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## Professor Julian Conrad Juergensmeyer's "Impact": Scholarly, Theoretical, and Practical

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## PROFESSOR JULIAN CONRAD JUERGENSMEYER'S "IMPACT": SCHOLARLY, THEORETICAL, AND PRACTICAL

Becky L. Jacobs\*

It is difficult to believe that a decade has passed since the original Festschrift in honor of the occasion of Julian Conrad Juergensmeyer's 45<sup>th</sup> year of teaching.<sup>1</sup> That first Festschrift was an impressive and moving scholarly tribute to Julian's impact on his colleagues, on his students, and on broader legal doctrine.<sup>2</sup> Yet, despite the many accolades received and accomplishments documented in Festschrift I, Julian lamented with typical humility and self-deprecation, in his *Introduction and Thank You* that he had "never succeeded in developing a course which adequately links the coverage of land use and environmental law[,]” but that he hoped that others would succeed in that endeavor.<sup>3</sup>

With all due respect, I believe that Julian has been wildly successful in that endeavor. Not only does the Center for the Comparative Study of Metropolitan Growth that Julian directs at Georgia State University College of Law offer an LL.M. that provides students with “a unique opportunity to study environmental and land use law from a global perspective[,]”<sup>4</sup> Julian also has generated and stimulated influential ideas and concepts on the nexus between environmental law and land use; he has participated in the conceptualization, organization, and implementation of a series of visionary workshops and conferences focusing on the environmental and other consequences of land use policies and planning; he has published innovative “impact”

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<sup>1</sup> Festschrift, *A 2020 View of Urban Infrastructure: A Festschrift Symposium in Honor of Julian Conrad Juergensmeyer On the Occasion of His 45th Year of Teaching Law*, 42-43 URB. LAW. 1 (2010-2011).

<sup>2</sup> Interestingly, just as the articles for this Festschrift were edited and published during what was described as “one of the sharpest economic contractions in (U.S.) history[,]” Jay Shambaugh, *COVID-19 and the US Economy: FAQ on the Economic Impact & Policy Response*, BROOKINGS (Mar. 23, 2020), <https://perma.cc/65VU-EWYN>, the first Festschrift too was planned, presented, and its symposium articles published “in the throes of the worst economic downturn since the Great Depression.” Julian C. Juergensmeyer & James C. Nicholas, *Loving Growth Management in the Time of Recession*, 42-43 URB. LAW. 417, 417 (2010-2011).

<sup>3</sup> Julian C. Juergensmeyer, *A 2020 View of Urban Infrastructure: An Introduction and Thank You*, 42-43 URB. LAW. 1, 2 (2010-2011).

<sup>4</sup> *LL.M. Curriculum - Environmental & Land Use Law*, GA. ST. U.: C.L., <https://perma.cc/5FRC-9URE> (last visited Mar. 23, 2020).

scholarship on the topic; and he has inspired administrators, planners, legislators, law students, legal practitioners, scholars, and the judiciary to consider and weigh in on the linkage. This essay will consider that record of success, particularly that of Julian's scholarship pertaining to development impact fees.

## INFLUENCE AND INSPIRATION

Julian has inspired others to consider and broadly apply principles and theories arising in his legal areas of expertise, i.e., property law, land use planning, and environmental law. His written scholarship, the focus of this section, has influenced the career trajectories and scholarly agendas of many, many professionals and academics as well as the development of the law. For example, one version or another of Julian's land use planning and development treatise<sup>5</sup> has been cited by U.S. courts at all levels,<sup>6</sup> including the U.S. Supreme Court,<sup>7</sup> and by legal and planning scholars.<sup>8</sup>

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<sup>5</sup> Julian Juergensmeyer, Thomas Roberts, Patricia Salkin & Ryan Rowberry, *Land Use Planning and Development Regulation Law* (West Hornbook Series 4<sup>th</sup> ed. 2018) (hereinafter "Julian's Hornbook" – with apologies to his very talented co-authors. I promise to refer to only their individual names in the Festschrift in their honor).

<sup>6</sup> In federal courts, both appellate and trial courts have cited Julian's treatise. *See, e.g.*, In *Omnipoint Communications v. City of Huntington Beach*, 738 F.3d 192, 194 (9<sup>th</sup> Cir. 2013); *Kitchen v. City of Newport News*, 485 F. Supp. 2d 691, 694 (E.D. Va. 2007). Julian's treatise also has been cited by state court judges across the nation, from Oregon, *Lake Oswego Pres. Soc'y v. City of Lake Oswego*, 379 P.3d 462, 474 (Or. 2016), to North Carolina, *Lanvale Properties, LLC v. County of Cabarrus*, 731 S.E.2d 800, 812 (N.C. 2012) and from Alabama, *Greater Washington Park Neighborhood Ass'n v. Board of Adjustment of City of Montgomery*, 24 So. 3d 443, 446 (Ala. Civ. App. 2009), to Wisconsin, *Town of Rhine v. Bizzell*, 751 N.W.2d 780, 788 (2008).

<sup>7</sup> *Tahoe-Sierra Pres. Council v. Tahoe Reg'l Planning Agency*, 535 U.S. 302, 338 (2002) (citing the 1998 edition of Julian's Hornbook, co-author with Thomas Roberts, as reflective of "the consensus in the planning community" regarding moratoria, or interim development controls. *Tahoe-Sierra Pres. Council*, 535 U.S. at 338. *Cf.* *Keystone Bituminous Coal Ass'n v. DeBenedictis*, 480 U.S. 470, 508 (1987) (Rehnquist, J., dissenting).

<sup>8</sup> *See, e.g.*, Richard K. Norton & Nancy H. Welsh, *Reconciling Police Power Prerogatives, Public Trust Interests, and Private Property Rights along Laurentian Great Lakes Shores*, 8 MICH. J. ENVTL. & ADMIN. L. 409, 425 (2019). This article is a wonderful example of the type cross-disciplinary work that Julian has encouraged. A though he holds a JD in addition to his Ph.D., Professor Norton is associated with the Urban and Regional Planning Program at Taubman College of Architecture and Urban Planning and the Program in the Environment, College of Literature, Science, and the Arts at the University of Michigan. His co-author, Nancy H. Welsh, also earned both a J.D. and an M.U.R.P., at the University of Michigan. These different disciplinary perspectives enrich learning and improve the quality of law and policy development in any field.

Its companion for practitioners is a staple for planning professionals, both legal and non-legal.<sup>9</sup> Julian was in the forefront of the development of regulatory infrastructure finance mechanisms such as impact fees,<sup>10</sup> and his scholarship on these mechanisms has been and remains a strong practical and intellectual reference for those working in that space, a topic that will be discussed in more detail, *infra*.

The diversity of sources in which Julian's scholarship has been cited, and the diverse disciplines from which this scholarship arises, are a testament to its broad philosophical appeal and applicability. Obviously, legal scholars cite frequently to Julian's work, but not all focus their research on property or environmental law. For example, Julian's scholarship on "commons" in the environmental context was cited in a thought-provoking article positing diversity, and more specifically, affirmative action in academic admissions, as a "commons" resource for which the author advocates the value of preserving diversity-conscious educational admissions' policies that resist private efforts to "enclose" common public resources, i.e., admission slots.<sup>11</sup>

Julian's "commons" scholarship has also been cited in an article in a very different area of legal scholarship, tax law.<sup>12</sup> This article considers problems with, and proposes solutions to, the design and implementation of section 501(d) of the Internal Revenue Code, which provides a tax exemption for religious communal holding

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<sup>9</sup> Julian C. Juergensmeyer, Thomas E. Roberts & Patricia E. Salkin, *Land Use Planning and Development Regulation Law* (West Practitioner Treatise Series 3<sup>rd</sup> ed. 2012-2018).

<sup>10</sup> Impact fees are also called development charges, benefit assessments, user fees, connection charges. See Carmen Carrión & Lawrence W. Libby, *Development Impact Fees: A Primer* (Ohio St. Univ. Dep't Agric., Envtl & Dev. Econ. Working Paper 2001), at 1. Globally, different terminology is used. "' Development Charges' is prominent in Canada, 'Planning obligation,' 'planning gain' or 'Section 106

Agreements' are all terms used ... to describe the equivalent to an infrastructure charging system in the UK. 'Exactions' is a general term used in Indian and some American literature, whilst in Australia 'Infrastructure Charges' or 'Developer Contributions' are largely interchangeable terms depending on the jurisdiction." Lyndall Bryant & Chris Eves, *The Impact of Infrastructure Charges on New Housing Costs: An International Comparison*, Proceedings, 2011

INTERNATIONAL CONFERENCE ON CONSTRUCTION AND REAL ESTATE MANAGEMENT, CHINA ARCHITECTURE AND BUILDING PRESS, GUANGZHOU UNIVERSITY BUSINESS HOTEL, GUANGZHOU, CHINA (Wang, Yaowu, Pang, Yongshi, & Shen, Geoffrey

Q.P. Eds. 2011), at 894.

<sup>11</sup> Sheldon B. Lyke, *Diversity as Commons*, 88 TULANE L. REV. 317, 324 (2013).

<sup>12</sup> Samuel D. Brunson, *Taxing Utopia*, 47 SETON HALL L. REV. 137 (2016).

companies.<sup>13</sup> Julian and his co-author's references to the Native American communal property ownership regimes are cited by the author to support a fascinating historical survey of communal property ownership in the U.S.<sup>14</sup>

This same piece of Julian's scholarship found its way into a very theoretical piece examining the role that particular social theorists played in the evolution of modern commons theory which appeared in *Theoretical Inquiries in Law*.<sup>15</sup> The author argued that the stadial theories of civilization espoused by Enlightenment-era authors such as Adam Smith and Lord Kames in the late eighteenth century inspired neo-Malthusian conservationism, neo-liberal policy prescriptions, and leading nineteenth and twentieth century private property advocates Garrett Hardin, Harold Demsetz, and Elinor Ostrom.<sup>16</sup> Julian and his co-author's "commons" article was cited by this author as one example of "[t]he [extensive] literature expressing nostalgia for an environmentally sustainable and just commons[.]"<sup>17</sup> This is yet another reason that Julian has inspired so many--he is a leader, not a follower--and he speaks and writes what his experience, research, and intellect counsel, regardless of prevailing trends or policy, academic or political, and without self-censorship. His co-authored predictions in *Festschrift I* are evidence of his deep insight into the field and his understanding the market forces that shape it.<sup>18</sup>

Julian's scholarship is a trusted and dependable source for scholar and practitioners outside of the legal profession. For example, planning scholars also cite

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<sup>13</sup> *Id.* at 154.

<sup>14</sup> *Id.* (citing Julian C. Juergensmeyer & James B. Wadley, *The Common Lands Concept: A "Commons" Solution to a Common Environmental Problem*, 14 Nat. RES. J. 361, 371-72 (1974) ("[N]early all [Native American tribes] contained a strong element of communal ownership, the progenitor of the common lands concept.").

<sup>15</sup> David B. Schorr, *Savagery, Civilization, and Property: Theories of Societal Evolution and Commons Theory*, 19 THEORETICAL INQUIRIES IN L. 507, 524 (2018).

<sup>16</sup> *Id.* at 509-31.

<sup>17</sup> *Id.* at 524.

<sup>18</sup> See Juergensmeyer & Nicholas, *Loving Growth Management in the Time of Recession*, *supra* note 2, at 422 ("Future growth management programs should include as a major component regulating the timing of development, not just to ensure adequate infrastructure but to attempt to avoid the construction of units in excess of market demand. We therefore propose that in the future an integral part of growth management or "smart growth" programs should require applicants for building permits and other development permissions to not only submit impact studies relating to the proposed development's demands on public infrastructure and the environment, but to submit a market study establishing probable market demand for the proposed

Julian, and his work is frequently consulted by planning professionals. Scholars in the planning area rely upon Julian's writings to inform and support their own scholarship, surveying overviews of the literature on general topics such as growth management,<sup>19</sup> gaining insight into the development of particular land preservation policies and strategies, such as agricultural;<sup>20</sup> or seeking specific financial data, including the average of collected development impact fees in certain jurisdictions.<sup>21</sup>

Practitioners too value the practical publications that Julian and his co-authors have written specifically for them. There are several of these, including *A Practitioner's Guide to Development Impact Fees*,<sup>22</sup> the practitioner's version of the treatise, *Land Use Planning and Development Regulation Law*,<sup>23</sup> and *Urban Planning and Land Development Control Law*.<sup>24</sup>

## WORKSHOPS AND CONFERENCES

Julian's sphere of influence, however, is not limited to the written page. It extends into the dialogic spaces that he helped create to encourage collaboration among international scholars and professionals from a variety of disciplines in an effort to stimulate intellectually-inspired, interdisciplinary-designed practical solutions to environmental and other challenges associated with city planning, land

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development in conjunction with other proposed and ongoing developments. Additionally, applicants should submit evidence supporting their conclusions so that the local government or other appropriate entity can confirm that overbuilding will not result.”)

<sup>19</sup> See Carlton Basmajian, *Jimmy Carter and Joe Frank Harris: Creating Growth Management Planning in Georgia, 1971–1989*, 29 *PLANNING PERSP.* 447, 462 nn.4, 11 (2014) (citing John DeGrove & Julian Juergensmeyer, *Land Growth and Politics* American Planning Association (1984); *PERSPECTIVES ON FLORIDA'S GROWTH MANAGEMENT ACT OF 1985* (John DeGrove & Julian Juergensmeyer, eds. Lincoln Land Institute, 1986)).

<sup>20</sup> Rachele Alterman, *The Challenge of Farmland Preservation*, 63 *J. A. PLANNING ASS'N* 220, 221, 223 (1997) (citing Julian C. Juergensmeyer, *Implementing Agricultural Preservation Programs: A Time to Consider Some Radical Approaches?*, 20 *GONZAGA L. REV.* 701 ((1984-1985); Julian C. Juergensmeyer & James Bryce Wadley, *AGRIC. L.* (1982)).

<sup>21</sup> Nico Calavita & Kenneth Grimes, *Inclusionary Housing in California*, 64 *J. A. PLANNING ASS'N* 150, 153 (1998) (citing James Nicholas, Arthur Nelson & Julian Juergensmeyer, *A PRACTITIONER'S GUIDE TO DEVELOPMENT IMPACT FEES* (APA Planners Press 1991)).

<sup>22</sup> *A PRACTITIONER'S GUIDE TO DEVELOPMENT IMPACT FEES*, *supra* note 21.

<sup>23</sup> *LAND USE PLANNING AND DEVELOPMENT REGULATION LAW*, *supra* note 9.

<sup>24</sup> Hagman & Juergensmeyer, *URBAN PLANNING AND LAND DEVELOPMENT CONTROL LAW* [Student and Practitioner edition] (West 2d. 1986).

use, and urban development and regulation.<sup>25</sup> I refer, of course, to the Study Space workshop series that was launched by two visionary scholars, Colin Crawford and Frank Valdez, in the mid-2000's. The Study Space workshops were conceived as:

“immersion-style workshop[s] combining varied approaches to the study of law and society. The concept call[ed] for a relatively small group of scholars and students to embed themselves in a particular locale and to examine local conditions through interaction with the environment and local actors with specific areas of knowledge or expertise[ ]”<sup>26</sup> that ” allowed all participants to learn from each other even as [they] were learning from and about [the] local environment.”<sup>27</sup>

The first Study Space was held in Panama City in 2007, and it was co-administered by Georgia State's Center for the Comparative Study of Metropolitan Growth and the Latina & Latino Critical Legal Theory organization. Gradually, Georgia State became the administrative host, and Julian was an enthusiastic and active participant. When Colin left Georgia State in 2010 (he is now the Dean of Louis D. Brandeis School of Law at the University of Louisville), Julian and Karen Johnston, the Center's amazing Associate Director, assumed responsibility for Study Space programming, and they have continued to offer the critical and intense experiences that participants had come to expect and that reinforce the values of intellectual inquiry.

The Study Space workshops and other conferences that Julian organizes and in which he participates have a very broad reach, ranging from those offered in his home base of Atlanta to such far-flung locales as Argentina, Brazil, Canada, Denmark, El Salvador, Ethiopia, Finland, France, Guatemala, Kenya, Mexico, Poland, Spain, South Africa, Tanzania, Turkey, and the United Kingdom. This reach

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<sup>25</sup> See, e.g., *Study Space 2020: Rio de Janeiro, Brazil*, *Study Space, Research & Student Opportunities Comparative Study of Metropolitan Growth*, Law.GSU.edu, <https://law.gsu.edu/faculty-centers/center-for-the-comparative-study-of-metropolitan-growth/#Study-Space> (last visited Mar. 24, 2020).

<sup>26</sup> Francisco Valdes, Foreword, *Interruptions and Intersections: Journeys to the Center of the Americas*, 4 TENN. J. L. & POL'Y 167, 168 n.3 (2008).

<sup>27</sup> *Id.* at 168.

has allowed him to interact and exchange ideas with, and influence, professionals and scholars across the globe, and many have publicly recognized his contributions.<sup>28</sup>

As one who has had the privilege of participating in several workshops and conferences co-organized and attended by Julian, let me take a moment to share my thoughts on their significance, particularly those of the Study Space workshops. These workshops offer an unparalleled opportunity to forge new, and to nurture established, relationships with academics and professionals both in and out of one's field; to extend associational networks and cultivate an inter-disciplinary perspective through formal and informal interactions; and to experientially engage in dialogic learning in an effort to understand and, aspirationally, suggest potential solutions to problems related to the environmental and other consequences of land use policies and decision-making in urban settings.

Academics attend many conferences, yet very few inspire the depth of loyalty of attendees as does the Study Space series. They remind us why we joined the academy or chose a particular profession, and why we care so passionately about our fields of study and the colleagues with whom we collaborate. Study Space workshops also serve as a "relentless reminder that ... life as an intellectual, as a writer, as a reader, and as a thinker [is] precious[.]"<sup>29</sup>

#### **"IMPACT" SCHOLARSHIP**

With reference to the value of writing, Julian's scholarship has had, pun intended, an enormous "impact" on the evolution of infrastructure finance mechanisms and the law related thereto. He and his work have played a role in the growth and development policy and practice and on capital improvement programs across the nation.

Julian was on the University of Florida law faculty at an auspicious time for a Property Law scholar. In 1975, the American Law Institute drafted and published a Model Land Development Code that incorporated more state involvement in previously-sacrosanct local land use decisions on issues that pertained to state or

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<sup>28</sup> See, e.g., Festschrift, *supra* note 1.

<sup>29</sup> Tiffany Willoughby-Herard, *Conferencing is Not a Luxury and Neither is the Scholarly Life of Our Future Colleagues*, 53 PS: POLITICAL SCIENCE & POLITICS 146, 147 (2020).



regional interests.<sup>30</sup> At the federal level, during the Nixon Presidency, land use policy legislation was being fiercely debated, but was ultimately defeated.<sup>31</sup>

Florida officials, too, were responding to the state's enormous growth in property development and population and the impact thereof on the physical environment, passing in 1972 alone a plethora of land use-related laws. These included: the Florida Environmental Land and Water Management Act, which was based on a draft of the ALI's Model Land Development Code; the Florida Water Resources Act; and the Florida State Comprehensive Planning Act.<sup>32</sup>

Julian was riding the crest of this tidal wave of new laws in Florida, and his early entry into, and brilliant contributions to, the rapidly developing field of infrastructure finance law defined his career as a change-making scholar and advisor. Because he anticipated that infrastructure would be integral to consistent and concurrent growth management planning, he has become one of the world's foremost authorities on this area of the law. Beyond the scholarly domain of infrastructure finance, Julian has put his expertise to use in a variety of settings, such as serving a state hearing officer on land and water issues in Florida and as a consultant to numerous attorneys, to local governments in Florida and other states, and to federal agencies.

I could fill an entire volume attempting to summarize Julian's scholarship on developer funding of infrastructure such as impact fees. Some claim the first scholarly treatment of infrastructure development exactions appeared in 1977 in an article subtitled, "*making development pay its way*."<sup>33</sup> However, Julian and a co-author had written about land use fees and transfer development rights in 1974 in an article about land use control, valuation, taxation, and farm labor regulation in Florida and the national agricultural context.<sup>34</sup> Since that time, according to his CV

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<sup>30</sup> MODEL LAND DEV. CODE (1975). See also David L. Powell, *Growth Management: Florida's Past as Prologue for the Future*, 28 FLA. ST. U. L. REV. 519, 522 (2001).

<sup>31</sup> John Brooks Flippen & John B. Flippen, *Containing the Urban Sprawl: The Nixon Administration's Land Use Policy*, 26 PRESIDENTIAL STUD. Q. - THE NIXON PRESIDENCY 197, 203-04 (1996).

<sup>32</sup> See Powell, *supra* note 30, at 523.

<sup>33</sup> Paul Boudreaux, *The Impact Xat: A New Approach to Charging for Growth*,

43 U. MEM. L. REV. 35, 54 (2012) (citing Fred Jacobsen & Jeff Redding, *Impact Taxes: Making Development Pay Its Way*, 55 N.C. L. REV. 407 (1976-1977)).

<sup>34</sup> See James S. Wershow & Julian C. Juergensmeyer, *Agriculture and Changing Legal Concepts*

and an author search on Westlaw, Julian has authored or co-authored an astounding 305 publications, and that number does not include publications that exceed Westlaw's date or publication coverage range. Julian demonstrated his prodigious capacity for scholarship early in his legal career, placing an impressive three pieces into print while attending law school at Duke.<sup>35</sup> His scholarly habit persists unabated today. Julian's most recent article, co-authored with James C. Nicholas, appeared in 2019 and focuses on the challenges related to providing affordable housing in resort areas where housing costs have become a constraint on development due to labor unavailability and community viability.<sup>36</sup> I am certain there is more to come.

It would take one or more additional volumes to attempt to identify all of the authorities with citations to Julian's work on land use law, infrastructure finance, or other topics. His scholarship has been cited by legal luminaries like Richard A. Epstein<sup>37</sup> and Fred C. Zacharias<sup>38</sup> in the nation's most prestigious law journals. Given that a scholar's efforts are designed to engage readers intellectually, it is clear what Julian's reputation is with his peers in the academy vis-à-vis the quality of his scholarly achievement.

Julian's scholarship, however, is also accessible to practicing attorneys and to professionals in other fields, administrators, and interested citizens; it is easily understood by academics and non-academics alike and has real-world applications.<sup>39</sup> His unique voice has made him a favorite writer, speaker, and

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*in an Urbanizing Society*, 26 U. FLA. L. REV. 78, 93 n.124, 94 (1975).

<sup>35</sup> See, e.g., Julian C. Juergensmeyer, Comment, *International Joint Venture Corporations: Drafting of Control Arrangements*, 1963 DUKE L.J. 516 (1963); Julian C. Juergensmeyer, Note, *International Law: The Waiver of Sovereign Immunity*, 1962 DUKE L.J. 582 (1962); Julian C. Juergensmeyer, *World Law, the Lawless Case*, 1962; DUKE L.J. 249 (1962).

<sup>36</sup> See generally James C. Nicholas & Julian C. Juergensmeyer, *A Rational Nexus Approach to Workforce Housing Land Development Conditions*, 52 UNIV. ILL.-CHICAGO- JOHN MARSHALL L. REV. 647 (2019).

<sup>37</sup> See, e.g., Richard A. Epstein, *The Social Consequences of Common Law Rules*, 95 HARV. L. REV. 1717, 1733 n.43 (1981-1982)

<sup>38</sup> See, e.g., Fred C. Zacharias, *The Politics of Torts*, 95 YALE L.J. 698, 723 (1986).

<sup>39</sup> See, e.g., A PRACTITIONER'S GUIDE TO DEVELOPMENT IMPACT FEES, *supra* note 21. See also HAGMAN & JUERGENSMEYER, *supra* note 24.

committee member for professional organizations such as the American Planning Association and the Institute of Traffic Engineers.<sup>40</sup>

## CONCLUSION

To conclude, I would argue that, despite his protestations to the contrary, Julian has very successfully developed an entire career that links land use and environmental law,<sup>41</sup> and he has impacted the career of others who are investigating that linkage. My Study Space colleagues and I have experienced Julian's professional and scholarly influence, as have his students and colleagues over his 55 years of teaching. His confident history of working cross-disciplinarily has shaped a community dedicated to the interdisciplinary collaboration and cross-jurisdictional exchange of ideas. These community exchanges often generate extraordinary scholarship on novel topics and leaves members inspired to conduct even more research and make more connections.

A law professor seldom can measure individual impact outside of raw numerical citation counts, hoping only that the concepts, ideals, and values communicated throughout a career has had some influence upon the perspectives of students or scholarship readers. Given the explicit written tributes and professional accolades that he has received, his contributions to significant legal advancements, and his impressive record of scholarship, Julian's impact is more tangible and perhaps, therefore, more meaningful.

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<sup>40</sup> See *Curriculum Vitae, Julian Conrad Juergensmeyer*, Center for the Comparative Study of Metropolitan Growth, GA. ST. U.: C.L., <https://perma.cc/3HDS-5J85> (last visited Mar. 29, 2020).

<sup>41</sup> See Juergensmeyer, *A 2020 View of Urban Infrastructure: An Introduction and Thank You*, *supra* note 3, at 2.