

26th ANNUAL JEFFERSON FORDHAM SOCIETY LUNCHEON



Friday, August 4, 2023
12:00 p.m.
Maggiano's Little Italy Denver
500 16th Street, Suite 150
Denver, CO 80202

**26th JEFFERSON FORDHAM SOCIETY
LUNCHEON AND AWARDS
PROGRAM**

12:20 p.m.

Welcome and Introductions

Steven Stapleton, Chair, Jefferson Fordham Awards
Committee and Immediate Past Chair, ABA Section of State
& Local Government Law

12:40 p.m.

Keynote Speaker:

Philip Jacob Weiser

Attorney General, Colorado

Introduction of Keynote Speaker

Ellen Rosenblum, Attorney General, Oregon

1:00 p.m.

Daniel J. Curtin, Jr. Lifetime Achievement Award

Introduction:

Frank Schnidman, John M. DeGrove Eminent Scholar at
Florida Atlantic University, School of Urban and Regional
Planning

Award Recipient: Michael M. Berger

1:15 p.m.

Anita P. Miller Advocacy Award

Introduction:

Patricia E. Salkin, JD, PhD, Senior Vice President,
Academic Affairs, Provost, Graduate and Professional
Divisions, Touro University

Jessica A. Bacher, Executive Director, Land Use Law
Center, Adjunct Professor of Law, Elisabeth Haub School of
Law, Pace University, Lecturer, Yale School of the
Environment, Staff Consultant, Housing Action Council

Award Recipient: John R. Nolon

1:30 p.m.

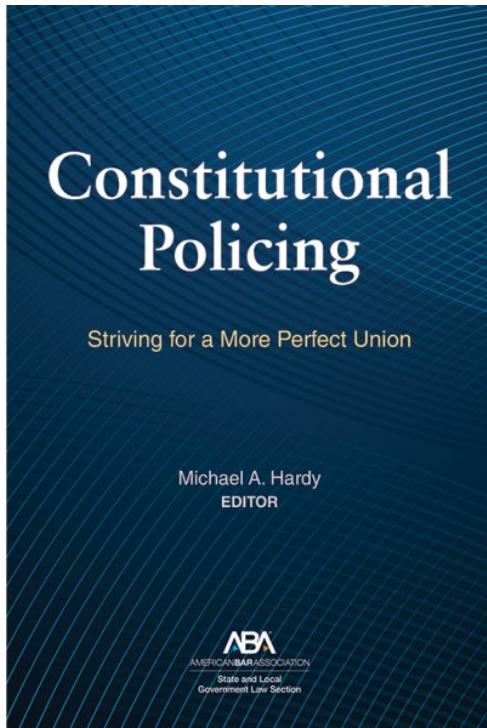
Up and Comer Award

Introduction:

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

Award Recipient: Makenna Xan Johnson

Just Published



Constitutional Policing: Striving for a More Perfect Union

There is little debate that most communities want to be safe in their persons and their homes. There is much debate about how we as a nation can get to a place where communities feel secure in their relationships with those who are tasked with policing our communities. This guide provides a litigation road map in the area of policing and civilian/governmental oversight of policing.

ISBN: 9781639053049

Product Code: 5330259

2023, 232 pages, Paperback

List Price: \$99.95

“State and Local Member Annual Meeting Sale Price \$63.95”

**State and Local Government Law
26th Jefferson Fordham Award Luncheon
Friday, August 4, 2023
12:00 Noon**

Luncheon Menu

Starters

Calamari Fritté

Crispy calamari served with our marinara sauce.

Balsamic Tomato Bruschetta

Tomatoes, basil, balsamic glaze, roasted garlic and pesto

Salad

Italian Tossed

Iceberg lettuce, arugula, Kalamata olives, red onions, pepperoncini and garlic croutons; served with Italian vinaigrette

Entrees

Chicken, Mushrooms, Marsala

Chicken breasts lightly floured and sautéed with mushrooms, onions and marsala sauce

Parmesan-Crusted Cod

Tender white fish sautéed with parmesan breadcrumbs, tomatoes, fresh sage and a lemon butter sauce; served on a bed of spinach

Eggplant Parmesan

Provolone, Tomato Ragù

Side

Roasted Garlic Broccoli

Dessert

Chocolate Layered Cake

Layered with chocolate mousse

Vera's Lemon Cookies

Crescent-shaped lemon cookies glazed with lemon frosting

KEYNOTE PRESENTER

Philip Jacob Weiser
Attorney General, Colorado



Colorado Attorney General Phil Weiser was sworn in as the State's 39th Attorney General on January 8, 2019. As the state's chief legal officer, Attorney General Weiser is committed to protecting the people of Colorado and building an innovative and collaborative organization that will address a range of statewide challenges, from addressing the opioid epidemic to improving our criminal justice system to protecting consumers to protecting our land, air, and water.

Attorney General Weiser has dedicated his life to the law, justice, and public service. Before running for office, Weiser served as the Hatfield Professor of Law and Dean of the University of Colorado Law School, where he founded the Silicon Flatirons Center for Law, Technology, and Entrepreneurship and co-chaired the Colorado Innovation Council.

Weiser served as a Deputy Assistant Attorney General in the U.S. Department of Justice and as Senior Advisor for Technology and Innovation in the Obama Administration's National Economic Council. He served on President Obama's Transition Team, overseeing the Federal Trade Commission and previously served in President Bill Clinton's Department of Justice as senior counsel to the Assistant Attorney General in charge of the Antitrust Division, advising on telecommunications matters.

Before his appointment at the Justice Department, Weiser served as a law clerk to Justices Byron R. White and Ruth Bader Ginsburg at the United States Supreme Court and to Judge David Ebel at the Tenth Circuit Court of Appeals in Denver, Colorado.

The son and grandson of Holocaust survivors, Weiser is deeply committed to the American Dream and ensuring opportunity for all Coloradans. Weiser lives in Denver with his wife, Dr. Heidi Wald, and their two children.

Tribute to Jefferson B. Fordham



Jefferson B. Fordham was born in North Carolina, educated at Yale, taught at LSU, and was Dean of the law schools at Ohio State and then the University of Pennsylvania. He was an inspired teacher, but even more, a remarkable doer. When he entered the field of municipal law, it was a jumble of arcane codes, of law without vision, and parochial practitioners. Jefferson was a pioneer in teaching that the tough problems of local government did not lend themselves to the simplistic solutions. When he became Chair of the ABA Section of Municipal Law between 1949 and 1951, he was the first to organize interdisciplinary studies under his sponsorship.

In 1949, his casebook on Local Government Law revolutionized the teaching of this field. Here for the first time, he addressed planning and finance, housing and blight, transportation and congestion. In short, he addressed the whole range of urban problems whose solutions required a larger concept of community. He pioneered the concepts of home rule, and the landmark decisions sustaining home rule owe a large debt to his analysis and writing.

The point that Dean Fordham kept making over and over was a simple one. “The highest values in our society,” he said, “are associated with the integrity and the fulfillment of the individual human personality. We must not let great problems of our times concerned with the first order of human values pass us by.”

Jefferson Fordham was a pioneer and concept builder, a man ahead of his time, but with an unswerving faith in the capacity of our bar and in the profession to advance society.

In Jefferson Fordham was a blending of love and professionalism, devotion to individual human beings, and responsibility to the community.

manatt

We Salute You.



Manatt is proud to
congratulate our
friend and colleague

Michael Berger

on receiving
the Jefferson
Fordham Lifetime
Achievement Award.

Manatt, Phelps & Phillips, LLP manatt.com

JEFFERSON B. FORDHAM
DANIEL J. CURTIN, JR.
LIFETIME ACHIEVEMENT AWARD RECIPIENT
Michael M. Berger



Michael M. Berger is Senior Counsel at the national professional services firm of Manatt, Phelps & Phillips. He has been practicing land use and eminent domain law for 55 years and has been an active member of the Section of State and Local Government Law for most of that time. Berger studied under two giants in the field, Professor Dan Mandelker at Washington University in St. Louis, and Professor George Lefcoe at the University of Southern California. His early practice was focused on the impact of airports on their neighbors. This built on the LL.M. thesis he wrote at U.S.C. entitled "Nobody Loves An Airport." The cases he handled during this portion of his career helped to establish the parameters of airport/neighbor/noise law. Those cases include *Nestle v. City of Santa Monica* (government entities can be liable for nuisance), *City of Inglewood v. City of Los Angeles* (airport neighbors are third party beneficiaries of airport agreements with federal government), and *Greater Westchester etc. Assn. v. City of Los Angeles* (airports are liable for personal annoyances inflicted on neighbors).

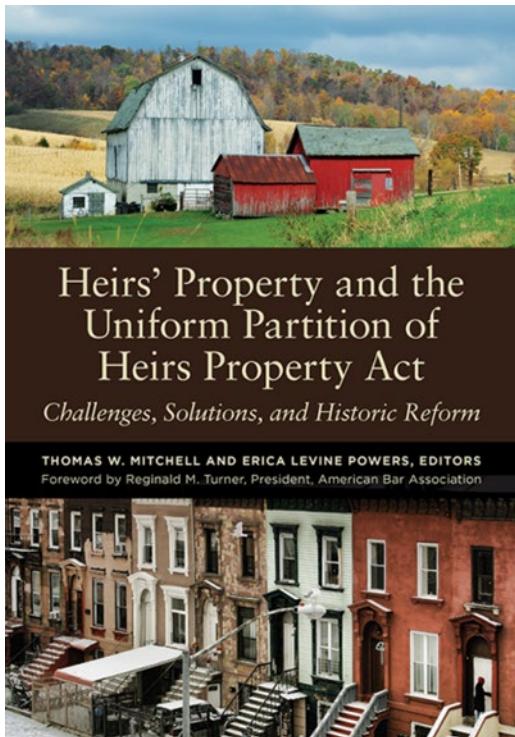
Much of the later part of his career was spent in the more esoteric field of regulatory takings. He argued four such cases in the U.S. Supreme Court, including *First English Evangelical Lutheran Church v. County of Los Angeles* (Constitution requires compensation for regulatory taking of property) and *City of Monterey v. Del Monte Dunes* (property owners have right to 7th Amendment jury trial on issue of liability).

Berger has also been a prolific author of scholarly articles in the land use field, including numerous publications in the Section's flagship publication, *The Urban Lawyer*. In addition to representing parties to land use and eminent domain cases throughout the country, he has devoted substantial time to teaching and mentoring students in the intricacies of land use law. He began teaching as an adjunct professor at Loyola Law School in Los Angeles in 1972 and then followed that up by teaching courses at the University of Miami (in the graduate program for real property development), Washington University in St. Louis, and the University of Southern California.

SECTION OF STATE AND LOCAL GOVERNMENT LAW HISTORY

The American Bar Association created the Section of Municipal Law (1935) at the request of interested members. The increasing range of local government activities then resulted in several name changes, in 1961-“Local Government Law”, in 1979-“Urban, State and Local Government Law” and most recently, “State and Local Government Law”. The Section has always emphasized education through Section publications. They began with Legal Notes on Local Government in 1936, followed by the Municipal Law Service Letter, then the law review journal The Urban Lawyer, the quarterly newsletter (State and Local Law News) and a regular schedule of full length books on relevant subjects, presentations at Section meetings, and production of seminars for viewing and audience participation on the internet and by audible podcast. Jefferson Fordham Award recipient and past Section Chair, Anita Miller, sparked an initiative to establish a discrete communications effort within the Section structure, the result being a library of well-received and profitable publications with a wide range of topics.

In the Introduction to the first edition of the Urban Lawyer, Chair Claude Boothman, stated “th[e] appreciation and gratitude which the Section feels toward Jefferson B. Fordham, a literary genius who has served so well, so tirelessly and so effectively these many years as Editor-in-Chief of the Local Government Law Service Letter, an informative and scholarly publication for which the Section is justifiably proud.” The Section continues to show its appreciation with this Jefferson Fordham awards function today and the activities of the Jefferson Fordham Society.



Heirs' Property and the Uniform Partition of Heirs Property Act: Challenges, Solutions, and Historic Reform

Heirs' Property and the Uniform Partition of Heirs Property Act: Challenges, Solutions, and Historic Reform addresses many challenges that have plagued disadvantaged families that own so-called heirs' property. The book also discusses a range of solutions to these problems, including legal reform measures, proactive legal planning to avoid heirs' property ownership or to resolve it, and wealth building strategies for heirs' property owners.

ISBN: 9781639051205

Product Code: 5330257

July 2022, 258 pages, Paperback

List Price: \$79.95

“State and Local Member Annual Meeting Sale Price \$51.16”

ELISABETH HAUB SCHOOL OF LAW AT PACE UNIVERSITY

**Congratulates Distinguished
Professor of Law Emeritus**

John R. Nolon

RECIPIENT OF THE

**2023 Jefferson B. Fordham
Anita P. Miller Advocacy Award**

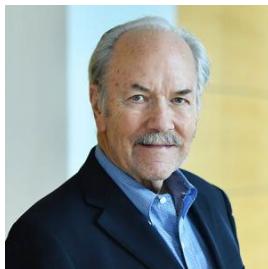
*Thank you to the American Bar Association's
Section of State and Local Government Law for
recognizing Professor Nolon's successful work
promoting innovative state and local sustainable
development and for electing Jessica Bacher as
its Chair for the coming year.*



PACE
UNIVERSITY

Elisabeth Haub School of Law

JEFFERSON B. FORDHAM
STATE AND LOCAL GOVERNMENT LAW
ANITA P. MILLER ADVOCACY AWARD RECIPIENT
John R. Nolon



John R. Nolon is Distinguished Professor of Law Emeritus at the Elisabeth Haub School of Law at Pace University where he supervises student research and publications regarding land use, sustainable development, climate change, housing insecurity, racial inequity, and the coronavirus pandemic. His current research focusses on the management of climate change through a strategy

known as Climate Resilient Development. He is Co-counsel to the Law School's Land Use Law Center, which he founded in 1993. He served as Adjunct Professor of land use law and policy at the Yale School of the Environment from 2001-2016.

The International City/County Management Association presented its Honorary Membership Award to Professor Nolon in 2014, its highest award to a person outside the city management profession for exemplary service to local government. The NY Planning Federation presented him its Lifetime Achievement Award in 2018.

Professor Nolon is co-author of the nation's oldest casebook on land use law: *Land Use and Sustainable Development Law: Cases and Materials*, currently in its ninth edition. Professor Nolon's article entitled "The Advent of Local Environmental Law," published in the *Harvard Environmental Law Review*, was selected by Thompson-West's *Land Use and Environmental Law Review* as one of the ten best articles on environmental and land use law published in 2002. His article on the origins of smart growth, published in *The Urban Lawyer*, was also selected as one of the top ten articles in the nation on the topics of environmental and land use law in 2003.

Professor Nolon received a Fulbright Scholarship to develop a framework law for sustainable development in Argentina where he worked from 1994 through 1996. A collection of articles produced as a result of this work appeared in a symposium edition of the *Pace Environmental Law Review* and was published in Argentina in Spanish. He published nearly 50 articles in the *New York Law Journal* and over 60 law review articles on various aspects of land use and sustainable development law. He has produced six books published by the Environmental Law Institute on the topics of land use law, open space protection, local environmental law, managing climate change, and the mitigation of damage caused by natural disasters.

Section of State and Local Government Law 2022-2023

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W. Andrew Gowder, Jr., Section
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YOUNG LAWYERS	Co-Chairs	Christopher Jennison, Silver Spring, MD Monique Puentes, Tampa, FL



Congratulations to Makenna X. Johnson 2023 Up & Comer

and this year's
Jefferson Fordham
honorees

ALDERMANBERNSTEIN

inversecondemnation.com

property, regulatory takings,
eminent domain, and land use blog



AMERICAN BAR ASSOCIATION

JEFFERSON B. FORDHAM
STATE AND LOCAL GOVERNMENT LAW
UP & COMER AWARD RECIPIENT
Makenna Xan Johnson



Makenna X. Johnson discovered her passion for property law as an undergraduate student at the University of Colorado, Colorado Springs. So, it was natural that upon her return to her native Colorado after earning her law degree from William & Mary Law School in Virginia, her practice at Denver's Alderman Bernstein focuses on eminent domain, municipal law, and real estate litigation.

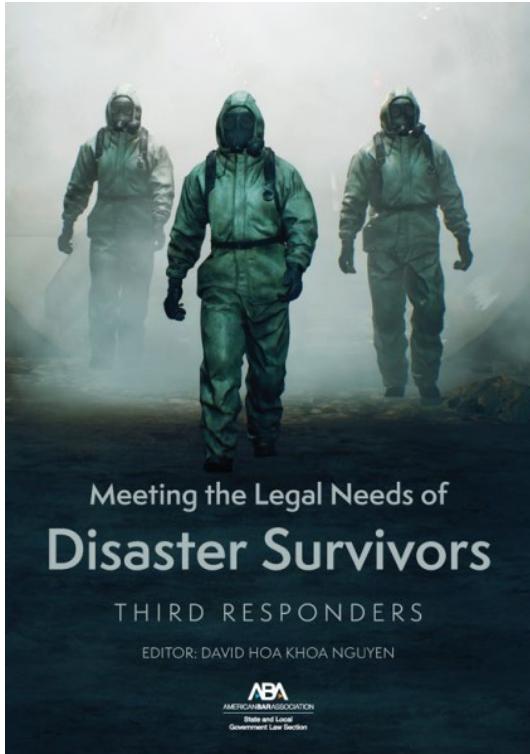
The Jefferson Fordham Up & Comers Award is presented to a young practitioner who, through their efforts and accomplishments, shows great promise to continue these contributions for future achievements. Makenna's achievements thus far certainly fit the bill.

This pattern first emerged during law school, where she was a Property Rights Fellow, a staff member of the *William & Mary Bill of Rights Journal*, an assistant to the Chair of the Brigham-Kanner Property Rights Conference, and the Bluebooking Editor for the *Brigham-Kanner Property Rights Journal*. The Section of State and Local Government law recognized her academic achievements with the State and Local Government Law Award, which recognizes a graduating student who has excelled in the study of state and local government law and related topics.

She has continued to excel in the practice of law, and contributes to the ABA, the Section, and her state bar. Makenna is the ABA Young Lawyers Division State and Local Government Law Committee Chair, having been a force in reinvigorating the YLD's State and Local Government Committee by recruiting members to join her Committee and the Section, to bring more young lawyers' attention to the many careers and opportunities encompassed within the Section of State and Local Government Law. She also serves as the YLD's Liaison to the State and Local Government Law Section, planning and coordinating joint programs and events. Makenna is also a member of the Colorado Bar Association Young Lawyers Division Executive Council.

Already a frequent author and speaker, Makenna has presented at CLE and bar association programs about eminent domain and property developments and important new Supreme Court decisions.

As an avid hiker and climber, Makenna aspires to summit all 58 Colorado "Fourteeners."



Meeting the Legal Needs of Disaster Survivors: Third Responders

This volume brings together some of the United States' most knowledgeable experts on disaster law to provide a critical resource for pro bono attorneys and other stakeholders to understand the essentials of disaster law practice.

ISBN: 9781641059589

Product Code: 5330256

August 2021, 259 pages, Paperback

List Price: \$69.95

“State and Local Member Annual Meeting Sale Price \$44.77”



Ethical Standards, Third Edition

This book is essential reading for government lawyers who want an introduction to various topics within the practice of government ethics, particularly at the state and local levels. With a series of chapters authored by experts in the field, it provides practical insights to help lawyers and their public sector clients choose the most ethical course of conduct.

ISBN: 9781639051533
Product Code: 5330258

List Price: \$129.95

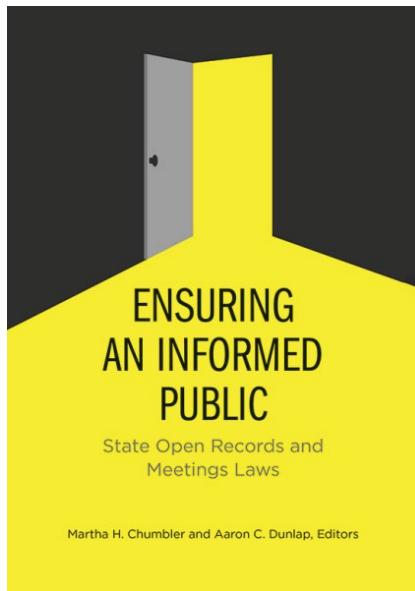
“State and Local Member Annual Meeting Sale Price \$83.17”



The ABA Connect has been replaced with Hivebrite Community. The communities are still a robust communication tool among our committees. The communities provide a place to ask each other questions, receive announcements about upcoming group meetings, download or upload documents from your group's library, etc. This will serve as the primary mode of group communication when materials become available or special announcements are made with important information about your committee and/or communities.

Now you can start a discussion, upload a file to the library, and share information by posting online. An email message will be sent to everyone in the communities.

Note: To use the communities you must be a member of a committee. To join a committee, please visit the section's website: **ambar.org/statelocal**.



Ensuring an Informed Public: State Open Records and Meetings Laws

This book discusses and analyzes the features, concepts, and themes shared by state statutes, and it explores some of the variation among jurisdictions in both the statutes and the case law. Includes a breakdown of public records and open meetings requirements, plus a listing of statutes, constitutional provisions, and explanatory guides for each state's public records and open meetings laws.

ISBN: 9781641059565

Product Code: 5330254

August 2021, 438 pages, Paperback

List Price: \$119.95

“State and Local Member Annual Meeting Sale Price \$76.77”

Allen Matkins

Elizabeth Clark Fellowship

A Pathway to the Profession for Diverse Young Lawyers

Elizabeth Clark was a highly respected leader of the ABA's State and Local Government Law Section and her firm, Allen Matkins Leck Gamble Mallory & Natsis LLP. She was passionate about mentoring our young attorneys, especially those from underrepresented groups. As senior counsel, Elizabeth focused on renewable energy and sustainable development, while dedicating a significant amount of her time to pro bono activities. By her words and actions, Elizabeth taught us the value of mentoring young lawyers, and welcoming them into the profession of law.



In memory of our dear colleague and friend Elizabeth, her friends and colleagues at the Section of State and Local Government Law have created a prestigious fellowship with the explicit objective of sustaining her profound commitment to bringing about a more inclusive legal profession. The **Elizabeth Clark Fellowship** will be awarded to young lawyers whose efforts and accomplishments reflect great promise in the practice areas we focus on in the Section. The **Fellowship** gives recipients access to:

- Excellent educational and networking opportunities at the Section's meetings;
- Career advancement from writing articles for the Section's publications; and
- Highly respected mentors in the areas of law that Elizabeth so loved and enjoyed.

December 15, 1949 -
October 30, 2017

We are grateful to Allen Matkins for their \$10,000 contribution to the Jefferson Fordham Fund, in support of the Elizabeth Clark Young Lawyers Fellowship. Their contribution enables us to support, sustain, and nurture future Fellows over the next 4 years. We invite you to contribute, as well.

Your charitable contribution, designated to the "**Elizabeth Clark Fellowship**," will open the door for diverse young attorneys to participate fully in the Section of State and Local Government Law, and in the legal profession overall, and will help us open doors in our profession. Any gift, large or modest, will be greatly appreciated.

Please make your generous contribution, on-line or by mail, to support the **Elizabeth Clark Fellowship** this year and in those to come so we may continue to honor her vision.

<https://donate.americanbar.org/statelocal>

ABA Fund for Justice and Education
(*Elizabeth Clark Fellowship*)
321 N. Clark Street, 20th Floor
Chicago, IL 60654
Public Law Produces Public Benefit

Lifetime Achievement

1998 (1st) Jefferson Fordham

1999 S. Jerome Pratter, Saint Louis, MO
2000 Patrick J. Falvey, Bronxville, NY
2001 Professor Sheldon H. Nahmod, Chicago, IL
2002 Sharon Stanton White, Washington, DC
2003 Daniel J. Curtin, Jr., Walnut Creek, CA
2004 Carol E. Dinkins, Houston, TX
2005 R. Theodore Clark, Jr., Chicago, IL
2006 David L. Callies, Honolulu, HI

2007 1st Daniel J. Curtin, Jr. Lifetime Achievement

2007 Daniel R. Mandelker, Saint Louis, MO
2008 Milton H. Pachter, New York, NY
2009 James Baird, Chicago, IL
2010 John W. Witt, San Diego, California
2011 David E. Cardwell, Orlando, FL
2012 Stephen H. Pugh, Chicago, IL
2014 Larry C. Ethridge, Louisville, KY
2014 Edward J. Sullivan, Portland, OR
2015 Grant F. Langley, Milwaukee, WI
2016 Ross Sandler, New York, NY
2017 Dwight Merriam, Hartford, CT
2018 Adrienne J. Dudley, St. Thomas, VI
2019 Frank Schnidman, Fort Lauderdale, FL
2020 Janice C. Griffith, Boston, MA
2021 Charles W. Thompson, Jr., Rockville, Md
2022 Edward A. Thomas, Rancho Mirage, CA
2022 James C. Hanks, Des Moines, IA

Advocacy

1998 Robert H. Freilich, Los Angeles, CA
1999 Charles S. Rhyne, McLean, VA
2000 Rodney L. Cobb, Atlanta, GA
2001 Mayor Dennis W. Archer, Detroit, MI
2002 Ann Miller Ravel, San Jose, CA
2007 John Echeverria, Washington, DC
2008 David Sumner, Harrisburg, PA
2011 Charles S. Thompson, Jr., Rockledge, FL
2012 Stephen J. Acquario, Albany, NY
2013 Craig R. Bucki, Buffalo, NY

2014 Thomas M. Menino, Boston, MA
2015 Z. Scott, Chicago, IL
2016 Michael Jenkins, Southern CA
2017 Anita P. Miller, Albuquerque, NM
2018 Michael Travis Phelps, San Diego, CA
2019 C. Elisia Frazier, Pooler, GA
2020 Benjamin E. Griffith, Oxford, MS
2021 Jamila Jefferson-Jones, Kansas City, MO
2022 Thomas W. Mitchell, Newton Centre, MA

Law Office Accomplishment

1998 The Port Authority of New York and New Jersey
1999 University of Missouri-Kansas City School of Law
2001 Orange County Legal Department
2002 U.S. Securities and Exchange Commission, Office of Municipal Securities
2003 City of Chicago Department of Law
2004 City Attorney's Office of Reno, Nevada
2005 International Municipal Lawyers Association (IMLA)
2007 Office of the City Attorney, San Francisco, CA
2010 City of Santa Monica California City Attorney's Office
2011 Law Office of North Carolina Housing Finance Agency
2017 Kentucky Department of Public Advocacy, Alternative Sentencing
Worker Program
2019 Knox County Public Defender's Community Law Office,
Knoxville, TN
2021 Nevada Office of the Attorney General Policy Research Team,
Carson City, NV
2022 City of Evanston Law Department, Evanston, IL

Up & Comers

1998 Patricia Salkin, Albany, NY
1999 Ashley L. Taylor, Jr., Richmond, VA
2001 Rosalba I. Arango, Reno, NV
2004 Keith W. Hirokawa, Fort Worth, TX
2005 Scott N. Houston, Austin, TX
2006 Bryan W. Wenter, Walnut Creek, CA
2007 Carie A. Torrence, North Las Vegas, NV
2009 Amy Lavine, Albany, NY
2012 Sarah Weber Langlois, Houston, TX

2013 Sorell Negro, Hartford, CT
2014 Jessica Bacher, White Plains, NY
2015 Michael T. Kamprath, Tampa, FL
2016 Christopher Brown, Mansfield, OH
2017 Ashley N. Scott, Atlanta, GA
2018 Brian J. Connolly, Denver, CO
2020 Aubrey B. Coleman II, Dallas-Ft. Worth, TX
2021 Christopher W. Carlson, Richmond, VA
2022 Anamaria Hazard, Atlanta, GA

Elizabeth Clark Young Lawyers Fellowship

2019 **Chhunny Chhean**, Procurement Services, Dallas, TX
2020/21 **Bianca B. Brown**, Cook County State's Attorney's Office, Chicago, IL
2022 **Monique Puentes**, Hillsborough County Aviation Authority, Tampa, FL



AMERICAN **BAR** ASSOCIATION

State and Local
Government Law Section

SAVE THE DATE

2023 Fall Boot Camp

October 5—6



New Orleans, Louisiana

The Le Meridien Hotel,
333 Poydras Street

Co-Sponsor:
**Forum on Affordable Housing and
Community Development**



2023

26th Jefferson Fordham Award