

## Epilogue

Robert H. Freilich\*

The eminent success of the *Journal of Law and Policy* (formerly the *Journal of Urban and Contemporary Law*) is due in its greatest part to the exceptional talents of Dan Mandelker. The one person in the fields of land use, environmental, and state/local government law that one can confidently state is at the very highest pinnacle of the profession, both academically and in the field, is without doubt Dan Mandelker.

Dan's contributions to national, state, and local policy in these days of dramatically challenging land use relationships have been legionary. From the earliest days of his studies with a giant figure in land use, Jacob Buescher, at Wisconsin, on official mapping and nuisance controls, to his current work on the role of the comprehensive plan and takings jurisprudence, Dan has been bold, creative, and a font of knowledge of how to turn the vast lore of land use, which he has so mastered, into contemporary thought and practice at the highest level. There is not a field of land use that he has not touched: signs, First Amendment, design standards, planned unit development, comprehensive planning, investment-backed expectations, corridor preservation, transportation congestion management, and a host more.

Dan's work has translated itself since 1965 into making the *Washington University Urban Law Annual* into one of the most thoughtful periodicals in the field, read and cited universally. As Editor of *The Urban Lawyer* for the American Bar Association, Section of State and Local Government Law, operating across the state, I am delighted that there has always been a friendly rapport that has made both journals excel. Dan must by now truly realize that the

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peripatetic professor who has taught at Columbia, Harvard, University of Washington, N.Y.U., and Indiana, among many others, always comes home to the place he loves and does his greatest work.

Yet land use is only one of the many fields in which Dan has excelled. When I first met Dan it was 1969, he was one of a group of leading faculty drawn from around the nation for an extraordinary summer program at N.Y.U. on rethinking housing policy and strategies. Naturally Dan's casebook on housing has been the first, and the best, to educate a generation of law students about everything from public housing to suburban fair share affordable housing needs.

Land use also has lead to the environment. While scholars and practitioners were focusing on the details of air and water quality in the early 1970s, Dan turned to the vastly misunderstood arena of environmental impact studies and demonstrated to the nation that underpinning all environmental improvement lay the need for governmental agencies to fully assess the impact on the environment from proposed projects. Yet, he did more. He showed in his seminal works on the National Environmental Policy Act that litigation and federal land use law that understanding development alternatives in order to mitigate environmental impact leads to dramatic improvement of the environment itself.

Last but not least is Dan's contribution to the field of state and local government law. When professors were still teaching and writing about "municipal law" he was already expounding on the use of state constitutional law to supplement federal constitutional litigation. Dan exposed the nation to the need for regional solutions, intergovernmental cooperation and extraterritoriality to solve problems that transcend local government boundaries. He gave us a methodology for thinking about these problems by considering the external effects and impacts of local, parochial, and selfish feudalities, whether central cities or suburban defensive incorporations. In his work today with the American Planning Association's Smart Growth model enabling legislation, he has carried that tradition forward.

I owe a great deal to Dan's willingness over the years to help his younger colleague, review his work and share in a wonderful collegial way in the "great debate" on takings policy with Michael Berger and Gideon Kanner. The new book that I have published this

past December, *From Sprawl to Smart Growth: Successful Legal, Planning and Environmental Systems*<sup>1</sup> bears the strong stamp of Dan's willingness to advise, consult, and sharpen the book's perspectives. Look at the list of his colleagues and former students who have written for this commemorative issue. It is a literal Who's Who of American and international practitioners and renowned scholars in this field. All of them I am sure owe a similar debt of gratitude to Dan.

To the *Journal of Law and Policy*, whose pages have always reflected the best in scholarship, the pride of an outstanding law school and the patrimony of a great professor, I wish the best for the years to follow.

For my friend and colleague, Dan Mandelker, I wish nothing more than he have the health and fortitude to continue his work of educating and transforming us all and truly advancing a better future for the citizens of the world.

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1. ROBERT H. FREILICH, FROM SPRAWL TO SMART GROWTH: SUCCESSFUL LEGAL PLANNING AND ENVIRONMENTAL SYSTEMS (1999).