

Cover Sheet: Request 12136

Environmental, Land Use, and Real Estate Law

Info

Process	Certificate New Ugrad/Pro
Status	Pending at PV - University Curriculum Committee (UCC)
Submitter	Amy Mashburn amashbur@ufl.edu
Created	11/29/2017 2:32:09 PM
Updated	9/22/2018 2:49:45 PM
Description of request	Request for approval of a new certificate program.

Actions

Step	Status	Group	User	Comment	Updated
Department	Approved	LAW - Juris Doctor 012406001	Tanya Dampier		3/7/2018
Damian Adams SFRC Consultation.pdf					11/29/2017
David Ling MSRE Consultation.pdf					11/29/2017
Dean's LetterELUREL.pdf					2/27/2018
College	Approved	LAW - College of Law	Amy Mashburn		3/7/2018
No document changes					
Office of Institutional Planning and Research	Approved	PV - Office of Institutional Planning and Research	Cathy Lebo		5/4/2018
No document changes					
Associate Provost for Undergraduate Affairs	Approved	PV - APUG Review	Tobin Shorey		9/22/2018
No document changes					
University Curriculum Committee	Pending	PV - University Curriculum Committee (UCC)			9/22/2018
No document changes					
Office of the Registrar					
No document changes					
OIPR Notified					
No document changes					
Student Academic Support System					
No document changes					
Catalog					
No document changes					
Academic Assessment Committee Notified					
No document changes					
College Notified					
No document changes					

Certificate|New for request 12136

Info

Request: Environmental, Land Use, and Real Estate Law

Description of request: Request for approval of a new certificate program.

Submitter: Amy Mashburn amashbur@ufl.edu

Created: 11/29/2017 2:19:34 PM

Form version: 1

Responses

Certificate Name

Enter the name of the certificate. Example: Urban Pest Management.

Response:

Environmental, Land Use & Real Estate Law

Transcript Title

Enter the transcript title of the certificate. This is limited to 50 characters, including spaces.

Response:

Environmental, Land Use & Real Estate Law

Credits

Enter the total number of credit hours needed to complete the certificate program.

Response:

20 Students completing the Land Use and Real Estate track can complete with 19 credits if they complete the 2-credit version of Local Government Law instead of the 3 credit format.

Level

Enter the program level of the certificate.

Response:

Professional

CIP Code

Enter the six digit Classification of Instructional Programs (CIP) code for the degree program associated with the proposed certificate. The code has the numerical format XX.XXXX. Contact the [Office of Institutional Planning and Research \(OIPR\)](#) to verify the CIP code for the existing degree program.

Response:

22.0101

Degree Program

Enter the degree program associated with the CIP code entered above (e.g. Accounting).

Response:

J.D.

Effective Term

Enter the term (semester and year) that the certificate would start.

Response:
Fall

Effective Year

Response:
2018

Certificate Description

Enter a description of the certificate. This is limited to 50 words or fewer.

Response:
The Certificate in Environmental, Land Use & Real Estate Law provides students a strong academic foundation for entering practice in these three related fields of law. Students select the Environmental & Land Use track or the Land Use & Real Estate track and complete required, elective, and skills courses.

Requirements for Admission

List any requirements for admission to this new certificate program such as grade point average, background in the discipline, current enrollment status, etc.. Please indicate if the certificate only accepts students of a particular status: for example, current UF graduate students, graduate students in a specific college, non-degree seeking students, or any student status.

Response:
Students seeking admission must successfully complete their first semester of law study, complete an application form, and submit a statement of interest.

Requirements for Completion

List all of requirements for completion of the certificate program, such as courses, internships, projects, etc. For each course, indicate prefix, number, title, # credits, and established grading scheme (letter graded, and/or S/U). The title should be identical to the official title of the course as listed in the Graduate Catalog at <http://gradcatalog.ufl.edu>.

Response:
NOTE: All courses listed below are graded unless noted otherwise.

To receive the certificate, students must successfully complete:

- 5 required core courses for the relevant track
- 5 credit hours in approved electives, including a seminar or course which satisfies the senior writing requirement for the relevant track
- 3 credit hours in one of the following approved skills courses:
an externship in environmental, land use, or real estate law
the Conservation Clinic

or

another skills course with approval of the Director (3 credits),
and must

- Maintain a 3.0 GPA in 15 credits of the core and elective environmental, land use, or real estate courses they complete.

Environmental and Land Use Track

Required Core Courses

- LAW 6471 Environmental Law (3 credits)
- LAW 6472 Natural Resources Law (3 credits)
- LAW 6460 Land Use Planning and Control Law (3 credits)
- LAW 6520 Administrative Law (3 credits) or LAW 6521 Florida Administrative Law (2 credits)
- LAW 6930 Capstone Colloquium (1 credit) (S/U)

Electives

- LAW 6520 Administrative Law (3 credits)
- LAW 6930 Advanced Takings Law (2-3 credits)
- LAW 6474 Agricultural Law and Policy (3 credits)
- LAW 6930 Condominium & Community Development Law (2 credits)
- LAW 6465 Conservation Clinic (3 credits; may be taken for 1 or 2 semesters)
- LAW 6930 Energy Law and Policy (3 credits)
- LAW 6942 Externship (up to 6 credits)
- LAW 6521 Florida Administrative Law (2-3 credits)
- LAW 6905 Independent Study – Must be overseen by an environmental or land use law member (up to 3 credits) (S/U)
- LAW 6930 International and Comparative Environmental Law* (2 credits)
- LAW 6930 International and Comparative Environmental Law Skills Lab* (1 credit)
- LAW 6930 International Environmental Law
- LAW 6930 International Law of the Sea
- LAW 6421 Land Finance (3 credits)
- LAW 6555 Law & Economics (2-3 credits)
- LAW 6531 Local Government Law (2-3 credits)
- LAW 6940 Mediation (2-3 credits)
- LAW 6930 Negotiation and Mediation (3-4 credits)
- LAW 6385 Negotiation (2-3 credits)
- LAW 6524 Statutory Interpretations (2 credits)
- LAW 6930 Water Law (2 credits)
- LAW 6930 Wetlands and Watersheds: Law, Science & Policy (3 credits)

Seminars (all 2 credits)

- LAW 6936 Animal Rights & the Law
- LAW 6936 Climate Change Law
- LAW 6936 Energy Law & Policy
- LAW 6936 Historic Preservation Law
- LAW 6460 Land Use
- LAW 6936 Sea Level Rise Law and Policy
- LAW 6930 Supreme Court and the Environment
- LAW 6930 Takings Law
- LAW 6936 Wildlife Law

NOTE: Because course offerings sometimes change due to faculty sabbaticals, the development of new courses, the presence of visiting or new faculty or for other reasons, the Director may grant waivers to certificate requirements or approve additional courses not currently listed as counting towards certificate requirements in appropriate circumstances. Other courses may qualify as program electives with the Director's approval.

In addition to the core courses and electives, students interested in deeper knowledge about environmental and land use issues can draw on the resources and opportunities offered by the University of Florida, a major research University with a wealth of relevant programs and degrees.

*Offered through the Summer Environmental Study Abroad Program in Costa Rica

Real Estate and Land Use Law Track

Required Core Courses

- LAW 6460 Land Use Planning and Control Law (3 credits)
- LAW 6930 Real Estate Transactions (3 credits)
- REE 6045 Introduction to Real Estate (2 credits)**
- LAW 6531 Local Government Law (2-3 credits)

- LAW 6930 Capstone Colloquium (1 credit) (S/U)

Electives

- LAW 6520 Administrative Law (3 credits)
- LAW 6930 Advanced Takings Law (2-3 credits)
- LAW 6474 Agricultural Law and Policy (3 credits)
- LAW 6930 Condominium & Community Development Law (2 credits)
- LAW 6465 Conservation Clinic (3 credits; may be taken for 1 or 2 semesters)
- LAW 6930 Energy Law and Policy (3 credits)
- LAW 6930 Externship (up to 6 credits)
- LAW 6905 Independent Study – Must be overseen by a Land Use or Real Estate Faculty member (up to 3 credits) (S/U)
- LAW 6421 Land Finance (3 credits)
- LAW 6555 Law & Economics (2-3 credits)
- LAW 6940 Mediation (2-3 credits)
- LAW 6930 Negotiation and Mediation (3-4 credits)
- LAW 6385 Negotiation (2-3 credits)
- LAW 6524 Statutory Interpretations (2 credits)
- LAW 6930 Water Law (2 credits)
- LAW 6930 Wetlands and Watersheds: Law, Science & Policy (3 credits)
- LAW Any course included in the required or elective curriculum for UF's Nathan S. Collier Master of Science in Real Estate (1-3 credits)***

Seminars (all 2 credits)

- LAW 6936 Climate Change Law
- LAW 6936 Historic Preservation Law
- LAW 6298 International Trade & Environment
- LAW 6460 Land Use
- LAW 6936 Sea Level Rise Law and Policy
- LAW 6930 Takings Law
- LAW 6936 Wildlife Law

NOTE: Because course offerings sometimes change due to faculty sabbaticals, the development of new courses, the presence of visiting or new faculty or for other reasons, the Director may grant waivers to certificate requirements or approve additional courses not currently listed as counting towards certificate requirements in appropriate circumstances. Other courses may qualify as program electives with the Director's approval.

In addition to the core courses and electives, students interested in deeper knowledge about land use and real issues can draw on the resources and opportunities offered by the University of Florida, a major research University with a wealth of relevant programs and degrees. In particular, students interested primarily in real estate development are encouraged to consider electives from among the curricular offerings associated with UF's Nathan S. Collier Masters in the Science of Real Estate Program.

Rationale and Place in Curriculum

Describe the rationale for offering this new certificate and having it on the transcript, its place in the curriculum, how it will enhance the quality of the existing program or department. Also describe its overlap with any existing certificates and programs, and a justification for any such overlap. Note that documentation of consultation will be expected for any certificate with overlapping content.

Response:

The certificate prepares students to practice in the closely related fields of environmental, land use, and real estate law. The Juris Doctor degree does not otherwise provide students the opportunity to select a major or otherwise specialize. The certificate provides students the academic foundations to prepare them for careers in these fields. In addition, successful

completion of the certificate provides students a means to communicate to potential employers that they have completed a rigorous program to prepare them for practice in these fields.

The certificate does not overlap with any other certificates, none of which focus on the law related to environment, land use, or real estate. It supplements existing joint degree programs that enable students to focus on natural resources and the environment, land use planning and real estate. However, only a small number of students pursue these inter-disciplinary programs, which require a significant commitment of time (at least one additional year typically for a Masters joint degree) and resources. Law faculty currently encourage students who express early interest in these fields to consider these joint degree programs. The availability of a certificate will focus student attention on these fields and make it easier for faculty to communicate information about the joint degree programs to potentially interested students. Thus, the certificate will provide a less intensive option that provides students a solid legal foundation for practice in these fields.

Student Learning Outcomes

List each student learning outcome with its associated courses, assessment type (e.g. course-related exam/assignment/grade, final paper/project/presentation, standardized exam, capstone) and method (e.g. rubric, faculty committee, single faculty member).

Response:

Knowledge

SLO #1: Students identify and describe basic principles of environmental and land use law.

Associated Courses: Environmental Law & Land Use Planning and Control Law (ELUL Track) or Land Use Planning and Control Law & Real Estate Transactions (LURE Track)

Assignment: Final Examination

Method: Rubric

Skills

SLO #2: Students identify legal issues raised in a complex hypothetical fact pattern.

Associated Courses: Environmental Law & Land Use Planning and Control Law (ELUL Track) or Land Use Planning and Control Law & Real Estate Transactions (LURE Track)

Assignment: Final Examination

Method: Rubric

SLO #3: Students analyze legal issues by applying relevant statutes, case law and legal principles to hypothetical fact pattern to predict outcome.

Associated Courses: Environmental Law & Land Use Planning and Control Law (ELUL Track) or Land Use Planning and Control Law & Real Estate Transactions (LURE Track)

Assignment: Final Examination

Method: Rubric

SLO#4: Students produce a substantial written work based on original research on a topic related to environmental or land use law.

Associated Courses: Any Seminar or other approved method for completing Advanced Writing Requirement (e.g. Independent Research, Note published in a Co-curricular journal)

Assignment: Advanced Writing Requirement

Method: Instructor Certification that paper satisfies Advanced Writing Requirement

Professionalism

SLO #5: Students demonstrate professional behavior in timely completion of all assignments and in interactions with peers and guest speakers in Environmental Capstone Colloquium.

Associated Course: Environmental Capstone Colloquium

Assignment: Reaction Papers and participation in class discussion

Method: Rubric and Capstone Instructor evaluation

External Consultation Results (departments with potential overlap or interest in proposed course, if any)

Department School of Forest Resources and Conservation	Name and Title Damian Adams, Associate Professor
Phone Number 352-846-0872	E-mail dcadams@ufl.edu
<p>Comments</p> <p>I teach in and helped develop the Graduate Certificate in Natural Resource Policy and Administration. This program focuses primarily on policy and administration and only incidentally on legal issues. In the certificate, the only coverage of legal issues assesses the practical impact of law on policy and management decisions rather than the deep understanding of the law required for legal professionals. There is no significant overlap between the two programs.</p>	

Department _____	Name and Title _____
Phone Number _____	E-mail _____
<p>Comments</p>	

Department _____	Name and Title _____
Phone Number _____	E-mail _____
<p>Comments</p>	

External Consultation Results (departments with potential overlap or interest in proposed course, if any)

Department Finance, Insurance, and Real Estate	Name and Title David C. Ling, McGurn Professor of Real Estate, Director MSRE
Phone Number 352-273-0313	E-mail david.ling@warrington.ufl.edu
<p>Comments</p> <p>I support the proposed Certificate in Environmental, Land Use, and Real Estate Law and the Real Estate track it incorporates. The certificate is a positive for both the law and the real estate programs, augmenting opportunities for law students interested in real estate. The proposal does not duplicate existing offerings in the Masters of Science in Real Estate program. I discussed with Professor Alyson Flournoy the inclusion of Introduction to Real Estate (REE 6045) as a requirement for the real estate track of the proposed certificate and welcome it. There are sufficient seats in this course (which is offered 3 times a year) to accommodate the anticipated additional students.</p>	

Department	Name and Title
_____	_____
Phone Number	E-mail
_____	_____
<p>Comments</p>	

Department	Name and Title
_____	_____
Phone Number	E-mail
_____	_____
<p>Comments</p>	

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February 26, 2018

Professional Certificate Approvers

Re: College of Law's Proposal for an Environmental, Land Use, and Real Estate Law
Certificate program

Dear Committee Members:

I support the College of Law's Environmental, Land Use, and Real Estate Law ("ELUREL") Certificate program proposal. The certificate will allow J.D. students to obtain a certification that they have completed a structured course of study resulting in mastery of a specialized area of law. As the attached *Memorandum* explains, the proposed ELUREL Certificate would, if adopted, modify an earlier version of an environmental law certificate program that was in operation for a number of years at the law school. Recognizing the need to obtain approval, the College used the process as an opportunity to evaluate the strengths and weaknesses of the then-existing program. The resulting proposal addresses the deficiencies that process identified. The modifications are designed to enhance and rationalize the former program by making it attractive to more students and allowing determination of whether the certificate contributes to positive employment outcomes for students. In the future, program administrators will collect and analyze recruitment and placement statistics to allow for more data-based assessments of the value of the certificate.

The ELUREL certificate proposal was submitted to the College's Curriculum Committee on September 1, 2017. The Committee subsequently voted unanimously to recommend approval of the proposal to the faculty. That recommendation came before the faculty at a meeting held on October 24, 2017. The ELUREL certificate proposal, with a faculty amendment that added a provision for an in-depth assessment and review by the College every five years, was approved by unanimous vote. The College's reviews every five years would be in addition to the annual assessment required by University policy. The vote and the discussion at the meeting reflect the

faculty's enthusiasm for and commitment to continuation of the College's certificate program in this area of law.

I am familiar with the criteria the University uses to determine whether to approve a new certificate, and I believe the attached *Memorandum* offers sufficient evidence that this proposal meets those criteria. The program builds upon an institutional commitment to environmental law research, scholarship, and teaching, a strength of both the College and UF. The program is the result of strategic planning in furtherance of the College's mission. The program will experiment with distance learning and has already generated creative, interdisciplinary initiatives with other units at UF. The students assume leadership positions in planning and conducting a highly successful annual academic conference that puts our program, faculty, and students in the national spotlight. The proposal (and the pre-existing program) were created and are sustained by a collaborative process that involves faculty, students, administrators, alumni, and other constituents. A critical mass of productive and distinguished faculty are involved with the program and committed to the teaching, research, and scholarship necessary to sustain it. See, "Key Faculty" at <https://www.law.ufl.edu/areas-of-study/curriculum-roadmaps/environmental-land-use-law>.

Approval of the ELUREL Certificate proposal will further the College's mission to provide students with a well-rounded legal education and help them develop the skills necessary to use that knowledge in practice. In addition, we hope the program will assist in the College's admissions and recruitment efforts, which are vital to maintaining and improving our national ranking. As the attached *Memorandum* shows, the existence of a desirable certificate program, such as the ELUREL certificate, positively affects the decision-making of many prospective students. Offering this certificate program will allow the College to recruit highly-qualified students who might otherwise choose not to attend UF. For matriculating students, the program will enhance their educational experience in many ways. See, <https://www.law.ufl.edu/areas-of-study/concentration/elul/elul-certificate>. It is designed to afford students a guided and structured way to navigate the College's extensive and challenging curriculum and to acquire in-depth knowledge of a specialized area of law. See, <https://www.law.ufl.edu/areas-of-study/curriculum-roadmaps/environmental-land-use-law>. The program will create opportunities for students to interact closely with our distinguished faculty, as well as alumni, students, professors from other units at UF, and professors from other countries. I also hope the certificate will increase the likelihood that our students will find desired employment upon graduation. In the future, the College will collect and analyze placement statistics, information vital to any valid assessment of the program's costs and benefits.

The College's self-assessment of the prior program identifies the low number of students completing the requirements for the certificate as the program's primary weakness. The addition of Real Estate Law to the available areas of specialization is designed to address this deficit.

This is a high-demand specialization in practice and one that students frequently identify as desirable. I am hopeful that this addition will produce a significant increase in the number of students successfully completing the program and obtaining the ELUREL Certificate. Consequently, I urge the Committee to approve the proposal as submitted and thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink that reads "Laura A. Rosenbury". The signature is fluid and cursive, with a large loop at the end of the word "Rosenbury".

Laura A. Rosenbury
Dean and Levin, Mabie and Levin Professor of Law

Memorandum

To : The Curriculum Committee

From : Mary Jane Angelo, Tom Ankersen, Alyson Flournoy, Christine Klein, Amy Stein, Michael Wolf

Date : September 1, 2017

Re : Proposal to Seek University Approval for Environmental, Land Use, and Real Estate Law Certificate

This proposal results from College of Law efforts to comply with the University rules regarding University approval of certificates. The Environmental and Land Use Law (ELUL) certificate was approved by the curriculum committee and the faculty in 1998, and several subsequent amendments to the certificate requirements have been similarly approved. However, the University has required that the program be re-approved through the appropriate college processes before going through the main campus approval process.

Specifically, we have been asked to include information regarding:

- the operation of the program;
- the number of students graduating with the certificate over the last four years;
- current and future staffing of the curriculum and reliance upon adjuncts; and
- a balanced assessment of its strengths and weaknesses and challenges going forward.

This proposal was initiated to bring the previously-approved ELUL certificate program into compliance with the University policy. Based on discussions among the faculty associated with the certificate, we also decided that it was timely to incorporate several changes we had begun to discuss earlier, which this review convinced us were appropriate: to incorporate and highlight the relevance of real estate law to the certificate by renaming the certificate and creating two separate tracks for students to pursue.

Since learning of the University's insistence that all programs come into compliance last year, Associate Dean Amy Mashburn has been working with the directors of programs with college-approved certificates over the last year to assist

them in making decisions on whether to seek University approval. Although there has been a grace period granted for programs to continue to award certificates pending seeking approval for students graduating this academic year, the grace period will likely preclude the offering or award of certificates to students already enrolled in the program, some of whom have already met most of the requirements for obtaining a certificate and many of whom have stated that the ELUL certificate was a primary factor in them choosing to attend UF Law.

Faculty or University approval in no way sets this or any other program in stone or commits to its permanent existence. Approval would permit the College to continue to offer certificates in this field to students going forward, as it has for the last 18 years. Because the University approval process focuses on individual programs and because of the time constraints, this does not provide an ideal setting for a systematic review of all existing programs that the faculty approved. However, this in no way precludes a more systematic review of all programs by the faculty should the faculty or administration favor such a review. This proposal seeks only faculty approval for purposes of seeking university approval to continue offering a certificate in environmental and land use law with the changes described below to incorporate real estate law explicitly.

Background

In 1998, the College of Law faculty first approved a Certificate in Environmental and Land Use Law and in 1999 the first students graduated with certificates. The Certificate was developed by a working group of faculty with input from an Advisory Board drawn primarily from UF Law alumni who had significant practice experience in these fields. The certificate was amended several times, most recently to eliminate the requirement of 8 extra credit hours (beyond those required by the J.D. program) and to add an experiential learning requirement. Strong student and prospective student interest, capitalizing on existing resources at the College, and assisting student career prospects were among the motivating factors for the original proposal and remain motivating forces for offering the certificate.

Current Structure of the Certificate

To complete the program and receive the certificate currently, students must successfully complete:

- 5 required core courses:

- Environmental Law (3 credits)
 - Natural Resources Law (3 credits)
 - Land Use Planning & Control Law (3 credits)
 - Administrative Law (3 credits) *or* Florida Administrative Law (2 credits)
 - Environmental Capstone Colloquium (1 credit)
- 5 credit hours in approved electives, including a seminar or course which satisfies the senior writing requirement;
- 3 credit hours in approved ELUL skills courses:
- an externship in environmental or land use law
 - the Conservation Clinic
 - Environmental Dispute Resolution, or
 - another ELUL skills course with approval of the ELULP Director;

and

- maintain a 3.0 GPA in 15 credits of the core and elective environmental and land use courses they complete.

Number of Students Who Graduated with a Certificate Over the Last Four Years

2012-13	7
2013-14	9
2014-15	8
2015-16	10

Number of Students Currently Enrolled in the Certificate Program

Class of 2018	10
Class of 2019	19

Benefits / Strengths

- ❖ Prepares students who wish to practice in the fields of environmental and land use law
- ❖ Responds to strong student interest in these fields
- ❖ Certificate signals to potential employers a student's interest and that the student has taken the most classes in these fields that are viewed by faculty and practitioners as most important to prepare them

- ❖ Anecdotal and some empirical evidence that it is valued by employers and alumni (ELUL alumni surveyed indicated high value; employers contact program director asking for resumes of certificate students particularly; alumni typically indicate receipt of certificate on their professional bios)
- ❖ Attractive to prospective applicants and students (see Appendix B)
- ❖ Provides curricular guidance to students interested in these fields (the development of the curriculum road maps makes this function less significant)
- ❖ Faculty teaching courses in these areas have strong reputations as both researchers and teachers and have extensive connections to practice, through past work experiences and ongoing contacts with UF Law alumni and the profession
- ❖ Capitalizes on existing strength in full-time faculty with expertise in these fields
- ❖ Capitalizes and has allowed engagement of high profile alumni in these fields such as former EPA Administrator, Walmart Senior Vice President and General Counsel (also former EPA Regional Counsel, former Walmart Vice President for Environmental Compliance), former EPA Regional Administrator, The Nature Conservancy Director of National Conservation, as well as partners in numerous regional and national law firms.
- ❖ By creating a readily-identified cohort of students with a common interest, the certificate:
 - Facilitates mentoring of students by faculty who have knowledge of the field and contacts with employers in the field
 - Permits curricular and extra-curricular activities that provide students professional skills and career development benefits and provide public outreach and service to the community (e.g., 2017 Public Interest Environmental Conference organizing committee included 28 students and had 370 registrants; Conservation Clinic provides service to local governments, state agencies, and NGOs).
 - Creates an identified group of alumni with strong ties to the College who regularly serve as mentors for current students, hire recent graduates, and support the law school
 - Creates a strong pipeline of students for opportunities such as the prestigious Sea Grant Knauss Fellowship, a nationally competitive fellowship for a year working with a federal agency in Washington, D.C. 6 UF Law students have been selected in recent years; those

who pursued the fellowship have found permanent employment with their placement agency.

- ❖ Adds value to real estate and corporate curriculum by providing students exposure to land use and environmental compliance dimensions of practice
- ❖ Integrates experiential learning requirement to align with student interest and career goals
- ❖ Promotes interdisciplinary cross-campus collaboration and student opportunities through faculty engagement with Biodiversity Institute, Florida Climate Institute, Water Institute and other colleges and programs including The College of Engineering, School of Natural Resources and the Environment, Tropical Conservation and Development Program, and graduate student participation in Conservation Clinic
- ❖ Through the Environmental Capstone Colloquium, brings speakers from schools across the country to visit UF Law and interact with a highly motivated, engaged, and informed group of students.
- ❖ Attracts financial support from numerous sources which have included:
 - the Elizabeth Ordway Dunn Foundation
 - the Jelks Foundation (support for the PIEC)
 - the Everglades Foundation (fellowship to support a recent graduate's placement in Washington, DC for one year following graduation)
 - numerous alumni who have made gifts on a recurring basis (to support the Environmental Capstone Colloquium, opportunities related to water law, refurbishing space for the ELULP and Conservation Clinic, Conservation Law fellowships to support summer public interest or government experiences for students)
 - a recent bequest from a deceased alumnus to support environmental and land use law opportunities.
- ❖ ELUL Program has frequently been ranked in US News among the top 10 programs at public universities

Weaknesses

- ❖ Demand for environmental and land use law was severely affected by the recession and has only begun to recover in the last 2-3 years
- ❖ Some students enroll in certificate and do not complete it
- ❖ The current number of course offerings is minimal for maintaining an environmental certificate or concentration

- ❖ Connection to real estate law and opportunities for students interested in real estate and corporate compliance have not been fully developed. (Much environmental and land use work occurs in the context of land development / real estate and corporate compliance practices, especially in Florida.)
- ❖ Program's dual focus on environmental and land use law was selected in an era when Florida was a leader in growth management

Challenges

- ❖ Several of the full time faculty are of long tenure, and one plans to retire in two years (Flournoy). It is likely that one or two others will retire within the next 10 years. Fewer full-time faculty would likely reduce the amount of mentoring and other co-benefits of the certificate.
- ❖ Lack of certainty about the commitment to the certificate creates challenges for student recruitment
- ❖ Top-ranked private law schools such as Harvard, Stanford, Georgetown and Duke have invested in their environmental programs and joined the top US News ranked environmental programs making the rankings more competitive

Opportunities

- ❖ Capitalize on the strong cohort of students and prospective students interested in real estate law
- ❖ Develop the connection with real estate law by outlining a second track within the certificate for those interested in real estate
- ❖ Provide the same benefits outlined above to the large cohort of students interested in real estate law
- ❖ Build stronger ties to alumni in real estate practice to foster mentoring and employment opportunities for interested students, develop specialized short courses in this field
- ❖ Undertake a review of reasons for student failure to complete certificate to assess appropriate response, if any
Capitalize on faculty research that focuses on issues of ongoing importance to Florida and the nation's economy, health, safety, and quality of life.

Proposed Certificate in Environmental, Land Use, and Real Estate Law

Based on the analysis of the programs strengths, weaknesses, challenges and opportunities above, as well as conversations in strategic planning sessions over

the last several years, we believe that changing the name of the certificate to encompass real estate law explicitly and creating separate tracks in (1) Environmental and Land Use Law and (2) Real Estate and Land Use Law would maximize the value of the certificate to students and communicate to students more clearly the interrelationships among these three fields. Creating the tracks would allow students to focus more deeply on regulatory (environmental) law or transactional (real estate) law, while still enabling and encouraging students in each track to take relevant electives related to the other field. Land use law, which UF has linked with environmental law since the program's inception, provides a bridge between the fields of environmental and real estate law.

Justification for Proposed Changes

Although many UF Law students express an interest in real estate law and many UF Law graduates embark on careers in real estate law, land development law, and related fields, currently, UF Law does not have an official "Real Estate Law Program."¹ A number of alumni of the environmental and land-use law program, as well as firms that specialize in real estate law, have expressed an interest in expanding opportunities in real estate law related areas, including finding ways to integrate this area of practice into an expanded ELULP program. Overlap and synergies between real estate law and the ELULP, create numerous opportunities for an expanded program, which would benefit UF Law students. Real estate law, including land transactions, land finance, and land development, necessarily involves issues such as land-use, green and sustainable development, and brownfields development, all of which are encompassed within the fields of environmental and land use law.

As described above, there are significant areas of overlap and synergy between the ELULP and real estate law. Accordingly, rather than develop a completely new program focused on real estate law, there are opportunities to build on and expand the existing program and take advantage of the opportunities already in place including faculty expertise, existing course offerings, and ongoing relationships with other programs on the main campus. We have consulted with Dr. David Ling, Director of the Nathan S. Collier Master of Science in Real Estate Program in the UF Warrington College of Business as we developed this program and he fully supports and welcomes the proposal.

¹ Although UF Law does not currently have a real estate law program, we have developed course "road maps" to assist students interested in this area of law. See links to road maps in Appendix A. In addition, some UF Law students elect to pursue a joint JD/MSRE (masters of real estate). For more information on the joint program, see Appendix B.

Currently, three of the faculty members who teach the required first-year Property course are actively involved with the ELUL Certificate: professors Flournoy, Klein, and Wolf. Moreover, many real estate-related course offerings, such as real estate transactions and condo and community development law, are already electives for the ELUL certificate. The environmental and land use law curriculum currently includes numerous courses that relate to or could enhance a real estate law concentration including: environmental law, water law, Florida land use, historic preservation, wetlands and watersheds, sea-level rise law and policy, takings law, and local government law. Thus, it would be relatively easy to expand the certificate program to include a real estate law track.

In April 2017, Alyson Flournoy and Tom Ankersen participated in the review of the Real Estate Law curriculum roadmaps along with alumni attendees at the LCA Trustees' Meeting. In a breakout group, we solicited the alumni's views on gaps in our curriculum. These included four real estate practitioners who provided perspectives from practices with two different big firms, one small firm, and as in-house counsel with a national developer. Based on their recommendation, we believe that a course (possibly a short intensive spring break course or other similar format) drawing on practitioners, based on a simulated case study, could fill the curricular gaps they all identified as most significant for practice. Tom Ankersen has undertaken to develop a proposal for such a course which will be presented to the curriculum committee for provisional approval later this academic year.

Beyond that, we do not envision proposing any additional new courses to initiate the real estate track. Instead this proposal builds on the existing courses we offer and the foundational course already offered in the Master of Science in Real Estate (MSRE) Law curriculum (REE 6045 Introduction to Real Estate) that provides grounding in important topics such as finance and property valuation. Based on conversations with Dr. David Ling, the Director of the MSRE program, this course is appropriate for law students and is consistently offered twice during the academic year and once during the summer. Thus, notwithstanding the scheduling differences among colleges, it should be accessible to interested students. The experience of students pursuing the joint degree confirms this. Dr. Ling confirmed that there are adequate seats to accommodate interested law students. The proposal also would allow students to choose an additional elective

from the MSRE program. This option would likely be of interest only to a handful of students beyond those who already elect to pursue the joint JD/MSRE.

Requirements for the Certificate (Both Tracks)

To complete this program, students must successfully complete:

- The 5 required core courses for the relevant track
- The 5 credit hours in approved electives, including a seminar or course which satisfies the senior writing requirement for the relevant track
- The 3 credit hours in an approved skills courses:
 - an externship in environmental, land use, or real estate law
 - the Conservation Clinicor
 - another skills course with approval of the Director

and must

- Maintain a 3.0 GPA in 15 credits of the core and elective environmental, land use, or real estate courses they complete.

Environmental and Land Use Track

Required Core Courses

- Environmental Law (3 credits)
- Natural Resources Law (3 credits)
- Land Use Planning and Control Law (3 credits)
- Administrative Law (3 credits) or Florida Administrative Law (2 credits)
- Capstone Colloquium (1 credit)

Electives

- Administrative Law (3 credits)
- Advanced Takings Law (2-3 credits)
- Agricultural Law and Policy (3 credits)
- Condominium & Community Development Law (2 credits)
- Conservation Clinic (3 credits; may be taken for 1 or 2 semesters)
- Energy Law and Policy (3 credits)
- Externship (up to 6 credits)
- Florida Administrative Law (2-3 credits)

- Independent Study – Must be overseen by an environmental or land use law member (up to 3 credits)
- International and Comparative Environmental Law* (2 credits)
- International and Comparative Environmental Law Skills Lab* (1 credit)
- International Environmental Law
- International Law of the Sea
- Land Finance (3 credits)
- Law & Economics (2-3 credits)
- Local Government Law (2-3 credits)
- Mediation (2-3 credits)
- Negotiation and Mediation (3-4 credits)
- Negotiation (2-3 credits)
- Statutory Interpretations (2 credits)
- Water Law (2 credits)
- Wetlands and Watersheds: Law, Science & Policy (3 credits)

Seminars

- Animal Rights & the Law
- Climate Change Law
- Historic Preservation Law
- Land Use
- Sea Level Rise Law and Policy
- Supreme Court and the Environment
- Takings Law
- Wildlife Law

NOTE: Because course offerings sometimes change due to faculty sabbaticals, the development of new courses, the presence of visiting or new faculty or for other reasons, the Director may grant waivers to certificate requirements or approve additional courses not currently listed as counting towards certificate requirements in appropriate circumstances. Other courses may qualify as program electives with the Director's approval.

In addition to the core courses and electives, students interested in deeper knowledge about environmental and land use issues can draw on the resources and opportunities offered by the University of Florida, a major research University with a wealth of relevant programs and degrees.