

**THOMAS E. ROBERTS**  
Professor of Law  
Wake Forest University School of Law  
Winston-Salem, NC 27109  
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**EXPERIENCE:**

**Wake Forest University School of Law**

Professor of Law, since 1982

Associate Professor of Law, 1979-82

Assistant Professor of Law, 1977-79

Associate Dean for Academic Affairs, 1980-81

Courses Presently Taught:

Property, Land Use Regulation

Courses Previously Taught:

Natural Resources, Real Estate Transactions Conflict of  
Laws, Professional Responsibility, Legal Research and  
Writing

President, University Senate (1988-1989)

Director, Council on Legal Education Opportunity (CLEO), Region  
VI Institute, Summer, 1989

**Vanderbilt University School of Law**

Visiting Professor of Law, Spring, 1997

**Ohio State University College of Law**

Assistant Dean and Adjunct Professor of Law, 1975-77

Administrative Duties: Dean of Students, Director of Alumni Affairs,  
Development and Placement

Teaching Duties: Federal Courts and Legal Methods

Supervising Attorney of Clinical Programs, 1974-75

Teaching Duties: Civil Law Clinic, Juvenile Law Clinic

**Porter, Stanley, Platt & Arthur**, Columbus, Ohio

Associate - Litigation Department, 1971-74

Law Clerk - Summer, 1970

**Peace Corps Volunteer**, Ecuador, 1966-68

## **EDUCATION:**

J. D. cum laude, 1971, Ohio State University College of Law  
Order of the Coif  
Ohio State Law Journal, Articles Editor, 1970-71; Editorial  
Staff, 1969-70

B. A., 1966, Hanover College, Hanover, Indiana

## **PROFESSIONAL ACTIVITIES:**

Chair, Section of State and Local Government Law, American Bar  
Association, 2005-2006

Other positions in Section of State and Local Government,  
American Bar Association, Chair-Elect, 2004-2005, Vice-Chair,  
2003-2004, Publications Oversight Board, 1991 – 2004; Director of  
Publications, 1993-1996, Communications Director, 1996-99, Chair,  
Land Use Committee, 1992-93, Co-Chair, Subcommittee on Zoning  
Moratoria, Land Use Committee, 1987-90, Co-Chair, Subcommittee  
on Land Use Litigation and Damages, Land Use Committee, 1990-  
to present

Advisory Board, The Urban Lawyer: National Law Journal on State  
and Local Government Law, 1997 – 2007; Chair 2003-2007

Standing Committee on Publishing Oversight, American Bar  
Association, 1999 -2001

Member, North Carolina Bar Association Quality of Life Task Force

Member, American Bar Association, American Planning  
Association, North Carolina Bar Association

## **PUBLICATIONS:**

### **Books:**

Cases and Materials on Land Use (with D. Callies and R. Freilich)  
Thomson West Pub.5<sup>th</sup> ed. 2008) with accompanying teacher's  
manuals.

Land Use Control and Development Regulation Law (with  
Julian Juergensmeyer), (Practitioner's Series (Thomson-  
West Publishing, 2<sup>nd</sup> ed. 2007), and Student Hornbook (2<sup>nd</sup>  
ed.2007)

Taking Sides on Takings Issues: Public and Private Perspectives, editor and coauthor (ABA Press 2002).

Taking Sides on Takings Issues: The Impact of Tahoe-Sierra, editor and co-author (ABA Press 2003).

## Articles

An Analysis of *Tahoe-Sierra* and Its Help and Hindrance in Understanding the Concept of a Temporary Regulatory Taking, 25 U. Haw. L. Rev. 417 (2003).

Regulatory Takings in the Wake of *Tahoe-Sierra* and the *IOLTA* Decision, 35 Urb. Law. 759 (2003).

Facial Takings Claims Under *Agins-Nectow*: A Procedural Loose End, 24 U. Hawaii Law Rev. 623 (2002).

Moratoria As Categorical Regulatory Takings: What *First English* and *Lucas* Say and Don't Say, 31 Env'tl. L. Rptr. 11037 (Sept. 2001).

Procedural Implications of *Williamson County/First English* in Regulatory Takings Litigation: Herein of Reservations, Removal, Diversity, and Supplemental Jurisdiction, *Rooker-Feldman*, and Res Judicata, 31 Env'tl. L. Rptr. 10353 (April 2001).

Takings, Due Process, and Preemption. 29 Urb.Law. 399 (1997)

Land Use Litigation: Doctrinal Confusion under the Fifth and Fourteenth Amendments, 28 Urb.Law. 765 (1996) (with Karen Edginton Milner and Robert I. McMurry).

Ripeness and Forum Selection in Fifth Amendment Takings Litigation, 11 J. Land Use & Env'tl. L. 37 (1995), appearing also in Takings: Land Development Conditions and Regulatory Takings After Dolan and Lucas, Chapter 3 (D. Callies, ed. ABA 1995).

Fifth Amendment Taking Claims in Federal Court: The State Compensation Ripeness Requirement and Principles of Res Judicata, 24 Urban Lawyer 479 (1992), reprinted in Institute on Planning, Zoning, and Eminent Domain, Chapter 6 (Southwestern Legal Foundation 1992).

Private Land Use Controls: Enforcement of Real Covenants and Equitable Servitudes in North Carolina, 22 Wake Forest L. Rev. 749 (1987).

Promises Respecting Land Use - Can Benefits Be Held in Gross?, 51 Mo. L. Rev. 933 (1986).

The Regulation of Home Occupations Under Zoning Ordinances - Some Constitutional Considerations, 56 Temple L.Q. 49 (1983).

## **Book Chapters**

Takings International: A Comparative Study, The United States (R. Altermann ed. ABA 2010)

The Section 1983 Land Use Case, Sword and Shield (3<sup>rd</sup> ed.2006 eds. Massaron-Ross and Voss) (ABA)

Structure and Substance of Land Use Law, Chapter 2, How to Try a Land Use Case (ed. L. Smith 2000)(American Bar Association).

Ripeness After Lucas, Chapter One in After Lucas: Land Use Regulation and the Taking of Property Without Compensation (ed. Callies 1993).

Planning and Zoning, Chapter 12, 2 American Law of Real Property (Ed. A. Gaudio, Matthew Bender 1991).

Interim Development Controls, Chapter 22, 3 Rohan, Zoning and Land Use Controls (Matthew Bender 1989).

Variances, Chapter 43, 6 Rohan, Zoning and Land Use Controls (Matthew Bender 1987).

Inclusionary Zoning, Chapter 3A, in Rohan, Zoning and Land Use Controls (Matthew Bender, 1986).

Use Classifications in Zoning, Chapter 40 in 6 Rohan, Zoning and Land Use Controls (Matthew Bender, 1985).

Accessory Uses, Chapter 40A, in 6 Rohan, Zoning and Land Use Controls (Matthew Bender, 1985).

Recent Trends in Real Property Law, Chapter 16, North Carolina Real Property Practice Handbook (Wake Forest University Continuing Legal Education, 1985).

## **CLE and Shorter Pieces**

Water Rights. The Oxford Companion to American Law. Editor, Kermit L. Hall. Oxford, England ; New York : Oxford University Press, 2002.

Wetland Takings Law Turns a New Page with *Palazzolo* - or Does It?, National Wetlands Newsletter, vol. 23 (Nov. 2001).

Land Use Fundamentals, Nuts & Bolts of Municipal Law Practice (Section of State and Local Government Law, American Bar Association 1998).

Forum Selection in Land Use Cases: Is Federal Court a Viable Option? 16 Urban, State and Local Law Newsletter 1 (Winter 1993).

Land Use Litigation: Takings and Due Process Claims, 24 Urban Lawyer 833 (1992) (with Thomas C. Shearer).

Regulatory Takings: Continued Confusion, 23 Urban Lawyer 785 (1991).

Recent Developments in Land Use Law, Planning and Zoning Law: Zoning Moratoria, 22 Urban Lawyer 768 (1990) (edited by R. Roddewig).

Moratoriums are Alive and Well, 48 Urban Land, No.9, at 34 (September, 1989) (Adaptation and revision of article in the Urban Lawyer).

Zoning Moratoria as Regulatory Takings in Recent Developments in Environmental Preservation and the Rights of Property Owners edited by L. Bozung and D. Alessi, 20 Urban Lawyer 1012 (1988).

Zoning by Condemnation and Assessment, 18 Wake Forest Jurist 21 (1987).

Landlord and Tenant Law, Chapter 12, North Carolina Real Property Practice Handbook (Wake Forest University Continuing Legal Education, 1982, revised in 1985 edition).

Recent Trends and Developments, Chapter 16, North Carolina Real Property Practice Handbook (Wake Forest University Continuing Legal Education, 1982).

**Presentations:**

Talks on various land use topics given over the years for the American Bar Association in New York City, Albany, Washington, D.C., Chicago, Los Angeles, San Francisco, Philadelphia, Seattle, San Antonio, Amelia Island, Ga., Dallas, Toronto, and New Orleans;

Also presentations for the

American Planning Association in New Orleans;

North Carolina Bar Association (Greensboro, Raleigh, and Winston Salem, NC);

Georgetown University Environmental Law & Policy Institute at University of California-Berkeley, Boalt Hall;

Government Law Center of Albany Law School;

Center for American and International Law (formerly the Southwestern Legal Foundation) in Dallas;

North Carolina Sierra Club in Raleigh;

National Association of Environmental Law Societies, the Florida State University School of Law.

I have also spoken at the Duke University School of Law, the University of Hawaii Law School, the University of Florida Law School, the University of Missouri-Kansas City Law School, and Pace University School of Law.