

University of Florida Upcoming Events and Faculty Update

by Alyson C. Flournoy

Upcoming Events

Richard E. Nelson Symposium in Local Government Law

The Eighth Annual Nelson Symposium is scheduled to be held on Friday, February 13, 2009, at the UF Hilton in Gainesville. The topic is "The Squeeze on Local Governments." Presenters will include Professor James Ely, Milton R. Underwood Chair in Free Enterprise at Vanderbilt University Law School; John Echeverria, currently Executive Director of the Georgetown Environmental Law and Policy Institute and, beginning in 2009, Professor of Law at Vermont Law School; and Frank Alexander, Professor of Law at Emory University. Presentations will cover, among other topics, restrictions on eminent domain and public financing, state takings laws, and the impact of the housing and financial crises on local governments.

15th Annual Public Interest Environmental Conference – Save the Date!

UFLaw students and faculty are working closely with the Public Interest Committee of the Section to finalize the agenda for the 15th Annual Public Interest Environmental Conference, to be held at UF Law School February 26-28, 2009. The theme for the conference is "Beyond Doom and Gloom: Illuminating a Sustainable Future for Florida." The conference will focus on farsighted and innovative approaches to our environmental problems, emphasizing sustainability solutions from science and technology, progressive regulation and economics, and behavioral change through communication and social marketing. More information about the schedule will be posted on the conference website www.law.ufl.edu/piec as it becomes available.

Spring 2009 Environmental and Land Use Speaker Series

The theme for this spring's upcoming speaker series is Climate Change. Speakers already confirmed are:

– January 15: Michelle Mack, Assistant Professor of Botany, University of Florida on *The Science of Climate Change*

– January 29: Linda Malone, Marshall-Wythe Foundation Professor of Law and Director, Human Rights and National Security Law Program, William & Mary Law School on *Climate Change and Human Rights / National Security*

– February 12: Michael Dworkin, Director of the Institute for Energy and the Environment and Professor of Law, Vermont Law School on *Climate Change & Energy Policy*

– February 19: Robert R.M. Verchick, Gauthier-St. Martin Eminent Scholar Chair in Environmental Law, Loyola University New Orleans on *Climate Change, Disaster Law, and Sea Level Rise*

All talks will be held in the Faculty Dining Room in Bruton-Geer Hall. Section members are welcome to attend. If you'd like to receive an email with updates on additional speakers, or to reserve a seat for any of these programs, please email Lena Hinson at elulp@law.ufl.edu. We are grateful to the law firms of Hopping Green & Sams, P.A., and Lewis Longman & Walker, P.A., for their support that makes this series possible.

The Wolf Family Lecture in the American Law of Real Property

The Second Annual Wolf Family Lecture is scheduled for Tuesday, March 17, 2009, at the law school. The lecture will be delivered by Gregory S. Alexander, A. Robert Noll Professor of Law, Cornell University Law School. For more details, contact Barbara DeVoe at devoe@law.ufl.edu.

Faculty Update

Periodically, we report on the publications and research undertaken by our environmental and land use law faculty. This update summarizes faculty publications and presentations during 2007-08.

MARY JANE ANGELO

Associate Professor

"Reforming the Florida Water Resources Act of 1972: Beyond the First 35 Years" (monograph), published in connection with the Century Commission for a Sustainable Florida, 2008 *Water Congress*, Orlando, Sept. 25-26 • "Where Did Our Water Go? Give the Law a Chance" (op-ed), *Orlando Sentinel*, Sept. 23, 2008 and *Ocala Star-Banner*, Sept. 28, 2008 • "Stumbling Toward Success: A Story of Adaptive Law and Ecological Resilience" (presentation) University of Nebraska College of Law (Sept. 2008) • "Harnessing the Power of Science in Environmental Law: Why We Should, Why We Don't, and How We Can," 86 *Texas L. Rev.* 1527 (2008)(presented at University of Texas School of Law Feb. 2008) • "The Killing Fields: Reducing the Casualties in the Battle Between U.S. Endangered Species and Pesticide Law," 32 *Harvard Envtl. L. Rev.* 95 (2008) • "Incorporating Emery Synthesis into Environmental Law: an Integration of Ecology, Economics, and Law" (with Mark T. Brown), 37 *Envtl. L.* 963 (2007) (presented at Lewis & Clark School of Law) • "Reforming the Federal Insecticide, Fungicide, and Rodenticide Act," *CPR for the Environment: Breathing New Life into the Nation's Major Environmental Statutes, A Legislative Sourcebook of Progressive Ideas for Members of Congress and Staff* (Alyson Flournoy and Matthew Shudtz, eds.) (2007) • "Regulating Evolution for Sale: an Evolutionary Biology Model for Regulating the Unnatural Selection of Genetically Modified Organisms," 42 *Wake Forest L. Rev.* 93 (2007)

THOMAS T. ANKERSEN

Legal Skills Professor; Director, Conservation Clinic and Costa Rica Law Program – UF Provost's Faculty Fellow for Sustainability

"Designing and Developing Service Learning Pedagogy in Support of Sustainability," (presentation) Annual Meeting of the Association for the Advancement of Sustainability in Higher Education, Raleigh, North Carolina (November 2008) • Served on Florida Building Commission's Green Building Task Force (Nov. 2007 – Feb. 2008) • "Lawyers (and law students) without Borders: Transnational Collaboration in Climate-induced Endangerment Petitions Under the World Heritage Convention" (presentation) Michigan State Journal of International Law symposium (February 2008) • "A Long Slow Flood: Comprehensive Coastal Adaptation Planning for Sea Level Rise" (presentation) Widener Law Review annual symposium (April 2008) • White paper with conclusions and recommendations for a comprehensive reform of Florida's boating laws (presentation to the Florida Boating Advisory Council under contract with the Florida Fish and Wildlife Conservation Commission) (Spring 2008) • UF Water Institute Symposium "Sustainable Water Resources: Florida's Challenges; Global Solutions" (moderator for closing policy synthesis) (Feb. 2008) • 14th Annual UF Law PIEC "Reducing Florida's Footprint: Stepping Up to the Global Challenge"(moderated closing plenary) (March 2008) • "Florida's Preservation of Recreational and Commercial Working Waterfronts Legislation: Too Little, Too Late?"(presentation) Working Waterways and Waterfronts 2007: A National Symposium.

Norfolk, Virginia (May 2007) • "Pedagogy of Clinical Education." (Roundtable Chair) 2007 Ward Kershaw Environmental Law Conference University of Maryland School of Law (April 2007)

MARK A. FENSTER

Professor; UF Research Foundation Professor

"After Lingle," (presentation) 11th Annual Georgetown Environmental Law & Policy Institute Litigating Takings Conference, Stanford Law School, November 2008 • *Conspiracy Theories: Secrecy and Power in American Culture* (University of Minnesota, revised 2nd ed., 2008) • "Democratic Property Ownership and the Commodification of Community" (presentation), University of Colorado Law School, *Conference on Property* (June 2008) • "The Dilemmas of Local Transparency" (presentation), Law & Society, *Annual Meeting*, Montreal (May 2008) • "Regulating Land Use in a Constitutional Shadow: The Institutional Contexts of Exactions," 58 *Hastings L. J.* 729 (2007) • "The Folklore of Legal Biography," 105 *Michigan L. Rev.* 1265 (2007) • "Takings, Version 2005: The Legal Process of Constitutional Property Rights," 9 *University of Pennsylvania J. of Constitutional L.* 667 (2007) • "Coolhunting the Law," 12 *Harv. Negotiation L. Rev.* 157-173 (2007) • "On Idiocratic Theory: A Reply," 19 *Critical Review* 147 (2007)

JOAN D. FLOCKS

Director, Social Policy Division, Center for Governmental Responsibility

"Pesticide Policy and Farmworkers" Testimony before the President's Cancer Panel, meeting series on Environmental Factors in Cancer, Indianapolis, IN (Oct. 2008) • "Responses to International Environmental Justice" (presentation) Latin American Studies Association, Montreal, (Sept. 2007) and Society for Applied Anthropology Annual Meeting, Tampa, FL (March 2007) • "Florida Farmworkers' Perceptions and Lay Knowledge of Occupational Pesticides" (with P. Monaghan, S. Albrecht, and A. Bahena), *Journal Comm. Health* 32(3) (2007)

ALYSON CRAIG FLOURNOY

UF Research Foundation Professor & Alumni Research Scholar; Director, Environmental and Land Use Law Program

"Protecting a Natural Resource Legacy While Promoting Resilience: Can It Be Done?" (presentation) University of Nebraska College of Law (Sept. 2008) • "Harnessing the Power of Information to Protect Our Public Natural Resource Legacy," 86 *Texas L. Rev.* 1575-1599 (2008)(presented at University of Texas School of Law Feb. 2008) • "Supply, Demand, and Consequences: The Impact of Information Flow on Individual Permitting Decisions under Section 404 of the Clean Water Act," 83 *Indiana L. J.* 537 (2008) • *Squandering Public Resources: A Center for Progressive Reform Report* (with Margaret Clune Giblin and Matt Shudtz) (2007) • "CPR for the Environment: Breathing New Life into the Nation's Major Environmental Statutes, A Legislative Sourcebook of Progressive Ideas for Members of Congress and Staff" (co-edited and co-authored introduction with Matthew Shudtz)

(2007) • Invited participant, Dialogue and Workshop on Preparing Green Lawyers for Practice in a Changing Environment organized by ABA Section on Environment, Energy, and Resources, Keystone, Colorado, March 9-10, 2007

RICHARD HAMANN

Associate in Law Research, Center for Governmental Responsibility

“Reforming the Florida Water Resources Act of 1972: Beyond the First 35 Years” (monograph), published in connection with the Century Commission for a Sustainable Florida, *2008 Water Congress*, Orlando, Sept. 25-26 • “Where Did Our Water Go? Give the Law a Chance” (op-ed), *Orlando Sentinel*, Sept. 23, 2008 and *Ocala Star-Banner*, Sept. 28, 2008 • Invited Delegate, Century Commission for a Sustainable Florida, *2008 Water Congress*, Orlando, Sept. 25-26, 2008

DAWN JOURDAN

Assistant Professor; Joint appointment with the UF College of Design, Construction & Planning

“Through the Looking Glass: Analyzing the Potential Legal Challenges to Form-Based Codes” (with Elizabeth Garvin), *J. of Land Use & Environmental L.* (2008) • “Interdisciplinary Tourism Education in Interdisciplinary Teaching and Learning in Higher Education: Theory and Practice” (with Tazim Jamal), in *Interdisciplinary Learning and Teaching in Higher Education: Theory and Practice* (B. Chandramohan & S. Fallows, eds., 2008) • “Grounding Theory: Developing New Theory on Intergenerational Participation in Qualitative Methods for Housing Research” in *Qualitative Housing Research Methods* (P. Maquin, ed., 2008) • “The Legal Challenges of Employing a Land Bank to Support Rural Affordable Housing Development,” 2008 Joint Conference of the Association of Collegiate Schools of Planning (ACSP) and the Association of European Schools of Planning, Chicago, Illinois (Presentation July 2008)

CHRISTINE A. KLEIN

Chesterfield Smith Professor; Associate Dean, Faculty Development

“Reforming the Florida Water Resources Act of 1972: Beyond the First 35 Years” (monograph), published in connection with the Century Commission for a Sustainable Florida, *2008 Water Congress*, Orlando, Sept. 25-26 • “Where Did Our Water Go? Give the Law a Chance” (op-ed), *Orlando Sentinel*, Sept. 23, 2008 and *Ocala Star-Banner*, Sept. 28, 2008 • “Water Transfers: The Case Against Transbasin Diversions in the Eastern States,” *25 UCLA J. Envtl. Law & Policy* 101 (2008) • “Mississippi River Stories: Lessons from a Century of Unnatural Disasters” (with Sandra B. Zellmer), *60 SMU L. Rev.* 1471 (2007) • “Survey of Florida Water Law,” *Waters and Water Rights* (Robert E. Beck, ed., Matthew Bender & Co., Inc.) (rev. vol. 6 [2005] and 2007 Supp) • “The New Nuisance: An Antidote to Wetland Loss, Sprawl, and Global Warming,” *48 B. C. L.*

Rev. 1155 (2007) • “Climate Change Litigation” (panelist), AEI-Brookings Joint Center for Regulatory Studies, *Judicial Symposium on Scientific Evidence In the Courts*, Washington, D.C. (June 22, 2007)

TIMOTHY McLENDON

Assistant in Law, Center for Governmental Responsibility

“Law Schools as Agents of Change and Justice Reform in the Americas (with Jon Mills), *20 Fla. J. of Int’l L.* 5 (special edition, 2008)

JON L. MILLS

Professor; Dean Emeritus; Director, Center for Governmental Responsibility

Privacy: The Lost Right (Oxford University Press, 2008) • “Two Contemporary Privacy Issues in Poland: Liability for Internet Publication and the Registration of Communist Party Affiliation,” *Univ. of Warsaw L. Rev.* (2008) • “Law Schools as Agents of Change and Justice Reform in the Americas (with Timothy McLendon), *20 Fla. J. of Int’l L.* 5 (special edition, 2008) • “Legal Education in the Americas: The Anchor for Hemispheric Justices,” *17 U. Fla. J. of Int’l L.* 1 (2005)

STEPHEN J. POWELL

Lecturer in Law; Director, International Trade Law Program, Center for Governmental Responsibility

Just Trade: A New Covenant Linking Trade and Human Rights (with Berta Hernández-Truyol) (NYU Press 2009) • “Land Use Regulation, Foreign Real Estate Investment, and Trade Agreements” (presentation), University of Florida / University of Costa Rica Conference, San Jose, Costa Rica (June 2008) • “Andean Community, MERCOSUR, and UNASUL: A New Opportunity for Linkage of Trade with Labor and Other Human Rights” (presentation), Federal University of Bahia Law Faculty Workshop, *MERCOSUL and Civil Society*, Salvador, Brazil (May 30, 2008) • “Humanizing Trade’s Economic Benefits: An Analysis of MERCOSUL’s Effects on the Environment, Labor Standards, Indigenous Populations, and Health” (presentation), 9th Annual University of Florida Law / PUC-Rio Conference on Legal & Policy Issues in the Americas, Rio de Janeiro, Brazil (May 2008) • “Should or Must: Nature of the Obligation of States to Use Trade Instruments for the Advancement of Environmental, Labor, and Other Human Rights,” *45 Alberta L. Rev.* 443 (2007) • “Peru-United States Trade Promotion Agreement: The New Economic Model for Civil Society?” in *Acuerdo de Promoción Comercial Perú—Estados Unidos* (Universidad Peruana de Ciencias Aplicadas, 2007) • *Small Steps: Ending Trade’s Splendid Isolation from Human Rights* (PUC-Rio Núcleo de Direitos Humanos 2007) • “Toward a Vibrant Peruvian Middle Class: Effects of the Peru-United States Free Trade Agreement on Labor Rights, Biodiversity, and Indigenous Populations” (with Paola Chavarro), *19 Fla. J. Int’l L.* 93 (2007)

THOMAS RUPPERT

Assistant in Environmental Law, Center for Governmental Re- sponsibility

“Eroding Long-Term Prospects for Florida’s Beaches: Florida’s Coastal Construction Control Line,” 1 *Sea Grant L. & Pol’y J.* 65 (2008) • “Homeowners’ Associations and the Environment: From Antagonists to Partners?” (presentation) Orange County “A Florida Friendly Neighborhoods Workshop” (Sept. 2008)

JEFFRY S. WADE

Associate in Law; Director, Envi- ronmental Division, Center for Governmental Responsibility

“Privatization and the Future of Water Services,” 20 *Fla J. Int’l L.* 179 (2008) • Panelist and presenter, “Forest Management in Brazil and the U.S.: Comparison of Issues,” Ninth Annual Conference on Legal and Policy Issues in the Americas, Rio de Janeiro, Brazil (May 2008) • Invited respondent, “Green Building as Private Environmental Lawmaking,” Seventh Annual Richard E. Nelson Symposium: “Green Building: Prospects and Pitfalls for Local Governments,” Gainesville, Florida (Feb. 2008) • Seminar coordinator and presenter, “Selected Aspects of U.S. Environmental Law,” State Magistrates’ Association of Minas Gerais (AM-AGIS), Belo Horizonte, Brazil (June 2007)

MICHAEL ALLAN WOLF

Richard E. Nelson Chair in Local Government Law; Professor

The Zoning of America: Euclid v. Ambler (University Press of Kansas, 2008) • *Powell on Real Property* (Matthew Bender-LexisNexis, General Editor) • “William Faulkner, Legal Commentator: Humanity and Endurance in Hollywood’s Yoknapatawpha,” 77 *Mississippi Law Journal* 957 (2008) • “Hysteria v. History: Public Use in the Public Eye,” in *Private Property, Community, and Eminent Domain* (Robin Paul Malloy, ed.) (Ashgate Publishing, 2008) • “Looking Backward: Richard Epstein Ponders the ‘Progressive’ Peril,” Book Review, 105 *Mich. L. Rev.* 1233 (2007) • “Supreme Guidance for Wet Growth: Lessons from the High Court on the Powers and Responsibilities of Local Governments,” 9 *Chapman L. Rev.* 233 (2006) • “Introduction: A New Realism About Environmental Law” and “They Endured: Mining the Supreme Court’s Serviceable Past,” in *Strategies for Environmental Success in an Uncertain Judicial Climate* (Michael Allan Wolf, ed.) (ELI, 2005)

DANAYA C. WRIGHT

UF Research Foundation Profes- sor & Clarence TeSelle Endowed Professor

“The Shifting Sands of Property Rights, Federal Railroad Grants, and Economic History: *Hash v. United States* and the Threat to Rail-Trail Conversions,” 38 *Environmental L.* 711 (2008) • “Charitable Deductions for Rail-Trail Conversions: Reconciling the Partial Interest Rule and the National Trails System Act” (with Scott Bowman), 32 *Wm. & Mary Env’tl L & Pol’y Rev.* 1 (2008) • “Rails-to-Trails: Conversion of Railroad Corridors to Recreational Trails,” in 78A *Powell on Real Property* (Michael Allan Wolf, ed.) (2007)