

## Resumé

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### PROFESSIONAL HISTORY:

Howard A. Stamper Professor of Law, 1974-Present; Professor of Law, 1963-74;  
Associate Professor, 1962-63  
Walter E. Meyer Visiting Research Professor of Law and Social Problems,  
Columbia University School of Law, 1971-72  
Visiting Professor, Department of Urban Planning, University of Washington,  
1968-69  
Ford Foundation Law Faculty Fellow, London, England, 1959-60  
Assistant Professor, then Associate Professor of Law, Indiana University,  
1953-62  
Attorney, Housing and Home Finance Agency (Washington, D.C.) 1952-53  
Ford Foundation Fellow, Yale University, 1951-52  
Assistant Professor of Law, Drake University, 1949-51

### EDUCATION:

B.A., 1947, LL.B. 1949, University of Wisconsin  
J.S.D., 1956, Yale University  
Honors: Phi Kappa Phi, Phi Beta Kappa, Order of the Coif

### LECTURES AND CONFERENCES

Keynote Lecture, Conference on World Urbanism, International Federation  
of Housing and Planning, Oslo, Norway, 2004  
Keynote Lecture, ALI-ABA Land Use Institute, Boston, Massachusetts, 2004  
Distinguished Visiting Lecturer, Seton Hall University College of Law, 1998  
The Inaugural Norman Williams Jr. Annual Symposium on Law and  
Public Policy, Rutgers University Law School - Newark, 1997  
The Inaugural Robert E. Boden Lecture, Marquette University Law School,  
Milwaukee, Wisconsin, 1997  
President's Commission on Risk Assessment and Risk Management, St.  
Louis, Missouri, 1994  
White House-Construction Industry Workshop on National  
Construction Goals, National Science and Technology

Council, Washington, D.C., 1994  
 University Lecturer, University of Wisconsin at Madison, 1993  
 1992-93 National Distinguished Lecturer, Journal of Land Use and  
 Environmental Law, Florida State University  
 Fifteenth Denman Lecture, Department of Land Economy, Cambridge University,  
 Cambridge, England, 1992  
 Fifth Annual Rita C. Davidson Memorial Lecture, Maryland Land Use  
 Roundtable, 1991  
 Conference on legal problems on the adoption of zoning for Houston,  
 Texas, 1991  
 Journal of Planning Literature Lecturer, Ohio State University College of Law and  
 School of Planning, 1989  
 Distinguished Visiting Lecturer, Florida Atlantic University Urban Studies Center,  
 1989  
 Workshops in Land Use Law for Planners and Lawyers, American Planning  
 Association, 1982-92  
 Annual Zoning Institute, American Planning Association, 1981-90  
 Overseas Speakers Program, U.S. Information Agency, Israel and Yugoslavia,  
 1987  
 Tenth Annual Will E. Orgain Lecture, University of Texas School of Law, 1976  
 Keynote speaker, 100th Anniversary Banquet, University of Wisconsin School of  
 Law, 1966  
 Frequent lecturer at national and regional conferences on land use and  
 environmental law including national conferences of the American  
 Planning Association, annual zoning institutes of the Center for American  
 and International Law, and ALI-ABA land use and government liability  
 institutes

#### APPOINTMENTS AND AWARDS

Chair, Planned Communities Subcommittee, Land Use Committee, Section on  
 State and Local Government, American Bar Association, 2016-  
 National Association of Environmental Professionals, NEPA Best Practice  
 Principles for Environmental Assessments, Pilot Project Team, 2013-2014  
 Daniel J. Curtin Distinguished Lifetime Achievement Award, American Bar  
 Association, Section on State and Local Government, 2007  
 Fellow, American Institute of Certified Planners, 2004-2012, Emeritus 2012-  
 Distinguished Leadership Award for a Professional Planner, St. Louis  
 Metropolitan Section of the Missouri Chapter of the American Planning  
 Association, 2004  
 Faculty Associate, Lincoln Institute of Land Policy, 2000-2002  
 Senior Fellow, Urban Land Institute, 1989-1995  
 Visiting Fellow, Faculty of Laws, University College, London, 1989  
 Visiting Fellow, University of Copenhagen, Denmark, 1989

John C. Vance Award, Most Outstanding Paper on Transportation Law  
 Submitted to Transportation Research Board, 1988 (with A. Kolis)  
 Visiting Scholar, Department of Urban Planning, Technion, Haifa, Israel, 1983  
 Visiting Scholar, Institute of State and Law, Moscow, Russia, 1978  
 Urban Seminar Faculty, Salzburg Seminar in American Studies, 1977  
 Brookings Institution Urban Program Faculty, 1965-73  
 Research Fellow, Urban Land Institute, 1976-89

PROFESSIONAL ASSOCIATIONS AND ACTIVITIES:

Co-Host, Monthly Teleconference on Land Use Law, International Municipal  
 Lawyers Association, 2009-  
 Joint Committee on Land Use Procedures and Appeals, Sections on State and  
 Local Government & Administrative Law and Regulatory Practice,  
 American Bar Association, 2006-2008  
 Advisory Board, Institute of Local Government Studies, Center for American and  
 International Law, 2003-2012  
 Chair, Legal Issues Committee of the NEPA Working Group, National  
 Association of Environmental Professionals, 1999-2001  
 Advisory Board, National Center for the Revitalization of Central Cities,  
 1997-2000  
 Amicus Curiae Committee, American Planning Association, 1995-2003  
 Property Rights Task Force, American Planning Association, 1994-95  
 U.S. Council on Environmental Quality, Study of Effectiveness of the  
 Implementation of the National Environmental Policy Act, 1994-95  
 Advisory Board, Rocky Mountain Land Use Institute, University of Denver  
 College of Law, 1992-2005  
 Task Force on Affordable Housing Legislation, American Planning Association,  
 1992-93  
 Advisory Committee, Transportation Research Board, Corridor Preservation for  
 Highways, 1991-92  
 Task Force on Model State Enabling Legislation, American Planning  
 Association, 1991-94  
 Advisory Group, Legal Resources Council, Transportation Research Board,  
 1990-94  
 Adviser, Subcommittee on Policy Studies, U.S. House of Representatives  
 Committee on Banking and Urban Affairs on Hearing on the effect of  
 land use controls on affordable housing, 1989-91  
 Scoping Committee, Handbook on Constitutional Principles for Planners,  
 American Planning Association, 1987-88  
 Coalition for Scenic Beauty, President, 1987-88; Director, 1986; 1981-84  
 Ad Hoc Committee on National Housing Policy (Senator Alan Cranston),  
 American Planning Association, 1987-90  
 Advisory Committees on Performance Zoning and Downtown Zoning Studies,

Urban Land Institute, 1987-88  
 Land Use and Development Advisory Board, Tulane Center for Legal Studies on Intergovernmental Relations, 1986-89  
 Advisory Committee, National Cooperative Highway Research Program, Public/Private Partnerships for Financing Highway Improvements Project, 1986-88  
 Development Regulations Council, Urban Land Institute, 1980-1995  
 Advisory Committee on Legal Research, National Cooperative Highway Research Program, Transportation Research Board, 1971-88  
 American Planning Association: Board of Directors, 1981-84;  
 Chair, Division Council, 1981-84; Chair, Planning and Law Division, 1979-82  
 Chair, Subcommittee on Assisted Housing, Housing Task Force Advisory Group, Democratic Caucus, U.S. House of Representatives, 1981-82  
 Research Committee, Urban Land Institute, 1981-82  
 National Advisory Committee on Outdoor Advertising, U.S. Department of Transportation, 1980-81  
 Special Committee on Housing and Urban Development Law, American Bar Association 1980-82  
 Advisory Commission on Housing and Urban Growth, American Bar Association, 1976-77  
 Consultant Group on National Needs in Land Use Research, Academy of Contemporary Problems, 1977  
 Committee on Transportation and Land Development Policy, Transportation Research Board, 1973-82  
 Legal Task Force on Joint Development, Transportation Research Board, 1971-73  
 Chair, Section on Local Government Law, Association of American Law Schools, 1969-70; Program Chairman, 1975-76; 1981-83  
 Chair, Committee on Education and Curriculum, Section on Local Government Law, American Bar Association, 1965-70  
 Committee on Social and Behavioral Urban Research, National Academy of Sciences, 1967-68  
 Chair, Committee on Urban-Metropolitan Transportation Law, Department of Legal Studies, Transportation Research Board, 1964-70  
 Chair, Committee on Housing Codes and Code Enforcement, University City (Missouri) Workable Program for Community Improvement, 1964-66

#### MAJOR CONSULTATIONS:

Birmingham, Alabama sign ordinance, 2019-  
 Collier County, Florida sign ordinance, 2008-2009  
 Hillsborough County, Florida, Housing Affordability Study, 2007-2008  
 Urbana, Illinois, sign ordinance, 2007-2008  
 Melbourne, Florida, sign ordinance, 2007-2011

The Hauser Group, St. Louis, MO, Historical Use of Eminent Domain for  
 Redevelopment, 2006  
 New Orleans Charter, Revisions of Planning Function, Bureau of  
 Governmental Research, 2006  
 Cape Wind Nantucket Project, 2004-2005  
 Hillsborough County, Florida sign ordinance, 2004  
 Destin, Florida sign ordinance, 2002-2003  
 Master Plan Coalition, New Orleans, Louisiana, Review of comprehensive  
 plan and zoning process, 2001-2002  
 Alaska Groundfish Fisheries, Program Environmental Impact Statement,  
 2001-2002  
 Stamford, Connecticut, Sign Ordinance, 2001-2002  
 Ft. Walton Beach, Florida, Sign Ordinance, 2001-2002  
 Principal Consultant, American Planning Association, Model State Planning and  
 Land Use Legislation Project, 1996-2001 (chapters on Administrative and  
 Judicial Review of Land Use Actions and The Relationship of State  
 Environmental Policy Acts to State, Regional and Local Planning, and  
 sections on official maps and amortization)  
 State of Hawaii, Office of State Planning, legislative program development,  
 1993-94  
 Hong Kong, zoning amortization study, 1993-94  
 Flagstaff, Arizona, sign ordinance, 1993-94  
 State of Hawaii Land Use Regulation and Management Study Institute, 1992-93  
 Monroe County, Illinois, floodplain regulations, 1992  
 El Dorado County, California, sign ordinance, 1990-91  
 Columbus, Indiana, sign ordinance, 1989-91  
 Environmental Impact Statement, Page Avenue Extension, St. Louis, Missouri,  
 1989-90  
 East Camelback Road Property Owners Association, Phoenix, Arizona, zoning  
 review, 1988-89  
 New Jersey Builders Association (with Team Four), review of New Jersey State  
 Development Plan, 1987  
 Urban Land Institute, Environmental Mitigation Study, 1985-89  
 Sunset Hills, Missouri, sign code revision, 1987  
 Pensus Group, Phoenix, Arizona, development project, 1986-89  
 Spokane, Washington, zoning revision, 1986-87  
 Dallas, Texas, zoning revision, 1985  
 City of Orlando and Hillsborough County, Florida, and Marietta, Georgia, sign  
 code revisions, 1985  
 Allen, Texas, comprehensive plan, 1984-85  
 California Department of Housing and Community Development, Affordable  
 Housing Legislation Project, 1984-85  
 Nuffield Foundation Inquiry on British Town and Country Planning, 1983  
 Sarasota, Florida, Member, Regional Urban Design Assistance Team,

American Institute of Architects, 1983  
 Honolulu, Hawaii, Mixed Use Development Project, 1982  
 Waco, Texas, zoning revision, 1981-82, 1984-86  
 Lemay Area Development Program, St. Louis County, 1981-82  
 Clearwater, Florida, Land Development Code revision, 1980-82  
 Portland, Oregon, Metropolitan Service District, Banfield Light Rail Transit  
 Station Area Planning Program, 1980-82  
 Capitol Region Council of Governments, (Hartford, Connecticut), Inclusionary  
 Zoning Study, 1980-81  
 National Science Foundation, Evaluation Panel for Tsunami Hazard  
 Management Study, 1980-81  
 Franklin County, Missouri, On Site Treatment Systems Management Study,  
 1980-81  
 Abt Associates, Evaluation Panel, Environmental Review in Community  
 Development Block Grants, 1979-80  
 Austin, Texas, zoning revision, 1979-81  
 St. Simons Island, Georgia, growth management study, 1979-80  
 Arkansas State Constitutional Convention, 1979  
 Olympia, Washington, Member, Regional Urban Design Assistance Team,  
 American Institute of Architects, 1979  
 U.S. Department of Housing and Urban Development, Consultant to study  
 on solar access law, 1979  
 Lincoln, Nebraska, zoning revision, 1978-79  
 Lincoln Institute of Land Policy, Study of Slovenian Planning Law, 1979  
 National Science Foundation, Evaluation Panel for University of California  
 (Davis) study of California Coastal Zone Management Act, 1977-79  
 Environmental Law Institute, Evaluation Panel, Solar Access Law study,  
 1977-79  
 Bellevue, Washington, Land Development Code Revision, 1976-77  
 East-West Gateway Coordinating Council, St. Louis, area-wide water quality  
 management planning study, 1976-78  
 State of Hawaii, Department of Planning and Economic Development, state  
 land use program, 1972-78  
 National Science Foundation, Evaluation Panel, University of North Carolina  
 Growth Management Study, 1976-77  
 United States Air Force, revision of environmental review procedures, 1975-76  
 Resource Management Corporation, highway relocation study for  
 Transportation Research Board, Washington, D.C., 1972-76  
 State of Washington, Office of Community Development, state land use  
 regulation, 1974-75  
 Tupelo-Lee County, Mississippi, revision of land use control system, 1973-75  
 National Science Foundation, Evaluation Panel for Potomac Institute study on  
 inclusionary zoning, 1973-74  
 Kansas City, Missouri, Temporary Advisory Commission on Housing, 1972-73

Melbourne, Australia, Strategy Plan, 1972-73  
 United Nations Centre on Housing, Building and Planning, Expert Meeting on regional and national development planning, 1972-73  
 Bloomington, Indiana, zoning revision, 1971-72  
 New York State Temporary Commission on the Powers of Local Government, consultant on land use policy, 1972  
 Boulder, Colorado, comprehensive zoning code revision, 1968-71  
 Committee on Banking and Currency, House of Representatives, United States Congress, national housing policy study, 1970-71  
 Los Angeles, California, zoning ordinance revision, 1969-71  
 National Commission on Urban Problems, consultant on Commission Report, 1967-68

#### LITIGATION EXPERIENCE AS EXPERT WITNESS AND CONSULTANT (SELECTED) :

Venice, Florida, zoning ordinance, 2007  
 Glendale, California, mediation of land use litigation, 2002  
 Alhambra, California, 710 Freeway litigation, 1997-2001  
 Page Avenue Expressway litigation, St. Louis, Missouri, 1996-98  
 Kansas City, Missouri, Union Station redevelopment project litigation, 1990-92  
 Los Angeles, California, antitrust billboard litigation, 1988-89  
 State of South Dakota, coal slurry pipeline litigation, 1986-87  
 Honolulu, Hawaii, downzonings, 1984-86, and Hawaii Housing Authority v. Midkiff (U.S. Supreme Court), 1977-79  
 Oregon land use law, Rajneeshpuran incorporation, 1982-84  
 St. Louis, Missouri, metropolitan school desegregation litigation, 1982-84  
 State of Vermont, Act 250, Pyramid Mall case, 1980-83  
 Additional litigation on zoning, sign regulation, environmental and local government issues in Alabama, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, South Carolina, Texas, Washington, D.C., and Wyoming  
 Co-author, amicus curiae brief to the United States Supreme Court for the American Planning Association in *Suitum v. Tahoe Regional Planning Agency* (1997); Author, amicus curiae brief to the United States Supreme Court on Petition for a Writ of Certiorari in *Kottschade v. City of Rochester* (2003); Author, brief to the United States Supreme Court on Petition for a Writ of Certiorari in *Coliseum Square Association v. Jackson* (2007)

#### RESEARCH PROJECTS:

Lincoln Institute of Land Policy, Coordination of Land Use Reviews

Between Levels of Government, 2000-2002

Transportation Research Board, Environmental Chapter Revision for Selected Studies on Highway Law, 1998-2002

Federal Highway Administration, Corridor Preservation Case Study and Legislative Research, 1999-2000

Federal Highway Administration, Joint Development in Highway and Public Transit Projects, 1995-96

Federal Highway Administration, Uncompensated Damages in Condemnation for Highway Projects, 1994-95

Federal Highway Administration, Corridor Preservation -- Legal and Institutional Barriers, 1992-94

Iowa State University, Growth Management Strategies to Reduce Transportation Capital Costs In and Near Midwestern Areas, 1992-95

U.S. Advisory Commission on Intergovernmental Relations, Intergovernmental Decisionmaking Processes for Environmental Protection, 1990-92

National Cooperative Highway Research Program, The Application of the National Environmental Policy Act to Highway Projects, 1989-90 (with G. Feder)

National Cooperative Highway Research Program, Legal Techniques for Reserving Right of Way for Future Projects Including Corridor Protection, 1986-87 (with A. Kolis)

Lincoln Institute of Land Policy, Housing and Planning in Yugoslavia, 1981

United States Department of Housing and Urban Development, Tax-Abated Urban Renewal in St. Louis, 1978-79

Argonne National Laboratory, Emission Density Zoning as an Air Pollution Control, 1977-78

National Science Foundation, The Role of Zoning and Housing Codes in Neighborhood Transition, 1976-77

United States Environmental Protection Agency, Emission Density Zoning as an Air Pollution Control, 1973-75

United States Environmental Protection Agency, The Contribution of Urban Planning to Air Quality, 1972-73

Southeast Asia Development Advisory Group, The Role of Law in Facilitating Urban Development, 1970-72

Walter E. Meyer Foundation, Studies on the Implementation of Comprehensive Planning in the Zoning, Urban Renewal and Transportation Process, 1968-71

United States Public Health Service, A Rationale for Public Powers over Slum Housing, 1968-69

United States Public Health Service, Tenement Landlord Relocation, 1967-68

United States Public Health Service, The Role of Blight Determination in the Urban Renewal Process, 1965-68

Walter E. Meyer Foundation, Comprehensive Planning in Urban Renewal, 1965-66



United States Bureau of Public Roads, *Inverse Condemnation: The Constitutional Limits of Public Responsibility*, 1963-64  
 United States Bureau of Public Roads, *Official Mapping for Street and Highway Projects*, 1962-63

#### BIBLIOGRAPHY:

##### BOOKS

*Street Graphics and the Law* (with J. Baker and R. Crawford) (4th ed. 2015)  
*Environmental Protection: Law and Policy* (with R. Glicksman, D. Markell, W. Buzbee, D. Bodansky & E. Hammond) (8th ed. 2018)  
*State and Local Government in a Federal System* (with J. Wegner, J. Griffith, K. Bond & C. Tyson) (8th ed. 2014)  
*NEPA Law and Litigation* (2018 Ed.)  
*Free Speech Law for On Premise Signs* (United States Sign Council, 2012), available at [landuselaw.wustl.edu](http://landuselaw.wustl.edu) & [ussc.org](http://ussc.org), with 2018 Supplement  
*Concise Introduction to Property Law* (with D. Callies, J.G. Hylton & J. Martinez) (2011)  
*Planning and Control of Land Development* (with D. Merriam, P. Salsich, N. Stroud, S. Meck & J. Tappendorf) (8th ed. 2011)  
*Designing Planned Communities* (2010), available at [landuselaw.wustl.edu](http://landuselaw.wustl.edu)  
*Property Law and the Public Interest* (with D. Callies & G. Hylton) (4th ed. 2016)  
*Planned Unit Developments* (American Planning Ass'n, Planning Advisory Serv. Rep. No. 545 (2007)  
 Editor, *Planning Reform in the New Century* (2005)  
*Street Graphics and the Law, Revised Edition* (American Planning Ass'n, Planning Advisory Serv. Rep. No. 527 (2004) (with A. Bertucci & W. Ewald)  
*Land Use Law* (5th ed. 2003 & Supp. 2014)  
 Editor, *Protecting Free Speech and Expression: The First Amendment and Land Use Law* (American Bar Association, 2001) (with R.L. Rubin)  
*Housing and Community Development: Cases and Materials* (with others) (3d ed. 1999)  
*Street Graphics and the Law* (with W. Ewald) (1988)  
*Federal Land Use Law* (with J. Gerard & T. Sullivan) (1986 & Supp. 2002)  
*Environment and Equity: A Regulatory Challenge* (1981)  
*Reviving Cities Through Tax Abatement* (with G. Feder & M. Collins) (1980)  
*Housing in America: Problems and Perspectives* (with R. Montgomery) (2d Ed. 1979)  
*Environmental and Land Controls Legislation* (1976 & Supp. 1982)  
*New Developments in Land and Environmental Controls* (1974)  
*Air Quality Management and Land Use Planning* (with G. Hagevik & R. Brail)

(1974)  
 Housing Subsidies in the United States and England (1973)  
 Street Graphics (with W. Ewald) (1971)  
 The Zoning Dilemma (1971)  
 Managing Our Urban Environment (2d Ed. 1971)  
 Case Studies in Land Planning and Development (1968)  
 Green Belts and Urban Growth: English Town and Country Planning in Action  
 (1962)

MONOGRAPHS:

Corridor Preservation: Study of Legal and Institutional Barriers (with B. Blaesser), Federal Highway Administration (1996)  
 Environmental Policy: The Next Generation (Fifteenth Denman Lecture, University of Cambridge, England; Department of Land Economy, 1993)  
 The Application of the National Environmental Policy Act to Highway Projects (with G. Feder), National Cooperative Highway Research Program, Legal Research Digest, No. 15 (1990)  
 Legal Techniques for Reserving Right-of-Way For Future Projects Including Corridor Protection (with A. Kolis), National Cooperative Highway Research Program, Research Results Digest No. 165 (1987)  
 1974 Five Year Boundary Review Report: An Evaluation of the Hawaii Land Use Law (with S. Spiegel) (1974)  
 Editor, The Capacity of the Legal System to Facilitate the Urban Development Process: Korea and the Philippines (1972)  
 Controlling Planned Residential Development (1966)

CHAPTERS IN BOOKS AND MONOGRAPHS:

The National Environmental Policy Act in Decision Making in Environmental Law II (L. Paddock et al., eds. 2016)  
 Inclusionary Zoning in Encyclopedia of Housing (A.T. Carswell, 2nd ed. 2012)  
 Zoning Codes: Form and Function, in Local Planning: Contemporary Principles and Practice (G. Hack et al., eds. 2009)  
 Project Environmental Analysis in Transportation Research Board, 3 Selected Studies in Highway Law, Environmental Law and Transportation (2003)  
 Derecho Urbanístico y Ordenación Urbanística Excluyente en los Estados Unidos de América in Anuario del Gobierno Local 2002, at 169  
 Commentary and Draft Model Legislation on Judicial and Administrative Review, Melding State Environmental Policy Acts with Local Planning, Corridor Maps and Amortization of Nonconforming Uses in American Planning Association, Growing Smart Legislative Guidebook, Model Statutes for Planning and the Management of Change (2002)

- The Notice Rule in Investment-Backed Expectations in Taking Sides on Takings Issues (T. Roberts ed., American Bar Association, 2002)
- Sign Regulation and Free Speech: Spooking the Doppelganger in Trends in Land Use Law from A to Z (P. Salkin, ed., American Bar Association, 2001)
- Corridor Maps (with B. Blaesser) in Modernizing State Planning Statutes: The Growing Smart Working Papers Vol. II, American Planning Association, Planning Advisory Service Report No. 480-481 (1998)
- Judicial Review of Land-Use Decisions in Modernizing State Planning Statutes: The Growing Smart Working Papers, American Planning Association, Planning Advisory Service Report No. 462-463 (1996)
- Waiving the Taking Clause: Conflicting Signals from the Supreme Court, 1994 Proceedings of the Institute on Planning, Zoning, and Eminent Domain Ch. 7 (1995)
- Housing Issues in AIDS Law Today in S. Burris, H. Dalton, J. Miller & the Yale Law Project, eds., AIDS Law Today (1993)
- The Legal Framework for Environmental Review of State and Local Public Works Projects in Advisory Commission on Intergovernmental Relations, Intergovernmental Decisionmaking for Environmental Protection and Public Works (1992)
- Principles on Due Process and Equal Protection in B. Blaesser & A. Weinstein, eds., Land Use and the Constitution: Principles for Planning Practice (1989)
- Zoning in L. Levy, K. Karst & D. Mahoney, eds., Encyclopedia of the American Constitution (with B. Ross) (1986)
- Group Homes: The Supreme Court Revives the Equal Protection Clause in Land Use Cases, 1986 Proceedings of the Institute on Planning, Zoning, and Eminent Domain Ch. 3 (1986)
- The Constitutionality of Inclusionary Zoning: An Overview in D. Merriam, D. Brower and P. Tegeler, eds., Inclusionary Zoning Moves Downtown (1985)
- Legislation to Reduce Litigation in Urban Land Institute, Working With the Community: A Developer's Guide (1985)
- Land Use Law and Antitrust Liability in E. Netter, ed., Land Use Law: Issue for the Eighties, Part II (1984)
- Environmental Protection in F. So, I. Hand & B. McDowell, eds., The Practice of State and Regional Planning (1984)
- Comprehensive Plans and the Law (with E. Netter), in E. Netter and S. Meck, eds., A Planner's Guide to Land Use Law (1983)
- Energy Conservation Implementation Through Comprehensive Land Use Controls, in R. Burchell & D. Listokin, eds., Energy and Land Use (1982)
- The Taking Issue in Land Use Regulation, in J. DeNeufville, ed., The Land Use

- Policy Debate in America (1981)
- Commentary on Legal Aspects of Controlling Shopping Center Competition, in G. Sternlieb & J. Hughes, eds., *Shopping Centers: U.S.A.* (1981)
- Regulatory Simplification: An Overview, in A. Kolis, ed., *Thirteen Perspectives on Regulatory Simplification* (Urban Land Institute Research Rep. No. 29, 1979)
- The Role of the Federal Government in Land Use Planning and Development Controls (with D. Wafer) in R. Cowart, ed., *Land Use: Planning, Politics, and Policy* (1976)
- The Clean Air Act: Land Use and Transportation Implications, in *Proceedings, National Conference on Land Use and Transportation Planning and Air Quality Management* (1975)
- Planned Unit Development: Internal Procedures and External Effects, in R. Burchell, ed., *Frontiers of Planned Unit Development* (1973)
- Quality Standards for the Control of Air Pollution, in A. Atkisson & R. Gaines, eds., *Development of Air Quality Standards* (1970)
- The Basic Philosophy of Zoning: Incentive or Restraint, in N. Marcus & M. Govers, eds., *The New Zoning* (1970)
- New Incentives and Controls, in W. Ewald, ed., *Environment and Policy* (1968)
- A Legal Strategy for Urban Development, in S. Warner, ed., *Planning for a Nation of Cities* (1966)

ARTICLES: (partial)

- Practicable Alternatives for Wetland Development Under the Clean Water Act, 48 *Environmental Law Reporter* 10894 (2018)
- New Perspectives on Planned Unit Development, 52 *Real Property, Trusts and Estates Law Journal* 229 (2018)
- Spot Zoning: New Ideas for an Old Problem, 48 *Urban Lawyer* 737 (2016)
- Zoning Barriers to Manufactured Housing, 48 *Urban Lawyer* 233 (2016), reproduced in 2017 *Zoning and Planning Law Handbook* 601 (Patricia E. Salkin, ed.)
- Environmental Assessments: Guidance on Best Practice Principles, 45 *Environmental Law Reporter* 10142 (2015) (with others)
- Growth-Induced Land Development Caused by Highway and Other Projects as an Indirect Effect Under NEPA, 43 *Environmental Law Reporter* 11068 (2013)
- Free Speech and On-Premise Signs, *Planning & Environmental Law*, Vol. 65, No. 5, at 3 (2013)
- Implementing State Growth Management Programs: Alternatives and Recommendations, 45 *John Marshall Law Review* 307 (2012)
- Housing Quotas for People With Disabilities: Legislating Exclusion, 43 *Urban Lawyer* 915 (2011)
- John Payne: A Remembrance, 63 *Rutgers Law Review* 797 (2011)

- The National Environmental Policy Act: A Review of Its Experience and Problems, 32 Washington University Journal of Law and Social Policy 93 (2010)
- Thoughts on NEPA at 40, 39 Environmental Law Review 10640 (2009)
- Decision Making in Sign Codes: How to Comply with the First Amendment and Avoid Litigation, Zoning Practice, March 2009, at 2
- Kelo's* Lessons for Urban Redevelopment: History Forgotten, Washington University Law Review Slip Opinions, Nov. 24, 2008, available at <http://lawreview.wustl.edu/slip-opinions/kelos-lessons-for-urban-redevelopment-history-forgotten>
- Decision Making in Sign Codes: The Prior Restraint Barrier, Zoning and Planning Law Report, September 2008, at 1
- Legislation for Planned Unit Developments and Master-Planned Communities, 40 Urban Lawyer 419 (2008)
- Model Legislation for Land Use Decisions, 35 Urban Lawyer 635 (2003)
- The Affordable Housing Element in Comprehensive Plans, 30 Boston College Environmental Affairs Law Review 555 (2003)
- Fred Bosselman's Legacy to Land Use Reform, 17 Journal of Land Use and Environmental Law 11 (2002)
- Entitlement to Substantive Due Process: Old versus New Property in Land Use Regulation, 3 Washington University Journal of Law and Policy 61 (2000)
- Managing Space to Manage Growth, 23 William & Mary Environmental Law and Policy Review 801 (1999)
- Testimony of Daniel R. Mandelker on H.R. 1534 Before the House Judiciary Committee, 31 Urban Lawyer 323 (1999)
- Federal Land Use Issues for the Next Century, 21 Zoning and Planning Law Report 33 (1998)
- New Property Rights Under the Taking Clause, 81 Marquette Law Review 9 (1997)
- Melding State Environmental Policy Acts with Land-Use Planning and Regulation, Land Use L. & Zoning Dig., Vol.49, No. 3, at 3 (1997), reprinted in Modernizing State Planning Statutes: The Growing Smart Working Papers Vol. II, American Planning Association, Planning Advisory Service Report No. 480-481 (1998)
- Two Cheers for Shifting the Presumption of Validity: A Reply to Professor Hopperton (with D. Tarlock), 24 Boston College Environmental Affairs Law Review 103 (1996)
- Planning and the Law, 20 Vermont Law Review 657 (1996)
- Property Rights and Takings (with A. Strong & E. Kelly), 62 Journal of the American Planning Association 5 (1996)
- Investment-Backed Expectations in Taking Law, 27 Urban Lawyer 215 (1995)
- Zoning Discrimination Against Group Homes Under the Fair

- Housing Act, Land Use Law and Zoning Digest, Vol. 46, No. 11, at 3 (1994)
- Of Mice and Missiles: A True Account of *Lucas v. South Carolina Coastal Council*, 8 Journal of Land Use and Environmental Law 285 (1993)
- Environmental Policy: The Next Generation, 64 Town Planning Review 107 (1993)
- Takings '92: The Case of the Curious Case, Land Use Law and Zoning Digest, Vol. 44, No. 9, at 3 (1992)
- Takings: Trilogy II, Land Use Law & Zoning Digest, Vol. 44, No. 4, at 3 (1992)
- Shifting the Presumption of Constitutionality in Land-Use Law (with D. Tarlock), 24 Urban Lawyer 1 (1992)
- The Conflict Between Environmental Land Use Regulation and Housing Affordability, 15 Zoning and Planning Law Report 1 (1992)
- Choice of Forum in Land Use Litigation: Federal or State?, 14 Zoning and Planning Law Report 114 (1991)
- Land Reservation for Public Facilities: The Taking Issue (with A. Kolis), Urban Land, Vol. 49, No. 4, at 30 (1990)
- A Plea to Allow the Federal Courts to Clarify the Law of Regulatory Takings (with M. Berger), Land Use Law & Zoning Digest, Vol. 42, No. 1, at 3 (1990)
- The Shifting Presumption of Constitutionality in Land-Use Law, 4 Journal of Planning Literature 393 (1989)
- Controlling Nonpoint Source Water Pollution: Can It Be Done?, 65 Chicago-Kent Law Review 479 (1989)
- NEPA Alive and Well: The Supreme Court Takes Two, 19 Environmental Law Reporter 10385 (1989)
- Interim Development Controls in Highway Programs: The Taking Issue, Journal of Land Use and Environmental Law 167 (1989)
- The Quiet Revolution -- Success and Failure, 55 Journal of the American Planning Association 204 (1989)
- Waiving the Taking Clause: Conflicting Signals From The Supreme Court, Land Use Law & Zoning Digest, Vol. 40, No. 11, at 3 (1988)
- Applying the Ripeness Doctrine in Federal Land Use Litigation (with B. Blaesser), 11 Zoning and Planning Law Report 50 (1988)
- Investment-Backed Expectations: Is There a Taking?, 31 Washington University Journal of Urban and Contemporary Law 3 (1987)
- Making Difficult Choices for Lower Income Housing Subsidies, 8 Urban Law and Policy 191 (1986)
- Public Entrepreneurship: A Legal Primer, 15 Real Estate Law Journal 1 (1986)
- Reversing the Presumption of Constitutionality in Land Use Litigation: Is Legislative Action Necessary?, 30 Washington University Journal of Urban and Contemporary Law 5 (1986)
- The White River Junction Manifesto (with N. Williams, R. Smith, C. Siemon & R. Babcock), 9 Vermont Law Review 193 (1984)

- Special Purpose Zoning, *Urban Land*, Vol. 43, No. 10, at 34 (1984)
- The Free Speech Revolution in Land Use Control, 60 *Chicago-Kent Law Review* 51 (1984)
- Cleaning the Air: The Costs and Benefits of Air Quality Control, *Washington University Law School Magazine*, Vol. 5, No. 1, at 30 (1983)
- Urban Revitalization in the 1980's, *Washington University Magazine*, Vol. 53, No. 3, at 14 (1983)
- Professor Hagman's Legacy to Legal Scholarship (with D. Tarlock), 29 *University of California at Los Angeles Law Review* 770 (1982)
- Planning and Housing in the Yugoslav Republic of Solvenia, 4 *Urban Law and Policy* 357 (1982)
- Inverse Condemnation for Land Use Takings: New Riddles from the Supreme Court, *Urban Land*, Vol. 40, No. 8, at 22 (1981)
- Land Use Takings: The Compensation Issue, 8 *Hastings Constitutional Law Quarterly* 491 (1981)
- The Billboard Ban: Aesthetics Comes of Age (with L. Reiman), *Land Use Law & Zoning Digest*, Vol. 31, No. 11, at 4 (1979)
- Wither Hawaii: Land Use Management in an Island State (with A. Kolis), 1 *University of Hawaii Law Review* 48 (1979)
- Constitutional Limitations on Emission Quotas as an Air Pollution Control Strategy (with F. Taub), 8 *Ecology Law Quarterly* 269 (1979)
- City Planning in the Soviet Union: Problems of Coordination and Control, 2 *Urban Law & Policy* 97 (1979)
- The Catch-13 in Proposition 13: Higher Development Charges Raise New Questions for Courts, *Environmental Comment* July, 1979, at 4
- The Quiet Revolution Reconsidered, *Land Use Law & Zoning Digest*, Vol. 31, No. 8, at 4 (1979)
- Differential Enforcement of Housing Codes--The Constitutional Dimension (with J. Gibb & A. Kolis), 55 *Journal of Urban Law* 517 (1978)
- Should State Government Mandate Local Planning? .. Yes, *Planning*, July, 1978, at 14
- Racial Discrimination and Exclusionary Zoning: A Perspective on *Arlington Heights*, 55 *Texas Law Review* 1217 (1977)
- Emission Quota Strategies as an Air Pollution Control Technique (with T. Sherry), 5 *Ecology Law Quarterly* 401 (1976)
- The Role of the Local Comprehensive Plan in Land Use Regulation, 76 *Michigan Law Review* 899 (1976)
- Multi-Permit Procedures in the Hawaiian System of Land Use Controls, *Environmental Comment*, May 1976, at 12
- Critical Area Controls: A New Dimension in American Land Development Regulation, 41 *Journal of American Institute of Planners* 21 (1975)
- Downzoning to Control Growth Draws a Close Look from the Courts, 3 *Real Estate Law Journal* 402 (1975)
- The National Coastal Zone Management Act of 1972 (with T. Sherry), 7 *Urban*

- Law Annual 119 (1974)
- The Role of Land Use Controls in Combating Air Pollution Under the Clean Air Act of 1970 (with S. Rothschild), 3 Ecology Law Quarterly 235 (1973)
- Urban Conflict in Urban Renewal: The Milwaukee CRP Experience, 1971 Law and the Social Order 635
- Legal and Political Forums for Urban Change, 405 Annals of the American Academy of Political and Social Science 41 (1973)
- Judicial Review of Land Development Controls Under the ALI Model Code, 1971 Land-Use Controls Annual 101
- The Local Community's Stake in Code Enforcement, 3 Urban Lawyer 601 (1971)
- A Model State Relocation Law, 1971 Urban Law Annual 117
- Strategies in English Slum Clearance and Housing Policies, 1969 Wisconsin Law Review 800
- Housing Codes, Building Demolition and Just Compensation: A Rationale for the Exercise of Public Powers Over Slum Housing, 67 Michigan Law Review 800 (1969)
- Investment Activities of Relocated Tenement Landlords - A Pilot Study (with D. Heeter), 1968 Urban Law Annual 33
- The Comprehensive Planning Idea in Urban Renewal, 116 University of Pennsylvania Law Review 16 (1967)
- Inverse Condemnation: The Constitutional Limits of Public Responsibility, 1966 Wisconsin Law Review 3
- The Role of Law in the Planning Process, 30 Law and Contemporary Problems 26 (1965)
- Controlling Land Values in Areas of Rapid Urban Expansion, 12 University of California at Los Angeles Law Review 734 (1965)
- Some Policy Considerations in the Drafting of New Towns Legislation, 1965 Washington University Law Quarterly 71
- Planning the Freeway: Interim Controls in Highway Programs, 1964 Duke Law Journal 439
- Delegation of Power and Function in Zoning Administration, 1963 Washington University Law Quarterly 60
- Control of Competition as a Proper Purpose in Zoning, 14 Zoning Digest 33 (1962)
- Notes from the English: Compensation in Town and Country Planning, 49 California Law Review 699 (1961)

#### CONGRESSIONAL:

- Testimony before subcommittees of the House and Senate Judiciary Committees on legislation establishing ripeness rules for land use litigation, 1998 & 1999



Testimony before various congressional committees on land use and environmental issues, e.g., Regulatory Barriers to Affordable Housing, Before Subcommittees of the House of Representatives Committee on Banking, Finance, and Urban Affairs, 1990 & 1991

The Role of Zoning in Housing and Metropolitan Development, in Papers Submitted to Subcommittee on Housing Panels, Committee on Banking and Currency, House of Representatives, 92nd Congress, 1st Session, at 785 (1971)

Additional testimony before Senate and House Committees on urban problems and problems under the Highway Beautification Act and other highway programs

#### EDITORIAL BOARDS:

Laws, 2014-

Planning & Environmental Law (formerly Land Use Law & Zoning Digest), American Planning Association, 1975-2014

Legal Scholarship Network, Electronic Journal of Abstracts on Land Use, Property, and Real Estate Law, 1999-

Encyclopedia of Housing, Board of Consulting Editors, 1991-96

Lexis-Nexis/Michie, Editorial Advisory Board, Casebook Series, 1989-98

Florida State University Journal of Land Use and Environmental Law, 1985-1995

Journal of Planning Literature, 1984-2001

Urban Affairs Quarterly, 1985-89

Urban Law and Policy, 1977-92

Sage Urban Studies Abstracts, 1973-1983

Real Estate Law Journal, 1972-93

Journal of the American Planning Association, 1975-85

Land Economics, 1972-75