foundations of Private Law at Harvard Law School. He graduated from Harvard University with an A.B. in German and received an A.M. in German and a Ph.D. in Linguistics from Stanford University. He received his J.D. from Yale Law School.

亨利 史密斯

史密斯先生是 Fessenden 法学教授和哈佛大学法学院私法学基金会项目主任。他在哈佛大学获得德语学士和硕士学位，在斯坦福大学获得语言学博士学位，在耶鲁大学法学院获得法学博士学位。



James L. Thompson

James Thompson is a partner with Miller, Miller & Canby in Rockville, MD and is a member of the American College of Trial Lawyers. Thompson received his undergraduate degree from Yale University and his J.D. from The University of Virginia Law School.

詹姆斯 汤普森

汤普森先生是位于马里兰州洛克威尔的 Miller, Miller & Canby 律师事务所的合伙人，美国辩护律师学会的会员。他拥有耶鲁大学本科学位和弗吉尼亚大学法学院的法学博士学位。



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.

约瑟夫 瓦尔多

约瑟夫 瓦尔多先生是布里格姆-凯奈尔产权会议的创始人。他就读于北卡大学教堂山分校，并获学士学位，自威廉-玛丽法学院毕业之后一直从事法律事务工作，且于1998年创建Waldo & Lyle, P.C. 法律事务所--- 弗吉尼亚州唯一的一个在征用财产过程中代表业主的律师事务所。

CHINESE PANELISTS AND MODERATORS



Jiang Ping

Former President of China's University of Political Science and Law, he is a lifetime professor there. He graduated from Moscow University in 1956. He has been director of the Beijing Arbitration Commission since 1995.

江平

曾任中国政法大学校长。中国政法大学终身教授。1956年毕业于莫斯科大学，1995年至今任北京仲裁委员会主任。



Wang Liming

Vice President of Renmin University and President of Chinese Civil Law Society, he received a Ph.D. in law from Renmin University and was a senior visiting scholar at Harvard University.

王利明

中国人民大学副校长。中国法学会民法学研究会会长。九届、十届、十一届全国人大代表，十届全国人大法律委员会委员、十一届全国人大法律委员会委员。教育部全国高等学校法学学科教学指导委员会副主任委员。人民大学博士，哈佛大学访问学者。



Wang Zhenmin

Professor and Dean of Tsinghua Law School, he specializes in constitutional law and administrative law. He participated in drawing the Basic Law of Hong Kong and Macao in the special administrative regions. In

1995 he received a Ph.D. in law from Renmin University of China. From August 2000 to August 2001 he was a Fulbright visiting scholar at Harvard Law School. He was selected as a member of the Forum of Young Global Leaders of the World Economic Forum.

王振民

清华大学法学院教授、院长。研究方向：宪法学、行政法学。参与制定香港澳门特别行政区基本法。1995年获得中国人民大学博士学位。2000年8月至2001年8月在美国哈佛大学法学院做富布莱特 (Fulbright) 高访学者。2004年10月被“世界经济论坛”选为全球青年领袖论坛成员。



Cui Jianyuan

Professor at Tsinghua Law School and Director of the Research Center of Civil Law, he is part-time Vice President of the Chinese Civil Law Society. He specializes in civil law. He is arbitrator of China's International Economic and Trade Arbitration Commission. He was a visiting scholar at Franklin Pierce University.

崔建远

清华大学法学院教授、民法研究中心主任。兼任中国法学会民法学副会长。研究方向：民法学。中国国际经济贸易仲裁委员会仲裁员。美国富兰克林·皮尔斯大学访问学者。



Wang Chenguang

Professor and former Dean of Tsinghua Law School and Vice President of Jurisprudence Research at the China Law Society, he received an M.A. from Harvard University and a Ph.D. from Peking University. He specializes in jurisprudence and comparative law.

王晨光

清华大学法学院教授。中国法学会法理学会副会长。获得哈佛大学硕士和北京大学博士。研究方向：法理学、比较法。



Shi Tiantao

Professor and Vice Dean of Tsinghua Law School and Vice President of Securities Law Research at the China Law Society, he received a Ph.D. in law from China's University of Political Science and Law. He specializes in commercial and corporate law. He was a visiting scholar at Stanford University.

施天涛

清华大学法学院教授、副院长。中国法学会证券法学研究会副会长。中国政法大学法学博士。研究方向：商法、公司法。斯坦福大学访问学者。



Shen Weixing

Professor and Vice Dean of Tsinghua Law School, Professor Shen specializes in civil law and health law. He was a visiting scholar at University of Cologne in 1999, the University of Freiburg in Germany in 2002, Temple Law School in 2004 and at Harvard Law School in 2009 under the Fulbright program.

申卫星

清华大学法学院教授、副院长。研究方向：民法、卫生法。德国科隆大学和弗莱堡大学访问学者，美国天普大学和哈佛大学法学院富布莱特访问学者。



Yao Hui

Professor at Renmin University and director of civil and commercial law in the Teaching and Research section, he graduated from East China University of Political Science and Law and Renmin University and received B.A., M.A. and Ph.D. degrees. He also studied at the University of Tokyo.

姚辉

中国人民大学法学院教授，民商法教研室主任。先后毕业于华东政法学院和中国人民大学，分别获法学学士、硕士及博士学位。曾留学日本国立东京大学。



Chen Huabin

Professor of Law at Central University of Finance and Economics, he is part-time councilman of the Sino-Japanese Civil and Commercial Law Institute. He received a Ph.D. degree in civil law of Chinese Academy of Social Science.

陈华彬

中央财经大学法学院教授。兼任中日民商法学会常任理事。中国社会科学院民法博士。



Lu Zhongmei

President of Hubei University of Economics and professor at the School of Law at Zhongnan University of Economics and Law, she was Vice President of the Superior People's Court of Hubei Province. She specializes in environmental law and economic law. She received a B.A. in law from Peking University, an M.A. in environmental law and a Ph.D. from Wuhan University.

吕忠梅

现为湖北经济学院院长、中南财经政法大学法学院教授。曾任湖北省高级人民法院副院长。研究方向：环境法、经济法。北京大学学士、武汉大学环境法硕士和博士。



Zhou Ke

Professor of Law at Renmin University, he received B.A., M.A. and Ph.D. degrees in law from Renmin University. He specializes in environmental and natural resources law, civil law, economic law and real estate law. He was a visiting scholar at City University of Hong Kong.

周柯

中国人民大学法学院教授。获得中国人民大学学士、硕士和博士。研究方向：环境法、自然资源法、民法、经济法及房地产法。香港城市大学访问学者。



Gao Qicai

Professor of Tsinghua Law School and Vice President of the China Agricultural Economic Law Society, he received an M.A. from Wuhan University and a Ph.D. in law from China's University of Political Science and Law. He specializes in sociology law.

高其才

清华大学法学院教授。中国农业经济法研究会副会长。武汉大学硕士、中国政法大学法学博士。研究方向：法社会学。



Wang Hongliang

Associate Professor of Tsinghua Law School and Vice President of Jurisprudence Research at the China Law Society, he received a Master of Law degree from Harvard University and a Ph.D. from Peking University. He specializes in jurisprudence and comparative law.

王洪亮

清华大学法学院副教授，中国法学会法理学副会长。哈佛大学硕士、北京法学博士。研究方向：法理学、比较法。



Cheng Jie

Associate Professor at Tsinghua Law School, she received a Ph.D. degree in law from Peking University. She specializes in constitutional law, administrative law and the basic law of Hong Kong. She was a Fulbright visiting scholar at Yale Law School.

程洁

清华大学法学院副教授。北京大学博士。研究方向：宪法学与行政法学、香港基本法。耶鲁富布莱特高访学者。



Yin Fei

Associate Professor of law and Assistant Dean at Central University of Finance and Economics, he is director of the Research Center of Real Estate Law at Central University of Finance and Economics and councilman of the Research Institute of Law on Protection of the Rights and Interests of Consumers.

尹飞

中央财经大学法学院副教授、院长助理。中央财经大学房地产法研究中心主任。中国法学会消费者权益保护法研究会理事。



He Haibo

Associate Professor at Tsinghua Law School, he received his B.A., M.A. and Ph.D. degrees from Peking University, and a Master of Jurisprudence from the University of Durham. He specializes in administrative law and constitutional law. He was a visiting scholar at Yale Law School.

何海波

清华大学法学院副教授。获得北京大学学士、硕士、博士学位。英国杜伦大学硕士。研究方向：宪法及行政法学。耶鲁大学法学院访问学者。



Zhang Xisheng

Professor of law at Yunnan University and director of the Research Institute of Humanitarian Law and deputy director of the professor committee, he received a B.A. in history at Yunnan University and an M.A. in history from the Chinese Nationalities University. He was a Ph.D. candidate at University of Oslo, Norway.

张锡盛

云南大学法学院教授，人权法研究所所长，教授委员会副主任。云南大学历史学学士，中国民族史硕士。挪威奥斯陆大学法学院博士候选人。



Xu Defeng

Associate Professor of Peking University Law School, he specializes in company law and contract law. He received his B.A., M.A. and Ph.D. degrees in law from Peking University, and also an M.A. and Ph.D. in law from the University of Munich.

许德峰

北京大学法学院副教授。研究方向：公司法、合同法。北京大学学士、硕士、博士及慕尼黑大学法学院硕士和博士。



Li Hao

Associate Professor of Law at Beihang University, he received a Ph.D. from Tsinghua Law School. He did post-doctoral research at the Chinese Academy of Social Science from 2005 to 2008. He specializes in civil and commercial law.

李昊

北京航空航天大学法学院副教授。清华大学法学院博士。2005年-2008年中国社会科学院博士后。研究方向：民商法。



Zhang Libin

Co-partner of Broad & Bright Law Firm in Beijing, he received a B.A. in economics at University of International Business and Economics and a Ph.D. from the School of Law at the University of Texas at Austin. He worked as lawyer, legal advisor and copartner at the Paul Weiss law firm.

张利宾

北京世泽律师事务所合伙人。对外经贸大学经济学学士。德克萨斯大学奥斯汀法学院法学博士。在美国宝维斯等知名律所担任律师、法律顾问和合伙人。



Jin Qingjun

Senior partner of King and Wood Law Firm, he received an M.A. in international law from China University of Political Science and Law. He received a completion certificate from the International Marine Society of the United Nations. He works as a legal advisor for many financial institutions, security companies and listed companies.

靳庆军

金杜律师事务所高级合伙人。中国政法大学国际法硕士。获得联合国国际海洋学会专科结业证书。现担任诸多金融机构、证券公司、上市公司法律顾问。



Chang Yun-chien

Assistant Research Professor and Deputy Director of Center for Empirical Legal Studies, Institutum Iurisprudentiae, Academia Sinica. He is a visiting professor at Faculty of Law, Hebrew University of Jerusalem in Fall 2011. He received

his J.S.D. from New York University School of Law. His research focuses on the economic, empirical, and comparative analysis of property law and land use law. His articles have appeared, or will appear, in *Journal of Legal Studies*, *Journal of Law, Economics & Organization*, *Journal of Empirical Legal Studies*, among others. His book, *Takings Compensation: Theoretical Framework and Empirical Analysis*, is under contract with Edward Elgar.

张永健

台湾研究院法律学研究所助研究员，兼任台湾交通大学科技法律研究所助理教授。纽约大学法学院博士。研究方向：物权、土地房屋管制、法律经济分析、法学实证研究。



Qiao Shitong

A J.S.D. Candidate at Yale Law School, he received his LL.M. from Yale Law School and Peking University. He has been Director of Advanced Legal Studies in Peking University School of Transnational Law in Shenzhen since August 2011.

乔仕彤

耶鲁大学法学院法学博士研究生。耶鲁法学院和北京大学法学院硕士。2011年8月以来任北京大学法学研究所深圳跨国法研究主任。



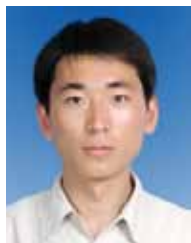
Wang Wenjun

Associate Professor at the Law School at Dalian Maritime University, he received his Ph.D. in law from Tsinghua University. He specializes in civil and commercial law. He is part-time councilman and assistant

secretary general of the Research Institute of the Civil Law Society in Liaoning province.

王文军

大连海事大学法学院副教授，清华大学法学博士。研究方向：民商法。兼任辽宁省法学会民法学研究会理事兼副秘书长。



Wang Hui

Lecturer at the Law School of Shanghai Maritime University, he received a Ph.D. in law from Southwest University of Political Science and Law. He specializes in environmental law and property tax law.

王慧

上海海事大学法学院讲师。西南政法大学博士。研究方向：环境法、财产法、财税法。



Zhao Lihui

Judge of Beijing Second Intermediate People's Court, he received double B.A. degrees in engineering and English from Dalian University of Technology, and a J.M. degree in intellectual property law from Peking University. He

has been secretary general of the Association of Intellectual Property Law at Peking University.

赵立辉

北京市第二中级人民法院法官。大连理工大学双学士，北京大学法学院知识产权法硕士。北京大学知识产权协会秘书长。



Lu Dingliang

A Master's degree candidate, he graduated from the University of International Business and Economics. He works as a counselor in the group of competition policy at the Intellectual Property Center at the Ministry of Industry and Information Technology.

卢鼎亮

硕士研究生。对外经贸大学法学院毕业。现任工业和信息化部电子知识产权中心竞争工作组咨询师。

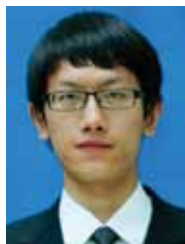


Dong Jiao

A lawyer at Kirkland & Ellis LLP, she specializes in accounting, civil and commercial law, international law and business English. She has worked at China Orient Group Incorporated, Orient International Economic and Technological Cooperative Corporation and Beijing Zhongpingjian CPA.

董焦

Kirkland & Ellis LLP 国际律师事务所律师。专业：会计学、民商法学、国际法学、商务英语。曾在东方集团股份有限公司、东方国际经济技术合作公司、北京中平建会计事务所工作。



Ma Yunpeng

A Ph.D. candidate of Tsinghua Law School, he received his J.M. degree from Tsinghua Law School in July 2010. He is Clerk of the Beijing Second Intermediate People's Court. He specializes in intellectual property law.

马云鹏

清华大学2011级法学博士（知识产权专业），2010年7月毕业于清华大学法学院法律硕士专业。北京市第二中级人民法院知识产权庭书记员。



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. John Marshall, the nation's fourth chief justice, studied at William & Mary. William & Mary's faculty are experienced mentors who exemplify the citizen-lawyer ideal. In every course, they use their professional and personal insights to emphasize the human element of the practice of law. William & Mary's students arrive with sharp intellects and wildly diverse talents and dedicate their time to collaborating on projects of real worth.

William & Mary Law School was the host of the Brigham-Kanner Property Rights Conference from 2004-2010. This year, William & Mary is pleased to be co-sponsoring the Conference with Tsinghua Law School in Beijing, China.

威廉-玛丽学院的法学教育始于1779年，是时任弗吉尼亚州州长和大威廉-玛丽法学院督查



委员会成员的托马斯·杰斐逊大力敦促的结果。杰斐逊认为应该培养那些心怀大志的专业人才，使他们成为既热情普法又受人尊敬的公民律师。全国第四位首席大法官约翰·马歇尔就曾在威廉-玛丽法学院就读。学院教员经验丰富，为人师表，堪称公民律师的典范。他们在授课中融合专业知识和个人见解，强调法律事务中人的因素。威廉-玛丽法学院的学生也都思维敏捷，才华横溢，在研究那些意义重大的课题时，通力合作，殚精竭虑。

威廉和玛丽法学院从2004至2010年一直是布里格姆-凯耐尔产权研究年会的主办单位，而今年威廉&玛丽很高兴能与清华大学法学院在中国北京联合举办会议。

THE COLLEGE OF

WILLIAM & MARY

The College of William & Mary is a public university located in Williamsburg, Virginia. Founded by Royal Charter in 1693, it is the second oldest college in the country. The College's student body is just over 7,800 full-time (graduate and undergraduate) students with a 12 to 1 student/faculty ratio. U.S. News and World Report ranks the College sixth among all public universities 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 27th 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.

威廉-玛丽学院的简历

威廉-玛丽学院是一所公立大学，位于弗吉尼亚州的威廉斯堡，经皇家特许建于1693年，是美国第二所最古老的学院。学院在校的本科生和研究生一起刚过7,800人，学生与老师的比例为12:1。根据美国新闻与全球报道，威廉-玛丽学院在全美的公立大学中排名第六。威廉-玛丽学院享有“民族之母校”的誉称，为美国培养了三位总统：托马斯·杰斐逊，詹姆斯·门罗以及约翰·泰勒，而第一总统，乔治·华盛顿则是威廉-玛丽学院的第一任院长。

泰勒·雷弗利2008年2月担任威廉-玛丽大学临时校长，之后于当年9月5日宣誓就职，正式成为威廉-玛丽的第27任校长。从1998年8月到就任现职之前，雷弗利任威廉-玛丽法学院院长近十年。他是以第十九任校长约翰·斯图尔特·布莱恩 (John Stewart Bryan) 命名的法学教授。

TSINGHUA UNIVERSITY

LAW SCHOOL

Since its founding in 1920, Tsinghua University's Law School has graduated many prominent legal scholars, judges and lawyers. Among its ranks are the late Judges Tieya Wang and Ruao Mei, and Justice Duanmu Zheng of the Supreme People's Court. The restructuring of the higher education system in China led to the Law School's merger with Peking University and other universities in 1952. In 1995, Tsinghua Law School was reestablished to answer the call for establishing and enhancing the rule of law in China. Backed by the rich history, academic strength, and reputation of Tsinghua University, the Law School has progressed to become a leading institute in legal education and research in China.

清华大学法学院自1920年成立以来，培养出了众多享有盛名的法律学者、法官和律师，其中



包括最高人民法院的已故法官王铁崖、梅汝璈和端木正。在1952的大学院系调整中，法学院被合并到北京大学及其他院校。1995年，为适应国家法制建设的需要，清华大学法学院重新组建。得益于清华的历史积淀、科研实力和卓著声誉，清华法学院迄今已发展成为中国法学教育和研究的领先机构。



Tsinghua Law School



Brigham-Kanner Property Rights Conference

William & Mary Law School and Tsinghua University Law School

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THE BRIGHAM-KANNER
PROPERTY RIGHTS CONFERENCE
THANKS THOSE WHO UNDERWROTE
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NEWPORT NEWS, VA

Wayne and Cheryl McLeskey
VIRGINIA BEACH, VA

Joshua E. Baker, Esq.
NORFOLK, VA



