

## SCHEDULE OF EVENTS

**THURSDAY, SEPTEMBER 12**

**6:30pm – 9:00pm**  
The Great Hall  
The Wren Building

**Dinner & Presentation of  
The Brigham-Kanner Property Rights Prize**

**FRIDAY, SEPTEMBER 13**

**8:00am – 9:00am**  
William & Mary Law School

**Registration & Continental Breakfast**

**9:00am – 9:15am**  
Room 119

**Welcome & Gideon Kanner Remembrance**

**9:15am – 10:30am**  
Room 119

**SESSION 1  
Restructuring Property: A Tribute to Lee Fennell**

A recurring theme in Professor Lee Fennell's work is an interest in how property rights are structured and imagined, and the implications that different possibilities hold for the allocation of resources and the way societies are organized. She has cast these issues in terms like "slices" versus "lumps," "unbounded" homes, "half-torts," and "streaming property." This panel will discuss the impact of her scholarship on contemporary property thinking and explore some of the major ideas she has developed in her writings.

***Panelists***

Maureen E. Brady, Deputy Dean & Louis D. Brandeis Professor of Law, Harvard Law School

Yun-chien Chang, Jack G. Clarke Professor in East Asian Law, Cornell Law School

Carol M. Rose, Gordon Bradford Tweedy Professor Emerita of Law and Organization, Yale Law School, and Ashby Lohse Professor Emerita of Water and Natural Resource Law, University of Arizona Rogers College of Law

David N. Schleicher, Walter E. Meyer Professor of Property and Urban Law, Yale Law School

***Moderator***

James Y. Stern, Professor of Law & Director, Property Rights Project, William & Mary Law School

**10:30am – 10:45am**

**BREAK**

9:00am – 10:30am  
Room 119

**SESSION 2**  
**Background Principles, General Law, & Constitutional Property**

The Constitution constrains changes to property rights established under background law principles while at the same time relying on background legal principles to limit the scope of the protection afforded. *Lucas v. S.C. Coastal Council* carved out a Takings exception based on “background principles” of property, and more recently *Cedar Point v. Hassid* drew on that idea to shield “common law privileges to access private property” from Takings scrutiny. This panel will discuss some of central issues surrounding background principles and similar ideas: What kinds of legal principles qualify? How is their content determined? And what role should they play in different doctrinal areas?

***Panelists***

Jessica Asbridge, Associate Professor of Law, Baylor Law School

Thomas W. Merrill, Charles Evans Hughes Professor of Law, Columbia Law School

Timothy M. Mulvaney, Professor of Law, Texas A&M School of Law

Kady Valois, Pacific Legal Foundation

***Moderator***

Lynda L. Butler, Chancellor Professor of Law, Emerita, William & Mary Law School

12:00pm – 1:00pm  
Lobby

**LUNCH**

1:00pm – 2:00pm  
Room 119

**ROUNDTABLE**  
**Unfinished Business & Emerging Issues**

The Supreme Court once again stepped into the Takings arena in *De villier* and *Sheetz*, but then stopped short of resolving the major doctrinal issues those cases presented. The roundtable will discuss the current state of play on those issues and highlight emerging problems and topics likely to be at the forefront of Takings litigation in the years ahead.

***Panelists***

Randall A. Smith, Smith & Fawer, LLC

Michael M. Berger, Mannat, Phelps & Phillips

Justin Hodge, Marrs Ellis Hodge

***Moderator***

Andrew Brigham, Managing Partner, Brigham Property Rights Law Firm, PLLC

2:00pm – 2:15pm

**BREAK**

2:15pm – 3:30pm  
Room 119

**SESSION 3**  
**Property Rights and Housing in Crisis**

Shelter is a fundamental human need, and housing is a major component of the U.S. economy. Home ownership has been considered a cornerstone institution of civic life, closely linked with the American dream. Over the last 50 years, median house prices in the U.S. have more than doubled in real terms, significantly outpacing wage growth, and more recently, the residential rents have also substantially outpaced inflation and wages, prompting declarations of a housing crisis. This panel will examine issues connected with the present state of housing in the United States and the role property rights can and should play when it comes to housing.

*Panelists*

James Burling, Vice President of Legal Affairs, Pacific Legal Foundation

Gerald S. Dickinson, Vice Dean & Associate Professor of Law, University of Pittsburgh School of Law

James W. Ely, Jr., Milton R. Underwood Professor of Law, Emeritus, and Professor of History, Emeritus, Vanderbilt University

John Infranca, Professor of Law and Director of Faculty Scholarship & Research, Suffolk University Law School

*Moderator*

Robert H. Thomas, Joseph T. Waldo Visiting Professor of Property Rights Law, William & Mary Law School; Director, Property Rights Litigation, Pacific Legal Foundation

3:30pm – 3:45pm

**BREAK**

3:45pm – 5:00pm  
Room 119

**SESSION 4**  
**Government Trespass: The Fourth Amendment “Open Fields” Doctrine Turns 100**

One hundred years ago, the Supreme Court held that the Fourth Amendment’s protections against unreasonable searches and seizures do not protect “open fields,” so that government agents do not need a warrant to enter private land. This panel will consider the foundations of the open fields doctrine and the role of property rights in structuring Fourth Amendment protection.

*Panelists*

Jeffrey Bellin, Mills E. Godwin, Jr., Professor of Law, William & Mary Law School

Laura Donohue, Scott K. Ginsburg Professor of Law and National Security, Georgetown University Law Center

Michael Pollack, Associate Dean for Faculty Development, Professor of Law, & Co-Director, Floersheimer Center for Constitutional Democracy, Benjamin N. Cardozo School of Law

Joshua Windham, Attorney and Elfie Gallun Fellow in Freedom and the Constitution, Institute for Justice

*Moderator*

Margaret Hu, Taylor Reveley Research Professor and Professor of Law, William & Mary Law School

**5:00pm**

Lobby

**CLOSING RECEPTION**

Join us for refreshments to conclude this year's Brigham-Kanner Property Rights Conference.