

2021

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Recommended Citation

Erin Ryan, *Tribute to Professor David Markell: A Colleague Among Colleagues*, 36 *J. LAND USE & ENVTL. L.* (2021),
Available at: <https://ir.law.fsu.edu/articles/722>

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**TRIBUTE TO PROFESSOR DAVID MARKELL:
A COLLEAGUE AMONG COLLEAGUES**

ERIN RYAN

It is a great pleasure to be able to celebrate my colleague, David Markell, at his retirement from an extraordinary career in both civil service and academia. Other contributors to this collection will speak to his legacy as a scholar and a teacher, and I would certainly echo everything they say. Indeed, I will, for a bit, although I will save my central paean here for Dave's contributions as a colleague, friend, and fellow citizen. But each of these contributions begins with the special insight and empathy that he brought to his work and his community every day, drawing on the experiences he gained over an extraordinary career path.

To a prolific career of scholarly writing, Dave brings the rare gift of high-level practical experience. Legal academia has a noted preference for hiring faculty from the ranks of the recently graduated, with only early career experience, unsullied by prolonged advocacy or regulatory experience. Like the typical new law professor, Dave began his career with a prestigious judicial clerkship in his home state's Supreme Court and brief stints at a pair of white-shoe D.C. law firms. He then followed his heart to a longer stint at the U.S. Environmental Protection Agency, where he earned multiple performance awards as an Assistant Regional Counsel for Region II, including New York State. But at the time so many legal academics begin shifting back toward the ivory tower, Dave plunged further into the actual nuts and bolts of environmental law and governance, achieving substantial professional success as a lawyer before he offered it back to the next generation as a teacher and scholar.

Before eventually joining the law faculty first at Albany Law School and then here at Florida State University, Dave completed his work with the U.S. Environmental Protection Agency, briefly shifted to the Environmental Enforcement Section of the U.S. Department of Justice, Land and Natural Resources Division, where he was a trial attorney, and finally settled into leadership roles at the New York State Department of Environmental Conservation. There, he served for several years as Director of Environmental Enforcement and eventually as Deputy Commissioner in the Office of Environmental Remediation.

Even in the middle of his academic career, he spent two additional years engaged in real world environmental governance through his work with the North American Commission for Environmental Cooperation, an international institution established in 1994 by the United States, Canada, and Mexico under the North American Agreement on Environmental Cooperation, complementing the contemporaneous North American Free Trade Agreement. Closely reflecting the personal values that have always animated Dave's career, the Commission for Environmental Cooperation was designed to advance international cooperation, sustainable development, and mutually beneficial environmental and economic policies for the benefit of present and future generations in all partner nations. Dave directed the office that managed citizen submissions on enforcement matters, an innovative institution of environmental governance that engaged public participation in support of the agency's overall mission, empowering citizens to formally allege failures by any of the three nations to effectively enforce their own environmental laws.

While an academic, he also worked with the American Bar Association on its Central and East European Law Initiative to analyze draft environmental protection laws for the Republics of Georgia and Armenia. He served on the National Advisory Committee of the U.S. Environmental Protection Agency. Over an extended two-year period, he successfully mediated a federal Clean Air Act enforcement case. In various capacities, he has advised the Organization of American States, the Central American Free Trade Agreement Secretariat, the Auditor General of Canada, and the State of Florida Departments of Health and Economic Opportunity.

It was this rich career in the actual practice of environmental governance before academia that enabled Dave to marry his natural gift for academic analysis with an in-depth, field-level understanding of the constraints, challenges, and rate-determining steps of environmental law. As a result, both his scholarship and his teaching were infused with a level of insight that most law professors will never quite reach. Adjunct instructors, teaching a course alongside regular legal practice, are beloved by students for their tales from the field and useful practical advice—but they rarely get the bird's eye view that enables academics to see the connections and missed connections among different fields of law. With the luxury of time and immersion, full-time faculty can see

the broader patterns, the bridges with other fields of academic inquiry, and if they are creative, opportunities for beneficial legal redesign—but with limited practical experience, they may miss the mark. Dave is the rare academic who genuinely combines both.

These twin gifts have consistently animated both his classroom and his scholarship. Countless former students of his, now successful leaders in the field, have testified to the inspiration he provided them at the various gatherings in which we have honored him this year. Doubtlessly, his gifts also contributed to the success of the environmental law program that he ran for many years at FSU, as Associate Dean for Environmental Programs. And in his performance of other leadership roles here, including Associate Dean for Academic Affairs and Associate Dean for Research. But environmental law was always his true academic love, and that love, spirit, and experience infused the program with energy and enthusiasm. It is surely a credit to his ability to bring environmental law students, practitioners, academics, and civic leaders together in creative ways that the program he led here consistently placed in the top twenty environmental law programs nationwide.

Meanwhile, the incorporation of Dave's twin gifts into his written work invites the highest possible praise, in that his scholarship is truly *useful* to the field. In contrast to so much legal scholarship today, Dave was never stalking the “big kill”—the would-be paradigm shifting re-imagination of the field that American academics are wont to chase but will probably never be cited in a judicial opinion or any other intersection with the real legal world. Dave's ambitions were more mature, and ultimately, more *useful*—even, and perhaps especially, to those outside academia. He was able to synthesize this deep well of experience with the theoretical tools of the academic to break the superwicked problems of environmental law into more digestible pieces and then recombine them into meaningful proposals for progress. In the end, Dave simply wanted to make the world better by training better lawyers, helping us understand how environmental law could work even better than it does now, and participating in his career-long practice of thinking and acting both locally and globally to solve real environmental problems. And that is exactly what he did, from the earliest days of his career to—I expect—many days yet to come.

Despite the towering figure Dave is professionally, the part of Dave that I have most appreciated is much more personal—and that is the extraordinary human being that he is. Dave educated his students, produced this body of work, and helped lead the law school at the same time that he took care of his family, his community, and himself. He raised three daughters with his wonderful wife, Mona, and seemed intimate with everything and everyone interesting in Florida government. He was the President and a Board Member of the Tallahassee Jewish Federation. He worked with teens at his Temple on charitable projects, earning widespread recognition for their good works, and he served the wider community in countless other ways, especially involving youth.

Dave became deeply involved in the public schools when his children were young and remained so long after that, working with them through systemic challenges and tutoring at-risk children. When he saw that more children needed help than he could help alone, he created not one but two middle school mentoring programs that partnered law students with struggling middle school students who would benefit from tutoring and role modeling. Dave served on countless local, state, national, and even international councils, and committees in whatever way he could help them, and he also found time to coach his daughters' softball teams. Dave is such a mensch that he even inspired those around him to eat better and exercise more regularly by his own good habits, leaving the office for a daily run to the athletic center after a carefully crafted healthful lunch.

At FSU too, Dave has been a backbone of the community. He cared about institution-building, but he also cared about individuals, and he went above and beyond the call of duty to support every student and colleague who crossed his path. While he was a towering figure professionally, it was easy not to know this, because he was so relentlessly humble and unassuming about all of this. Those of us he leaves behind at FSU will miss his consistently calm presence, accented with good humor and a strong sense of inclusiveness. Former colleagues have recalled how supportive he was of junior women faculty moving through the tenure process at a time where there were few tenured women on the faculty, and how committed he was to values of diversity and equity.

Indeed, Dave was as wonderful a mentor as a new faculty member could have asked for—even the full professor that I was when I arrived here in 2015. Dave helped guide me through the interstices of my new local and institutional environment with a kindness of spirit that warmed me every time we met, and still does. Dave was so instrumental in bringing me here, and then helping me find an academic home here, that it is still hard for me to imagine being at FSU Law School without him. I already miss his wisdom, compassion, clarity of judgment, and steady leadership at work every day. But I am also excited for the new pursuits and adventures that await him on the other side of academia. Dave is, and always will be, a colleague among colleagues, the very best among us.

Epilogue

Since writing the above essay many months ago, I have had the terrible task of sharing with our students, alums, and colleagues the tragic news that Dave Markell finally left us on March 22, 2021, surrounded by family after a heroic battle with cancer. News of his passing prompted a spontaneous outpouring of grief from the many communities of which he was a part—from FSU alumni throughout the legal profession, to the local Jewish community here in Tallahassee, to the worldwide community of environmental law academics who cherished him. Here at FSU, we collected over ten pages of these remembrances to share with his loving family.

Reflecting the central theme of this essay, each of his communities heralded the remarkable friend, colleague, family member, and fellow citizen that Dave remained to his final days. Certainly, he devoted himself professionally to the highest aspirations of the environmental field, and he succeeded in a career marked by both academic and real-world accomplishments. We will continue to rely on his six books and fifty some-odd articles on such critical topics as climate change, environmental enforcement and compliance, and international environmental cooperation. Yet the enduring theme of these remembrances was his utter nobility and sincerity as a human being.

Despite these countless professional accomplishments, we will remember Dave even more as the man who personally embodied grace, so wholly devoted he was to bettering life for the people and the world around him. He loved his family, nurtured his students,

and helped all corners of his community at every opportunity. Everyone who knew him was quietly awestruck by his simple and straightforward goodness. Personally, I'm not sure a more decent man has ever walked the earth. As one family friend summed him up, no matter how grand his professional engagements, he was always the guest who would volunteer to clean up the kitchen after a holiday meal.

In writing these words today, just weeks after his passing, I remain, together with everyone in his various communities, riven with feelings of profound loss and grief. As time presses forward, however, I also know that we will all draw courage from his strength, humility from his example, and inspiration from his role modeling, to make the world better in every way that we, too, are able.