

THE 13TH ANNUAL CONFERENCE ON

Litigating Regulatory Takings Challenges to Land Use and Environmental Regulations

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

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 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 Kneeder, 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

This program is worth 8.5 MCLE credits

MCLE

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?



Conference Sponsors

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Environmental Law Section of the State Bar of California

National State Attorneys General Program at Columbia Law School

International Municipal Lawyers Association

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Faculty

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Matthew D. Zinn
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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.

Group: Takings Conference

Disclaimer:
Speakers are subject to change.

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

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FOR MORE INFORMATION OR TO REGISTER FOR THE CONFERENCE VISIT

www.vermontlaw.edu/Takings2010