

---

June 2014

## Table of Contents

Follow this and additional works at: <https://digitalcommons.tourolaw.edu/lawreview>



Part of the [Law Commons](#)

---

### Recommended Citation

(2014) "Table of Contents," *Touro Law Review*. Vol. 30: No. 2, Article 2.

Available at: <https://digitalcommons.tourolaw.edu/lawreview/vol30/iss2/2>

This Prefatory Matter is brought to you for free and open access by Digital Commons @ Touro Law Center. It has been accepted for inclusion in Touro Law Review by an authorized editor of Digital Commons @ Touro Law Center. For more information, please contact [lross@tourolaw.edu](mailto:lross@tourolaw.edu).

---

## Table of Contents

### Cover Page Footnote

30-2

# TOURO LAW REVIEW

---

Vol. 30 No. 2

2014

---

## TABLE OF CONTENTS

### TOURO COLLEGE JACOB D. FUCHSBERG LAW CENTER CONFERENCE: THE TAKING ISSUE 40TH ANNIVERSARY, OCTOBER 3-4, 2013

#### INTRODUCTION

|   |     |
|---|-----|
| STILL AN ISSUE: THE TAKING ISSUE AT 40<br><i>Patricia E. Salkin</i> ..... | 245 |
|---|-----|

#### TRIBUTES TO FRED BOSSELMAN

|  |     |
|--|-----|
| FRED BOSSELMAN AND THE TAKING ISSUE<br><i>David L. Callies</i> ..... | 255 |
| OTHER TRIBUTES<br><i>Edward J. Sullivan</i> .....                    | 263 |
| <i>Nancy E. Stroud</i> .....   | 264 |

#### KEYNOTE SPEAKER

|   |     |
|---|-----|
| THE COMMON LAW FOUNDATIONS OF THE TAKINGS CLAUSE: THE DISCONNECT BETWEEN<br>PUBLIC AND PRIVATE LAW<br><i>Richard A. Epstein</i> ..... | 265 |
|---|-----|

#### ARTICLES

|  |     |
|--|-----|
| THE RIPENESS GAME: WHY ARE WE STILL FORCED TO PLAY?<br><i>Michael M. Berger</i> .....  | 297 |
| THE REBIRTH OF FEDERAL TAKINGS REVIEW? THE COURTS' "PRUDENTIAL" ANSWER TO<br>WILLIAMSON COUNTY'S FLAWED STATE LITIGATION RIPENESS REQUIREMENT<br><i>J. David Breemer</i> ..... | 319 |

|  |     |
|--|-----|
| THE CATEGORICAL <i>LUCAS</i> RULE AND THE NUISANCE AND BACKGROUND PRINCIPLES EXCEPTION<br><i>Carol Necole Brown</i> .....  | 349 |
| THE CATEGORICAL ( <i>LUCAS</i> ) RULE: “BACKGROUND PRINCIPLES,” PER SE REGULATORY TAKINGS,<br>AND THE STATE OF EXCEPTIONS<br><i>David L. Callies &amp; David A. Robyak</i> ..... | 371 |
| SUBSTANTIVE DUE PROCESS BY ANOTHER NAME: <i>KOONTZ</i> , EXACTIONS, AND THE REGULATORY<br>TAKINGS DOCTRINE<br><i>Mark Fenster</i> .....  | 403 |
| A TRIP BACK IN TIME, INCLUDING JUDGE CHARLES D. BREITEL’S RATIONALE FOR HIS <i>FRED</i><br><i>FRENCH</i> AND <i>PENN CENTRAL</i> DECISIONS<br><i>Frank Schnidman</i> .....       | 421 |
| THE “PARCEL AS A WHOLE” IN CONTEXT: SHIFTING THE BENEFITS AND BURDENS OF ECONOMIC<br>LIFE – OR NOT<br><i>Edward J. Sullivan &amp; Karin Power</i> .....                          | 431 |
| THE BIG CHILL? – THE LIKELY IMPACT OF <i>KOONTZ</i> ON THE LOCAL GOVERNMENT/DEVELOPER<br>RELATIONSHIP<br><i>Julie A. Tappendorf &amp; Matthew T. DiCianni</i> .....              | 455 |

## CASE NOTE

|  |     |
|--|-----|
| THE ART OF STRIPPING: HOW THE GOVERNMENT APPLIES THE TAKINGS CLAUSE TO STRIP YOU<br>OF YOUR PROPERTY<br><i>Toni Kong</i> ..... | 479 |
|--|-----|