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Julian Conrad Juergensmeyer: Teacher, Lawyer, and Scholar - Vignettes for Our Times and All Times

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JULIAN CONRAD JUERGENSMEYER: TEACHER, LAWYER, AND SCHOLAR – VIGNETTES FOR OUR TIMES AND ALL TIMES

John Travis Marshall*

An email from Julian pings my laptop. It is the afternoon of July 3, 2020, the beginning of the Independence Day long weekend and a holiday for most people. While the tide of coronavirus cases swells anew and many of us concentrate on sealing ourselves off from the world, Julian shares an email with me from an international group of scholars. These fellow teachers and researchers are working on the rapidly emerging challenges the pandemic raises for cities and the future of urban development. They need an immediate outlet for their writings. Julian and our colleague, Karen Johnston, are troubleshooting about how the College of Law's Metropolitan Growth Center can dedicate a volume of the Center's Journal of Comparative Urban Law & Policy to assist.

This request's pressing nature at an already hectic time would have led many to dismiss the opportunity to promote the work of a new and wide-ranging cohort of scholars. But that's not how Julian views his vocation as teacher, scholar, and advocate, and certainly not when there is an international team of thinkers crafting solutions to a problem that has overwhelmed cities here in the U.S. and abroad. It is of no matter that Julian is entering his last semester of teaching after 55 years working alongside students in Florida, Georgia, and around the globe. Nor will there be mention to anyone that he will be putting aside two books he is co-authoring and an article that he is drafting. Never mind that his College of Law faculty office, a gold mine of 20th and 21st century resources on U.S. and comparative land use, growth management, and property law, awaits packing. For the moment, all that can wait. Colleagues working to address the critical challenges a pandemic brings to the well-being of cities globally need assistance.

While wisely mindful that there are practical limitations on how scholars and lawyers can constructively contribute to addressing the most difficult problems

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of our times, Julian never hesitates to engage where he can meaningfully bring his experience and resources to bear. Collectively, Julian's endeavors throughout his career reflect a mosaic of moments — modest and minor, profound and momentous — that inform his colleagues' and friends' understanding of how a scholar and teacher's remarkable industry and contagious joy can bring insight and encouragement to the students and communities he serves. A mere few pieces of this 'mosaic' of Julian's legacy as teacher – a work still very much in progress -- are highlighted in these paragraphs that follow.

TEACHER, SCHOLAR, AND ADVOCATE

Consider the following reflections of lawyers Julian taught two, three, and four decades ago. Their vivid recollections describe a teacher who not only invigorated the study of property law or land use law, but one who mentored them and inspired discernment about their future work as lawyers. With the state of Florida then consistently at the forefront of land use and growth management law, Julian seized the opportunity to bring current disputes over land use planning issues into the classroom. He challenged students to grapple with the same emerging legal issues that he was considering as an advocate and consultant for local governments in Florida and throughout the U.S. At the same time, Julian remained mindful that his role as professor extended beyond imparting legal skills and knowledge. Classroom discussions, research projects, and 'office hours' conversations were opportunities to help students find and confirm their career aspirations.

Julian eschews the approach to law teaching that involves dusting off old lecture notes and leaning on thick, heavy casebooks to provide students with context and background. His ongoing engagements as consultant and expert witness, or as a member of a state or national study committee, mean that he has always feathered into his course coverage some hard-to-find state trial court decisions, otherwise rare copies of planning documents from leading jurisdictions, as well as guest lectures from the leading economists, planners, attorneys, and public officials. One former student shared that Julian's classes did more to prepare him for law practice than virtually any other class in law school.¹ Brian Leebrick recalls that when he "moved to a county that had not developed a zoning code," Leebrick had the "opportunity to put many of [Julian's] ideas into force." Leebrick "worked with the local government to mold [its] code and administrative processes" all while "guided by ideas . . . learned in [Julian's] courses."²

¹ E-mail Correspondence from Brian D. Leebrick, Assistant County Attorney, Bay County Attorney's Office to John Marshall (May 22, 2020) (on file with the author).

² Id.

A fundamental understanding that Julian has imparted to his students for decades is that land use and growth management law is not the exclusive domain of attorneys. It is necessarily an interdisciplinary area of practice and scholarship. Planners, engineers, and architects examine the challenges associated with how communities might best take shape. Economists help us to understand the market and industry-related forces that not only help drive growth, but also leave many without sufficient resources and opportunities. Julian taught an interdisciplinary land use law class more than thirty years, co-teaching his class with Dr. Jim Nicholas, an economist and Professor in the University of Florida's Urban and Regional Planning program, at a time when there were scant course offerings mixing law with other disciplines.³ Julian also spearheaded efforts at University of Florida and, later Georgia State University and Georgia Tech, to create dual degree programs in law as well as community and regional planning.

It isn't hard to find former students ready to speak with gratitude and enthusiasm about the importance of their interdisciplinary studies and training to their future practice. Students who followed Julian's advice to pursue the dual degree explain that it has been "invaluable in helping them work with local government planning staffs and neighborhood groups."⁴ It enables them to wear their collaborative hat as 'planners' and not simply be viewed in the more oppositional role some ascribe to lawyers.⁵ Regardless of whether Julian was able to convince his students to consider pursuing a planning degree while in law school, many share an appreciation for the real-world, ground level view Julian provided of community planning and development work. Law students who took his land use, growth management, and agriculture law classes credit his interdisciplinary approach with giving them "a framework and a vocabulary to work through many of the issues" they encountered shepherding a development project.⁶

³ Phone interview with James C. Nicholas, Ph.D., Professor Emeritus of Urban and Regional Planning and Law, Univ. of Florida, Gainesville, FL (May 20, 2020) (on file with author). Julian and Jim Nicholas not only teamed-up in the classroom, but at public hearings, court proceedings, and conferences in Florida and across the country. Nicholas shared that he and Julian "loved the dual aspect of teaching and consulting." It was clear to them that "students always liked to hear about real life problems and issues" alongside legal doctrine.

⁴ WebEx conference call with tribute to Julian Juergensmeyer from Jeff Haymore, Esq., Dillard Sellers, Atlanta, GA (June 17, 2020).

⁵ Id.

⁶ Id.

“I was always interested in real estate development,” reflected R. Mason Blake, “and Julian kept encouraging me to develop an idea we had discussed during the time I served as his graduate research assistant.”⁷ Well before most law schools had committed significant resources to clinical and other experiential programming, Julian fostered opportunities for his students and graduate research assistants to engage the most pressing matters in law and planning. Mason Blake was a student in Julian’s first year property law class. He later served as his graduate research assistant and, in that role, was immersed in Julian’s research on the legal arguments for impact fees to pay for desperately need local infrastructure.

It was the 1970s. Florida boomed with new real estate development. Julian’s law students, including Blake, viewed the rapid growth of their home state with a sense of both great promise and some trepidation. Their law school training gave them the opportunity to consider how the law could mediate the process of finding a balance between robust economic growth and preserving Florida’s outstanding natural resources. Julian was then in the thick of this debate. His professional and scholarly work was devoted to thinking about the challenges associated with the state’s rapid growth. He had begun working with attorneys and planners throughout the country, as well as with Florida local governments, to consider how to prudently accommodate the dramatic residential growth that was causing almost all of Florida’s cities to swell in geographic size and population. Julian had come to appreciate that growth would be inevitable, but he and his professional and scholarly collaborators knew that there were both smart and irresponsible approaches to accommodating it. Julian also knew that a critical strategy for properly managing growth involved developers partnering to help pay for the roads, parks, water, schools and other infrastructure necessary to support new development. However, in Florida and across the country, many large landowners and developers initially bristled at the idea of having to help pay for their proportionate share of public infrastructure to support development of their proposed projects.

It was collaboration between Julian and Blake that helped crystalize the appropriate legal standard Florida courts would use to review the constitutionality of local government impact fee ordinances. In a co-authored 1981 Florida State Law Review article, which has been cited extensively by scholars, courts, and commentators, Julian and Blake described how the so-called dual rational nexus

⁷ Telephone interview with R. Mason Blake, Esq., Dean Mead, Melbourne, FL (May 22, 2020).

test supplies the appropriate criterion for review of impact fee ordinances.⁸ Although the arc of Blake's professional career was already bending toward real estate development, he cites his experience learning from, and working with, Julian as providing important confirmation of his calling as lawyer and developer. Blake would go on to play a critical role in development of one of the nation's leading planning communities, Viera, Florida.

The list of articles and books Julian has written, including those co-authored with former students and junior colleagues, is long and continues to grow.⁹ Julian has been an extraordinarily productive scholar. There's no doubt about that. But there's another even more important way in which he has been prolific. Perhaps Julian's greatest contribution to law practice and law teaching is measured by the lives he has changed through mentoring and helping students refine their crafts as young lawyers.

A thread that unites the stories of many students who worked with and were taught by Julian concerns his gently and cheerfully candid approach to providing feedback. "Julian had high expectations for work product" recalled Alan Armour.¹⁰ He never missed an opportunity to suggest ways to improve. But, in so doing, his students appreciated that he avoided the cuttingly critical and directive comments typically associated with law school classrooms. Elizabeth Hernandez credits Julian with "teaching [her] how to write."¹¹ She recalls that when Julian reviewed her research memos during an office conference, he would highlight an area of concern by first assuring her that "you know, I really like how you said this," and then challenge her to find a way to improve her arguments even more, inquiring whether she thought her analysis "would be even better if we expressed the thought this way" This cooperative understanding of the student-teacher relationship instilled

⁸ Julian C. Juergensmeyer and Robert Mason Blake, *Impact Fees: An Answer to Local Governments' Funding Dilemma*, 9 FLA. ST. U. L. REV. 415 (1981). As of July 2020, Google Scholar reports 141 citations to this seminal article – many of those references in leading law reviews and legal treatises.

⁹ The presentations, newsletters, book chapters, and articles that Julian has co-authored with his former students are too numerous to list here, but they include: M. Becht Neel and Julian Juergensmeyer, *Financing Urban Transportation Infrastructure: Old and New Approaches for Funding Urban Regeneration and Resiliency: The Atlanta Example in HOW CITIES WILL SAVE THE WORLD* (Raymond Brescia & John Travis Marshall, eds., 2016); Julian Conrad Juergensmeyer, James C. Nicholas, & Brian D. Leebrick, *Transferable Development Rights and Alternatives after Suitum*, 30 URB. LAW 441 (1998).

¹⁰ E-mail correspondence with Alan Armour II, Esq., Nason Yeager, Palm Beach Gardens, FL (May 20, 2020) (on file with author).

¹¹ Telephone interview with Elizabeth Miranda Hernandez, Esq., Bowman and Brooke, Coral Gables, FL (May 20, 2020).

confidence and ignited student initiative. “Julian wanted us to think and probed for original thought -- think , map out your thoughts and get to the point. He gave us good instructions and guidance, and then free rein.”¹²

Easily overlooked by those who teach and practice law is that those who are well-mentored by professors and supervising attorneys embark on their own careers with the understanding that they, too, have the responsibility to do the same. Hernandez credits Julian with her own dedication to helping younger lawyers. “If you’re mentored by someone who is a good person as well as a good lawyer, that makes a difference.” The transformative impact of working under Julian while in law school prompted her not only to make a point of working with young lawyers during her firm practice, but to maintain an externship for law students while serving as the City Attorney for the City of Coral Gables, Florida.

A GRATEFUL COLLEAGUE’S CONCLUDING THOUGHTS

Julian sweeps an impressive and generous orbit as scholar, teacher, and advocate. That orbit’s influence on my own endeavors as lawyer and teacher have been significant and lasting. As with so many former students, Julian has opened many doors for me: an interview for a faculty position at Georgia State University’s College of Law in the fall of 2012; the offering to use Julian’s name to help schedule meetings with cities scholars and urban development practitioners from Berkeley to Boston and Barcelona to the Bosphorus; and an offer to co-author a growth management book with Julian and his longtime collaborators and renowned land use and growth management scholars, Arthur C. Nelson and Jim Nicholas.¹³

As a lawyer new to teaching and scholarly writing, Julian served a guide and bridge builder. I am not alone in that regard. For decades, he has made it a habit to ensure that the relationships he has nurtured in the classroom, his timely and lucid writings, and his service to local governments throughout the country [and across five continents], accrue to the benefit of ‘the other’.

Just as important to his current and former colleagues, students, and collaborators is Julian’s generous, genuine, and jovial spirit. More than 30 years removed from Julian’s classroom, Alan Armour described a snapshot of Julian that all who know him can picture: “a friendly, mischievous smile and a gliding gait . .

¹² E-mail correspondence with Alan Armour II, Esq., Nason Yeager, Palm Beach Gardens, FL (May 20, 2020) (on file with author).

¹³ MARKET DEMAND-BASED PLANNING AND PERMITTING (with Arthur C. Nelson, Julian C. Juergensmeyer, and James C. Nicholas) (American Bar Association Press 2017).

. . [always] very gracious and welcoming.”¹⁴ For many, many years ahead it will be true that his name will ‘opens doors’ and prompt warm smiles, just as it has countless time for me over the past 25 years; however, it is Julian’s capacity for inspiring those he teaches and serves that will continue to unfold long into the future. Julian’s kindness, humility, and warmth are not, and will never be, static memories. They are prompts and inspirations. The patient, persistent, goodness of Julian’s character serves as a reminder to scholars, professionals, and colleagues that the most lasting community that we might be fortunate to nurture is one like Julian has helped create -- one infused with good will and a determined commitment to identifying solutions that bring hope to all.

¹⁴ E-mail correspondence with Alan Armour II, Esq., Nason Yeager, Palm Beach Gardens, FL (May 20, 2020)) (on file with author).