

GEORGETOWN UNIVERSITY LAW CENTER CLE/ENVIRONMENTAL LAW & POLICY INSTITUTE

The 7th Annual Conference:

Litigating Takings

and Other Constitutional Challenges to Land Use and Environmental Regulations

OCTOBER 14-15, 2004

UCLA School of Law
405 Hilgard Avenue
Los Angeles, California

14.5/17.0 CLE credits

This legal conference explores constitutional challenges to government regulatory programs, including growth-control measures, environmental and natural resource management programs, and rent control laws. The conference focuses on regulatory takings issues, and also addresses related due process and equal protection issues. The conference, taught by a stellar faculty of leading practitioners and academics, offers practical advice on litigating constitutional challenges to regulatory programs as well as insights into the cutting-edge issues that will be the focus of litigation in the years ahead.



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Co-Sponsors:

- UCLA School of Law
- UCLA Institute of the Environment
- California Attorney General Bill Lockyer
- California League of Cities
- County Counsels' Association 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
- Students and professors interested in regulatory, environmental, and land use issues

BENEFITS OF ATTENDING:

The Seventh Annual Georgetown Conference will bring you up-to-date information on takings and related constitutional challenges to regulatory programs.

Key features of the conference include:

- An in-depth discussion of how courts and litigants should apply the takings analysis set forth in the U.S. Supreme Court's "lodestar" decision in *Penn Central Transp. Co. v. City of New York*.
- A debate about whether the alleged failure of a regulation to substantially advance a legitimate government interest states a takings claim, and a description of upcoming Supreme Court cases that may resolve the legitimacy of this ostensible takings test.
- A presentation on alternative approaches for reconciling the tensions between regulatory and acquisition approaches to land protection and management.

CALL 202-662-9851 TO REGISTER NOW

FACULTY

Vicki Been

Professor of Law
New York University School of Law
New York, NY

Michael Berger

Partner
Berger & Norton
Los Angeles, CA

Michael Blumm

Professor of Law
Lewis & Clark Law School
Portland, OR

RECEIVE 14.5 or 17.0 CLE CREDITS

Accreditation has been or will be requested for this program from states with mandatory Continuing Legal Education Requirements for 14.5 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.

Conference Location:

UCLA School of Law
Los Angeles, CA

Registration Information:

HOTELS:

The following hotels are recommended for conference participants for the hotels' reasonable rates and proximity to UCLA Law School. Room availability is limited, so please be sure to book rooms well in advance of the conference.

UCLA Guest House
330 Charles Young Drive East, Los Angeles, CA 90095
310-825-2923 phone
310-825-6108 fax
www.guesthouse.ucla.edu
Rate: \$105/single occupancy, \$110 double occupancy

UCLA Tiverton House
900 Tiverton Avenue, Los Angeles, CA 90024
310-794-0151 phone
Rate: \$105/single or double occupancy

UCLA-Hilgard House
927 Hilgard Avenue, Los Angeles, CA 90024
310-208-3945 phone
310-208-1972 fax
www.hilgardhouse.com
reservations@HilgardHouse.com
Rate: \$124/single occupancy, \$129/double occupancy,
\$134/triple occupancy

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

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Georgetown Environmental Law & Policy Institute
Washington, DC

Steven Eagle

Professor of Law
George Mason University School of Law
Fairfax, VA

Rick Frank

Chief Deputy Attorney General
California Attorney General's Office
Sacramento, CA

Jody Freeman

Professor of Law
UCLA School of Law
Los Angeles, CA

Eric Freyfogle

Max L. Rowe Professor
University of Illinois College of Law
Champaign, IL

Bill Fulton

President & Director of Research
Solimar Research Group
Ventura, CA

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Bethesda, MD

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Sacramento, CA

Malcolm Stewart

Assistant to the Solicitor General
US Department of Justice
Washington, DC

Kristine Tardiff

Trial Attorney
US Department of Justice
Concord, NH

Matthew Zinn

Associate
Shute, Mihaly & Weinberger
San Francisco, CA

John Echeverria, Program Chair

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

Thursday, October 14

MODERATOR:

Jody Freeman, UCLA School of Law

8:00 to 8:30

Registration and Continental Breakfast

8:30 to 8:45

Welcome and Introductions

*Dean,
UCLA School of Law*

*J. Peter Byrne,
Georgetown University Law Center*

*John Echeverria,
Georgetown Environmental Law & Policy Institute*

8:45 to 10:15

Making Sense of the Penn Central Test

*Michael Berger,
Berger & Norton*

*John Echeverria,
Georgetown Environmental Law & Policy Institute*

*Rick Frank,
California Attorney General's Office*

*Malcolm Stewart,
US Department of Justice*

10:15 to 10:30

Break

10:30 to 11:30

Threshold and Procedural Issues

*Michael Blumm,
Lewis & Clark Law School*

*Michelle Kenyon,
McDonough Holland & Allen*

11:30 to 12:30

“Temporary” Takings Defined

*Steven Eagle,
George Mason University School of Law*

*Daniel Siegel,
California Attorney General's Office*

12:30 to 1:00

Lunch

1:00 to 1:45

What the Blackmun Papers Reveal About the Supreme Court's Takings Jurisprudence

*Richard Lazarus,
Georgetown University Law Center*

1:45 to 3:00

Reconciling Acquisition and Regulatory Approaches

*Eric Freyfogle,
University of Illinois College of Law*

*Molly McUsic,
Wyss Foundation*

*Jeff Pidot,
Lincoln Institute of Land Policy*

3:00 to 3:15

Break

3:15 - 4:15

Exactions – From Parks to Schools to Roads

*Ann Carlson,
UCLA School of Law*

*Andrew Schwartz,
San Francisco City Attorney's Office*

4:15 to 5:15

Takings Claims Under International Trade Agreements

*Vicki Been,
New York University School of Law*

*Kal Raustiala,
UCLA School of Law/
UCLA Institute of the Environment*

5:15

Reception

Friday, October 15

MODERATOR:

Sean Hecht, UCLA School of Law

8:00 to 8:45

Registration and Continental Breakfast

8:45 to 9:45

The “Ostensible” Substantially Advance Test

*Robert Dreher,
Georgetown Environmental Law & Policy Institute*

*Douglas Kmiec,
Pepperdine Law School*

9:45 to 10:45

Is Rent Control Unconstitutional?

*Karl Manheim,
Loyola University School of Law*

*R.S. Radford,
Pacific Legal Foundation*

10:45 to 11:00

Break

11:00 to 12:00

Enforcing the “Public Use” Requirement

*J. Peter Byrne,
Georgetown University Law Center*

*Thomas Merrill,
Columbia University Law School*

12:00 to 12:30

Lunch

12:30 to 1:15

The Politics of Property Rights in California

*Bill Fulton,
Solimar Research Group*

1:30 to 2:45

Water and Endangered Species Issues

*John Leshy,
Hastings College of Law*

*Mary Nichols,
UCLA Institute of the Environment*

*Drew Miller,
Kemp Smith*

2:45 to 3:00

Break

3:00 to 4:00

Contract Rights and Property Rights

*Robert Meltz,
Congressional Research Service*

*Kristine Tardiff,
US Department of Justice*

4:00 to 5:00

Equal Protection and Due Process Claims

*Matthew Zinn,
Shute, Mihaly & Weinberger*

*David Pettit,
Caldwell, Leslie, Newcombe & Pettit*

5:00

Evaluations and Adjournment

Comments from Participants in Past Takings Conferences

“The best legal education session I have attended in 27 years. Entire conference well thought out and relevant.”

Craig Call
Utah State Ombudsman
Plain City, UT

“Excellent conference. I am bringing back much valuable information to my office/practice.”

Christine Piatek
State of New Jersey, Department of Law & Public Safety
Trenton, NJ



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**Litigating Takings
and Other Constitutional
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LOS ANGELES, CALIFORNIA**

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REGISTRATION/ORDER FORM • Litigating Takings 2004

PLEASE PRINT OR TYPE. Payment must accompany registration.

- \$695 Regular \$495 Public Sector Employee
- \$645 GULC alumni class of _____

Name: Mr. _____
 Ms. _____
(as you would like it to appear on your name badge)

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(please print clearly)

Firm/Organization: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone #: (_____) _____

Fax #: (_____) _____

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 7, 2004 for a refund (less \$50 administrative fee). After October 7, rain checks for future programs will be granted.

I cannot attend, but send me:

- Course Materials \$200 Both materials & cassettes \$385
- For course material and/or cassette orders, individuals or firms with a DC address should add 5.75% sales tax.*

FIVE WAYS TO REGISTER:

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

- Check enclosed # _____ \$ _____
or purchase order may be attached to this form # _____

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

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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)

LITIGATING REGULATORY TAKINGS CLAIMS



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Georgetown Environmental Law & Policy Institute**
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