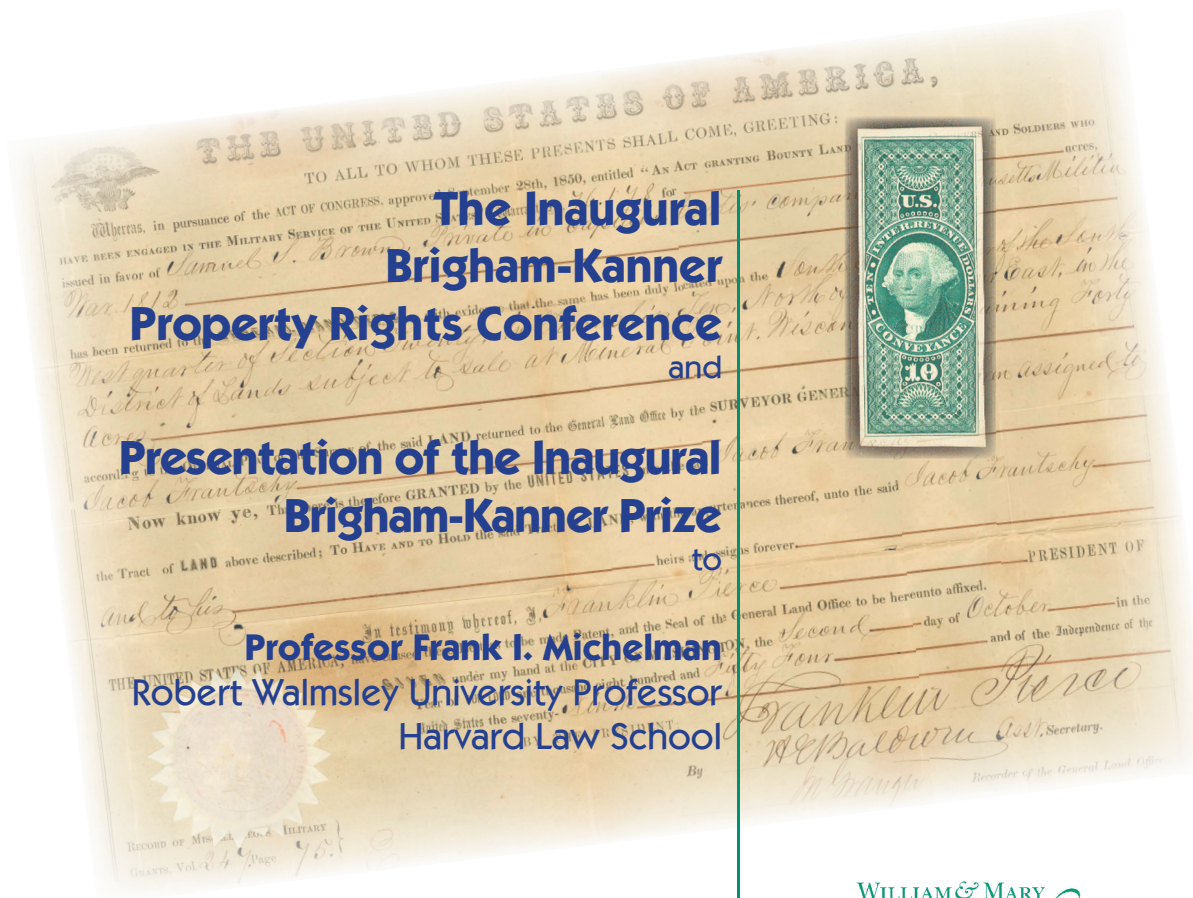




College of William & Mary
School of Law
Property Rights Conference
POB 8795
Williamsburg, VA 23187-8795



The Inaugural
Brigham-Kanner
Property Rights Conference
and
Presentation of the Inaugural
Brigham-Kanner Prize

Professor Frank I. Michelman
Robert Walmsley University Professor
Harvard Law School



WILLIAM & MARY
225th
Anniversary
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Sponsored by the
William & Mary School of Law

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

November 5 - 6, 2004
William & Mary School of Law
Williamsburg, Virginia

The Inaugural Brigham-Kanner Property Rights Conference
and Presentation of the Inaugural Brigham-Kanner Prize to
Professor Frank I. Michelman
November 5 – 6, 2004

The William & Mary Property Rights Conference and William & Mary Property Rights Prize are named in recognition of **Toby Prince Brigham, Esq.,** and **Professor Gideon Kanner** for their lifetime contributions to private property rights, their efforts to advance the constitutional protections thereof, and their accomplishments in preserving the protections and dignity of the individual and civil rights to private property. Mr. Brigham is an attorney who has specialized in eminent domain and property rights law for over 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 Frank I. Michelman of Harvard Law School is the inaugural honoree, chosen in large measure for his influential article, *Property, Utility, and Fairness: Comments on the Ethical Foundations of 'Just Compensation' Law*, 80 Har. L. Rev. 1165 (1967). Professor 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) and also has published 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 addition, he is a past president of the American Society for Political and Legal Philosophy and a fellow of the American Academy of Arts and Sciences.

In addition to commentary on the impact and continuing relevance of Professor Michelman's work, the conference will include a discussion of recent developments in takings litigation, judicial comments on takings law, and a point/counterpoint on the sufficiency of current property rights protections.



Wren Building, College of William & Mary

Agenda

Friday, November 5
6:30 p.m. **Reception**
Great Hall, Wren Building, College of William & Mary

7:30 **Dinner and Presentation of Inaugural Brigham-Kanner Prize to Professor Frank I. Michelman**

Saturday, November 6
8:45 a.m. **Continental Breakfast and Registration**

9:30 **Academic Reflections on Professor Michelman's Work and its Impact**

Gregory S. Alexander
A. Robert Noll Professor of Law
Cornell Law School

William A. Fischel
Patricia F. and William B. Hale '44 Professor of Economics
Dartmouth College

Richard J. Lazarus
Professor of Law
Georgetown University Law Center

Gregory M. Stein
Woolf, McClane, Bright, Allen & Carpenter
Distinguished Professor of Law
University of Tennessee College of Law

Laura S. Underkuffler
Professor of Law
Duke Law School

10:30 a.m. **Judicial Thoughts on Just Compensation**

The Honorable Jonathan M. Apgar
Roanoke City Circuit Court

The Honorable Alex Kozinski
U.S. Court of Appeals for the Ninth Circuit

The Honorable Rebecca Beach Smith
U.S. District Court, Eastern District of Virginia

11:15 **Recent Developments in Property Rights Advocacy**

...on Due Process
Toby Prince Brigham
Partner
Brigham Moore LLP
Miami, FL

...on Takings

Gideon Kanner
Professor Emeritus, Loyola Law School
Of Counsel, Manatt, Phelps & Phillips LLP
Los Angeles, CA

Commenting
Steven J. Eagle
Professor of Law
George Mason University School of Law

Daniel R. Mandelker
Howard A. Stamper Professor of Law
Washington University School of Law

Ronald H. Rosenberg
Professor of Law
William & Mary School of Law

12:00 p.m.

Point/Counterpoint
Resolved: Present Law Affords Property Owners
Insufficient Protection from Governmental Interference

Pro
James S. Burling
Principal Attorney
Pacific Legal Foundation
Sacramento, CA

Con
Timothy J. Dowling
Chief Counsel
Community Rights Counsel
Washington, DC

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 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 every fall, the Project will develop web-based materials that serve its ends.

Institute of Bill of Rights Law

The Institute of Bill of Rights Law is a teaching, research and public education unit of the William & Mary School of Law. For more information on its programs, symposia and scholarly endeavors, please visit www.wm.edu/law/ibrll/.

Speakers & Participants at a Glance

Gregory S. Alexander, A. Robert Noll Professor of Law, Cornell Law School
The Honorable Jonathan M. Apgar, Roanoke City Circuit Court
Toby Prince Brigham, Partner, Brigham Moore LLP, Miami, FL
James S. Burling, Principal Attorney, Pacific Legal Foundation, Sacramento, CA
Lynda L. Butler, Conference Committee, Vice Dean and Chancellor Professor of Law, William & Mary School of Law
Timothy J. Dowling, Chief Counsel, Community Rights Counsel, Washington, DC
Steven J. Eagle, Professor of Law, George Mason University School of Law
William A. Fischel, Patricia F. and William B. Hale '44 Professor of Economics, Dartmouth College
Eric Kades, Conference Chairman, Professor of Law, William & Mary School of Law
Gideon Kanner, Of Counsel, Manatt, Phelps & Phillips LLP, Los Angeles, CA, and Professor of Law Emeritus, Loyola Law School
The Honorable Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit
Richard J. Lazarus, Professor of Law, Georgetown University Law Center
Daniel R. Mandelker, Howard A. Stamper Professor of Law, Washington University School of Law
Frank I. Michelman, Robert Walmsley University Professor, Harvard Law School
Ronald H. Rosenberg, Professor of Law, William & Mary School of Law
The Honorable Rebecca Beach Smith, U.S. District Court, Eastern District of Virginia
Gregory M. Stein, Woolf, McClane, Bright, Allen & Carpenter Distinguished Professor of Law, University of Tennessee College of Law
Laura S. Underkuffler, Professor of Law, Duke Law School

William & Mary Conference Coordinating Committee

Eric Kades, Chairman, Professor of Law
Lynda L. Butler, Vice Dean and Chancellor Professor of Law

Credit

This program has been approved by the Virginia Mandatory Continuing Legal Education Board for 2 hours of credit.

Registration and Fees

Friday evening's dinner is \$75 per person. The conference registration fee is an additional \$50 per person and includes Saturday morning's continental breakfast and admission to all sessions.

The registration deadline is October 22, 2004. Please call William & Mary Law School to register after this date (757/921-3796).

Fees

\$75.00 Friday evening's dinner
\$50.00 Registration fee for Saturday's conference

Students who wish to attend Saturday's conference may do so at no cost. If you are a student, please check the box on the registration form.

Early registration is encouraged. Your registration form with registration fee (or waiver of conference registration fee if student) will be acknowledged.

Air and Ground Transportation

Newport News/Williamsburg 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. Ground transportation companies meet flights at all three airports with limousine or shuttle service to the hotel available with advance reservations.

US Airways is offering conference attendees a special discount for flights into Newport News/Williamsburg, Norfolk or Richmond airports on November 4-7, 2004. To learn about the discount, please call your travel agent or US Airways at 877/874-7687 between 8 a.m. and 9:30 p.m. EST. Be sure to refer to GOLD CARD file number 41642979.

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, which is three blocks from the Williamsburg Hospitality House, the host hotel. The hotel is located at 415 Richmond Road. Saturday's session will be held at the William & Mary School of Law, 613 South Henry Street, less than one mile from the hotel.

A block of rooms has been reserved at the Williamsburg Hospitality House at a special room rate of \$89 per night (double occupancy) for symposium attendees. Please call 800/932-9192 to make your reservations and remember to mention the property rights symposium. Reservations must be made by October 5, 2004, to receive the special room rate.

Refunds

Requests for refunds of registration fees must be made in writing and received no later than October 22, 2004. Refund requests received after October 22, 2004, will be handled on a reasonable justification basis.

Local Attractions

Colonial Williamsburg

Located less than a mile from the Law School, Colonial Williamsburg is the world's largest living history museum – the restored 18th-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

Yorktown 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 City of Williamsburg web site at www.ci.williamsburg.va.us.

Registration

The Inaugural Brigham-Kanner Property Rights Conference
November 5-6, 2004

Please print or type and use a separate form for each person registering
Registration deadline, October 22, 2004

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, November 5 dinner
- ☐ Please reserve ____ additional dinner tickets for accompanying person(s)
- ☐ Yes, I will attend the Saturday, November 6 conference
- ☐ Please check if you are a student and wish to request a waiver of the conference fee

_____ Friday evening's dinner (\$75 per person)
_____ Saturday's conference (\$50 per person, enter waiver if student)
Guest name(s) to list on name tag(s) for dinner: _____
\$_____ Total enclosed

Mail or fax to:

William & Mary School of Law
Att: Kathy Pond, Property Rights Conference
POB 8795
Williamsburg, VA 23187-8795
Fax: 757/921-6329

Questions?

Please call Kathy Pond at
757/921-3796 or email
ktpond@wm.edu.

