

KENNETH A. STAHL

Professor of Law

Director of the Environmental, Land Use, and Real Estate Law

Certificate Program

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http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=817953

ACADEMIC APPOINTMENTS

CHAPMAN UNIVERSITY DALE E. FOWLER SCHOOL OF LAW, Orange, California

Full Professor of Law

2014 – Present

Associate Professor of Law

2011 – 2014

Assistant Professor of Law

2008 – 2011

Director, Environmental, Land Use, and Real Estate Law Certificate Program

- Michael Lang Award for Scholarly Excellence, 2020-2021
- Named 2021 Kennedy Professor of Law
- Professor of the Year, 2008-2009
- Courses: Property, Land Use, State & Local Government Law, Election & Political Campaign Law, Constitutional Law, Trusts & Estates

EDUCATION

YALE LAW SCHOOL, New Haven, Connecticut

J.D., 2000

- Notes Editor, *The Yale Law Journal*
- Editor, *The Yale Journal of Law and the Humanities*
- Finalist, Morris K. Tyler Moot Court of Appeals
- Finalist, Benjamin Cardozo Prize for Best Brief in Moot Court Competition

UNIVERSITY OF MICHIGAN, Ann Arbor, Michigan

B.A., History with Highest Honors and Highest Distinction, 1997

- Arthur Fondiler Memorial Honors Thesis Prize for best History thesis, entitled *THE BROKEN TABLETS: EICHMANN IN JERUSALEM AND THE LOST LEGACY OF HANNAH ARENDT, GERSHOM SCHOLEM, AND DANIEL BELL*
- Phi Beta Kappa
- Otto Graf Scholarship for Outstanding Third-Year Honors Student

BOOKS

1. LOCAL CITIZENSHIP IN A GLOBAL AGE (Cambridge University Press 2020),
<https://www.cambridge.org/us/academic/subjects/law/constitutional-and-administrative-law/local-citizenship-global-age?format=PB>

ARTICLES

1. *Incorporating Transportation Topics into the Land Use Curriculum*, 106 IOWA LAW REVIEW 2451 (2021) (invited symposium contribution),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3862134
2. *Equality and Closure: The Paradox of Local Citizenship*, 8 TEXAS A&M UNIVERSITY JOURNAL OF PROPERTY LAW 29 (2021) (invited symposium contribution),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4104698
 - Reprinted in *Immigration & Nationality Law Review* as one of the premier pieces of immigration-focused legal scholarship over the previous year
3. *Home Rule and State Preemption of Local Land Use Control*, 50 THE URBAN LAWYER 179 (2021),
https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=817953
 - Reprinted in *Land Use & Environment Law Review* as one of the five best articles related to land use during 2021-2022
4. *The Trespass/Nuisance Divide and the Law of Easements*, 86 GEORGE WASHINGTON LAW REVIEW 966 (2018),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3054700
5. “Yes in My Backyard:” *Can a New Pro-Housing Movement Overcome the Power of NIMBYs?*, 41 ZONING & PLANNING LAW REPORT 1 (2018)
6. *The Challenge of Inclusion*, 89 TEMPLE LAW REVIEW 487 (2017),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2770185
7. *Preemption, Home Rule, and Local Democracy*, 44 FORDHAM URBAN LAW JOURNAL 133 (2017) (invited symposium contribution),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2837905
8. *Local Home Rule in the Time of Globalization*, 2016 BYU LAW REVIEW 177,
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2592701
9. *Local Government, “One Person/One Vote,” and the Jewish Question*, 49 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 1 (2014),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2015655
 - selected for presentation at 2012 Harvard/Yale/Stanford Junior Faculty Forum

10. *Mobility and Community in Urban Policy*, 46 THE URBAN LAWYER 625 (2014), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2422084
11. *Reliance in Land Use Law*, 2013 BYU LAW REVIEW 949, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2237644
12. *Neighborhood Empowerment and the Future of the City*, 161 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 939 (2013), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1870337
13. *The Artifice of Local Growth Politics: At-Large Elections, Ballot-Box Zoning, and Judicial Review*, 94 MARQUETTE LAW REVIEW 1 (2010), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1559468
14. *The Suburb as a Legal Concept: The Problem of Organization and the Fate of Municipalities in American Law*, 29 CARDOZO LAW REVIEW 1193 (2008), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=988231

OTHER WRITINGS

1. *Contagion and Partisan Federalism*, DUKE CENTER FOR FIREARMS LAW, SECOND THOUGHTS BLOG (May 8, 2020), <https://firearmslaw.duke.edu/2020/05/contagion-and-partisan-federalism/>
2. *Citizenship Federalism and the Ambiguous Promise of Local Citizenship*, GLOBAL GOVERNANCE PROGRAMME, SYMPOSIUM ON "CITIES V. STATES: SHOULD CITIZENSHIP BE EMANCIPATED FROM NATIONALITY?" (Dec. 16, 2019), <https://globalcit.eu/cities-vs-states-should-urban-citizenship-be-emancipated-from-nationality/22/>
3. *Municipal Suffrage, Sanctuary Cities, and the Contested Meaning of Citizenship*, HARVARD LAW REVIEW BLOG (Jan. 9, 2018), <https://blog.harvardlawreview.org/municipal-suffrage-sanctuary-cities-and-the-contested-meaning-of-citizenship/>

SCHOLARLY PRESENTATIONS

Legislative Overrides of Private Deed Restrictions, invited symposium presentation, Pepperdine Law Review Symposium, Malibu, California, March 18, 2022

Symposium on LOCAL CITIZENSHIP IN A GLOBAL AGE, Texas A&M Property Law Journal, November 13, 2020

“Incorporating Transportation Topics into the Land Use Curriculum,” Symposium on The Future of Law and Transportation, Iowa Law Review, November 6, 2020

“Contagion and Partisan Federalism,” *Symposium on Federalism and Firearms*, Duke Center for Firearms Law, Remote, April 24, 2020

“Home Rule and State Preemption of Local Land Use Control,” *Zoning Reform Roundtable*, Suffolk University Law School, Boston, Massachusetts, November 15, 2019

“Local Citizenship in a Global Age,” *Eighth Annual Local Government Law Works-in-Progress Conference*, University of Virginia Law School, Charlottesville, Virginia, September 21, 2020; *Law and Society Association Annual Meeting*, work-in-progress presentation, Washington, D.C., June 1, 2019; *Comparative Urban Conference*, work-in-progress presentation, Georgia State University, Atlanta, Georgia, March 8, 2019; *Seventh Annual Local Government Law Works-in-Progress Conference*, work-in-progress presentation, Fordham University Law Center, New York, New York, September 24, 2018; *University of Detroit Mercy Law Review Symposium*, invited presentation, Detroit, Michigan, March 23, 2018; *Association for the Study of Law, Culture & the Humanities*, work-in-progress presentation, Georgetown Law Center, Washington, D.C., March 17, 2018; *Association for the Study of Law, Culture & the Humanities*, work-in-progress presentation, Stanford Law School, Palo Alto, California, April 1, 2017; *Fordham Urban Law Center Author Workshop Series*, invited presentation, Fordham Law School, New York, New York, March 3, 2017; *George Barrett Social Justice Program Speaker Series*, invited presentation, Vanderbilt University Law School, Nashville, Tennessee, February 3, 2017; *Fifth Annual Local Government Law Works-in-Progress Conference*, work-in-progress presentation, University of Houston Law Center, October 7, 2016

“The Meaning of Corruption in Local Politics,” *Association for Law, Property and Society Annual Meeting*, work-in-progress presentation, Syracuse University Law School, May 17, 2019; *Planning Law & Property Rights Conference*, work-in-progress presentation, Texas A&M University, College Station, Texas, February 20, 2019; *Loyola Constitutional Law Colloquium*, work-in-progress presentation, Loyola Chicago School of Law, Chicago, Illinois, November 2, 2018

“Zoning and the Commons,” *Celebrating Commons Scholarship*, work-in-progress presentation, Georgetown University Law Center, Washington, D.C., October 5, 2018

“Shifting Public Opinion in a Retail Fashion,” *YIMBYtown 2018*, Boston, Massachusetts, September 21, 2018.

“Current Land Use Law and Reform: An Expanded Role for the County?,” invited presentation, *What Would Howard (Ahmanson) Do?: Home Ownership and the American Dream*, University of Southern California, Los Angeles, California, August 1, 2018

“Yes in My Backyard,” *National Association of Realtors Annual Conference*, invited presentation, Portland, Oregon, July 18, 2018; *Willamette Valley Realtors Association Government Affairs Division*, invited presentation, Albany, Oregon, May 8, 2018; *Rocky Mountain Land Use Institute*, invited presentation, Denver University Law School, Denver, Colorado, March 9, 2018; *Sixth Annual Local Government Law Works-in-*

Progress Conference, work-in-progress presentation, Golden Gate Law School, San Francisco, California, October 21, 2017

“Immigration Law Federalism,” *Municipal Law Institute*, invited presentation, UC Hastings College of the Law, San Francisco, California, February 16, 2018

“Cities and Federalism in the Age of Trump,” *Association of American Law Schools Annual Meeting, State and Local Government Section Meeting*, invited presentation, San Diego, California, January 6, 2018

“Preemption, Home Rule, and Local Democracy,” *Loyola Constitutional Law Colloquium*, works-in-progress presentation, Loyola Law School, Chicago Illinois, November 5, 2016; *Fordham Urban Law Journal Symposium*, invited Symposium presentation, Fordham Law School, New York, New York, April 7, 2016

“The Challenge of Inclusion,” *Syracuse Law Review Speaker Series*, invited presentation, Syracuse Law School, Syracuse, New York, November 14, 2016; *Law & Society Association 2016 Annual Meeting*, work-in-progress presentation, New Orleans, Louisiana, June 3, 2016; *Association for Law, Property & Society 2016 Annual Meeting*, work-in-progress presentation, Queens University, Belfast, United Kingdom, May 21, 2016; *Fourth Annual Local Government Law Works-in-Progress Conference*, work-in-progress presentation, Rutgers University Law School, Newark, New Jersey, October 7, 2015; *Fordham International Urban Law Conference*, work-in-progress presentation, The Sorbonne, Paris, France, June 29, 2015

“The Idea of Consciousness in the Work of Jerry Frug,” *Symposium on the Legacy of Gerald Frug*, invited symposium presentation, Harvard Law School, Cambridge, Massachusetts, June 2, 2015

“Local Home Rule in the Time of Globalization,” *Fordham Comparative Urban Law Conference*, work-in-progress presentation, Fordham Urban Law Center, London, England, June 30, 2014; *Third Annual Local Government Law Works-in-Progress Conference*, Denver University Law School, Denver, Colorado, March 21, 2015; *Law & Society Association 2015 Annual Meeting*, work-in-progress presentation, Seattle, Washington, May 30, 2015

“Code Enforcement in the New Sharing Economy,” *Municipal Law Institute of the League of California Cities Municipal Law Symposium*, Symposium Presentation, Chapman University Fowler School of Law, Orange, California, February 27, 2015

“Ballot-Box Zoning,” *Thirteenth Annual Richard E. Nelson Symposium on State and Local Elections*, Invited Symposium Presentation, University of Florida Levin College of Law, Gainesville, Florida, February 7, 2014

“One Person, One Vote?,” *Harvard Civil Rights-Civil Liberties Law Review Colloquium*, Invited Symposium Presentation, Harvard Law School, Cambridge, Massachusetts, November 18, 2013

“Mobility and Community in Urban Policy,” *Law & Society Association 2014 Annual Meeting*, work-in-progress presentation, Minneapolis, Minnesota, May 30, 2014; *Association for Law, Property & Society 2014 Annual Meeting*, work-in-progress presentation, University of British Columbia Law School, Vancouver, BC, Canada, May 2, 2014; *Second Annual Local Government Law Works in Progress Conference*, work-in-progress presentation, Chapman University School of Law, Orange, California, October 25, 2013

“Reliance in Land Use Law,” *Association for Law, Property & Society 2013 Annual Meeting*, work-in-progress presentation, University of Minnesota Law School, Minneapolis, Minnesota, April 26, 2013; *Southwestern Junior Faculty Forum*, workshop, Arizona State Law School, Phoenix, Arizona, March 9, 2013; *Planning, Law & Property Rights Annual Meeting*, work-in-progress presentation, Portland, Oregon, February 14, 2013; *Local Government Law Works-in-Progress Conference*, Marquette University Law School, Milwaukee, Wisconsin, September 21, 2012; *Chapman/UC Irvine Law School Junior Faculty Colloquium*, workshop, Chapman University School of Law, Orange, California, July 13, 2012

“Local Government, One Person/One Vote, and the Jewish Question,” *Law & Society Annual Meeting*, work-in-progress presentation, Honolulu, Hawaii, June 10, 2012; *Harvard/Yale/Stanford Junior Faculty Forum*, workshop, Harvard Law School, Cambridge, Massachusetts, June 2, 2012; *Southwestern Junior Faculty Forum*, workshop, Arizona State Law School, Phoenix, Arizona, March 17, 2012; *Association for Law, Property & Society 2012 Annual Meeting*, work-in-progress presentation, Georgetown University Law School, Washington, D.C., March 3, 2012; *Faculty Lecture Series*, work-in-progress presentation, Chapman University Law School, Orange, California, April 4, 2012; *Chapman/UC Irvine Law School Junior Faculty Colloquium*, workshop, UC Irvine Law School, Irvine, California, October 28, 2011; *Loyola Constitutional Law Colloquium*, work-in-progress presentation, Loyola University Chicago School of Law, October 21, 2012; *ClassCrits IV*, workshop, American University Washington College of Law in Washington, D.C., September 24, 2012.

“Neighborhood Empowerment and the Future of the City,” *Southeastern Association of Law Schools Annual Meeting*, work-in-progress presentation, Hilton Head, South Carolina, July 27, 2011; *Chapman/UC Irvine Law School Junior Faculty Colloquium*, workshop, UC Irvine Law School, Irvine, California, March 25, 2011; *Association for Law, Property & Society 2011 Annual Meeting*, work-in-progress presentation, Georgetown University Law School, Washington, D.C., March 4, 2011.

“The Legal Construction of the Neighborhood,” *Law & Society Association Annual Meeting*, work-in-progress presentation, Boston, Massachusetts, June 1, 2013; *Association for the Study of Law, Culture, and Humanities Annual Conference*, work-in-

progress presentation, University of Nevada – Las Vegas Law School, Las Vegas, Nevada, March 12, 2011; *Faculty Lecture Series*, work-in-progress presentation, Chapman University Law School, Orange, California, November 17, 2011; *Southern California Junior Faculty Workshop*, work-in-progress presentation, Whittier Law School, Costa Mesa, California, October 16, 2010.

“Postmodern Planning and Modernist Judging,” *Association of American Law Schools Mid-Year Meeting, Workshop on Property*, work-in-progress presentation, New York, New York, June 12, 2010.

“The Artifice of Local Growth Politics,” *Law & Society Association Annual Meeting*, work-in-progress presentation, Chicago, Illinois, May 28, 2010; *Southwest Junior Faculty Workshop*, work-in-progress presentation, Arizona State University Sandra Day O’Connor College of Law, Phoenix, Arizona, March 15, 2010; *Association for Law, Property & Society 2010 Annual Meeting*, work-in-progress presentation, Georgetown University Law School, Washington, D.C., March 5, 2010; *Faculty Lecture Series*, work-in-progress presentation, Chapman University Law School, Orange, California, December 1, 2009; *Central States Law Schools Association 2009 Annual Conference*, work-in-progress presentation, Capital University, Columbus, Ohio, October 24, 2009.

“The Universal and Particular in Local Government Law,” *15th Annual Conference of the Asian Pacific American Law Faculty*, work-in-progress presentation, University of California, Davis, March 15, 2009.

“The Suburb as a Legal Concept: The Problem of Organization and the Fate of Municipalities in American Law,” Job Talk, Chapman University School of Law, Orange, California, January 20, 2008.

UNIVERSITY AND LAW SCHOOL SERVICE

Director of the Environmental, Land Use, and Real Estate Law Program (2009-)
University Faculty Senate (2018-2020)
Law School Law Review Committee (2018-2021)
Law School Curriculum Committee (2017-2018 (chair); 2015-2016 (chair); 2013-2014; 2011-2012; 2009-2010)
Law School Admissions Committee (Spring 2017)
University Faculty Personnel Council (2015-2016)
Law School Appointments Committee (2015-2016; 2012-2013)
Law School Long Range Planning Committee (2014-2015 (chair))
University Faculty Senate (2009-2011)
Law School Library Committee (2008-2009; 2010-2011)

OTHER SERVICE

Chair, Association of American Law Schools Section of State & Local Government (2019-2020)

Board Member and Policy Director, People for Housing Orange County (volunteer housing advocacy organization) (ongoing)

PROFESSIONAL EXPERIENCE

UNITED STATES ATTORNEY'S OFFICE, Eastern District of New York, Brooklyn, N.Y.
Assistant United States Attorney, January 2004 – June 2008

UNITED STATES DEPARTMENT OF JUSTICE, Office of Constitutional Torts, Washington, D.C.
Trial Attorney, August 2002 – January 2004

ARNOLD & PORTER, Washington, D.C.
Associate, October 2000 – August 2002

UNITED STATES DEPARTMENT OF JUSTICE, Office of Special Investigations, Washington, D.C.
Legal Intern, Summer 1998

MEMBERSHIPS

Association of American Law Schools (AALS) Section on Law and Religion
AALS Section on Property Law
AALS Section on State and Local Government Law
Member, Urban Land Institute
American Bar Association, Section on State and Local Government Law
Member of the Bar, United States Court of Appeals for the Second Circuit
Member of the Bar, United States District Court for the District of Columbia
Member of the Bar, State of New York
Member of the Bar, District of Columbia
Member of the Bar, State of California