Heller/Krier article voted among year’s best

The legal arena of takings is familiar territory for Professor James E. Krier, and when he joined forces with Professor Michael A. Heller to re-assess the field their collaboration drew widespread attention.


"The law of takings couples together matters that should be treated independently," the authors begin. They proceed to devise a four-part approach to takings:

- Ordinary regulation;
- Taking/no compensation;
- No taking/compensation; and
- Ordinary taking.

"Supreme Court decisions over the last three-quarters of a century have turned the words of the Takings Clause into a secret code that only a momentary majority of the Court is able to understand," the authors say. "The justices faithfully moor their opinions to the particular terms of the Fifth Amendment, but only by stretching the text beyond recognition.

"A better approach is to consider the purposes of the Takings Clause, efficiency and justice, and go anew from there. Such a method reveals that in some cases there are good reasons to require payment by the government when it regulates property, but not to insist upon compensation to each aggrieved property owner. In other cases, the opposite is true — compensation to individuals makes sense, but payment by the responsible government agency does not. Uncoupling efficiency and justice would invigorate the law of takings."

This is the third time that Krier, the Earl Warren DeLano Professor of Law, has won this honor from Land Use and Environment Law Review.

Gueyser, Weber join Detroit-based Assistance for Urban Communities Clinic

Two faculty members have joined the Law School’s Legal Assistance for Urban Communities Clinic in Detroit:

- Teresa N. Gueyser, who has worked extensively in Detroit legal circles, brings that expertise to the clinic as a clinical assistant professor; and
- Matthew D. Weber, who has taught at the University of Wisconsin Law School, joins the clinic as a visiting assistant clinical professor who will work with students in many of the projects the clinic undertakes.

The Legal Assistance for Urban Communities Clinic helps community-based groups develop projects and get assistance for housing programs and related activities. Gueyser’s experience is proving especially helpful in guiding students through their contacts and negotiations with city agencies and officials.

Gueyser came to the clinic from a post as chief assistant corporation counsel to the manager of the Real Property/Environmental Division of the City of Detroit Law Department, where she oversaw legal services delivery to city agencies in all aspects of real property acquisition and disposition; she had held the post since 1997.

Prior to that, she served as general counsel to the City of Detroit Housing Commission, and earlier, as senior assistant corporation counsel, she drafted and negotiated contracts for legal services, housing consultants, environmental services, and other construction-related subjects for the City of Detroit.

Before joining the city staff in 1995, Gueyser practiced with Lewis, White & Clay PC. in Detroit, where she concentrated on public corporation law and quasi-governmental authorities.

Gueyser is a graduate of the University of Iowa School of Law and Indiana University.

Weber earned his B.A. at the University of Michigan and then went on to earn an M.A. at the University of Wisconsin La Follette Institute of Public Affairs and his J.D., cum laude, from the University of Wisconsin Law School, where he also has taught a course in conflict of laws.

Before joining the Detroit-based Law School clinic, he was a research attorney in the family division of Wayne County Circuit Court, where he worked with judges from across Michigan to revise court rules that govern the family division; he also worked with outside counsel to prepare pleadings and briefs in civil actions.

Weber has served as a judicial clerk for the Hon. John C. Shabaz, chief judge of the U.S. District Court for the Western District of Wisconsin, clerked for the Government Operation and Administrative Law Division of the Wisconsin Department of Justice, and served as coordinator of the Northern Michigan Environmental Action Council.

He is a member of the state bars of Michigan and Wisconsin.