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Quantification of Federal Reserved Rights—Litigation, Legislation or Negotiation? [outline]

John Udem Carlson

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QUANTIFICATION OF FEDERAL RESERVED RIGHTS -- LITIGATION,
LEGISLATION OR NEGOTIATION?

1. The Merits of Litigation from a Colorado Perspective:
 - a. The McCarran Amendment;
 - b. Eagle County Case;
 - c. Akin;
 - d. United States v. New Mexico;
 - e. Denver v. United States.

2. Inherent Advantages to the United States in Litigation:
 - a. The ability to pick and choose adversaries and forums where which particular issues are litigated;
 - b. Costs of litigation as a deterrent as to full representation of private interests;
 - c. This panelists' fundamental belief that courts are more likely than politicians to fashion decrees protecting private rights against overreaching federal claims.

John Udem Carlson
Holland & Hart
555 17th St. #2900
P. O. Box 8749
Denver, CO 80201
575-8261