

University of Richmond
School of Law

Presents Our
1996 Visiting Scholars

The

**GEORGE E. ALLEN
CHAIR IN LAW**

THE ALLEN CHAIR 1996

Euclid at Threescore Years and Ten: The Twilight of Environmental and Land-Use Regulation?

Seventy years ago, the United States Supreme Court gave its blessing to comprehensive, expert-based regulation of land use in the nation's cities, towns, and suburbs. Local, state, and federal lawmakers, inspired by the confidence placed in them by the courts, have in succeeding decades created layer upon layer of controls, incentives, and mandates designed to segregate incompatible uses; improve the quality and design of metropolitan life; redress harms to humans and their environment; and confront inequities in the availability and distribution of affordable housing.

The last decade has witnessed a growing number of serious challenges to these regulatory regimes. Judges at all levels have invigorated the Takings Clause of the Fifth Amendment, taking seriously and literally its mandate for compensation for confiscatory government actions. State and federal legislators have championed constitutional and statutory changes erecting administrative barriers and mandating compensation for regulations that reduce or threaten private property values. Environmentalists and planners have challenged existing regulatory devices that they deem inflexible, monotonous, and unresponsive to the needs and desires of those who live and work in rapidly evolving urban and rural landscapes.

In 1996, the University of Richmond School of Law is proud to welcome four distinguished experts in law, planning, architecture, and the environment, to lead a discussion on the future of environmental and land-use regulation. Now that the seventy years about which the psalmist wrote have passed, have judicially approved planning, zoning, and other comprehensive property controls reached the end of their useful lives? What kinds of devices—mandates, hammers, incentives, joint ventures—are just beyond the horizon? How well do the ideas and ideals of planning and environmental control match the current American ethos? Which branches of government are best suited for resolving the inevitable tension between private needs and the public good? In their lectures, writings, faculty colloquies, and seminar classes, the 1996 George E. Allen Professors will explore these intriguing and critical questions.



Loren A. Smith

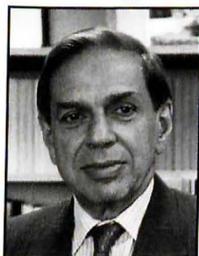
Life, Liberty, and Whose Property

February 7, 1996

Chief Judge, United States Court of Federal Claims

Chief Judge Smith, who received his B.A. and J.D. degrees from Northwestern University, was appointed Judge of the United States Court of Federal Claims on July 11, 1985, and was designated Chief Judge on January 14, 1986. He has written several notable opinions concerning regulatory takings in the environmental arena, which has garnered the court national attention by scholars and practitioners alike. A former professor at Delaware Law School, Chief Counsel for the Reagan Presidential campaigns of 1976 and 1980, and Chairman of the Administrative Law Conference of the United States (1981-1985), Chief Judge Smith currently serves as adjunct professor at Washington College of Law, American University and Georgetown University Law Center.

Chief Judge Smith's writings on a wide range of topics—particularly administrative and constitutional law—have appeared in law and popular journals, including the *Duke Law Journal*, *William & Mary Law Review*, *Harvard Journal of Law and Public Policy*, and the *Washington Times*. In recent years, he has served as an international election observer in Chile and Serbia, and has visited several nations on behalf of the United States Information Agency.



Charles M. Haar

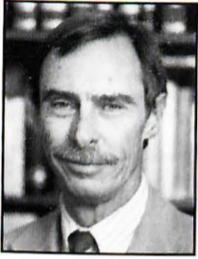
Is This the Twilight of Land Use Controls?

February 14, 1996

Professor of Law, Harvard University Law School

Professor Haar, who took his A. B. degree from New York University, his M.A. degree from the University of Wisconsin, and his LL.B. degree from Harvard University, was appointed the Louis D. Brandeis Professor of Law at Harvard in 1975. Professor Haar is an internationally recognized expert on housing, government finance, land-use and environmental regulation, and urban and suburban problems. His extensive public service includes appointment as Assistant Secretary in the Department of Housing and Urban Development (1966-1969); chairing President Carter's Task Force on Housing, Land Use, and the Environment; and serving as special master in the Boston school financing and Boston Harbor cases.

Among his numerous publications are *Land Planning Law in a Free Society* (1950); *Land-Use Planning* (1959, 4th ed., with M.A. Wolf, 1989); *Law and Land* (1964); *The Golden Age of American Law* (1965); *Property and Law* (with L. Liebman, 1977, 2d ed. 1986); *Cities, Law and Social Policy* (1984); *The Wrong Side of the Tracks* (with D.W. Fessler, 1986); *Zoning and the American Dream: Promises Still to Keep* (ed. with J. Kayden, 1989); *Landmark Justice: The Influence of William J. Brennan on America's Communities* (with J. Kayden, 1989); and *Suburbs Under Siege: Race, Space, and Audacious Justice* (1996).



James E. Krier

Capture and Counteraction: Self-Help and Environmental Zealots

March 6, 1996

Earl Warren DeLano Professor of Law, University of Michigan Law School

Professor Krier received his B.S. and J.D. degrees from the University of Wisconsin. Following a clerkship with Chief Justice Roger J. Traynor of the California Supreme Court and two years of private practice in Washington, D.C., Professor Krier began a distinguished career as a legal educator at UCLA, Stanford, and the University of Michigan. He was named the Earl Warren DeLano Professor at Michigan in 1988.

In addition to writing dozens of law review articles, review essays, and commentaries on a wide range of topics related to environmental law and policy, Professor Krier has published several books, including: *Environmental Law and Policy* (1971, 2d ed. with R. Stewart, 1978); *SMOG: A Report to the People* (with L. Lees et al., 1972); *Pollution and Policy* (with E. Ursin, 1977); and *Property* (with J. Dukeminier, 1981, 3d ed. 1993).



William A. McDonough

Ecology and Aesthetics: Our Future and the Making of Things

April 2, 1996

Dean and Elson Professor, University of Virginia School of Architecture

Dean McDonough, who received his B.A. degree from Dartmouth College and his Master of Architecture degree from Yale University, is an architect and principal of William McDonough + Partners in Charlottesville, Virginia, designers of many commercial, institutional, retail, and residential projects. He was appointed Elson Professor and Dean of the School of Architecture at the University of Virginia in 1994.

A founding member of the American Institute of Architects Committee on the Environment, Dean McDonough represented the AIA and the International Union of Architects at the Earth Summit in Brazil in 1992. He is the author of the Hannover Principles: Design for Sustainability, a document that provides design principles for architects participating in the World's Fair in 2000. Dean McDonough advises President Clinton's Council on Sustainable Development, served as lead designer for the "Greening of the White House," and recently received the Presidential Award for Sustainable Development.

Comments from our faculty

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Michael Allan Wolf

Professor of Law and History



"Too often professors pursue the questions that we find most intriguing and complex in isolation from scholars and leading practitioners of the law and related fields. Environmental and land-use regulation pose more than their fair share of challenging inquiries; therefore, I welcome the opportunity to work with the 1996 occupants of the George E. Allen Chair in the classroom, the lecture hall, and in more informal settings. The Allen Chair also enables me to give colleagues and students insights into my own scholarship and teaching, which will be enriched by this novel joint venture."

Daniel T. Murphy

Acting Dean & Professor of Law



"This is the seventh year of the Allen Chair Visitorship. During the Spring 1996 term Professor Wolf and the Allen Visitors will address some critical issues at the intersection of land use and environmental law, issues fraught with serious social, environmental and economic policy considerations. The Allen Chair Visitorship has become extraordinarily important to the intellectual life of the law school. The visitors who have come have stimulated all of us, students and faculty. We have had the opportunity to spend time with and to form enduring friendships with some truly world class scholars. Not surprisingly we now look forward each spring to the Visitorship and to the excitement and stimulation it brings to the law school."

Previous Allen Chair Scholars

1990 Selected Topics in Tort Law

Sheila L. Birnbaum
The Honorable Robert Keeton
Richard Delgado
Deborah R. Hensler
Faculty Leader: Okianer Christian Dark

1991 Special Problems in Civil Litigations—Complex Litigation

Francis H. Hare, Jr.
Gerald A. Connell
The Honorable Robert M. Parker
Mary Kay Kane
Faculty Leader: W. Clark Williams, Jr.

1992 Special Issues of Toxic Waste in Indian Country

W. Richard West
Robert A. Williams, Jr.
David Harrison
Paula Gunn Allen
Faculty Leader: Nancy B. Collins

1993 Religion, Morality and the Law

Henry Abraham
Sanford Levinson
Michael Perry
Faculty Leader: Gary C. Leedes
Symposium published in University of Richmond Law Review, Volume 27, Number 5 (1993)

1994 International Human Rights

Anne-Marie Slaughter Burley
Thomas M. Franck
Harold Hongju Koh
Seyyed Hossein Nasr
Diego Garcia-Sayan
Faculty Leader: Daniel T. Murphy
Symposium published in University of Richmond Law Review, Volume 29, Number 1 (1994)

1995 Special Issues in Bioethics and Law

Alexander Morgan Capron
Elizabeth Loftus
David Orentlicher
Daniel Callahan
Faculty Leader: Paul J. Zwier
Symposium published in University of Richmond Law Review, Volume 30, Number 1 (1995)

THE GEORGE E. ALLEN CHAIR IN LAW

Its History and Founding Spirit...

The George E. Allen Chair in Law was endowed by the family and other friends to honor the late, distinguished Virginia trial lawyer and founder of the highly-regarded Richmond civil litigation firm of Allen, Allen, Allen & Allen. Among the many citations Mr. Allen received during his sixty years of practice was the first Award for Courageous Advocacy made by the American College of Trial Lawyers in 1965. The award was presented for Mr. Allen's representation of an African-American law student from Harvard who, while serving as a summer intern with a firm in this commonwealth, was charged with felonious assault with intent to kill a police officer at a local courthouse where the young interim had gone to file legal documents. Serving without fee and at the special request of Harvard Law School Dean Erwin Griswold and the Lawyers' Committee for Civil Rights Under Law, Mr. Allen jeopardized his reputation in the community by successfully representing a most unpopular client at the height of massive resistance. Having a Chair named for this acclaimed attorney is a source of institutional pride, and a constant reminder to all in our school of the role lawyers play in the preservation of liberty.

The George E. Allen Chair in Law was established with the initial gifts of his sons, the late George E. Allen, Jr. L'36, Ashby B. Allen R'43, and Wilbur Allen. Their continuing support, along with the support of others, accounted for the Chair becoming fully endowed in 1988. The Allen Chair allows the School of Law to invite distinguished legal scholars to spend time in residence and interact with the students and faculty of the University of Richmond School of Law. Moreover, publication of a special Allen Chair Symposium issue in the *University of Richmond Law Review* allows the School of Law to share the wisdom and insights of our distinguished visitors with a wider audience.

1996 VISITING SCHOLARS

THE GEORGE E. ALLEN CHAIR IN LAW

The T.C. Williams School of Law

University of Richmond, Virginia 23173

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