

The 5th Annual Conference:

Litigating Regulatory Takings Claims

October 10-11, 2002

University of California, Berkeley
Boalt Hall School of Law
Berkeley, California

13.0 CLE credits

This legal conference explores takings challenges to land use, environmental and other regulatory programs. The conference includes a detailed discussion of the U.S. Supreme Court's recent ruling in Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency involving the constitutionality of planning moratoria. The conference also provides practical and theoretical advice for resolving key issues in takings cases. No attorney doing regulatory work - whether at the local, state, or federal level - can afford to be without a working, up to date knowledge of this important constitutional issue.

GEORGETOWN UNIVERSITY LAW CENTER CLE/ ENVIRONMENTAL LAW & POLICY INSTITUTE

Co-Sponsors:

- University of California-Berkeley, Boalt Hall School of Law
- California Attorney General Bill Lockyer
- League of California Cities
- Community Land Use Project of the Institute for Local Self-Government
- Environmental Law Section of The State Bar of California
- International Municipal Lawyers Association
- National Association of Counties
- National League of Cities
- U.S. Conference of Mayors

WHO SHOULD ATTEND?

- City, county, and municipal attorneys
- Private attorneys working on land use and environmental issues
- Land use and environmental regulators
- Assistant state attorneys general
- Federal government attorneys
- Local and state elected officials

BENEFITS OF ATTENDING:

The Fifth Annual Conference on Litigating Regulatory Takings Claims will bring you up to date information on the cutting edge issues in takings and related constitutional challenges to regulatory programs.

Key features of the conference include:

- A diverse program faculty with an enormous amount of experience in litigating regulatory takings claims that will address practical litigation issues.
- Presentations by leading scholars on the constitutional, political, and economic issues raised by takings claims, including discussions about how to integrate these insights into day-to-day legal practice.
- Optional tracks on the basics of takings law and on specialized topics for advanced practitioners.

The conference is dedicated to honoring the work of Joseph Sax, James H. House and Hiram H. Hurd Professor of Environmental Regulation at Boalt Hall, who is retiring from teaching after 40 years.

**CALL 202-662-9851 TO
REGISTER NOW**

RECEIVE 13.0 CLE CREDITS

Accreditation has been or will be requested for this program from states with mandatory Continuing Legal Education Requirements for 13.0 hours, of which 0.0 hours will apply to legal ethics (for states based on a 60-minute hour). Georgetown University Law Center is an accredited CLE provider in most MCLE states.

GULC-CLE is a State Bar of California approved MCLE provider.

GULC-CLE has been certified by the New York State CLE Board as an accredited provider of CLE programs. This transitional CLE program has been approved for a maximum of 15.5 credit hours, of which 0.0 credit hours may be applied toward skills requirement, 0.0 credit hours towards the ethics requirement and 15.5 credit hours towards the professional practice requirement in the state of New York.

Conference Location:

University of California-Berkeley
Boalt Hall School of Law
Berkeley, California

Registration Information:

HOTEL RESERVATIONS:

Blocks of rooms have been reserved at the following hotels. These rooms will be held as a block, unless exhausted, until the date below at which time they will be released to the general public. *Be sure to mention this conference to receive the conference room rate.*

The Bancroft Hotel, 2680 Bancroft Way,
Berkeley, CA 94704
510-549-1000 • 800-549-1002
\$119/room

(code: Georgetown University Law Center)
conference rates available until September 9th

Hotel Durant, 2600 Durant Avenue,
Berkeley, CA 94704
800-2-DURANT (800-238-7268)
\$119/room

(code: Georgetown University Law Center)
conference rates available until September 9th

Berkeley Marina Radisson
200 Marina Boulevard, Berkeley
800-243-0625

\$119/room (code: Takings Conference)
conference rates available until September 18th

DISCLAIMER:

Speakers are subject to change.

SERVICES FOR PEOPLE WITH SPECIAL NEEDS:

Call (202) 662-9851.

SCHOLARSHIPS:

Submit written request to
Georgetown Environmental Law & Policy Institute
Georgetown University Law Center
600 New Jersey Avenue, NW
Washington DC 20001
Or fax to (202) 662-9005.

INFORMATION:

Call: (202) 662-9851

Fax: (202) 662-9005

E-Mail: gelpi@law.georgetown.edu

Web: www.gelpi.org

FACULTY

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Barton H. Thompson, Jr.

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Palo Alto, California

John D. Echeverria, Program Chair

Executive Director
Georgetown Environmental
Law & Policy Institute
Washington, D.C.

Thursday, October 10

MODERATOR:

Fran Layton,
Shute, Mihaly & Weinberger, LLP

8:00 to 8:30

Registration and Continental Breakfast

8:30 to 8:45

Welcome and Introductions

J. Peter Byrne,
Georgetown University Law Center
John Echeverria,
Georgetown Environmental Law and Policy Institute

8:45 to 10:00

The U.S. Supreme Court *Tahoe* Decision

Richard Lazarus,
Georgetown University Law Center
Andrea Peterson,
University of California at Berkeley, Boalt Hall School of Law
Barton Thompson,
Stanford Law School

10:00 to 10:15

Break

10:15 to 11:15

Is There A Substantially Advance Takings Test?

J. Peter Byrne,
Georgetown University Law Center
Dean Douglas Kmiec,
Catholic University School of Law

11:15 to 12:15

The New “Public Use” Debate?

Scott Bullock,
Institute for Justice
Timothy Hollister,
Shipman & Goodwin, LLP

12:15 to 12:45

Lunch

12:45 to 1:30

Oregon’s Property Rights Debate

The Honorable Hans Linde,
Former Justice, Oregon Supreme Court

Comments from Participants in Past Takings Conferences

“The best seminar I ever attended.”

Jennifer McGrath
City Attorney’s Office, Huntington Beach, California

“Cutting edge issues.”

Susan Daniels
Susan Hayden Daniels, P.A., West Palm Beach, Florida

“A lot of info in a limited time period.
No filler or hyperbole.”

Michael Flores
Office of the City Attorney, Madera, California

The afternoon program is divided into Tracks A and B. Track A provides a comprehensive course in the elements of regulatory takings law and litigation. Track B focuses on select topics of interest to experienced practitioners.

TRACK A

1:45 to 2:45

Ripeness and Choice of Forum Issues

Thomas Roberts,
Wake Forest University

2:45 to 3:00

Break

3:00 to 4:00

Substantive Takings Tests

Robert Meltz,
Congressional Research Service

4:00 to 5:00

Themes and Strategies in Takings Litigation

Timothy Dowling,
Community Rights Counsel

TRACK B

1:45 to 2:45

Making Takings Law the Best it Can Be

John Echeverria,
Georgetown Environmental Law and Policy Institute
Richard Lazarus,
Georgetown University Law Center

2:45 to 3:00

Break

3:00 to 4:00

What is Reciprocity of Advantage?

Andrew Schwartz,
San Francisco City Attorney’s Office
Tim Searchinger,
Environmental Defense

4:00 to 5:00

How Can Regulation and Financial Incentives Coexist?

Michael Mantell,
Resources Law Group
Tara Mueller,
California Attorney General’s Office

5:00 to 6:30

Reception

7:00

Dinner Honoring Joseph Sax *International House*

Friday, October 11

MODERATOR:

Daniel Siegel,
California Attorney General’s Office

8:00 to 8:30

Registration and Continental Breakfast

8:30 to 8:45

Introduction to Day Two

8:45 to 9:45

Investment Expectations After *Tahoe* and *Palazzolo*

Katherine Barton,
U.S. Department of Justice
Gregory Stein,
University of Tennessee College of Law

9:45 to 10:00

Break

10:00 to 11:00

Takings and Water Rights

Brian Gray,
University of California, Hastings College of Law
John Leshy,
University of California, Hastings College of Law

11:00 to 12:00

Fees and Exactions

Andrew Schwartz,
San Francisco City Attorney’s Office
Cecily L. Talbert,
McCutchen, Doyle, Brown & Enersen, LLP

12:00 to 12:30

Lunch

12:30 to 1:15

Takings: Getting Back to Basics

Joseph Sax,
*University of California at Berkeley,
Boalt Hall School of Law*

1:30 to 2:30

Takings Claims Under International Trade Agreements

Vicki Been,
New York University School of Law
Gary Sampliner,
U.S. Department of the Treasury

2:30 to 2:45

Break

2:45 to 3:45

Counseling Public Agencies

Jeff Pidot,
Maine Attorney General’s Office
Clement Shute,
Shute, Mihaly & Weinberger, LLP

3:45 to 4:45

The Public Trust Doctrine and Other Background Principles

Rick Frank,
California Attorney General’s Office
Eric Grant,
Sweeney & Grant, LLP

4:45

Evaluations and Adjournment



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REGISTRATION/ORDER FORM • Litigating Takings 2002

PLEASE PRINT OR TYPE. Payment must accompany registration.

\$595 Regular \$395 Public Sector \$545 GULC alumni class of _____

\$35 Thursday Dinner Honoring Professor Sax (Not included in basic registration fee)

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Name: Ms. _____

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CLE Credit? Yes No What state? _____ *Feel free to copy this form and pass it along to your associates.*

YOUR PRIORITY CODE

Help us expedite your registration. Enter the characters appearing on the upper-right-hand corner of the mailing label. *Please enter this code* even if the label is addressed to someone else. **Thank you.**

CANCELLATIONS/RAIN CHECKS :

Please fax your cancellation notice to (202) 662-9005 by 5:00 p.m. on October 3, 2002 for a refund (less \$50 administrative fee). After October 3, rain checks for future programs will be granted.

I cannot attend, but send me:

Course Materials \$150 Both materials & cassettes \$335

For course material and/or cassette orders, individuals or firms with a DC address should add 5.75% sales tax.

SIX WAYS TO REGISTER:

1. **MAIL** with check payable to GULC to address below.

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2. **FAX** to 202-662-9005 if paying by credit card:

VISA MC AMEX

Card #: _____

Expiration Date: _____

Signature: _____

3. **PHONE** to 202-662-9851 (credit card registrations only)

4. **E-MAIL** your registration information to:

gelpi@law.georgetown.edu

5. **AT-THE-DOOR** (no additional charge)

6. **ON-LINE** www.gelpi.org

LITIGATING REGULATORY TAKINGS CLAIMS



Georgetown University Law Center
Georgetown Environmental Law & Policy Institute
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