

CHRISTOPHER SERKIN

Vanderbilt Law School
131 21st Ave S.
Nashville, TN 37203
(615) 343-6131 • christopher.serkin@law.vanderbilt.edu

ACADEMIC APPOINTMENTS

Vanderbilt Law School, Nashville, Tennessee
Elizabeth H. and Granville S. Ridley, Jr. Chair in Law, July 2019 – Present
Professor of Law, September 1, 2013 – Present
Faculty Director, Master of Legal Studies – 2021-Present
Associate Dean for Academic Affairs, 2017 – 2021
Associate Dean for Research, 2015 – 2017
Primary Teaching Areas: Property, Land Use, Local Government, Trusts & Estates
Teaching Awards: Property, Land Use

Vanderbilt Owen Graduate School of Management, Nashville, Tennessee
Professor of Management, Secondary Appointment, by courtesy, August 1, 2018 – Present

Brooklyn Law School, Brooklyn, New York, 2005 – 2013
Professor, 2011-2013; *Associate Professor*, 2008 – 2011; *Assistant Professor*, 2005-2008
Professor of the Year, 2006-2007; 2013-2014

Visiting Appointments
Interdisciplinary Center, Herzliya, short course, Spring 2018
University of Pennsylvania Law School, Fall 2008
New York University School of Law, Spring 2009
University of Chicago Law School, Fall 2009

New York University School of Law, New York, New York, 2003-2005
Acting Assistant Professor, Lawyering Program

EDUCATION

University of Michigan Law School, Ann Arbor, Michigan
Juris Doctor, Magna Cum Laude, Order of the Coif, May 1999
Clarence Darrow Scholar: 1996-1999; Henry M. Bates Memorial Scholarship: 1999

Yale University, New Haven, Connecticut
Bachelor of Arts with Honors in Philosophy, 1993

BOOKS

LAND USE CONTROLS: CASES AND MATERIALS (4th ed. 2013; 5th ed. 2020) (with Ellickson, Been, & Hills)

THE LAW OF PROPERTY, CONCEPTS & INSIGHTS SERIES (Foundation Press 2013; 2nd ed. 2016)

SUBMITTED ARTICLES

Climate Zoning, NOTRE DAME L. REV. (forthcoming 2024)

What Property Does, 75 VAND. L. REV. 891 (2022)

Regulation and the Geography of Inequality, 70 DUKE L. J. 1763 (2021) (with Ricks & Sitaraman), *reprinted* in 2020-2021 LAND USE & ENV'T L. REV.

A Case for Zoning, 96 NOTRE DAME L. REV. 750 (2020), *reprinted* in 2020-2021 LAND USE & ENV'T L. REV.

SUBMITTED ARTICLES (cont'd)

Energy Exactions, 104 CORNELL L. REV. 643 (2019) (with Rossi), winner of the 2020 Morrison Prize as the “most impactful sustainability-related legal academic article published in North America during the previous year,” and selected for inclusion in the 2020 Environmental Law & Policy Annual Review

Prospective Grandfathering, 102 MINN. L. REV. 1019 (2018) (with Vandenberg)

Penn Central Take Two, 92 NOTRE DAME L. REV. 913 (2017)

Insuring Takings Claims, 111 NW. U. L. REV. 75 (2016)

Is the Constitution Special?, 101 CORNELL L. REV. 701 (2016) (with Tebbe)

Passive Takings: State Inaction and the Duty to Protect Property, 113 MICH. L. REV. 345 (2014); *reprinted in* 47 LAND USE & ENV'T L. REV. 31 (2016)

Suing Courts, 79 U. CHI. L. REV. 553 (2012) (with Bloom)

Public Entrenchment Through Private Law: Binding Local Governments, 78 U. CHI. L. REV. 879 (2011)

Existing Uses and the Limits of Land Use Regulations, 84 N.Y.U. L. REV. 1222 (2009); *reprinted in* 42 LAND USE & ENV'T L. REV. (2011)

Condemning Religion: RLUIPA and the Politics of Eminent Domain, 85 NOTRE DAME L. REV. 1 (2009) (with Tebbe)

Local Property Law: Adjusting the Scale of Property Protection, 107 COLUM. L. REV. 883 (2007), *reprinted in* 2008 ZONING AND PLANNING LAW HANDBOOK 341 (Patricia E. Salkin, ed., 2008)

Big Differences for Small Governments: Local Governments and the Takings Clause, 82 N.Y.U. L. REV. 1624 (2006)

The Meaning of Value: Assessing Just Compensation for Regulatory Takings, 99 NW. U. L. REV. 677 (2005)

SOLICITED WORKS, SYMPOSIA, AND BOOK CHAPTERS

Exacting Assessments: Applying Statecraft to Divergent Constitutional Rules in Municipal Finance, WISC. L. REV. (forthcoming 2024)

Will Private Land Use Doom Zoning Reform?, in A RESEARCH AGENDA FOR LAND USE AND PLANNING LAW: US AND COMPARATIVE PERSPECTIVES (John Infranca & Sarah Schindler, eds., forthcoming 2024)

The Future of Natural Property Law: Comments on Eric Claeys' Natural Property Rights, 9 TEX. A&M J. PROP. L. 725 (2023)

Growth ≠ Density: Zoning Deregulation and the Enduring Problem of Sprawl, 50 PEPPERDINE L. REV. 557 (2023) (with Best)

A Liberal Theory of Zoning, 13 JURISPRUDENCE 649 (2022)

Creating Density: The Limits of Zoning Reform, 11 BRIGHAM-KANNER PROPERTY RIGHTS J. 183 (2022)

Passive Takings In Action, 2021 MICH. ST. L. REV. 1 (2022)

The Wicked Problem of Zoning, 73 VAND. L. REV. 1879 (2020)

Capitalization and Exclusionary Zoning, in MEASURING THE EFFECTIVENESS OF REAL ESTATE REGULATION (Ronit Levine-Schnur ed. 2020)

Divergence in Land Use Regulations and Property Rights, 92 S. CAL. L. REV. 1055 (2019)

SOLICITED WORKS, SYMPOSIA, AND BOOK CHAPTERS (cont'd)

The New Politics of New Property and the Takings Clause, 42 VT. L. REV. 1 (2017)

Debate, 102 CORNELL L. REV. 1649 (2017) (with Primus, Stack, & Tebbe) (replies to responses to earlier Article)

The Fiscal Illusion Zombie: The Undead Theory of Government Regulatory Incentives, 66 AM. U. L. REV. 1433 (2017) (solicited reply to Bethany Berger, *The Illusion of Fiscal Illusion in Regulatory Takings*, 66 AM. U. L. REV. 1 (2016))

The Missing Rung: Challenging Regulatory Barriers to Property Acquisition, 6 BRIGHAM-KANNER PROPERTY RIGHTS J. 275 (2017)

Strategic Land Use Litigation: Pleading Around Municipal Insurance, 43 B.C. ENVTL. AFFAIRS L. REV. 463 (2017), *reprinted in* 2017 Zoning and Planning Law Handbook (Patricia E. Salkin, ed., 2017)

The Possession Heuristic, in *THE LAW AND ECONOMICS OF POSSESSION* (Yun-chien Chang, ed.) (with Krier) (2015)

From Social Recognition of Property to Political Recognition by the State: Peter Gerhart's Property Law and Social Morality and the Evolution of Positive Rights, 2 TEXAS A&M J. OF REAL PROPERTY L. 287 (2015)

The Winners and Losers in Negotiating Exactions: A Response to Sean Nolon, FLA. L. REV. FORUM (2015), available at <https://perma.cc/V7ND-2KW5>

Testing the Value of Eminent Domain, 89 TUL. L. REV. 115 (2014) (solicited response to Sebastian Gay & Nadia Nasser-Ghodsi, *Guarding the Subjective Premium*, 89 TUL. L. REV. 79 (2014))

Toward Engaged Scholarship, 33 PACE L. REV. 831 (2013) (with Nolon, et al.)

Putting Exclusionary Zoning in its Place: Affordable Housing and Geographical Scale, 40 FORDHAM URBAN L. J. 1667 (2013) (with Wellington)

Affirmative Constitutional Commitments: The State's Obligations to Property Owners, 2 BRIGHAM-KANNER PROPERTY RIGHTS CONF. J. 109 (2013)

Symposium Introduction: Post-Zoning: Alternative Forms of Land Use Controls, 78 BROOKLYN L. REV. 305 (2013) (with Macey)

Transition Relief from Judge-Made Law: The Incentives of Judicial Takings, 21 WIDENER L.J. 777 (2012)

Condemning the Decisions of the Past: Eminent Domain and Democratic Accountability, 38 FORDHAM URBAN L. J. 1175 (2011)

Land Use – Regulation and Zoning, in Klaus Bosselmann, Daniel Fogel, and J. B. Ruhl (Eds.), *THE ENCYCLOPEDIA OF SUSTAINABILITY*, Vol. 3: *THE LAW AND POLITICS OF SUSTAINABILITY*, p. 366 (Berkshire Publishing 2011).

Entrenching Environmentalism: Private Conservation Easements Over Public Land, 77 U. CHI. L. REV. 341 (2010)

Inter-Local Externalities: Further Thoughts on Richard Briffault's "Extraterritoriality and Local Autonomy," 86 DENVER UNIV. L. REV. 1329 (2009) (response in Symposium: Home Rule)

Public Ruses, 2004 MICH. ST. L. REV. 859 (2004) (Symposium: The Death of Poletown: The Future of Eminent Domain and Urban Development After *County of Wayne v. Hathcock*) (with Krier); *reprinted in* 37 LAND USE & ENV'T L. REV. 49 (2006)

Valuing Interest: Net Harm and Fair Market Value in Brown v. Legal Foundation of Washington, 37 IND. L. REV. 417 (2004)

SOLICITED WORKS, SYMPOSIA, AND BOOK CHAPTERS (cont'd)

Revaluing Restitution: From the Talmud to Postsocialism, 97 MICH. L. REV. 1385 (1999) (with Heller) (book review)

The Offense: Interpreting the Indictment Requirement in 21 U.S.C. § 851, 98 MICH. L. REV. 827 (1999) (student note)

SELECT PRESENTATIONS

Vanderbilt, *What is Property?*, Federalist Society, Oct. 2023

Progressive Property Conference, *Climate Zoning*, May 2023

Vanderbilt, State of the Environment Conference, Land Use Panel Moderator, Feb. 2023

Texas A&M, *Conference on Rachael Walsh, Property Rights and Social Justice*, Nov. 2022

Suffolk Law School, *A Research Agenda for Land Use and Planning*, Oct. 2022

Pepperdine Law School, Law Review Symposium, *The Limits of Zoning Reform*, Mar. 2022

Brigham-Kanner Property Rights Conference, *The Limits of Zoning Reform*, Oct. 2021

William & Mary Law School, Faculty Workshop, *What Property Does*, Oct. 2021

Michigan State Law School, Faculty Workshop, *What Property Does*, Mar. 2021

Cardozo Law School, Understanding and Interpreting Affirmative Rights, *Passive Takings*, Oct. 2020

Environmental Law & Policy Annual Review, *Energy Exactions*, April 2020

ALI-CLE on Eminent Domain, *Passive Takings*, Jan. 2020

Suffolk University Law School, Zoning Roundtable, *The Case for Zoning*, Nov. 2019

Vanderbilt Law School, Wicked Problems, *The Wicked Problem of Zoning*, Oct. 2019

Northeastern Law School, Property Works in Progress, *The Case for Zoning*, Sept. 2019

Cornell Law School, Progressive Property Conference, *What Property Does*, May 2019

Syracuse University, Association of Law Property and Society, *What Property Does*, May 2019

University of Virginia, Faculty Workshop, *What Property Does*, Apr. 2019

University of California, Berkeley, Environmental Law Colloquium, *What Property Does*, March 2019

New York University School of Law, Classical Liberal Institute, *Divergence in Land Use Regulations and Property Rights*, Nov. 2018

Harvard Law School, Progressive Property, *Capitalization and Exclusionary Zoning*, May 2018

Northeastern Law School, Property Works in Progress, *What Property Does*, Sept. 2017

IDC, Herzliya, Land Use Conference, *Capitalization and Exclusionary Zoning*, June 2017

Tel Aviv, Private Law Workshop, *Prospective Grandfathering*, June 2017

Loyola New Orleans, Progressive Property, *Prospective Grandfathering*, Apr. 2017

University of Maryland, Faculty Workshop, *Prospective Grandfathering*, Mar., 2017

Texas A&M Law School, Property Conference, *Prospective Grandfathering*, Jan. 2017

PRESENTATIONS (cont'd)

Tulane Law School, Environmental Law & Policy Institute, Regulatory Takings Conference, *Penn Central Take Two*, Nov. 2016

Boston University Law School, Property Works in Progress, *Penn Central Take Two*, Sept. 2016

Yale University Law School, Cityscapes Conference, *Eminent Domain in the United States*, Mar., 2016

Boston College Law School, Boston College Environmental Affairs Law Review Symposium, *Strategic Land Use Litigation: Pleading Around Municipal Insurance*, Nov. 2015

The University of Maryland Francis King Carey School of Law, Georgetown Environmental Law & Policy Institute, Regulatory Takings Conference, *Insuring Takings Claims*, Sept. 2015

U.C. Davis School of Law, Environmental Law & Policy Institute, Regulatory Takings Conference, *Passive Takings*, Sept. 2014

Texas A&M Law School, Symposium on Peter Gerhart's PROPERTY LAW AND SOCIAL MORALITY, *From Social Recognition of Property to Political Recognition by the State*, Oct. 2014

Association of Law Property and Society, *Passive Takings*, April 2013

Brooklyn Law School, Sparer Public Interest Symposium, *Passive Takings and Sea Level Rise: Responding to Hurricane Sandy*, Mar. 2013

Yale Law School, New Directions in Environmental Law: The Power of Voice, *Panel: What if Plans Were the Law?*, Feb. 2013

Fordham Law School, Fordham Urban Law Journal 40th Anniversary Symposium, *Putting Exclusionary Zoning in its Place*, Feb. 2013

Fordham Law School, Property Works in Progress Conference, Moderator, June 2012

CLE Appellate Division, Supreme Court of the State of New York, *Eminent Domain*, Sept. 2012

Widener School of Law, Judicial Takings Symposium, *Transition Relief from Judge-Made Law*, Feb. 2012

Brooklyn Law School, Trager Symposium, *Post Zoning: Alternative Forms of Public Land Use Controls* (organizer and introductory speaker), February 2012

Environmental Law & Policy Institute, Regulatory Takings Conference, *Entrenchment*, Nov. 2011

Vanderbilt Law School, *Suing Courts*, Nov. 2011

New York University Abu Dhabi, RLUIPA Panel, March 2011 Fordham Law School, Urban Policy Journal Symposium, *Condemning the Decisions of the Past: Eminent Domain and Democratic Accountability*, Feb. 2011

Cornell Law School, Faculty Workshop, *Public Entrenchment Through Private Law*, Jan. 2011

Brooklyn Law School, Faculty Workshop, *Public Entrenchment*, Jan. 2011

Tel Aviv School of Law, Environmental Law Colloquium, *Public Entrenchment*, May 2010

Association for Law Property and Society, *Public Entrenchment*, March 2010

University of Chicago Law School, Faculty Workshop (WIP), *Existing Uses*, Oct. 2009

University of Chicago Law School, Local Government Law, *Entrenching Environmentalism*, June 2009

University of Colorado, Property Works in Progress Conference, *Property Protection and Investment Incentives*, June 2009

New York University School of Law, Faculty Workshop, *Existing Uses*, February 2009

PRESENTATIONS (cont'd)

Municipal Arts Society, Panel Discussion on RLUIPA, October 2008
University of Pennsylvania Law School, Faculty Workshop, *Existing Uses*, September 2008
New York University School of Law, Property Conference, *Existing Uses*, July 2008
Yale University, Stanford/Yale Junior Faculty Forum, *Existing Uses*, June 2008
University of Colorado, Property Works in Progress Conference, *Existing Uses*, June 2008
Brooklyn Law School BLSA, Town Hall Meeting on Gentrification, February 2008
University of Michigan Law School, Legal Theory Workshop, *Existing Uses*, November 2007
Vanderbilt Law School, Faculty Workshop, *Existing Uses*, October 2007
Vermont Law School, Hot Topics in Environmental Law, *Local Property Law*, June 2007
University of Colorado, Property Works in Progress Conference, *Big Differences for Small Governments*, June 2007
Lincoln Institute of Land Policy, Workshop, February 2007
New York University School of Law, *Towards A Progressive View of the Takings Clause*, March 2006

CLERKSHIPS

United States Court of Appeals for the Second Circuit, New Haven, Connecticut, 1999-2000
Clerk for the Hon. John M. Walker, Jr.
United States District Court for the District of Vermont, Brattleboro, Vermont
Clerk for the Hon. J. Garvan Murtha, 2002-2003
Intern for the Hon. J. Garvan Murtha, 1997 (summer)

LEGAL EXPERIENCE

Committee on Rules of Practice and Procedure, Subcommittee on Style, 2003-2004
Consultant to J. Garvan Murtha, Chairperson of the Subcommittee
Davis Polk & Wardwell, New York, New York, 2000-2002
Litigation Associate
Simpson Thacher & Bartlett, New York, New York, 1998 (summer)
Summer Associate
Admitted to Practice: New York Supreme Court, Appellate Division, First Department, July 2000

ADDITIONAL PROFESSIONAL ACTIVITIES

iLaw, Lecturer in Online Introduction to Law, 2018
LSN eJournal on Property and Land Use, Editor, 2014-present
Land Use & Environmental Law Review, First Level Review Board, 2012-2015; 2023-Present
Themis Bar Review, Lecturer in Property, Wills, and Trusts, 2010-2015
Marlboro Music Festival, Board of Directors, 2008-present, President 2015-present, Chair 2017-present