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Dean's Foreword

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Dean's Foreword

How often is a field of law discovered? As the law evolves to meet the changing needs of society, are there moments when something truly new appears?

These are the questions we asked of a distinguished group of academics and practitioners regarding our apparent discovery of "local environmental law." Through the work of Professor John R. Nolon and his Land Use Law Center, this field of law came to light as our students gathered samples of local laws from all over the country that are designed principally to protect environmental functions and natural resources. This project began in 1999. As our investigations continued, it appeared that we were witnessing a form of legal spontaneous combustion.

This issue of the Pace Environmental Law Review contains a description of this emerging field of law and the response of the academic and legal community to it. As Professor Nolon reports in his introduction, we found eloquent coherence in these laws and saw how they fit together to form a comprehensive whole. We examined state statutes that authorized local governments to adopt environmental laws and discovered that they were diverse in nature but prevalent in many states. We also found state court decisions that upheld local environmental laws against the challenges of regulated property owners. We were troubled by the absence of legal scholarship on the subject, particularly in law school casebooks used to train the next generation of environmental, land use, and municipal law practitioners.

I invite you to read on as Professor Nolon describes this journey of discovery and as the participants in our symposium react. The enthusiastic response of the distinguished authors we invited to share this investigation with us is convincing evidence that the

advent of local environmental law is novel and important, worthy of their considerable descriptive and analytical talents. We are grateful to them all, and to the students of our Pace Environmental Law Review, for their help in bringing this curious and critical field of law to light.

Dean David Cohen