

Shelley Ross Saxer
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Westlake Village, CA 91362
(818) 606-9007 shelly.saxer@gmail.com

EDUCATION: **University of California School of Law**
Los Angeles, California J.D. 1989
Order of the Coif
Law Review:
Chief Managing Editor, Editorial Board
Note, The Right of Publicity in Game Performances and
Federal Copyright Preemption, 36 UCLA L. Rev. 861 (1989)
American Jurisprudence Awards
Constitutional Law and Commercial Law, Sales
Pepperdine University, Seaver College
Malibu, California B.S. Business Administration 1980
Class Salutatorian; Outstanding Senior, Business Division

EMPLOYMENT: **Pepperdine University School of Law** Malibu, CA
Laure Sudreau Endowed Chair 2014 - Present
Vice Dean 2013 - 2017
Professor of Law 1999 - 2014
Visiting Professor, University of Hawai'i Spring 2013
Malibu Director, International Programs 2009
Interim Academic Director, London Campus Fall 2007
Director, Byrne Judicial Clerkship Institute 2003 - 2012
Associate Dean, Academics 1999 - 2002; 2005 - 2008
Associate Professor of Law 1996 - 1999
Assistant Professor of Law 1991 - 1996
Courses Taught: Property; Land Use; Environmental Law; Water Law;
Environmental Resilience and Sustainability; Negotiation; Community
Property; Remedies; Constitutional Law, Individual Rights
O'Melveny & Myers Century City, CA
Associate, Corporate Department 1990 - 1991
The Honorable William Matthew Byrne, Jr.
Law Clerk, U.S.D.C., Central District of California 1989 - 1990
UCLA School of Law
Teaching Assistant - Evidence, Norman Abrams 1989
Gray, Cary, Ames & Frye San Diego, CA
Summer Associate (Offer Extended) 1988
Nordman, Cormany, Hair & Compton Oxnard, CA
Summer Associate (Offer Extended) 1987
Vetco Offshore, Inc. Ventura, CA
Data Processing Supervisor 1985 - 1986
Project Leader, Financial Systems 1980 - 1985
Pepperdine University Malibu, CA
Accounting Systems Analyst 1979 - 1980
Payroll: Asst. Supervisor & Supervisor 1975 - 1979
Administrative Assistant to Controller 1974 - 1975

PROFESSIONAL MEMBERSHIPS:

Active member of the California Bar # 147887 Section on Real Property
AALS State and Local Government Law Section Treasurer (2019-20)
AALS State and Local Government Law Section Executive Committee (2017-18)
ABA Associate Dean Conference Planning Committee (2017)
ALPS Conference Program Committee Co-Chair (2014)
ALPS Board of Directors (2012-14)
AALS Property Section Chair (2012)
AALS Property Section Chair-Elect (2011)
AALS Property Section Secretary (2010)
AALS Property Section Executive Committee (2009)
American Bar Association Member
U.S. Supreme Court

PUBLICATIONS:

Paying for Disasters (forthcoming Kansas Law Review 2020)

Contemporary Property, American Casebook Series, West Academic (5th Ed. with Colleen Medill) (2019)

Jotwell Property, Planning for Wildfire Disasters, Feb. 2019

Exactions and Impact Fees, 7 Prop. Rts. Conf. J. 77 (2018)

Social-Ecological Resilience & Sustainability, Wolters Kluwer (1st Ed. with Jonathan Rosenbloom) (2018)

Jotwell Property, So What Are the “Damagings” Clauses and Why Do We Care?, Apr. 2018

Jotwell Property, Zoning for Dollars and Drones, Apr. 2017

Land Use, American Casebook Series, West Academic (7th Ed. with David L. Callies and Robert H. Freilich) (2017)

Jotwell Property: Finding a Way Out of the Ripeness Mess, Mar. 2016

When Local Government Misbehaves, 2016 Utah L. Rev. 105

“Rails-to-Trails”: Potential Impact of *Marvin M. Brandt Revocable Trust v. United States* (by invitation) 48 Loy. L.A. L. Rev. 345 (2014)

To Bargain or Not To Bargain? Invited Response to Sean F. Nolon, *Bargaining for Development Post-Koontz: How the Supreme Court Invaded Local Government*, 67 Fla. L. Rev. F. 5 (2015)

Contemporary Property, American Casebook Series, West (4th Ed. with Grant S. Nelson, Dale A. Whitman, and Colleen Medill) (2013)

Shelley Ross Saxer & Carol M. Rose, A Prospective Look at Property Rights, 20 Geo. Mason L. Rev. 721 (2013)

Judicial State Action: *Shelley v. Kraemer*, State Action, and Judicial Takings (Symposium), 21 Widener L.J. 847 (2012)

Managing Water Rights Using Fishing Rights as a Model (AALS Symposium), 95 Marq. L. Rev. 91 (2011)

The Fluid Nature of Property Rights in Water, 21 Duke Envtl. L. & Pol'y F. 49 (2010)

Douglas Kmiec & Shelley Ross Saxer, Equality in Substance and In Name, San Francisco Chron., Mar. 2, 2009 http://articles.sfgate.com/2009-03-02/opinion/17212645_1_same-sex-religious-freedom-civil-union

Banishment of Sex Offenders: Liberty, Protectionism, Justice, and Alternatives, 86 Wash. U. L. Rev. 1397 (2009)

Assessing RLUIPA's Application to Building Codes and Aesthetic Land Use Regulation, 2 Alb. Gov't L. Rev. 623 (2009)

Faith in Action: Religious Accessory Uses and Land Use Regulation, 2008 Utah L. Rev. 593

Shelley Ross Saxer & Daryl Fisher-Ogden, World Religions and Clean Water Laws, 17 Duke Envtl. L. & Pol'y F. 63 (2006)

A Property Rights View: Commentary on *Property and Speech*, 21 Wash. U. J.L. & Pol'y 155 (2006)

David L. Callies & Shelley Ross Saxer, Is Fair Market Value Just Compensation? An Underlying Issue Surfaced in *Kelo*, Chapter in Eminent Domain Use and Abuse: *Kelo* in Context, (Dwight Merriam & Mary Massaron Ross, eds., ABA 2006)

Government and Religion as Landlord and Tenant, 58 Rutgers U. L. Rev. 409 (2006)

Eminent Domain, Municipalization, and the Dormant Commerce Clause, 38 U.C. Davis L. Rev. 1181 (2005)

Government Power Unleashed: Using Eminent Domain to Acquire a Public Utility or Other Ongoing Enterprise, 38 Ind. L. Rev. 55 (2005)

Eminent Domain Actions Targeting First Amendment Land Uses, 69 Mo. L. Rev. 653 (2004)

Shelley Ross Saxer & Gary Thompson, Optimizing a Law School's Course Schedule, Vol. 1, No. 3/4 Pierce L. Rev. 181 (2003)

Am I My Brother's Keeper?: Requiring Landowner Disclosure of the Presence of Sex Offenders and Other Criminal Activity, 80 Neb. L. Rev. 522 (2001)

Sidewalk Distribution of Protected Speech and Other Expressive Activities, Chapter in Protecting Free Speech and Expression: The First Amendment and Land Use Law, (Daniel R. Mandelker & Rebecca L. Rubin, eds., ABA 2001)

Sacred Spaces and Planning Law: Property Rights and the Regulation of Religious Activities in the United States, Chapter in Law and Religion in Contemporary Society, (Peter W. Edge & Graham Harvey, eds., Ashgate 2000)

One Professor's Approach to Increasing Technology Use in Legal Education, 6 Rich. J.L. & Tech. 21 (Winter 1999-2000) <<http://www.richmond.edu/jolt/v6i4/article4.html>>

Planning Gain, Exactions, and Impact Fees: A Comparative Study of Planning Law in England, Wales, and the United States, 32 Urb. Law. 21 (2000)

California Real Estate Law & Practice, Matthew Bender, 1999 Edition Updates

Shelley v. Kraemer's Fiftieth Anniversary: A Time for Keeping; a Time for Throwing Away? 47 U. Kan. L. Rev. 61 (1998)

Zoning Away First Amendment Rights, 53 Wash. U. J. of Urb. & Contemp. L. 1 (1998)

California Real Estate Law & Practice, Matthew Bender, 1998 Edition Updates

Local Autonomy or Regionalism?: Sharing the Benefits and Burdens of Suburban Commercial Development, 30 Ind. L. Rev. 659 (1997)

When Religion Becomes a Nuisance: Balancing Land Use and Religious Freedom When Activities of Religious Institutions Bring Outsiders into the Neighborhood, 84 Kentucky L.J. 507 (1996)

Constitutional Protection Against State or Local Government Regulation of Liquor Licensing, 22 Hastings Const. L.Q. 441 (1995)

Down With Demon Drink!: Strategies For Resolving Liquor Outlet Overconcentration, 35 Santa Clara L. Rev. 123 (1994)

SPEAKING & PROFESSIONAL ACTIVITIES:

Boehl Distinguished Lecture in Land Use Policy, University of Louisville, Brandeis School of Law (upcoming Apr. 2020)

Panelist, Emerging Issues in Takings Litigation, Brigham-Kanner Property Rights Conference, William & Mary Property Rights Project, Oct. 2019

Invited Participant, West's Academic Distance Learning Conference, St. Paul, MN, July 2019

Panelist, Climate Change, Population Demographics, and Fire Management in the West, “California Wildfires,” Rocky Mountain Mineral Law Foundation Natural Resources Law Teachers Institute, Missoula, MT, May 2019

Panelist, Developing Issues in Takings Jurisprudence, “Pipeline Takings”
Moderator, Water Resources and Water Challenges, ALPS, Syracuse, NY, May 2019

Attendee, Arizona State Sustainability Conference, Phoenix, AZ, May 2019

Panelist, Earth, Wind, (Water), and Fire: A Report from the Front Lines of the Flood and Wildfire Inverse Condemnation Cases

Panelist, “*Knick*” of Time – A First Look at the Supreme Court’s Revising Ripeness: Are Takings a State or Federal Question, ALI CLE Eminent Domain Conference, Palm Springs, CA, Jan. 2019

Works in Progress, “Paying for Disasters,” Natural Resources & Energy Law Section, AALS Annual Meeting, Jan. 2019

Works in Progress Presentation, “The Push and Pull of Eminent Domain,” ABA Section on Environment, Energy, and Resources (ABA SEER) First Annual Law Professors Workshop, 26th Fall Conference, San Diego, CA, Oct. 2018

Panelist, “Contours of Community, The Push and Pull of Eminent Domain”
Moderator, “The Flow of Water and Property,” Association of Law, Property and Society (ALPS) 9th Annual Meeting, Maastricht University, Netherlands, June 2018

Attendee, Arizona State University Sustainability Conference, Phoenix, AZ May 2018

Panelist, Religious Land Use, Finding Space to Solve Homelessness, Seattle University School of Law, Apr. 2018

Commenter: Michael Pollock, *Taking Data*, New Voices in Property Law: Junior Scholars Works-in-Progress Panel, Property Section AALS Annual Meeting, Jan. 2018

Panelist, “The Future of Land Use Regulation: A Tribute to Callies,” Brigham-Kanner Property Rights Conference, William & Mary Property Rights Project, Oct. 2017

Moderator, Plenary: Budgeting Basics, ABA Associate Deans Conference, Chicago, July 2017

Moderator, Panel on Religious Freedom, Pepperdine School of Law Nootbaar Conference, Mar. 2017

Commenter: Maureen E. Brady, *Damagings Clauses*, Property Law Works-in-Progress Program, Property Section AALS Annual Meeting, Jan. 2017

Keynote, “Development in California: Is it Still Viable?” Third Annual Conference California Land Use Law & Policy, Sept. 2016

Plenary Panelist, "Managing People, Managing Resources, Managing Teams," ABA Associate Dean's Conference, MN, June 2016

Invited Discussant, Conscience, Identity, and Public Accommodations: Mediating Conflict in the Marketplace, Faulkner School of Law, Montgomery, AL, Jan. 2016

Panelist, The Competing Claims of Law and Religion, Second Annual Sacramento Court/Clergy Conference, CA, Oct. 2015

Faculty, Summer Training Program on Religion and the Rule of Law, Beijing, China, July 2015

Speaker, ABA Professors' Corner Webinar: Municipalities and the Evolving Use of Eminent Domain, May 2015

Panelist, First Annual Sustainability Conference of American Legal Educators, Arizona State University, Tempe, AZ, May 2015

Panelist, Professor's Roundtable, 34th Annual Real Property Law Section Retreat, California State Bar, May 2015

Panelist, Life After *Koontz?*, 17th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations, U.C. Davis cosponsored with Vermont Law, Sept. 2014

Panelist, Takings, Regulation, and Revocation: Government Powers & Private Property Rights
Panelist, Plenary Closing Session: The Pedagogy of Property, Association for Law, Property, and Society (ALPS) University of British Columbia, May 2014

Presenter, Controlling Abuse of Power in Land Use Regulation, Syracuse University School of Law Speaker's Series, Nov. 2013

Participant, Vermont Law School Confab on Public Rights in Water, June 2013 (informal gathering of water law scholars)

Moderator, Public Land Development Corporation and Property Rights in Hawaii, at University of Hawaii Richardson School of Law, Feb. 2013

Moderator, AALS 2013 Joint Program of the Property Section and Natural Resources and Energy Law Section, Jan. 2013

Panelist, Church Property Disputes, Association for Law, Property, and Society (ALPS) Annual Conference, Georgetown School of Law, Mar. 2012

Panelist, Civil Marriages For All, The Competing Claims of Law and Religion, Pepperdine School of Law, Feb. 2012

Panelist, Invited Speaker for Judicial Takings Symposium, Widener University School of Law, Harrisburg, PA, Feb. 2012

Panelist, “Ripeness Madness?” Federalist Society Property Rights Event, Pepperdine School of Law, Nov. 2011

Participant, 14th Annual Conference on Litigating Takings Challenges, Georgetown, D.C., Nov. 2011

Panelist, Teaching and the Curriculum, Southeastern Association of Law Schools (SEALS) 64rd Annual Meeting, Aug. 2011

Participant, Women in Legal Education, AALS Mid-Year Meeting, D.C., July 2011

Participant, Future of the Law School Curriculum, AALS Mid-Year Meeting, Seattle, WA, June 2011

Panelist, Professor’s Roundtable on Important Legal Developments, 30th Annual Real Property Law Section Retreat, California State Bar, Apr. 2011

Moderator, Supreme Mistakes, *Dred Scott v. Sandford*, Pepperdine Law Review Symposium, Apr. 2011

Panelist, Land Use Federalism, Sex Offender Residency Restrictions, Association for Law, Property, and Society Annual Conference, Georgetown School of Law, D.C., Mar. 2011

Moderator, “RLUIPA a Trap for the Unwary” Panel, *Local Agencies On the Cutting Edge* Conference, UCLA School of Law, CA, Feb. 2011

Panelist, “Changing Conceptions of Water in the Law,” Sections on Agricultural Law and Property Law Joint Program, AALS Annual Meeting, Jan. 2011

Panelist, “Mosque at Ground Zero,” Nootbaar Institute for Law & Religion, Pepperdine University School of Law, Sept. 2010

Panelist, Teaching Techniques Workshop: “Innovative Teaching Techniques Used in First-Year Courses,” Southeastern Association of Law Schools (SEALS), Aug. 2010

Panelist, “California Water Rights – Who Is In Control?” Federalist Society, University of San Diego Law School, CA, Oct. 2009

Panelist, Workshop on Real Estate Planning: “Innovative Teaching and Research Strategies for Land Use and Development Law,” Southeastern Association of Law Schools (SEALS) 62nd Annual Meeting, Aug. 2009

Panelist, “Religious Liberty and Religious Property Disputes: Who Owns the Lord’s House?” Pepperdine School of Law Nootbaar Institute on Law, Religion, and Ethics, Jan. 2009

Panelist and Contributor, Albany Government Law Review Symposium: God and the Land: Conflicts Over Land Use and Religious Freedom, Oct. 2008

Participant, joining Ken Starr and Charles Eskridge for A Conversation Featuring Justice Clarence Thomas, Pepperdine School of Law 2nd Annual William French Smith Memorial Lecture, Sept. 2008

Moderator, Professor Richard Epstein on “The Mortgage (Or, Subprime) Meltdown: Why One Bad Decision Deserves Yet Another,” Pepperdine School of Law Palmer Center Foley Lecture, Mar. 2008

Panelist on Environmentalism Panel, Religious Americans & Political Choices: A Conversation About Shared Values and Citizen Responsibilities, Hamline University School of Law Journal of Law and Religion, Oct. 2006

Panel Moderator, “Til Death Do Us Part: Marriage, Same Sex Couples and The Law” at the Museum of Tolerance sponsored by the Beverly Hills Bar Association, Sept. 2006

Certified Toastmaster, Toastmasters International, Club No. 1864, Aug. 2006

Faculty Advisor, Balancing Career and Family Symposium & Law Review Publication, Joint Program with Beverly Hills Bar Association, Apr. 2006

Panelist and Contributor, Washington University Journal of Law & Policy Symposium: The Rehnquist Court and the First Amendment, Nov. 2005

Speaker, ALI-ABA Land Use Institute, Aug. 2005

KKPC Talk of the City Radio Show Guest Speaker: Real Estate and Sex Offenders, Apr. 2005

Speaker, American Planners Annual Meeting, Eminent Domain and the *Kelo* Case, Mar. 2005

Joined in Amicus Curiae Brief of 13 Noted Property Law Professors in support of Petitioners, *Kelo v. City of New London*, 545 U.S. 469 (2005)

Speaker, Gonzaga Institute for Law Teaching, A Property Story, July 2004

Speaker, AALS Property Conference, Religious Land Uses, Eminent Domain, and RLUIPA, June 2004

Speaker, CALI Conference, Automated Course Scheduling for Law Schools, 2003

Speaker, WASC Annual Meeting, Teaching With Technology & Strategies for Increasing the Use of Classroom Technology, 2001

Amicus Curiae Brief for Colorado Liquor Enforcement Division in support of Petitioners, City of Chicago, *Club Misty, Inc. v. Laski*, 208 F.3d 615 (7th Cir. 2000), *cert. denied*

Panelist, California State Bar, Section on Real Property, Apr. 2000

Speaker and Contributor, International Law School Deans, Conference on Legal Education for the 21st Century, Beijing, China, May 1999

Speaker, AALS Property Conference, Technology & Teaching Workshop, June 1997

Speaker, AALS Plenary Workshop on Teaching With Technology - Wash., D.C., Jan. 1997

ADDITIONAL RECENT ACTIVITIES

Scholarly Reviews

Collegial Review: Jill M. Fraley, *Modern Waste Law & Residential Mortgages*, 2019

Peer Review for Juimetrics@asu.edu: “*Speak loudly and carry a small stick: Prudential regulation and the climate, energy and finance nexus*,” 2018

Peer Review: *South Africa’s Water Crisis: The Idea of Property as Both a Cause and Solution, Law, Democracy and Development Law Journal*, University of the Western Cape, 2017

Peer Review: *A Big Bang of Water Rights: Implications of Water Rights Mutations on Water Policy*, MDPI Water Journal, 2017

Collegial Review: Yxta Murray, *The Takings Clause of Boyle Heights*, 2017

Requested review from Yale Law Journal, *Our Regionalism*, 2017

Promotion Review: Stephen Miller, University of Idaho Law School, 2017

Promotion Review: Kristen Barnes, University of Akron School of Law, 2017

Promotion Review: Adam MacLeod, *Faulkner Law*, 2017

Letter of Support: Colleen Medill, University of Nebraska College of Law for University of Nebraska’s highest teaching award, the Outstanding Teaching and Instructional Creativity Award (OTICA), requested by Dean of the Law School, 2017 (Professor Medill received University award)

Review and recommend: articles for publication in the yearly *Land Use & Environmental Law Review* 2015, 2016, 2017, 2018, 2019. Other reviewers include Dan Mandelker, Steve Eagle, Lee Fennell, and Nicole Garnett

Collegial Review: Donald J. Kochan, *Deeds and the Determinacy Norm*, 43 Fla. St. U. L. Rev. 793 (2016)

Participation in Amicus Briefs

Brief for Amici Curiae Cato Institute, National Federation of Independent Business Small Business Legal Center, Reason Foundation, Southeastern Legal Foundation, Property Rights Foundation of America, National Association of Reversionary Property Owners, Owners' Counsel of America, National Association of Home Builders, and Professors James W. Ely, Jr., Shelley Ross Saxer, and Robert H. Thomas in Support of Petitioners

St. Bernard Parish Government v. United States, 2018 WL 5279147 (U.S.S.C. Oct. 19, 2018)

Brief for Owners' Counsel of America, Southeastern Legal Foundation, National Association of Reversionary Property Owners, and Professors Shelley Ross Saxer and James W. Ely, Jr., as Amici Curiae in Support of Petitioner
Sammons v. United States, 2018 WL 317109 (U.S.S.C. Jan. 02, 2018)

Brief for Amici Curiae National Association of Reversionary Property Owners, Owners' Counsel of America, the Property Rights Foundation of America, Inc., Pioneer Institute, Inc., and Professor Shelley Ross Saxer in Support of Petitioners
Brott v. United States, 2017 WL 6492862 (U.S.S.C. Dec. 14, 2017)

Motion for Leave to File Brief for Amici Curiae and Brief for the Cato Institute, National Federation of Independent Business Small Business Legal Center, Reason Foundation, Southeastern Legal Foundation, National Association of Reversionary Property Owners, Property Rights Foundation of America, and Professors James W. Ely, Jr., Shelley Ross Saxer and Ilya Somin as Amici Curiae in Support of Petitioner
Bay Point Props., Inc. v. Mississippi Transp. Comm'n, 2017 WL 1326552 (U.S.S.C. Apr. 6, 2017)

Brief Amici Curiae of National Association of Reversionary Property Owners, The Property Rights Foundation of America, Inc., Pioneer Institute, Inc., and Professor Shelley Ross Saxer in Support of Plaintiffs-Appellants, Urging Reversal
Brott v. United States, 2016 WL 3644925 (C.A.6 July 05, 2016).

Distance Learning 2017 - Present

Course creator and course lead for Property course in Pepperdine School of Law, Masters in Legal Studies curriculum. This is a combined asynchronous and synchronous course developed in partnership with 2U Inc., an education technology company.