

1-1-2012

Proposal to Initiate a Growth Management Land Use Clinic

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Repository Citation

Roskie, Jamie Baker, "Proposal to Initiate a Growth Management Land Use Clinic" (2012). *Land Use Clinic*. 24.
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PROPOSAL TO INITIATE A GROWTH MANAGEMENT LAND USE CLINIC AT THE UNIVERSITY OF GEORGIA

**(A Joint Partnership between the School of Law and the College of Environment &
Design's Office of Public Service and Outreach)**

Objectives

- (1) To provide law students an advanced substantive course in land use law focusing on growth management.**
- (2) To provide these students an opportunity to develop their research, analytical, drafting, and communication skills by working for specific clients to address pressing growth management issues.**
- (3) To provide state, regional, and local governments/agencies and others assistance in researching unresolved legal issues surrounding growth management and drafting laws and policies to promote quality growth.**

Course Overview

The course will be taught as a seminar, with students also working in the clinic office to gain related practical experience in the field. The students will meet together and with the two attorney faculty members for at least two hours weekly. These weekly class meetings will combine substantive instruction with staff meetings. Substantive instruction will base itself on readings in substantive law (case law, statutes, and regulations), and in materials on planning, environmental design and ecology. It will also use materials on transactional practice, with problems designed to highlight and develop student understanding of common practice challenges. During staff meeting, the clinic will review the status of pending cases, and discuss the use and development of lawyering approaches to those cases.

In addition to the seminar, students will work in the clinic office on a variety of growth management assignments for 10-20 hours per week. Students will work on comprehensive growth management issues identified at the beginning of each semester by clients such as DCA or GMA (for example, development of a model ordinance) and they will respond to more time-sensitive requests that come in to the clinic throughout the course of the semester. The students' learning will be mediated and focused by direct supervision by the two clinic attorneys.

Students will engage in at least one substantial piece of research and writing, either as client work or as clinic development. These projects might include: written scholarly analysis; policy papers; educational materials; or operative legal documents.

Students will engage in traditional clinical reflection. They will submit periodic journals of their experience, and will have formal personal interviews with the clinic supervisors.

Course Justification

The State of Georgia is under tremendous growth pressure with three of its counties ranking among the top ten fastest growing in the nation. This growth has created short-term economic gain for the state but it has come at a cost. These include a decrease in air and water quality, with a subsequent increase in respiratory illness and drinking water treatment costs. Habitat for terrestrial and aquatic species is being eliminated, resulting in an increase in imperiled species. As property taxes increase to pay for sprawling schools and infrastructure, the financial pressure to convert farm and timber land to residential and commercial use intensifies. Various regions are competing with one another for scarce water resources. Towns are losing their individual character and becoming more and more alike.

Most if not all of these impacts could be avoided if growth were managed carefully. Faculty at the School of Law and the Institute of Ecology have literally pioneered growth management in Georgia, drafting model legislation to protect greenspace, control stormwater and other nonpoint source water pollution, cluster development away from sensitive resources, promote alternative transportation, and preserve farmland. When state agencies and local governments need help in these areas, it is the University of Georgia they approach. We have involved UGA legal externs as well as graduate students from environmental design, ecology, and economics in this work. Yet we have lacked the staff resources necessary to respond to all of the requests that have come our way, particularly those that are time-sensitive. This clinic should dramatically increase our capacity to respond to these requests.

This course will broaden the Law School's offerings in land use law, helping us attract bright students interested in the developing field of growth management, and assuring they graduate with invaluable practical experience in the field. It is likely that we will be able to offer even more related advanced courses to our law students in the next several years as the School of Environment and Design develops a graduate environmental planning degree and recruits additional faculty in growth management.

The clinic develops and diversifies existing opportunities within the Civil Clinic program. It provides a formal opportunity for clinical work in administrative and transactional law, with a heavy stress on legal and public policy issues of relevance to any lawyer engaged in real estate and commercial law and in community leadership on state or local land use issues.

When and by whom taught

Laurie Fowler and Jamie Baker Roskie would teach this course each semester.

Roskie is a 2001 graduate of the University of Georgia Law School. She graduated 13th in her class, and was inducted into the Order of the Coif. She received the Attorney's Title Guarantee award for being that year's outstanding student in real estate law, for excellence in real estate classes and in research and writing on constitutional issues related to zoning of religious institutions. She participated in the Civil Clinic's Externship program, working with Laurie Fowler on transferable development rights in Clarke County, conservation easement tax assessments, and other growth management projects throughout Georgia. For the past year she worked at the law firm of Shaw Pittman in Washington D.C., doing land use and immigration work. Before law school, Roskie coordinated an Immigration Law Clinic at a refugee services agency in Portland, Oregon. Prior to that she was a free-lance writer, and an administrator for various non-profits in Portland.

Fowler is an expert in growth management, serving as an adviser to state and regional agencies and local governments on land use and environmental issues. She has authored/co-authored legislation, guidebooks, and book chapters on riparian buffers, conservation subdivisions, conservation easements, and transferable development rights. She teaches continuing education courses on growth management to attorneys, local elected officials, and planners. She is currently a principal investigator for various governmental and regional land use and environmental initiatives. She is co-chair of the University of Georgia's Balanced Growth Initiative, and is co-director of the College of Environment and Design's Office of Public Service and Outreach. She is the only academic appointment to the Governor's 12-member Environmental Advisory Council and the only representative of a law school on the Advisory Committee to the Joint Water Study Committee of the Georgia Legislature.

Visiting teachers will also appear to teach within their areas of expertise.