

Shelley Ross Saxer
Professor of Law
Pepperdine University School of Law

EDUCATION:

University of California School of Law
 Los Angeles, California J.D. May 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
 Professor of Law 1999 - Present
 Vice Dean 2013 - Present
 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; Community
 Property; Remedies; Constitutional Law, Individual Rights, Water Law
O'Melveny & Myers Century City, CA
 Associate, Corporate Department 1990 - 1991
The Honorable William Matthew Byrne, Jr.
 United States District Court, Central District of California
 Law Clerk 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
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:

Land Use, American Casebook Series, Thomson West (forthcoming 7th Ed. With David L. Callies and Robert H. Freilich)

Resilience & Sustainability – Law & Policy (forthcoming publication with ASPEN) (coauthor Jonathan Rosenbloom)

When Local Government Misbehaves, 2016 Utah Law Review (forthcoming).

“Rails-to-Trails”: The Potential Impact of *Marvin M. Brandt Revocable Trust v. United States* (forthcoming by invitation for Loyola Law Review – Los Angeles)

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, Thomson West (4th Ed. with coauthors 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 Marquette L. Rev. 91 (2011)

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

Kniec & 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 Albany Gov't L. Rev. 623 (2009)

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

Editor, A Tribute to Judge Byrne, 34 Pepp. L. Rev. 253 (2007)

Coauthored with 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)

Coauthored with David Callies, *Is Fair Market Value Just Compensation? An Underlying Issue Surfaced in Kelo* 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 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 Missouri L. Rev. 653 (2004)

Optimizing a Law School's Course Schedule [coauthored with Gary Thompson, Cornell School of Business], 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)

Contributor to Protecting Free Speech and Expression The First Amendment and Land Use Law, Daniel R. Mandelker and Rebecca L. Rubin, Editors (2001) "Sidewalk Distribution of Protected Speech and Other Expressive Activities"

Contributor to Law and Religion in Contemporary Society, Peter W. Edge and Graham Harvey, Editors (2000) "Sacred Spaces and Planning Law: Property Rights and the Regulation of Religious Activities in the United States"

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 The Urban Lawyer 21 (2000)

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

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

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:

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, 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, September 2014

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

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, November 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, February 2013

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

Panelist, Church Property Disputes, Association for Law, Property, and Society Annual Conference, Georgetown School of Law, March 2012

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

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

Panelist, "Ripeness Madness?" Federalist Society Property Rights Event, Pepperdine School of Law, November 2011

Participant, 14th Annual Conference on Litigating Takings Challenges, Georgetown, November 2011

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

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

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

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

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

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

Moderator, "RLUIPA a Trap for the Unwary" Panel, *Local Agencies On the Cutting Edge* Conference, UCLA School of Law, February 2011

Panelist, "Changing Conceptions of Water in the Law," Sections on Agricultural Law and Property Law Joint Program, AALS Annual Meeting, January 2011

Panelist, "Mosque at Ground Zero," Nootbaar Institute for Law & Religion, Pepperdine University School of Law, September 2010

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

Panelist, “California Water Rights – Who Is In Control?” Federalist Society, University of San Diego Law School, October 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, August 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, January 2009

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

Conversationalist, joining Ken Starr and Charles Eskridge for A Conversation Featuring Justice Clarence Thomas, Pepperdine School of Law 2nd Annual William French Smith Memorial Lecture, September 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, March 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, October 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, September 2006

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

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

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

Speaker, ALI-ABA Land Use Institute, August 2005

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

Speaker, American Planners Annual Meeting, Eminent Domain and the Kelo Case, March 2005

Joined in Amicus Curiae Brief of 13 Noted Property Law Professors in support of Petitioners, Kelo v. City of New London, 268 Conn. 1, 843 A.2d 500 (2004), *cert. granted* (2004)

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

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

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

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

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* (2000)

Panelist, California State Bar, Section on Real Property, April 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., January 1997