

CENTER FOR GOVERNMENTAL RESPONSIBILITY



WHAT'S NEW

[CGR 50-Year Reunion
Highlights](#)

[Campaign to name the Jon L.
Mills Center for
Governmental Responsibility](#)

[Academic Highlights](#)

[CGR 2023 Reunion Awards](#)

[Announcements](#)

Letter from the Directors

Dear Friends of CGR,

The biggest news this fall was, of course, the fantastic time everyone had at the CGR 50-year reunion on October 13th. We have given the highlights here in this newsletter, but additional photos and details from the program are available on the website. We can both confirm that we left the gala reception late Friday evening inspired by all the ideas and support that came out of the day's events.

The keynote address by Marc Aidinoff of the Institute for Advanced Studies at Princeton made everyone think hard about how AI and technology are going to change our lives and how much we need the work of CGR to help ensure that individual rights and liberties are protected. Hina Shaikh's commentary reminded us how AI is used to police vulnerable populations and how we need to ensure that diverse voices are brought into all conversations.

Following the luncheon, participants strolled down memory lane by visiting different rooms in the new Martin Levin Advocacy Center where we had slides running and displays of many of CGR's projects from each decade. We then reassembled to hear us talk about the future of CGR and we heard from five alumni on how CGR changed their career trajectories. Kelsey Herclerode, Matt Christ, Ann Conway, Al Hadeed, and Josh Markus shared a few wonderful stories. That evening, we presented awards and Martha Barnett led a tribute to Jon to celebrate the next 50 years.

Finally, we announced the public phase of our endowment campaign to raise \$2 million to name CGR the John L. Mills Center for Governmental Responsibility, and to provide continuing funds to help us continue the Center's important work.

Thank you to those who helped make the reunion such a great success!

Jon L Mills
Danaya Wright

ACADEMIC HIGHLIGHTS

Shands, et al, v. City of Marathon
Research Memorandum

In 1956, Dr. R.E. Shands purchased Little Fat Deer Key, just off the coast of Marathon. After his death, title to the island passed to his wife, who then transferred it to their children in 1984. In 1986, Monroe County adopted a new comprehensive plan and designated the island as “Conservation Offshore Island,” essentially prohibiting any development on the island. In exchange for the downzoning, the County created a program whereby landowners in heavily regulated areas could transfer their development rights, for a price, to less regulated lands. The Shands’ island received transferable development rights as part of the downzoning. In 2004, the Shands children decided to develop the island and, after discovering that it could not be developed, brought suit claiming that their land was taken without just compensation.

CGR staff and students, in collaboration with Thomas Hawkins and the Environmental and Community Development Clinic at the College of Law, have written a comprehensive research memorandum on the legal issues involved in the case. The Shands claim that their island has experienced a 100% loss of all economic value, which would put them into a categorical takings situation outlined in *Lucas v. S. Carolina Coastal Council*, 505 US 1003 (1992), which requires compensation upon proof that the regulation resulted in a total economic wipe-out. The City of Marathon claims, on the other hand, that the island retains some residual value since a similar island sold recently for roughly \$50,000, and that the value of the transferable development rights (TDRs) of roughly \$150,000 should also be taken into account as well. As the City sees it, the residual value of the island and the value of the TDRs preclude a *Lucas* categorical taking and that instead the court should consider the effects of the regulation under the ad hoc test of *Penn Central Transp. Co. v. City of New York*, 438 US 104 (1978). But even if the court were to apply the *Penn Central* test, the Shands argue that the value of the TDRs should not be considered in the economic impact factor, but only as to whether just compensation has been provided.

Remarkably, despite the ubiquity of TDR programs, this is one of few cases to raise directly the issue of how TDRs should be considered in regulatory takings calculations. And because there is a split on this issue in the Florida Courts of Appeal, CGR is providing a comprehensive research memorandum on all the issues, providing a thorough explanation of the complicated jurisprudence of regulatory takings, and exploring the long history of TDR programs. This project allows law students to undertake in-depth research on complicated legal issues that have tremendous potential impact on landowners and local governments in Florida.

Adam Bent, *Large Language Models: AI’s Legal Revolution*, forthcoming 44 *Pace. L. Rev.* ____ (2024).

Large Language Models (LLMs) have upended the legal profession. This article explores the history of AI and its potential in the legal marketplace, from the ability to draft briefs to AI’s potential to guide responses to questions in oral hearings and trials. As much as we might be tempted to ban LLMs when we see how ChatGPT hallucinates and makes up citations, Bent argues that we need to learn to adapt and regulate LLMs instead. There is no escaping the fact that they will be a major component of practice and legal education and we need to get guardrails in place and understand their potential and their risks before the technology gets too far ahead of us.

CGR 2023 REUNION AWARDS

To acknowledge the tremendous work of supporters, students, faculty, and alumni, the Center awarded our inaugural Transformation Awards. This year's recipients were:

CGR began with a visionary gift from Michael and Winsome McIntosh and the McIntosh Foundation. From that small acorn a mighty oak has grown. To acknowledge the pathbreaking role of visionaries and supporters in the Center's success, we have inaugurated the McIntosh Visionary Leadership Award.

And it is no surprise that Winsome McIntosh would be the inaugural recipient of the McIntosh Visionary Leadership Award as her Foundation's support of our ERA project not only got me involved in the Center but represents both support for CGR's first 50 years and for its next 50 years. We wouldn't be here without Winsome!

Our next award celebrates the critical role that faculty play in helping CGR do its work. Named after the original faculty partner, the Fletcher Baldwin Award for Faculty Engagement was given to Berta Hernandez-Truyol, who has worked with CGR's Law and Policy in the Americas Initiative for nearly two decades.

Very few organizations can boast the number of dedicated alumni who have supported CGR as we have, who have pulled strings and assisted the Center in its work. The CGR Transformative Alumni Award was given to one of the first CGR student researchers who has gone on to a successful career in the federal judiciary and has always taken our calls, Judge Anne Conway.

And of course, we couldn't do this work without the army of students who assist in researching issues, whose enthusiasm and dedication keep all of us on track and working hard. Named after a research assistant par excellence, the Al Hadeed Award for Student Excellence was given this year to Shaina Autumn-Polin whose tireless efforts made the reunion possible.

And of course, CGR would not exist if not for its longtime director and visionary leader, Jon Mills. The tribute to Jon, emceed by Martha Barnett, included videos from Robertson Azevedo, former University President Paulo Roberto Peria de Souza, Congresswoman Debbie Wasserman-Schultz, retired Justice Barbara Pariente, former Senator and NASA Commissioner Bill Nelson, and former Vice President Al Gore. And Atilla Ilkson, Al Hadeed, Ben Diamond, Richard Hamann, and Tim McLendon recounted stories of past exploits.





ANNOUNCEMENTS

CGR Faculty In the News.

You can watch Danaya Wright host an Estate Planning Summit for the Alachua County Property Appraiser [here](#).

And even though we were busy planning the reunion, we continued to carry out the important work of the Center.

TMPL Initiative: TMPL continues this year as a collaboration between the college of journalism and the college of law. For six years, we have brought together experts, academics and practitioners in the fields of media, privacy and technology. This year the conference will focus on the impact of artificial intelligence on law and journalism.

Heirs Property and Community Preservation Initiative: Co-Director Danaya Wright helped lead a community outreach program on estate planning and heirs property sponsored by the Alachua County Property Assessor’s Office. Another one is planned for February. She also participated in a grant-funded community outreach program on heirs property with the Bailey Learning and Arts Collective. And the Center applied for a large grant from TD Bank Foundation to help analyze the wealth loss in vulnerable communities caused by different legal rules.

Equal Rights and Social Justice Initiative: CGR is planning a big event for the fall, 2024 on climate justice. Stay tuned for more information on that event – it will be big!

Law and Policy in the Americas Initiative: We are planning more events with our Brazilian partners for spring and summer, 2024. Stay tuned!

A SPECIAL THANKS TO OUR ADVISORY BOARD MEMBERS

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|-------------------------|------------------------|
| Andrew Starling | Al Hadeed |
| Winsome McIntosh | Josh Markus |
| Benjamin Diamond | Martha Barnett |
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