

Results of the 2012 Environmental & Land Use Law Section Survey

A link to an electronic survey was e-mailed on May 29, 2012 to 1,604 members of the Environmental & Land Use Law Section. By the June 11, 2012 cut-off date, 233 completed surveys were received for a response rate of **15%**.

In reporting the results, all percentages were rounded to the nearest whole percent (example: 34.5% equals 35%). For this reason, totals may vary from 99 to 101 percent. Note that several questions are "multiple response questions." This means that respondents were encouraged to check all responses which apply to a given situation. Thus, multiple response questions will not total 100 percent.

1. What is your legal occupation or classification?

<u>Category</u>	<u>Percent</u>
Employed in private practice	65
Employed in government practice	27
Employed as in-house counsel	4
Employed as other type of practitioner	4
Employed as an arbitrator/mediator	0

- * Nearly two-thirds (65%) of all respondents are employed in private practice, while just over one-quarter (27%) are employed in government practice.

2. What percentage of your overall legal practice is Environmental Law related?

<u>Category</u>	<u>Percent</u>
25% or less	55
26% to 50%	14
51% to 75%	8
More than 75%	23

- * Over half (55%) of all respondents indicate that one-quarter or less of their overall legal practice is Environmental Law related, while nearly one-quarter (23%) indicate that more than 75% of their overall legal practice is Environmental Law related.

3. What percentage of your overall legal practice is Land Use Law related?

<u>Category</u>	<u>Percent</u>
25% or less	55
26% to 50%	20
51% to 75%	14
More than 75%	11

* Over half (55%) of all respondents indicate that one-quarter or less of their overall legal practice is Land Use Law related.

4. Please list any other areas of law (besides Environmental & Land Use Law) that you currently practice:

A total of 103 areas of law were reported by respondents. The table below lists the five most frequently mentioned categories.

<u>Category</u>	<u>Number of Responses</u>
Government/local government	16
Real estate	15
Administrative law	13
Contracts	8
Sunshine & public records law	5

5. How many years have you been practicing law?

<u>Category</u>	<u>Percent</u>
Less than 2 years	6
2 to 5 years	5
6 to 10 years	17
11 to 20 years	23
More than 20 years	49

* Almost half (49%) of all respondents indicate that they have been practicing law for more than 20 years.

6. How many years have you been a member of the Environmental & Land Use Law Section?

<u>Category</u>	<u>Percent</u>
Less than 2 years	11
2 to 5 years	13
6 to 10 years	26
11 to 20 years	23
More than 20 years	27

* Half (50%) of all respondents indicate that they have been an Environmental & Land Use Law Section member for more than 10 years.

7. What were your primary reasons for joining the Environmental & Land Use Law Section? (MULTIPLE RESPONSE QUESTION -- CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Practice area knowledge	87
Professional growth	73
Access to specific section materials (e.g. Reporter, Treatise)	67
Service to the public/profession	33
Business development	24
Discounted CLE	20
Networking/mixers	18
Law school outreach	2
Other	2

* At least two-thirds of all respondents list practice area knowledge (87%), professional growth (73%), and access to specific section materials such as the Section Reporter & Treatise (67%), as primary reasons for joining the Environmental & Land Use Law Section.

8. What do you believe is the most important function of the Environmental & Land Use Law Section?

<u>Category</u>	<u>Percent</u>
Continuing legal education	50
Updates on current practice developments	44
Social/professional networking opportunities	3
Law school outreach efforts	1
Legislative lobbying	1
Other	<1

* Half (50%) of all respondents report that providing continuing legal education is the most important function of the section, while over two-fifths (44%) report that the most important function is providing updates on current practice developments.

9. How important are the following Environmental & Land Use Law Section services and functions?

<u>Category</u>	<u>Very Important Percent</u>	<u>Slightly Important Percent</u>	<u>Neutral Percent</u>	<u>Somewhat Unimportant Percent</u>	<u>Not Important at All Percent</u>
CLE programs	80	17	3	0	<1
Section Reporter	47	42	10	<1	0
Treatise	43	34	18	4	<1
Website	37	40	21	2	<1
Substantive committees	21	47	28	4	0
Networking/mixers	12	38	34	11	5
Growing membership	6	34	49	8	3
Relations with law schools	6	30	48	11	5

* Over three-quarters of respondents report that CLE programs (97%), Section Reporter (89%), Treatise (77%) and the Website (77%) are important services or functions offered by the section.

10. How important are the following Environmental & Land Use Law Section services and functions that are provided to law schools and law students?

<u>Category</u>	<u>Important Percent</u>	<u>Neutral Percent</u>	<u>Unimportant Percent</u>	<u>Unaware Percent</u>
Additional CLE subsidies	41	33	4	22
ABA/ELULS Fellowships	37	34	5	24
Mixers/brown bag luncheons	35	37	11	18
Law school block grants	26	39	11	24
Special request grants	23	41	11	26

* Just over two-fifths (41%) of all respondents report that providing additional CLE subsidies is an important service provided by the section.

11. How many Environmental & Land Use Law Section sponsored CLE programs have you participated in during the last two years?

<u>Category</u>	<u>Percent</u>
None	24
One	27
Two	32
Three	10
Four	4
Five or more	3

* Just over three-quarters (76%) of all respondents report that they have participated in at least one Environmental & Land Use Law Section sponsored CLE program during the last two years.

12. What is your opinion of the level of Environmental & Land Use Law Section sponsored CLE programs?

<u>Category</u>	<u>Percent</u>
They are just right	63
They are too basic	10
They are too advanced	2
No opinion	15
Have not participated in any ELUL Section programs	10

12a. What is your opinion of the level of Environmental & Land Use Law Section sponsored CLE programs? (ONLY INCLUDES RESPONDENTS WHO HAVE PARTICIPATED IN A SECTION CLE PROGRAM AND HAVE AN OPINION)

<u>Category</u>	<u>Percent</u>
They are just right	84
They are too basic	13
They are too advanced	3

* When considering only those respondents who have participated in an Environmental & Land Use Law Section sponsored CLE program and have an opinion of it, a large majority (84%) report that those CLE programs are “just right”, compared to 16% who report the programs to be either “too basic” or “too advanced”.

13. Are there any additional projects, activities or services not presently offered by the Environmental & Land Use Law Section that you would like to see offered by the section in the future?

<u>Category</u>	<u>Percent</u>
Yes	11
No	41
Not sure	48

* Eleven percent of all respondents listed at least one additional project, activity, or service they would like to see the section offer in the future. A complete listing of those responses is provided in Table 13a.

13a. If yes, please specify:

* A planting project, perhaps state-wide or local. A beach clean-up effort.

* Additional support for law students interested in law and attorneys just entering practice.

* Business has been very slow and governments are not hiring. I spend a large amount of time talking to law students about future and what will be hot when they graduate or over the course of time. The Environmental & Land Use Law Section may have already done this but having speakers make presentations at law schools on jobs opportunities and trends in the area would be helpful. Also, begin to focus on water quantity/quality and energy for the future.

- * Develop model state legislation and local ordinances. Also, rather than lobbying, the section might think about offering some of its members' expertise to provide expert advice and counsel to the Florida Legislature and its committees.
- * Efforts to assist members with board certification, either in currently existing certifications or in advocating for an environmental certification.
- * I find the practice of law, including environmental law, to be increasingly combative. It would be nice if being a member of the section required some sort of commitment to professional courtesy, and those that don't abide by the commitment get voted off the island. Seriously, I don't know exactly how to go about it, but any efforts to foster professionalism would be appreciated.
- * I think most of the programs focus on the basics, which is necessary for many. I'd like to see some more intermediate/advanced stuff - although I recognize that those may tend to be less attended.
- * I would like to see section mixers that include volunteer or outdoor opportunities.
- * It seems to me that the CLEs have become somewhat stale and increasingly expensive. CLEs for a section should be, in my opinion, the primary source for an attorney to be able to meet their CLE requirements. They also seem to always involve the same presenters. I know this is a function of the committees relying on the resources of its members, but maybe some outreach to other section members needs to be performed to open the door to increased participation. I think the webinars are a GREAT idea. However, I do not understand at all why, if a CLE is being offered and one can attend through a webinar, it is more expensive. An explanation would be great! Could it be the connection fees, etc? Because, for physical attendance, the food and drink consumption, etc. would seem to be more and therefore the costs for a webinar should be less than the physical operation of an in-person CLE.
- * Let members know what resources are available or at least how to find out what is available. Most of the questions are about things that I am unaware of.
- * More information on the new laws and policies within the environmental agencies. Also, more on environmental cases.
- * More land use programs.
- * More networking.
- * More Public Interest Representation issues.
- * Provide support for law firms seeking to green their operations.
- * Public service projects.

- * Regular short telephone conferences on subjects of interest to section members.
- * Retreat.
- * Return to Amelia Island Plantation for the annual update.
- * Some additional topics in the treatise - I'll write in directly (I intend to author one or two) with proposal letters to the ELULS.
- * Something involving public service.
- * Too much emphasis on environmental law and not enough on land use law. That is because the people who run the committee are environmental lawyers. I find the section to be clique-ish at the top.
- * True environmental law CLEs, IMHO this section is really a Land Use section.

14. Please list any ideas or suggestions you might have for how the section can generate additional revenue:

17 respondents provided the following suggestions pertaining to how the section might be able to generate additional revenue:

- * Auction?
- * CLE on trends 2, 5 and 10 years out.
- * Conferences using lawyers as speakers specifically for non-lawyers such as consultants, corporate environmental personnel, etc.
- * Don't hold retreats out of state.
- * Encourage non-lawyer environmental professionals (scientists, NEPA analysts, other allied environmental professionals) to affiliate with the section. The section could offer educational opportunities that could include these environmental professionals; both lawyers and non-lawyers would benefit. The section could sponsor workshops or conferences that include other environmental professionals. Partner with the Administrative Law Section to offer specialized environmentally-oriented administrative law educational opportunities. Perhaps focus on the use of supporting documents such as risk assessments, environmental assessments and cost-benefit analyses in the regulatory process.
- * Focus more on developments in the law and less on how to make ourselves "greener".

- * Grow memberships.
- * Have we thought about providing continuing education to related fields (engineering, environmental professionals, etc.) for a fee?
- * Increase sponsorships.
- * It may be beneficial for the ELULS to reach out to other professional associations to help increase participation in the annual conference and other programs. The Florida Association of Environmental Professionals would be a good fit given the ELULS affiliate program.
- * Legal issues programs for non-lawyers such as environmental and planning consultants.
- * Lunchtime webinars.
- * Maybe the Section could sell some advertising space in the Reporter and circulate it more heavily.
- * More local and regional workshops or classes.
- * Retreat
- * Return to Amelia Island Plantation for the annual update.
- * Sell t-shirts with ELULS logo.

15. Have you ever served on an Environmental & Land Use Law Section committee?

<u>Category</u>	<u>Percent</u>
Yes	18
No	82

- * Slightly under one-fifth (18%) of all respondents report ever serving on a committee of the Environmental & Land Use Law Section.

- 16. Are you interested in serving in any of the following ELUL Section committees? (If you are interested in participating on any of the committees listed below, please either email your interest to 2012-13 Section Chair OR check your preferences and then type your name and email address in the box provided below).**

A total of 46 respondents indicated a preference for serving on an ELULS committee in the future. A list containing contact information for those individuals and their committee preferences was provided to the ELULS chair.

- 17. Please list any comments you may have about the Environmental & Land Use Law Section:**

Twenty-two respondents provided the following comments or suggestions:

- * Being a long time member and former section chair was the high point of my legal career.
- * By far, I find this section to be the most useful one of the plethora of Sections and committees I belong to with The Florida Bar and the ABA. The lunchtime monthly CLE's are very helpful, just from the standpoint of staying current on developing situations. The longer CLE programs (the annual updates, hot topics, etc.) have excellent, knowledgeable speakers who are hard at work in their fields and who know of which they speak. I sincerely appreciate the efforts of the committees to keep this kind of high quality educational and policy content readily available to practitioners.
- * Due to budget constraints, my opportunities to participate in the Section are extremely limited, although I would like to be more involved.
- * Great resource!
- * Great section, lots of energy and professionalism.
- * I get great comfort from knowing that the section is there if I need it.
- * I really like the publications and the list serve. I find the information on both of these to be invaluable.
- * I would like to be more involved in the section but it seems to be more difficult to get information than it is for some of the other sections. Until I started filling out this survey and did some research on the ELULS website, I wasn't aware of the Section Reporter. Is an email sent out with a .pdf attachment of it or at least to announce that it has been published?

- * I would like to have some kind of membership certificate or card other than my receipt.
- * I'd like there to be more focus on the land use side. I think environmental tends to overshadow land use.
- * My lack of participation with the section has decreased in the past few years due to the poor real estate market. I am sure this has affected others in the same way, although it appears that certain niche projects are beginning to move ahead. My general real estate practice, especially litigation over property rights between private parties, and real estate-related business disputes has, for the most part, filled in the gap.
- * Need more land use coverage.
- * No time to participate other than receiving newsletter.
- * One of the better managed and most informative sections of the Bar.
- * Please return to Amelia Island Plantation for the annual update, and return to the basic updates for the courses, not cutesy names with highly specialized subjects.
- * Seems very inactive.
- * Sometimes you forget about out of state practitioners or federal government employees.
- * The ELULS is too Florida-law focused, and seems dominated by lawyers in Central and Northern Florida. It would be helpful if the ELULS could devote more attention to federal environmental law issues, and if it could have more dynamic presentations at meetings. I don't attend many section events because I find that the quality of presentations is not as good as those given elsewhere, and do not seem as relevant to my practice.
- * The on-line resources available to section members are very useful.
- * The seminars need to be upgraded and some new people involved. For example, the same people seem to speak at the annual meeting every year. There are better seminars available.
- * There is a wealth of knowledge and experience in this section on which all of us can draw. I am in awe of the cumulative base of knowledge. I wish there were more opportunities to be able to share and learn, not necessarily in a formalized CLE format, but maybe workshops or think tanks or planning functions or blog posting.
- * There is very little land use covered during the seminars.

18. What is your county of primary practice?

<u>Category</u>	<u>Percent</u>
Leon	12
Hillsborough	10
Orange	10
Miami-Dade	7
Broward	7
Palm Beach	7
Pinellas	5
Duval	4
Volusia	3
Lee	2
Sarasota	2
Alachua	2
Brevard	2
Escambia	2
Manatee	2
Out of State	6
“Statewide”	5
All Other Counties in Florida	12

19. Please indicate your ELUL Section status:

<u>Category</u>	<u>Percent</u>
Section member	97
Section affiliate member	2
Other	<1