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 intersection of the takings issue with potential government responses to climate change and how the Takings Clause applies to regulation of asserted property interests in water. One of the highlights of this year’s conference will be a discussion of Stop the Beach Renourishment, which will be argued in the U.S. Supreme Court later this year. Critical and emerging questions in the development of modern regulatory takings doctrine will also be explored in depth.

Key Questions to Be Addressed

- Does the government take private property if it bars a coastal landowner from “armoring” the beach in an attempt to stop erosion?
- What role does or should land economics play in regulatory takings cases?
- How (if at all) does the Lucas per se test apply to mineral interests?
- Is regulation of the use of water a taking?
- What is a “temporary” taking?
- What are the roles of proportionality, purpose, and causality in regulatory takings analysis?

Conference Schedule:

FRIDAY, NOVEMBER 6, 2009

8:00 to 9:00  Registration and Continental Breakfast
8:45 to 9:00  Welcome and Introductions
9:00 to 10:00  Implementing the Idea of Bilateral Property Rights
Raymond B. Palmquist, Professor, North Carolina State University
Laura Underkuffler, J. DuPratt White Professor of Law, Cornell University Law School
10:00 to 11:00  Critical Lucas Issues
Patrick C. McGinley, Judge Charles H. Haden Professor of Law, West Virginia University College of Law
Kristine Tardiff, U.S. Department of Justice
11:00 to 11:15  Break
11:15 to 12:30  Proportionality, Purpose and Causality in Takings Doctrine
Gregory S. Alexander, A. Robert Noll Professor of Law, Cornell University Law School
D. Benjamin Barros, Professor, Widener Law
Thomas Merrill, Professor, Yale Law School
12:30 to 1:30  Lunch and Discussion of Stop the Beach Renourishment
1:30 to 2:30  Temporary Takings Questions
Robert Meltz, Congressional Research Service
Daniel Siegel, California Attorney General’s Office
2:30 to 3:45  Global Warming Takings Problems
Peter Byrne, Professor, Georgetown University Law Center
Alexandra Klass, Professor, University of Minnesota School of Law
Joseph Sax, James H. House & Hiram H. Hurd Professor of Environmental Regulation, Emeritus, UC Berkeley School of Law
3:45 to 4:00  Break
4:00 to 5:15  Is Water Regulation a Taking?
Holly Doremus, Professor, UC Davis School of Law
John Echeverria, Professor, Vermont Law School
David Owen, Professor, University of Maine School of Law
5:15 to 6:30  Reception