



Environmental Law Center

**VERMONT**  
LAW SCHOOL

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

[www.vermontlaw.edu/Takings2015](http://www.vermontlaw.edu/Takings2015)

## ABOUT THE CONFERENCE

This conference explores the takings issue as it relates to land use, environmental rules and other forms of economic 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. Some of the topics to be discussed include the practical implications of the U.S. Supreme Court's recent takings decisions and pending takings issues before the Maryland Court of Appeals. The conference will also address the significance of the Supreme Court decision in *Kelo v. City of New London* on the 10th anniversary of that controversial case. Other issues to be discussed include potential takings issues arising from government efforts to deal with flooding and other disasters, local government access to insurance against takings claims, and novel takings claims based on the theory that property owners have an entitlement to regulatory protections.

### Featured Keynote Address

Robert Percival, University of Maryland Francis King Carey School of Law  
*Ways Not to Think About Regulatory Takings: Professor Tribe and Why Takings Issues Will Outlive Plastic Trees*

## THE 18th ANNUAL CONFERENCE ON Litigating Takings Challenges to Land Use and Environmental Regulations

FRIDAY, SEPTEMBER 25, 2015

Baltimore, Maryland



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Baltimore, Maryland

The University of Maryland Francis King Carey School of Law

## KEY QUESTIONS TO BE ADDRESSED

- Where is the U.S. Supreme Court headed on takings?
- How should we celebrate the tenth birthday of the *Kelo* decision?
- Can government failure to regulate give rise to takings claims?
- Do personal and real property have the same level of protection under the Takings Clause?
- Can local governments obtain insurance against takings claims?
- How will the courts resolve the AIG and Fannie Mae bailout takings cases?
- Can the bankruptcy process be redesigned to better protect homeowners?

## CONFERENCE SPONSORS

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American Planning Association, Planning and Law Division  
National Association of Attorneys General  
National Association of Counties  
National League of Cities  
U.S. Conference of Mayors



CLE accreditation will be requested for 7.75 CLE credit hours (60-minute hour)



# CONFERENCE SCHEDULE FRIDAY, SEPTEMBER 25, 2015

## 7:30 to 9:30 Registration and Continental Breakfast

### 8:00 to 9:00 Introductory Program on Takings and Related Constitutional Doctrines

Robert Meltz, Congressional Research Service | Daniel Siegel, California Attorney General's Office

### 9:00 to 9:15 Welcome and Introductions

### 9:15 to 10:15 The Nature of Property in Takings Cases

Lynda L. Butler, William & Mary Law School | Steven R. Johnson, Maryland Department of the Environment | Michael Pappas, University of Maryland Francis King Carey School of Law

### 10:15 to 10:30 Break

### 10:30 to 11:45 Reorganization Takings

Nestor M. Davidson, Fordham Law School | Kenneth M. Dintzer, U.S. Department of Justice  
Jerry Stouck, Greenberg Traurig LLP | Jennifer Taub, Vermont Law School

### 11:45 to 12:30 Takings and Insurance

Samantha A. Medlock, White House Council on Environmental Quality | Christopher Serkin, Vanderbilt Law School

## 12:30 to 1:00 Lunch

### Keynote Address 1:00 to 1:30

Robert Percival, University of Maryland Francis King Carey School of Law  
*Ways Not to Think About Regulatory Takings: Professor Tribe and Why Takings Issues Will Outlive Plastic Trees*

### Disasters and Takings 1:30 to 2:30

Mark Davis, Tulane University School of Law | James Gette, U.S. Department of Justice  
Justin Pidot, University of Denver Sturm College of Law

### Kelo Ten Years Out 2:30 to 3:30

Alexandra Klass, University of Minnesota Law School | Ilya Somin, George Mason University School of Law | Elva E. Tillman, Baltimore Solicitor's Office

### Break 3:30 to 3:45

### Whither the Supreme Court on Takings 3:45 to 5:15

J. Peter Byrne, Georgetown University Law Center | John D. Echeverria, Vermont Law School  
Edwin S. Kneedler, U.S. Department of Justice | Carol Rose, Yale and Arizona Law Schools  
Daniel P. Selmi, Loyola Law School

## Reception 5:15 to 6:30

# GENERAL INFORMATION

Conference Location:  
Francis King Carey School of Law, University of Maryland  
500 W. Baltimore Street, Baltimore, MD

Lodging:  
The following hotels located in the vicinity of the law school have 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.*

**Lord Baltimore Hotel**  
20 West Baltimore Street, Baltimore, Maryland  
To make a room reservation:

**Go online:** [https://reservations.ihotelier.com/crs/g\\_reservation.cfm?groupID=1431658&hotelID=85390](https://reservations.ihotelier.com/crs/g_reservation.cfm?groupID=1431658&hotelID=85390)  
**or call:** 855-539-1928 (reference group ID 1509UMD-LAW or the "Takings Conference")

**Hilton Baltimore**  
401 W Pratt St., Baltimore, Maryland  
To make a room reservation:

**Go online:** <https://resweb.passkey.com/go/takings-conference2015>  
**or call:** 1 - 800 - HILTONS (reference SRP code: TAC)

Disclaimer:  
Speakers are subject to change.

Cancellations/Rain Checks:  
Please email your cancellation notice to [rmilaschewski@vermontlaw.edu](mailto:rmilaschewski@vermontlaw.edu) by 5:00 p.m. EST, September 21, 2015, for a refund (less \$100 administrative fee). Rain checks for a future program will be granted for cancellations received after September 21 and prior to the start of the program.

CLE Credits:  
Accreditation has been or will be requested by Georgetown Law from selected states with mandatory continuing legal education requirements for 7.75 CLE credits (based on a 60-minute hour), and 9.3 CLE credits (based on a 50-minute hour). Georgetown Law is an accredited CLE provider in most MCLE states. If you would like CLE credit to be obtained from a particular state, please contact Rebecca Milaschewski and we will let you know if we can accommodate the request.

Information:  
For questions or registration help, please contact Rebecca Milaschewski at Vermont Law School:

Call: 802-831-1287  
Fax: 802-831-1140  
Email: [rmilaschewski@vermontlaw.edu](mailto:rmilaschewski@vermontlaw.edu)

# CONFERENCE FACULTY

J. Peter Byrne  
Professor of Law  
Faculty Director, Georgetown  
Climate Center  
Georgetown University Law Center  
Washington, D.C.

Lynda L. Butler  
Chancellor Professor of Law  
Director, William & Mary Property  
Rights Project  
Co-Chair, President's Committee  
on Sustainability  
William & Mary Law School  
Williamsburg, Virginia

Nestor Davidson  
Associate Dean for Academic Affairs  
Professor of Law  
Director, Fordham Urban Law Center  
New York, New York

Mark Davis  
Senior Research Fellow  
Director, Institute on Water Resources  
Law and Policy  
Tulane University School of Law  
New Orleans, Louisiana

Kenneth M. Dintzer  
Deputy Director  
Commercial Litigation Branch,  
National Courts Section  
Civil Division  
U.S. Department of Justice  
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John D. Echeverria  
Professor of Law  
Vermont Law School  
South Royalton, Vermont

James D. Gette  
Principal Deputy Chief  
Natural Resources Section  
Environment and Natural Resources  
Division  
U.S. Department of Justice  
Washington, D.C.

Steven R. Johnson  
Principal Counsel  
Maryland Department of the Environment  
Baltimore, Maryland

Alexandra Klass  
Distinguished McKnight University  
Professor  
University of Minnesota Law School  
Minneapolis, Minnesota

Edwin S. Kneedler  
Deputy Solicitor General  
U.S. Department of Justice  
Washington, D.C.

William Lazarus  
Assistant Chief, Appellate Section  
Environment and Natural Resources  
Division  
U.S. Department of Justice  
Washington, D.C.

Samantha A. Medlock  
Deputy Associate Director for  
Climate Preparedness  
White House Council on  
Environmental Quality  
Washington, D.C.

Robert Meltz  
Legislative Attorney  
Congressional Research Service  
Washington, D.C.

Michael Pappas  
Assistant Professor Law  
University of Maryland Francis King  
Carey School of Law  
Baltimore, Maryland

Robert Percival  
Robert F. Stanton Professor of Law  
and Director, Environmental  
Law Program  
University of Maryland Francis King  
Carey School of Law  
Baltimore, Maryland

Justin Pidot  
Assistant Professor of Law  
University of Denver - Sturm College  
of Law  
Denver, Colorado

Carol Rose  
Gordon Bradford Tweedy Professor  
Emeritus of Law and Organization  
and Professorial Lecturer in Law  
Yale Law School  
New Haven, Connecticut

Lohse Chair in Water and Natural  
Resources  
University of Arizona James E.  
Rogers College of Law  
Tucson, Arizona

Daniel P. Selmi  
Professor of Law  
Fritz B. Burns Chair in Real Property  
Loyola Law School  
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Christopher Serkin  
Professor of Law  
Vanderbilt Law School  
Nashville, Tennessee

Daniel L. Siegel  
Supervising Deputy Attorney General  
California Department of Justice  
Sacramento, California

Ilya Somin  
Professor of Law  
George Mason University School  
of Law  
Arlington, Virginia

Jerry Stouck  
Shareholder  
Greenberg Traurig LLP  
Washington, D.C.

Jennifer Taub  
Professor of Law  
Vermont Law School  
South Royalton, Vermont

Elva E. Tillman  
Principal Counsel for Condemnation  
Baltimore Solicitor's Office  
Baltimore, Maryland

# REGISTRATION

Payment must accompany registration.

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

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

## 5 WAYS TO REGISTER

Online\*: [www.vermontlaw.edu/Takings2015](http://www.vermontlaw.edu/Takings2015)

Fax\*: 802-831-1140

Phone\*: 802-831-1287

Mail: 2015 Takings Conference  
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Vermont Law School  
PO Box 96  
South Royalton, VT 05068

(Credit card (MasterCard or Visa) registrations, or check or purchase order payable to Vermont Law School)

On Site: Registration by check only

\*(MasterCard and Visa registrations only)