ENVIRONMENTAL, ENERGY & LAND USE LAW

FLORIDA STATE UNIVERSITY
COLLEGE OF LAW
Seven prolific environmental law scholars provide the core of our environmental law program, which is ranked 17th best in the nation by *U.S. News & World Report*. The breadth and depth of their expertise are truly remarkable. Our faculty helps set the agenda for policy makers, practitioners, scholars and students. Their expertise ranges from energy law to water law to climate change. They are active nationally and internationally as speakers, experts and consultants.
Shi-Ling Hsu

John W. Larson Professor and Associate Dean for Environmental Programs

Ph.D., Agricultural and Resource Economics, University of California, Davis, 1998
M.S., Ecology, University of California, Davis, 1994
J.D., Columbia University, 1987
B.S., Columbia University, 1983

Select Recent Publications:


“Environmental law is so inherently interdisciplinary, that we cannot just train our students to ‘think like a lawyer,’ to the exclusion of everything else. Our graduates have to be lawyers, but they also have to be biologists, chemists, historians, economists, sociologists, and good at understanding business and industry as well. Getting to the crux of an environmental problem requires an understanding of everything that went into creating that problem, because solving it will require all of those perspectives, combined with the complex, interdisciplinary legal training that we provide.”
The International Dimension & Compliance

David L. Markell
Steven M. Goldstein Professor
J.D., UNIVERSITY OF VIRGINIA, 1979
B.A. BRANDEIS UNIVERSITY, 1975

SELECT RECENT PUBLICATIONS:


An Empirical Assessment of Climate Change in the Courts: A New Jurisprudence or Business as Usual? (with J.B. Ruhl), 64 Fla. L. Rev. 15 (2012)

What Has Love Got to Do With It?: Sentimental Attachments and Legal Decision-Making (with T. Tyler and S. Brosnan), 57 Vill. L. Rev. 209 (2012)

“In many ways our world of environmental law is at a crossroads. We are re-examining underlying goals, reassessing the utility of legal and other mechanisms, and reconsidering the roles that various government and non-governmental actors should play. Much of my recent and ongoing scholarship and other work has focused on one or more of these three critical dimensions. For example, my research has focused on the role sustainable development should play in environmental policy; how we should use various mechanisms, such as enforcement, to accomplish environmental objectives; and opportunities citizens should have to influence environmental policy.”
“My scholarship focuses on the intersection of energy, land use, and environmental law. It explores novel regulatory regimes and cross-jurisdictional governance approaches for emerging risks and technologies, from the siting of renewable energy infrastructure to hydraulically fracturing oil and gas wells.

“In a world of growing land use, energy, and environmental challenges coupled with political gridlock and conflict surrounding jurisdictional authority, we need to find better ways to coordinate regulatory action, encourage creative and informed policy diffusion, and design regulatory regimes that keep pace with rapidly-changing challenges”
“The intensity of today’s federalism controversies reflects inexorable pressure on all levels of government to meet the increasingly complicated challenges of governance in an ever more interconnected world. Yet even as federalism dilemmas erupt from all corners, environmental and land use law remain at the forefront. They are especially prone to jurisdictional discord because they arise in contexts where local and national claims to power are simultaneously at their strongest. Ongoing struggles in energy policy, water law, pollution control, forestry, and other areas reveal environmental law as the proverbial canary in federalism’s coal mine, highlighting the underlying reasons for jurisdictional conflict in all areas of law. My scholarship explores why environmental law raises such thorny federalism issues, how it has adapted structurally to manage jurisdictional conflict, and what the larger constitutional discourse can learn from models of dynamic and negotiated environmental governance.”
The Administrative State

Mark B. Seidenfeld
Patricia A. Dore Professor of Administrative Law and Associate Dean for Research
J.D., STANFORD UNIVERSITY, 1983
M.A., THEORETICAL PHYSICS, BRANDEIS UNIVERSITY, 1979
B.A., REED COLLEGE, 1975

SELECT RECENT PUBLICATIONS:

Duress as Rent Seeking (with Murat Mungan), 99 Minn. L. Rev. 1423 (2015)

A Process Failure Theory of Statutory Interpretation, 56 Wm. & Mary L. Rev. 467 (2014)


“I have just begun what is for me a new line of scholarship, focusing on federalism and its implication for how the federal government can influence state exercises of their sovereign power. This inquiry has two facets: the first looks at the basic notion of sovereignty as an indication of how the Constitution structures the relationship between the federal and state governments; the second considers the bounds of Congress’s spending power in light of the Constitution’s structuring of federal state relations and the past Supreme Court spending cases from United States v. Butler to NFIB v. Sebelius.”
Constitutional Issues

Garrick Pursley
Assistant Professor
J.D., THE UNIVERSITY OF TEXAS, 2004

SELECT RECENT PUBLICATIONS:


*The Campaign Finance Safeguards of Federalism*, 63 Emory L.J. 781 (2014)


*Dormancy*, 100 Geo. L.J. 497 (2012)

*Local Energy* (with Hannah Wiseman), 60 Emory L.J. 877 (2011)

“The question of the Constitution’s relative rigidity or flexibility is an old one, but recent advances in constitutional theory and other fields help to move the debate forward. If we view the Constitution as providing a few simple, commonsense structural requirements rather than a long list of detailed and unalterable structural mandates, then it may be legitimate to consider pragmatic factors — like effectiveness and efficiency — as we assess what the Constitution permits. This makes for greater structural adaptability and more coherent and predictable constitutional limitations on regulatory experiments. One goal of my work is to establish that this simpler view of the Constitution is the better one, and on that basis to defend innovative environmental and energy policy initiatives against constitutional challenge.”
The great majority of environmental enforcement efforts are civil, but criminal prosecution is a potent tool for promoting compliance and punishing offenders. My seminar, Environmental Crimes, explores the criminal provisions of the Clean Water Act, the Clean Air Act, RCRA, and CERCLA, and considers the role of criminal sanctions in the broader enforcement context.”
The Journal of Land Use & Environmental Law

Florida State’s student-edited Journal of Land Use & Environmental Law ranks among the nation’s top 20 journals in environmental law in terms of impact, according to Washington & Lee University’s law journal ranking website and the only specialty environmental law journal in the JSTOR database. Each year the Journal of Land Use & Environmental Law sponsors distinguished lecturers, featuring some of the nation’s top scholars in the areas of land use and environmental law.

Environmental Speakers and Events

Our Distinguished Lecture Series brings nationally and internationally renowned scholars to campus. Recent lecturers have included Ann Carlson, UCLA School of Law; Holly Doremus, University of California – Berkeley School of Law; Daniel Farber, University of California – Berkeley School of Law; Jody Freeman, Harvard Law School; John Nagle, University of Notre Dame Law School; James Salzman, Duke University; Wendy Wagner, The University of Texas School of Law; and Katrina M. Wyman, New York University School of Law.

We also host regular workshops, featuring leading practitioners and policy makers, to educate our students and the public about timely environmental issues. In addition, our active faculty workshop series features weekly presentations, frequently addressing environmental law topics. Our 2014 workshop, Environmental Law Without Congress, attracted leading scholars from multiple disciplines to address different avenues of environmental law making outside of federal legislating.

Externships

Our location in Tallahassee allows students to gain valuable work experience while in school through externships with government agencies, private companies and public interest agencies, including the U.S. Environmental Protection Agency, NextEra Energy/Florida Power & Light Company, Florida Department of Environmental Protection and Earthjustice. Since 2005, more than 100 students have experienced environmental law firsthand through environmental externships.
Additional Program Highlights continued

**Degree Programs for J.D. Students**

Upon graduation, students who successfully complete the environmental certificate program receive a certificate along with their J.D. degree. The certificate signals to employers and others that a student has had broad exposure in the fields of environmental, energy and land use law. Students may select their courses from an extensive menu of curricular and co-curricular offerings, as well as joint-degree programs with other Florida State departments.

The College of Law, along with the Department of Earth, Ocean & Atmospheric Sciences, offers a joint-degree program in Law and Aquatic Environmental Science (J.D.-M.A.E.S.). The program is designed to be strongly interdisciplinary, and provides graduates with a competitive edge by providing prospective employers with the assurance that graduates have received top-notch training in the two disparate areas most crucial to environmental clients, regulators and advocates: law and science. A joint-degree program with the School of Urban and Regional Planning (J.D.-M.S.P.) enhances the law school's ability to provide comprehensive preparation for a career in environmental and land use law. The school is nationally respected and offers a wide array of fields of emphasis. The joint degree provides an excellent foundation in both the law and the policy of land use.

**LL.M. in Environmental Law and Policy**

Our LL.M. in Environmental Law and Policy gives J.D. holders the opportunity to enhance their knowledge of environmental law, energy law and land use law. Students in the master's program work closely with the law school's nationally recognized faculty members. Students also have a wide variety of opportunities to seek employment with government agencies, administrative tribunals, public interest organizations, the state legislature and private law firms over the course of the LL.M. program.

“The faculty in the Florida State College of Law Environmental, Energy, and Land Use Law Program are not only brilliant scholars and professors, but also mentors and advisors for their students. They have gone above and beyond to prepare me for a career in environmental law.”

Robert Volpe ('15) clerked at Hopping Green & Sams during his 2L year and Gunster during his 3L year.
The FSU Environmental, Energy and Land Use Law Program provides students with excellent opportunities for focused course work in various areas of environmental law. Additionally, by being in the state capital, students have access to externship opportunities with environmental regulatory agencies and the legislature, which are currently embroiled in a number of critical environmental issues impacting the future of the state of Florida.

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Robyn D. Neely (’87), a partner in Akerman Senterfitt’s Orlando office, focuses on a wide range of environmental matters.