



Environmental Law Center

# VERMONT LAW SCHOOL

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

[www.vermontlaw.edu/Takings2014](http://www.vermontlaw.edu/Takings2014)

## ABOUT THE CONFERENCE

This conference explores the regulatory takings issue as it relates to land use and environmental regulation. In addition to offering a basic education in modern takings law, the conference brings together a diverse group of leading scholars and experienced practitioners to discuss cutting-edge issues raised by recent decisions and pending court cases. Some of the topics to be discussed include the practical implications of the Supreme Court's 5 to 4 decision in *Koontz v. St. Johns Water Management District* for state and local government land use standards and procedures. The conference will also address the potential effects of the Supreme Court's decision in *Marvin M. Brandt Revocable Trust v. United States* on the Rails to Trails program in the western United States. National experts will also discuss the new, hotly contested idea of using the eminent domain power to take over underwater residential mortgages. Other major topics will include the potential takings issues associated with water management and possible takings claims that may arise from efforts to adapt to climate change.

Featured Keynote Address in Honor of Joseph Sax: "Joe Sax: An Appreciation," presented by Holly Doremus, James H. House and Hiram H. Hurd Professor of Environmental Regulation, UC Berkeley School of Law



## THE 17th ANNUAL CONFERENCE ON Litigating Takings Challenges to Land Use and Environmental Regulations

FRIDAY, SEPTEMBER 19, 2014

Davis, California



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UC Davis School of Law  
Davis, California

## KEY QUESTIONS TO BE ADDRESSED

- What is the future of inclusionary housing requirements in California?
- Does a government restriction on the use of water to protect the environment result in a taking?
- Can municipalities impose in lieu fees or other monetary exactions on developers after *Koontz*?
- What will be the impact of the *Brandt* decision on future rail-trail projects in the West?
- What takings issues are likely to arise from the Bay Delta Conservation Plan?
- Can the eminent domain power help solve the problem of underwater mortgages?

## CONFERENCE SPONSORS

Vermont Law School  
 UC Davis School of Law  
 Georgetown University Law Center  
 Conference of Western Attorneys General  
 California Department of Justice  
 League of California Cities  
 California Environmental Law & Policy Center  
 Georgetown Climate Center  
 American Planning Association, Planning and Law Division



Bar Association of San Francisco Environmental Law Section  
 California County Counsels Association  
 Emmett Institute on Climate Change and the Environment  
 Environmental Law Section of the State Bar of California  
 International Municipal Lawyers Association  
 National Association of Counties  
 National League of Cities  
 Sacramento County Bar Association Environmental Law Section  
 US Conference of Mayors  
 UC Davis Environmental Law Society



CLE accreditation will be requested for 8.5 CLE credit hours (60-minute hour)



## CONFERENCE SCHEDULE

FRIDAY, SEPTEMBER 19, 2014

### 7:30 to 9:30

Registration and Continental Breakfast



### 8:00 to 9:00

Introductory Program on Takings and

Related Constitutional Doctrines

Richard Frank, UC Davis Law School

Robert Meltz, Congressional

Research Service

### 9:00 to 9:15

Welcome and Introductions

### 9:15 to 10:45

Life after *Koontz*?

Ann Carlson, UCLA Law School

John Echeverria, Vermont Law School

Timothy Mulvaney, Texas A&M Law School

Shelley Saxer, Pepperdine University

School of Law

Andrew Schwartz, Shute Mihaly

and Weinberger

### 10:45 to 11:30

Parcel as a Whole

David Dana, Northwestern

University School of Law

Justin Pidot, University of

Denver Sturm College of Law

### 11:30 to 12:30

Taking Underwater Mortgages

Tom Deutsch, American Securitization

Forum, Inc.

Robert Hockett, Cornell Law School

### 12:30 to 1:00

Lunch

### 1:00 to 1:45

Joe Sax: An Appreciation

Holly Doremus, James H. House and

Hiram H. Hurd Professor of Environmental

Regulation, UC Berkeley School of Law

### 1:45 to 2:45

*Brandt* and the Rails to Trails Program

Katherine Barton, U.S. Department of Justice

James Burling, Pacific Legal Foundation

Danaya Wright, Levin College of Law,

University of Florida

### 2:45 to 3:45

Water Regulation and Management

Ann Navaro, US Army Corps of Engineers

William Shapiro, US Department of Justice

Daniel Siegel, California Department of Justice

### 3:45 to 4:00

Break

### 4:00 to 5:30

Adaptation to Coastal Change

Lisa Bova-Hiatt, New York State Office of

Storm Recovery

Peter Byrne, Georgetown University Law Center

Sean Hecht, UCLA Law School

Hope Schmeltzer, California Coastal

Commission

Christopher Serkin, Vanderbilt Law School

### 5:30 to 6:30

Reception

## GENERAL INFORMATION

### Conference Location:

UC Davis School of Law  
400 Mrak Hall Drive, Davis, California

### Lodging:

The following hotel located on the UC Davis campus has made moderately priced rooms available to conference speakers and participants: *We urge conference speakers and participants to make their reservations as soon as conveniently possible.*

### Hyatt Place

173 Old Davis Road Extension  
Davis, California 95616

### Register online:

[http://ucdavis.place.hyatt.com/en/hotel/home.html?corp\\_id=G-SLTC](http://ucdavis.place.hyatt.com/en/hotel/home.html?corp_id=G-SLTC)

Or

Call: **1-888-HYATT HP** (1-888-492-8847)  
(reference UCD School of Law Takings Conference)

### Disclaimer:

Speakers are subject to change.

### Cancellations/Rain Checks:

Please email your cancellation notice to [apatton@vermontlaw.edu](mailto:apatton@vermontlaw.edu) by 5:00 p.m. EST, September 15, 2014, for a refund (less \$100 administrative fee). Rain checks for a future program will be granted for cancellations received after September 15 and prior to the start of the program.

### CLE Credits:

Accreditation will be requested from the California Bar Association for 8.5 credits (based on a 60-minute hour). UC Davis School of Law is an accredited CLE provider in the State of California.

### Information:

For questions or registration help, please contact Ashley Patton at Vermont Law School:

Call: 802-831-1314  
Fax: 802-831-1140  
Email: [apatton@vermontlaw.edu](mailto:apatton@vermontlaw.edu)

## CONFERENCE FACULTY

### Katherine Barton

Attorney  
Environment and  
Natural Resources Division  
US Department of Justice  
Washington, DC

### Lisa Bova-Hiatt

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New York Governor's Office of  
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Director of Litigation  
Pacific Legal Foundation  
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### Peter Byrne

Professor of Law  
Associate Dean (J.D. Program)  
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Environmental Law and Policy Program  
Faculty Director, Georgetown  
Climate Center  
Georgetown University Law Center  
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### Ann Carlson

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on Climate Change and the  
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Vice Dean for Faculty Recruitment  
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### Tom Deutsch

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### Holly Doremus

James H. House and Hiram H. Hurd  
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Regulation  
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### John Echeverria

Professor of Law  
Vermont Law School  
South Royalton, VT

### Richard Frank

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### Sean Hecht

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Change and the Environment  
UCLA School of Law  
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### William Lazarus

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Natural Resources Division  
US Department of Justice  
Washington DC

### Robert Meltz

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Congressional Research Service  
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California Coastal Commission  
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### Daniel Siegel

Supervising Deputy Attorney General  
California Department of Justice  
Sacramento, CA

### Danaya Wright

Clarence J. TeSelle Endowed  
Professor  
Levin College of Law,  
University of Florida  
Gainesville, FL

## REGISTRATION

Payment must accompany registration.

Price:  \$500 Regular  
 \$250 Government/Nonprofit  
 \$99 Audio Only  
 \$99 Course Materials Only  
 \$175 Audio and Course Materials

No charge to current law students.  
Financial Aid is available for those who otherwise cannot attend.  
To apply, contact [JEcheverria@vermontlaw.edu](mailto:JEcheverria@vermontlaw.edu)

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

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

Email: \_\_\_\_\_

(please print clearly)

Firm/Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

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CLE Credit:  Yes  No

What State(s): \_\_\_\_\_

Bar# \_\_\_\_\_

Dietary Restrictions: \_\_\_\_\_

## 5 WAYS TO REGISTER

Online\*: [www.vermontlaw.edu/takings2014](http://www.vermontlaw.edu/takings2014)

Fax\*: 802-831-1140

Phone\*: 802-831-1314

Mail: 2014 Takings Conference  
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PO Box 96  
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Credit card (American Express, MasterCard or Visa) registrations,  
or check or purchase order payable to Vermont Law School

On Site: Registration by check only

\*American Express, MasterCard, Visa and E-checks accepted

Photos courtesy of UC Davis