



COLLEGE OF LAW

September 29, 2015

Dear Friends and Colleagues,

We are pleased to share with all of you this year's [brochure](#) for the Florida State University College of Law's Environmental, Energy & Land Use Law Program. We have a busy program schedule planned for this upcoming year! On October 21, at 3:30 p.m. in Room 208 (in case you can join us in person), we will have our Fall forum, [The Clean Power Plan and Renewable Energy for Florida](#), featuring **Peter Cocotos** of NextEra Energy, **Matthew Leopold** of Carlton Fields Jordan Burt, and **Kevin Auerbacher** of SolarCity. The forum will be moderated by Professor **Hannah Wiseman**. On November 19, at 3:30, in Room 310, we will host our [Fall Distinguished Lecture](#), by **Jonathan B. Wiener**, the William R. and Thomas L. Perkins Professor of Law at the Duke University School of Law. Both events will be livestreamed and recorded. Click on the italicized program title links to access. Please consult our [events page](#) for more information about our events year-round.

We are also pleased to announce the endowment of the Terry and Linda Cole Environmental Law Scholarship, a generous gift to aid students in the FSU Environmental, Energy & Land Use Program. Terry Cole is an alum of our law school, and we are deeply honored and grateful for his continued generosity to our program.

And finally, we share with you some of our recent scholarship, with hyperlinks if you'd like to take a closer look. We are happy to send you hardcopies; just ask.

Shi-Ling Hsu:

[Scale Economies, Scale Externalities: Hog Farming and the Changing American Agricultural Industry](#), _ OR. L. REV. _ (forthcoming 2015).

[The Rise and Rise of the One Percent: Considering the Legal Causes of Wealth Inequality](#), 64 EMORY L.J. ONLINE 2043 (2015).

[The Accidental Postmodernists](#), 39 VT. L. REV. 27 (2015).

[A Cost-Benefit Analysis of Sugary Drink Regulation in New York City](#), 10 J. FOOD L. & POL'Y 75 (2014).

[Capital Rigidities, Latent Externalities](#), 51 HOUS. L. REV. 719 (2014)

David Markell:

[EPA Next Generation Compliance](#), __ NAT. RES. & ENVT. __ (2016).

COMPLIANCE AND ENFORCEMENT OF ENVIRONMENTAL LAW (D. Markell & Paddock, eds., Edward Elgar, forthcoming 2016).

ENVIRONMENTAL PROTECTION: LAW AND POLICY (7th ed., Aspen 2015) (with Dan Bodansky, William W. Buzbee, Robert L. Glicksman, Emily Hammond & Daniel R. Mandelker).

[A Holistic View of Agency Enforcement](#), 93 N.C. L. REV. 1 (2014) (with Rob Glicksman).

[Civil Remedies](#), in GLOBAL CLIMATE CHANGE AND U.S. LAW (2nd ed., ABA, 2014) (Gerrard & Freeman, eds.) (with Emily Hammond).

Garrick Pursley:

Skeletal Norms, 18 U. PA. J. CONST. L. __ (forthcoming 2015).

[Properties in Constitutional Systems](#), 92 N.C. L. REV. 547 (2014).

[The Campaign Finance Safeguards of Federalism](#), 63 EMORY L.J. (2014).

Erin Ryan:

Response to Heather Gerken's "Federalism and Nationalism: Time for a Détente?", 59 ST. LOUIS L.J. 1147 (2015).

[Negotiating Federalism and the Structural Constitution: Navigating the Separation of Powers Both Vertically and Horizontally \(A Response to Aziz Huq\)](#) 115 COLUM. L. REV. Sidebar (2015).

[The Public Trust Doctrine, Private Water Allocation, and Mono Lake: The Historic Saga of National Audubon Society v. Superior Court](#), 45 ENVTL. L. 561 (2015).

[Environmental Federalism's Tug of War Within](#), in THE LAW AND POLICY OF ENVIRONMENTAL FEDERALISM: A COMPARATIVE ANALYSIS (K. Robbins, ed., Edward Elgar, 2015).

[The Elaborate Paper Tiger: Environmental Enforcement and the Rule of Law in China](#), 24 DUKE ENVTL L. & POL'Y FORUM 184 (2014).

[The Spending Power and Environmental Law After Sebelius](#), 85 U. COLO. L. REV. 1003 (2014).

Mark Seidenfeld:

[Standing in the Wake of Statutes](#), 57 ARIZ. L. REV. 745 (2015) (with Allie Akre).

[Duress as Rent Seeking](#), 99 MINN. L. REV. 1423 (2015) (with Murat Mungan).

[A Process Failure Theory of Statutory Interpretation](#), 56 WM. & MARY L. REV. 467 (2014).

[A Postive Defense of Administrative Preemption](#), 22 GEO. MASON L. REV. 63 (2014) (with Joshua Hawkes).

Hannah Wiseman:

ENERGY, ECONOMICS, AND THE ENVIRONMENT: CASES AND MATERIALS (4th ed., Foundation Press 2015) (with Joel B. Eisen, Emily Hammond, Jim Rossi, David B. Spence, and Jacqueline Weaver).

[The Fracking Revolution: Shale Gas As A Case Study in Innovation Policy](#), 64 EMORY L.J. 955 (2015) (with John M. Golden).

[Regulatory Islands](#), 89 N.Y.U. L. REV. 1661 (2014).

[*A Market Approach to Regulating the Energy Revolution: Assurance Bonds, Insurance, and the Certain and Uncertain Risks of Hydraulic Fracturing*](#), 99 IOWA L. REV. 1523 (2014) (with David A. Dana) (republished in the ENVIRONMENTAL LAW AND POLICY ANNUAL REVIEW).

[*Remedying Regulatory Diseconomies of Scale*](#), 94 B.U. L. REV. 235 (2014) (republished in the LAND USE AND ENVIRONMENT LAW REVIEW).

Samuel Wiseman:

[*Fixing Bail*](#), 84 GEO. WASH. L. REV. _ (forthcoming 2016).

[*The Dangerous Right to Food Choice*](#), 38 SEATTLE U. L. REV. 1299 (2015).

[*The Implementation of the Food Safety Modernization Act and the Strength of the Sustainable Agriculture Movement*](#), 41 AMERICAN JOURNAL OF LAW AND MEDICINE 259 (2015).

[*What is Federal Habeas Worth?*](#), _FLA. L. REV. _ (forthcoming 2015).

[*Pretrial Detention and the Right to be Monitored*](#), 123 YALE L.J. 1344 (2014).