

Shelley Ross Saxer

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(310) 506-4657

ACADEMIC APPOINTMENTS:

PEPPERDINE UNIVERSITY CARUSO SCHOOL OF LAW, Malibu, CA

Laure Sudreau Chair in Law 2014 - Present

Vice Dean 2013 - 2017

Professor of Law 1999 - Present

Malibu Director, International Programs 2009

Interim Academic Director, London Campus Fall 2007

Associate Dean Academics 2005 - 2008

Associate Dean, Academics 1999 - 2002

Associate Professor of Law 1996 - 1999

Assistant Professor of Law 1991 - 1996

Courses: Property; Land Use; Environmental Law; Water Law; Environmental Resilience and Sustainability; Negotiation; Community Property; Remedies; Constitutional Law, Individual Rights; Civil Procedure

ONLINE MASTERS IN LEGAL STUDIES, PEPPERDINE UNIVERSITY 2017 - Present

Online Faculty

Course creator and course lead for MLS Property course. This is a combined asynchronous and synchronous course developed in partnership with 2U Inc., an education technology company.

STRAUS INSTITUTE FOR DISPUTE RESOLUTION, PEPPERDINE UNIVERSITY

Negotiation Faculty 2016 - 2021

WM. MATTHEW BYRNE, JR. JUDICIAL CLERKSHIP INSTITUTE, PEPPERDINE UNIVERSITY

Director 2003 - 2012

U.C.L.A. SCHOOL OF LAW

Visiting Professor Course: Property Spring 2021

UNIVERSITY OF HAWAII RICHARDSON SCHOOL OF LAW

Spring 2013

Visiting Professor Courses: Property, Day & Evening Sections

PROFESSIONAL EXPERIENCE:

O'MELVENY & MYERS, Century City, CA

Associate, Corporate Department 1990 - 1991

HON. WM. MATTHEW BYRNE, JR., U.S. DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Law Clerk 1989 - 1990

GRAY, CARY, AMES & FRYE , San Diego, CA <i>Summer Associate</i> (Offer Extended)	1988
NORDMAN, CORMANY, HAIR & COMPTON , Oxnard, CA <i>Summer Associate</i> (Offer Extended)	1987
VETCO OFFSHORE, Inc. , Ventura, CA <i>Data Processing Supervisor</i>	1985 - 1986
<i>Project Leader</i> , Financial Systems	1980 - 1985

EDUCATION:

UNIVERSITY OF CALIFORNIA SCHOOL OF LAW, Los Angeles, California
 J.D. 1989
 Order of the Coif
 Law Review: Chief Managing Editor, Editorial Board
 Teaching Assistant to Norman Abrams Course: Evidence
 American Jurisprudence Awards: Constitutional Law & Commercial Law, Sales

PEPPERDINE UNIVERSITY, SEAVER COLLEGE, Malibu, California
 B.S. Business Administration 1980
 Salutatorian
 Outstanding Senior, Business Division

PROFESSIONAL MEMBERSHIPS:

Fellow of the American College of Real Estate Lawyers (ACREL) 2023 - present
 Member of the California Bar # 147887 Section on Real Property
 AALS State and Local Government Law Section
 Chair-Elect (2022-23)
 Secretary (2020-21)
 Treasurer (2019-20)
 Executive Committee (2017-18, 2023-24)
 ABA Associate Dean Conference Planning Committee (2017)
 ALPS Conference Program Committee Co-Chair (2014)
 ALPS Board of Directors (2012-14)
 AALS Property Section
 Chair (2012-13)
 Chair-Elect (2011-12)
 Secretary (2010-11)
 Executive Committee (2009-10)
 Certified Toastmaster, Toastmasters International, Club No. 1864, Aug. 2006
 Order of the Coif, President of Pepperdine Caruso School of Law Chapter
 American Bar Association Member
 Admitted to practice before the U.S. Supreme Court

LAW REVIEW PUBLICATIONS:

Owning Church Property (forthcoming FLA. STATE UNIV. L. REV. 2024)

Necessity Exceptions to Takings, 44 U. HAW. L. REV. 60 (2023)

Public Nuisance and a Theory of State Action, 17 J.L. Econ.& Pol'y 371 (2022)

The Aftermath of Takings, 70 AM. U. L. REV. 589 (2020)

Paying for Disasters, 68 KAN. L. REV. 413 (2020)

Overturing a Catch-22 in the Knick of Time: Knick v. Township of Scott and the Doctrine of Precedent, 47 FORDHAM URB. L.J. 545 (2020) (with Ilya Somin)

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)

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)

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, selected for reprinting in 2009 LAND USE AND ENVIRONMENT LAW REVIEW (annual compendium of peer-selected leading law review articles in land use and environmental law)

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)

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)

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)

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

Zoning Away First Amendment Rights, 53 WASH. U. J. OF URB. & CONTEMP. L. 1 (1998)

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, 84 KENTUCKY L.J. 507 (1996)

License to Sell: 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)

Note, *Baltimore Orioles, Inc. v. Major League Baseball Players Assoc.: The Right of Publicity in Game Performances and Federal Copyright Preemption*, 36 UCLA L. REV. 861 (1989)

BOOKS AND BOOK CHAPTERS:

Property and Zoning Law Chapter in Gregory S. Parks, *THE LAW OF FRATERNITIES AND SORORITIES* (forthcoming Carolina Academic Press 2023)

LAND USE, American Casebook Series, West Academic (8th Ed. with David L. Callies, Robert H. Freilich, and Ashira Perlman Ostrow) (2021)

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

SOCIAL-ECOLOGICAL RESILIENCE & SUSTAINABILITY, Wolters Kluwer (1st Ed. with Jonathan Rosenbloom) (2018)

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

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

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)

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)

CALIFORNIA REAL ESTATE LAW & PRACTICE, Matthew Bender, 1999 Edition Updates

CALIFORNIA REAL ESTATE LAW & PRACTICE, Matthew Bender, 1998 Edition Updates

PROPERTY JOTWELL: The Journal of Things We Like (Lots)

Contributing Editor

2015 - Present

Land Use Deregulation and Affordable Housing, JOTWELL (April 21, 2023) (reviewing Richard C. Schragger, *The Perils of Land Use Deregulation*, 170 U. PA. L. REV. 125 (2021)), <https://property.jotwell.com/land-use-deregulation-and-affordable-housing/>

The Impact of Knick on Regulatory Takings and Those Pesky Lucas Exceptions, JOTWELL (May 9, 2022) (reviewing David Callies, *REGULATORY TAKINGS AFTER KNICK, TOTAL TAKINGS, THE NUISANCE EXCEPTION, AND BACKGROUND PRINCIPLES EXCEPTIONS: PUBLIC TRUST DOCTRINE, CUSTOM, AND*

STATUTES (2020)),

<https://property.jotwell.com/the-impact-of-knick-on-regulatory-takings-and-those-pesky-lucas-exceptions/>

Nuisance, and Covenants, and Zoning, Oh My! JOTWELL (May 10, 2021) (reviewing Maureen E. Brady, *Turning Neighbors Into Nuisances*, 134 HARV. L. REV. 1609 (2021)), <https://property.jotwell.com/nuisance-and-covenants-and-zoning-oh-my/>

Post-Koontz Exactions, JOTWELL (January 28, 2020) (reviewing Timothy M. Mulvaney, *The State of Exactions*, 61 WM. & MARY L. REV. 169 (2019)), <https://property.jotwell.com/post-koontz-exactions/>

Planning for Wildfire Disasters, JOTWELL (February 13, 2019) (reviewing Stephen R. Miller, Jaap Vos & Eric Lindquist, *Informal Governance Structures and Disaster Planning: The Case of Wildfire*, 40 U. ARK. LITTLE ROCK L. REV. 633 (2018)), <https://property.jotwell.com/planning-for-wildfire-disasters/>

So What Are the “Damagings” Clauses and Why Do We Care? JOTWELL (April 6, 2018) (reviewing Maureen E. Brady, *The Damagings Clauses*, 104 VA. L. REV. 341 (2018)), <https://property.jotwell.com/so-what-are-the-damagings-clauses-and-why-do-we-care/>

Zoning for Dollars and Drones, JOTWELL (June 1, 2017) (reviewing Troy A. Rule, *Drone Zoning*, 95 N.C. L. REV. 133 (2016)), <https://property.jotwell.com/zoning-for-dollars-and-drones/>

Finding a Way Out of the Ripeness Mess, JOTWELL (April 19, 2016) (reviewing Thomas W. Merrill, *Anticipatory Remedies for Takings*, 128 HARV. L. REV. 1630 (2015) and John D. Echeverria, *Eschewing Anticipatory Remedies For Takings: A Reply to Professor Merrill*, 128 HARV. L. REV. F. 202 (2015)), <https://property.jotwell.com/finding-a-way-ou...he-ripeness-mess/>

OTHER SCHOLARLY PUBLICATIONS:

Co-Editor with J.B. Ruhl, LAND USE & ENVIRONMENT LAW REVIEW (West Publishing annual peer-selected compendium of leading articles) (2023-24)

An Essay on Pueblo Water Rights, 33 Western Legal History 181 (2023)

Co-Editor with J.B. Ruhl, LAND USE & ENVIRONMENT LAW REVIEW (West Publishing annual peer-selected compendium of leading articles) (2022-23)

Necessity Exceptions to Takings, 44 No. 8 ZONING AND PLANNING LAW REPORTS NL1 (2021)

Restoring Federal Takings Claims, 72 FLA. L. REV. F. 48 (2021) (Response to Stewart E. Sterk & Michael C. Pollack, *A Knock on Knick’s Revival of Federal Takings Litigation*)

Climate Change, Population Demographics, and Wildfire Planning in the West, 51 No. 1 ABA Trends 8 (with Philip Higuera, Hillary M. Hoffmann, and Stephen R. Miller) (2019)

Exactions and Impact Fees, 7 BRIGHAM-KANNER PROP. RTS. CONF. J. 77 (2018)

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)

SPEAKING & PROFESSIONAL ACTIVITIES:

Speaker, “Professor David Callies’ Contributions to Legal Scholarship,” University of Hawai‘i Richardson School of Law, Apr. 2023

Commenter, Natural Resources and Energy Law and Environmental Law Joint Program: “Works-in-Progress”; Commenter, Property Law Program: “New Voices in Property Law” AALS Conference, San Diego, CA, Jan. 2023

Speaker, Counselors of Real Estate (CRE) Legal and Insurance Specialty: “The Legal and Practical Impacts of Disasters on Real Estate,” Mar. 2022

Commenter on “SQUATTERS AND THE STATE” by Lorna Fox O’Mahoney & Marc Roark (forthcoming Cambridge Press 2022) for Pepperdine Faculty Workshop Series, Mar. 2022

Moderator for Panel 1: “Are Recent Zoning Reforms Moving States in the Right Direction? A Faster Way Home – Removing Barriers to Increase America’s Housing Supply,” Pepperdine Law Review Symposium, Mar. 2022

Panelist, “The Scope and Limits of Public Nuisance: Exploring History, Precedents, and Attempts at Expansion,” LEC Symposium on Novel Liability Theories and the Incentives Driving Them, Nashville, TN Oct. 2021

Invited Participant, “Forum on the Economic & Legal Foundations of Capitalism,” sponsored by George Mason Law & Economics Center, Laguna Beach, CA Sept. 2021

Paper Presentation, “Research Roundtable on Public Nuisance and State Action,” Henry G. Manne Program in Law & Economics Studies, Antonin Scalia Law School, May 2021

Panelist, ABA Professor’s Corner: “Racially Restrictive Covenants,” Jan. 2021

Speaker, “Race and the Law Series: Race and Property Law,” Pepperdine University Caruso School of Law, Oct. 2020

Panelist, “Who Pays for Disasters, and Who Recovers Fastest,” ABA, Sept. 2020

Panelist, “Emergency and Police Power: Property Claims in Times of Crisis,” ABA, July 2020

Panelist, “Disaster Response” Symposium, ABA, Feb. 2020

Works in Progress, Agricultural and Food Law, Environmental Law and Natural Resources and Energy Law, AALS Annual Meeting, Jan. 2020

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

Webinar “Current Federal Wildfire Management Policies” for the ABA Section of Environment, Energy, and Resources, Aug. 2019

Webinar “When the Floods and Fires Come: Landowner’s Property Damage Claims” for the ABA Section of Litigation, Aug. 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 Conf., Chicago, Ill. July 2017

Moderator, "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

Invited Attendee, "Leading Edge" Conference, Wolters Kluwer, Chicago, July 2016

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

Invited Attendee, West Academic "Inside Look," MN, June 2016

Moderator, "Doing Justice without Doing Harm," Pepperdine School of Law Nootbaar Conference, Mar. 2016

Hagman Scholar, UCLA Extension Public Policy Program's 30th Anniversary Land Use Law and Planning Conference, Jan. 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 "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, 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 "Litigating Takings Challenges," Georgetown School of Law, 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 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 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

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

Speaker, American Planners Annual Mtg., “Eminent Domain and the *Kelo* Case,” Mar. 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

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

COURT CITATIONS:

Prestonwood Estates West Homeowners Association v. City of Arlington, 2022 WL 3097374 (C.A. TX. 2022) (citing *Paying for Disasters*)

Toups v. City of Shreveport, 37 So.3d 406 (2010) (*rev'd* La. Mar. 15, 2011) (citing *License to Sell: Constitutional Protection against State or Local Government Regulation of Liquor Licensing*)

C.B.C. Distribution and Marketing, Inc. v. Major League Baseball Advanced Media, L.P., 443 F.Supp.2d 1077 (2006) (citing *The Right of Publicity in Game Performances and Federal Copyright Preemption*)

Broadwell v. Municipality of San Juan, 312 F.Supp.2d 132 (2004) (citing *License to Sell: Constitutional Protection against State or Local Government Regulation of Liquor Licensing*)

Brown v. Ames, 201 F.3d 654 (5th Cir. 2000) (citing *The Right of Publicity in Game Performances and Federal Copyright Preemption*)

N & N Catering Co., Inc. v. City of Chicago, 37 F.Supp.2d 1056 (N.D. Ill. 1999) (rev'd *Club Misty, Inc. v. Laski*, 7th Cir. (Ill.), Apr. 3, 2000) (citing *License to Sell: Constitutional Protection against State or Local Government Regulation of Liquor Licensing* and "Down with Demon Drink!" *Strategies for Resolving Liquor Outlet Overconcentration*)

N & N Catering Co., Inc. v. City of Chicago, 26 F.Supp.2d 1067 (N.D. Ill. 1998) (citing *License to Sell: Constitutional Protection against State or Local Government Regulation of Liquor Licensing*)

Architectronics, Inc. v. Control Systems, Inc., 935 F. Supp. 425 (S.D.N.Y. 1996) (citing *The Right of Publicity in Game Performances and Federal Copyright Preemption*)

SCHOLARLY REVIEWS

Peer Review, YALE LAW JOURNAL

Peer Review, CAMBRIDGE UNIVERSITY PRESS

Peer Review, JURIMETRICS, Arizona State University

Peer Review, LAW, DEMOCRACY AND DEVELOPMENT LAW JOURNAL, University of Western Cape

Peer Review, MDPI WATER JOURNAL

Peer Review, LAND USE & ENVIRONMENT LAW REVIEW, Thompson Reuters

Peer Review, EMORY JOURNAL OF LAW AND RELIGION

MEDIA COMMENTARY

Lawsuits Filed Against Hawaiian Electric Over Fires, BLOOMBERG LAW Podcast with June Grasso (Aug. 24, 2023)

<https://www.bloomberg.com/news/audio/2023-08-25/lawsuits-filed-against-hawaiian-electric-over-fires-podcast>

Maui Fire Victims Pursue Legal Tactic That Led to \$13.5 Billion California Settlement, BLOOMBERG NEWS (Aug. 22, 2023)

<https://www.bnnbloomberg.ca/maui-fire-victims-pursue-legal-tactic-that-led-to-13-5-billion-california-settlement-1.1962042>

Do Psychics Need a License to Tell the Future in the Desert? DESERT SUN (Jan. 9, 2022)

<https://www.desertsun.com/story/money/business/2022/01/09/ask-desert-sun-do-psychics-palm-springs-area-need-license/6392631001/>

County of Maui v. Hawaii Wildlife Fund, Legal Docket Podcast (Aug. 20, 2020)

<https://podcasts.apple.com/us/podcast/legal-docket/id1525212317>

Pacific Gas and Electric Bankruptcy after California Wildfires, NPR Market Place Morning (Nov. 2019) <https://www.npr.org/podcasts/381444599/marketplace-morning-report>

Edison, PG&E Seek Mercy from Courts Over Doomsday Fire Payouts, BLOOMBERG LAW NEWS (Apr. 23, 2018)
<https://news.bloomberglaw.com/environment-and-energy/edison-pg-e-seek-mercy-from-courts-over-doomsday-fire-payouts>

Casper Council Members Frustrated by Liquor Licenses, CASPER STAR TRIBUNE (July 29, 2016)
https://trib.com/news/local/casper/casper-council-members-frustrated-by-liquor-licenses-experts-say-cap/article_abd6dd65-f73a-5050-8528-19e9841b0097.html

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

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

PARTICIPATION IN AMICUS BRIEFS:

Amici Curiae Indiana Landowners' Motion to Add Professors James W Ely, Jr. and Shelley Ross Saxer as *Amici Curiae*
ATS Ford Drive Investment, LLC v. United States of America, No. 2023-1760 (C.A. Fed. Cir. Sept. 1, 2023)

Brief of Law Professors as *Amici Curiae* in Support of Defendant-Appellee and Intervenor-Defendants-Appellees
GHP Management Corp. v. City of Los Angeles, No. 23-55013 (C.A. 9 July 21, 2023)

Brief of the Cato Institute, National Association of Reversionary Property Owners, Reason Foundation, Southeastern Legal Foundation, and Property Law Professors Shelley Ross Saxer and James W. Ely, Jr., as *Amici Curiae* in Support of Petitioners
Albright v. United States, 2021 WL 3726224 (U.S.S.C. Aug. 17, 2021)

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)

Brief on the Merits of Law Professors, American Whitewater, Columbia Riverkeeper, Human Access Project, Rogue Riverkeeper, and Willamette Riverkeeper as *Amici Curiae* in Support of Petitioners
Kramer v. City of Lake Oswego, 2017 WL 6805171 (Ore. Dec. 12, 2017)

Brief of *Amici Curiae* Law Professors in Opposition to Petition for Writ of Mandamus
Price v. U. S. District Court for the N.D. of California, 2017 WL 4182488 (C.A. 9 Aug. 15, 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. 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)

Brief of *Amici Curiae* Family and Child Welfare Law Professors Addressing the Merits and in Support of Respondents
United States of America v. Windsor, 2013 WL 785632 (U.S.S.C. Mar. 01, 2013)

Brief of *Amici Curiae* California Professors of Family Law in Support of Respondents
Hollingsworth v. Perry, 2013 WL 840010 (U.S.S.C. Feb. 28, 2013)

Brief of *Amici Curiae* Professors of Family and Child Welfare Law Susan Appleton, Carlos Ball, Brian Bix, Cynthia Bowman, Naomi Cahn, Marion Crain, Nancy Dowd, Joanna L. Grossman, Joan Heifetz Hollinger, Lisa Ikemoto, Melanie Jacobs, Courtney Joslin, Herma Hill Kay, Charles Kindregan, Kristine S. Knaplund, Maya Manian, Linda McClain, Anthony Miller, Martha L. Minow, Douglas Nejaime, Kermit Roosevelt, Laura A. Rosenbury, Shelley Saxer, Katharine Silbaugh, Michael S. Wald, and Barbara Bennett Woodhouse, in Support of Judgment Below Windsor v. United States of America, 2012 WL 4201898 (C.A.2 Sept. 7, 2012)

Brief *Amicus Curiae* of California Professors of Family Law in Support of Amy E. Hunter
Hunter v. Rose, 2011 WL 8148461 (Mass. Oct. 05, 2011)

Brief of *Amici Curiae* California Professors of Family Law in Support of Appellees
Perry v. Schwarzenegger, 2010 WL 5854269 (C.A.9 Oct. 25, 2010)

Application for Leave to File *Amicus Curiae* Brief and Brief of *Amici Curiae* Professors of Family Law in Support of Petitioners
Strauss v. Horton, 2009 WL 491806, (Cal. Jan. 16, 2009)

Brief *Amicus Curiae* of Professors David L. Callies, James T. Ely, Paula A. Franzese, Nicole Stelle Garnett, James E. Krier, Daniel R. Mandelker, John Copeland Nagle, John Nolon, J.B. Ruhl, Shelley Ross Saxer, A. Dan Tarlock, Laura Underkuffler, and Edward F. Ziegler in Support of Petitioners
Kelo v. City of New London, 2004 WL 2803192 (U.S.S.C. Dec. 3, 2004)

Brief *Amicus Curiae* of David C. Reitz, Director, Colorado Liquor Enforcement Division In Support of Petitioners, Shelley Ross Saxer, Counsel for *Amicus Curiae*
Daley v. Club Misty, 2000 WL 33999268 (U.S.S.C. Oct. 18, 2000)