



Environmental Law Center

## VERMONT LAW SCHOOL

164 Chelsea Street, PO Box 96, South Royalton, VT 05068

www.vermontlaw.edu/takings2010

ADDRESS SERVICE REQUESTED

THE 13<sup>TH</sup> ANNUAL CONFERENCE ON

### Litigating Regulatory Takings Challenges to Land Use and Environmental Regulations

U.C. BERKELEY SCHOOL OF LAW • BERKELEY, CALIFORNIA

FRIDAY, NOVEMBER 5, 2010

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## About the Conference

This conference explores the regulatory takings issue as it relates to land use and environmental regulation. The conference brings together a diverse group of leading scholars and experienced practitioners to discuss cutting-edge issues raised by recent and pending court cases and new regulatory initiatives. Some topics to be discussed include the Supreme Court's *Stop the Beach Renourishment* decision, the future of the judicial takings theory, takings questions raised by sea level rise and other consequences of climate change, controversial new decisions applying an expansive interpretation of the *Penn Central* analysis, and recent takings cases involving regulations of water use.

## Conference Sponsors

**Vermont Law School, Environmental Law Center**

**U.C. Berkeley School of Law,  
Center for Law, Energy & the Environment**

**Georgetown University Law Center,  
Georgetown Climate Center and Georgetown  
Environmental Law & Policy Program**

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Columbia Law School

International Municipal  
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## Key Questions to Be Addressed

- What did the Supreme Court rule in *Stop the Beach Renourishment* and what does it mean?
- Where does eminent domain law stand in California and other states five years after *Kelo*?
- What are the latest developments in federal rails to trails takings litigation?
- Is water different from land and other resources under the Takings Clause?
- What are the standards for determining government liability for alleged breaches of contracts?





**MCLE** This program is worth 8.5 MCLE credits



## Conference Schedule

FRIDAY, NOVEMBER 5, 2010

- 7:30–9:00 Registration and Continental Breakfast**
- 8:00–9:00 Introductory Program on Takings and Related Constitutional Doctrines**  
Robert Meltz, Congressional Research Service  
Michael von Loewenfeldt, Kerr & Wagstaffe LLP
- 9:00–9:15 Welcome and Introductions**
- 9:15–10:30 Takings Law in the Era of Climate Change: Stop the Beach Renourishment**  
Peter Byrne, Georgetown University Law Center  
Edwin Kneedler, U.S. Department of Justice  
Thomas Merrill, Columbia Law School  
Barton Thompson, Stanford Law School
- 10:30–11:30 Penn Central Unleashed**  
R. S. Radford, Pacific Legal Foundation  
Matthew Zinn, Shute Mihaly & Weinberger LLP
- 11:30–12:30 Eminent Domain: Kelo Five Years Out**  
Lisa Bova-Hiatt, New York City Law Department  
Marc Mihaly, Vermont Law School
- 12:30–1:00 Lunch**
- 1:00–1:45 Back to the Future: History, Water Rights and Climate Change**  
John Leshy, The Harry D. Sunderland  
Distinguished Professor of Real Property Law  
U.C. Hastings School of Law
- 1:45–2:45 The Contracts and Takings Intersection**  
Jeanne Davidson, U.S. Department of Justice  
John Echeverria, Vermont Law School
- 2:45–3:00 Break**
- 3:00–4:00 Rails to Trails Takings Litigation**  
Cecilia Fex, Ackerson Kauffman Fex, PC  
James Gette, U.S. Department of Justice
- 4:00–5:15 Is Water Regulation a Taking?**  
David Breemer, Pacific Legal Foundation  
Tara Mueller, California Attorney General's Office  
Joseph Sax, U.C. Berkeley School of Law
- 5:30 Reception**

## General information

### Conference Location:

U.C. Berkeley School of Law,  
Berkeley, California

### Rate: \$125

Conference rates available  
until September 30, 2010

### Lodging:

The following hotel is recommended for conference participants based on the hotel's proximity to U.C. Berkeley School of Law. Room availability is limited, so please be sure to book rooms well in advance of the conference.

### Hotel Shattuck Plaza

2086 Allston Way  
Berkeley, CA 94704  
510-845-7300  
www.hotelshattuckplaza.com

### Group: Takings Conference

### Disclaimer:

Speakers are subject to change.

### Information:

For questions or registration help please contact Jane D'Antonio at Vermont Law School.

### Call: 802-999-1824

### Fax: 802-831-1043

### Email: jdantonio@vermontlaw.edu



## Registration

Payment must accompany registration.

Price:  \$500 Regular  \$250 Government/Nonprofit

Name: \_\_\_\_\_

(as you would like it to appear on your name badge)

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Fax: \_\_\_\_\_

## Faculty

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Partner, Kerr & Wagstaffe LLP  
San Francisco, CA

### Matthew D. Zinn

Partner, Shute Mihaly  
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San Francisco, CA

## 4 Ways to Register

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