

LAND USE REGULATION

STEWART E. STERK
EDUARDO M. PEÑALVER

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by

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PREFACE

Legal doctrine plays an important but peripheral role in the practice of Land Use law. Statutory and constitutional provisions become critical once land use disputes reach litigation, but most land use disputes are not resolved in court, but rather in front of city councils or local zoning boards or planning commissions composed of laymen who know little about constitutional and statutory interpretation and even less about common law principles. Representing clients before part-time volunteer decisionmakers unschooled in the law presents challenges different from those that arise in ordinary litigation.

This book is designed to prepare students for the various roles land use lawyers must play: zealous advocate, good listener, calm conciliator, wise counselor. Although the book—like most law school casebooks—includes leading appellate cases, our focus is on the relevance of those cases for a land use practitioner. The book's extensive questions and problems are designed to explore how lawyers should advise and represent their clients in light of the issues raised by the decided cases.

We have benefited from suggestions made by students who have studied Land Use from preliminary versions of the casebook, and especially from Emily Bayer-Pacht, Jonathan Rohr, Brian Steinwascher, Laura Tam, and Robert Tricchinelli, who have provided invaluable research assistance.

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