

Daily Journal

Daily Journal

June 8, 2010

Letters to the Editor Column

Understanding Issues in Takings Cases Critical for Federal Circuit Judges

By Glenn Sugameli

LETTERS TO THE EDITOR (FOCUS & FORUM)

"*Seat Opens on Patent Appeals Court*" (June 2) presented an incomplete picture by describing the creation of "another opening on the nation's top patent appeals court for President Barack Obama to fill."

The Federal Circuit also has exclusive jurisdiction over nearly all significant constitutional claims that alleged takings of private property resulted from a wide range of federal safeguards for people, neighboring property and the environment. Many unjustified takings claims are brought in what former Reagan Solicitor General Charles Fried described as a "radical project" to force payments "as for a taking" in order to severely limit regulatory safeguards that do not actually take property.

It is critical that Federal Circuit judges understand the very complex set of issues involved in takings cases. Indeed, the court does not only set federal precedents; state courts across the country heavily rely upon rulings by the "takings court."

GLENN SUGAMELI

JUDGING THE ENVIRONMENT

WASHINGTON