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Ecological Economics w/ Environmental Law

Ecological Economics or EE is about providing the most human benefits at the lowest ecological cost. EE and environmental law are about caring about future generations and trying to alleviate some of the pressures that are being expounded on our ecosystems. In one article online titled *Modern-Day Noahs* R. Careles delineates the growing importance for system-thinkers and Ecological Economists, he states, “A new field of research has developed, 'ecological economics', which seeks to right the imbalance in our traditional economic thinking. Ecological economics recognizes that economies are embedded in and dependent upon the earth.” (Careles, N.D.) In this sentence Careles explains one of the main principles in EE that our market economy is depended on non-renewable resources.

Each EE problem has an influence on the community as a whole making moral, ethical, socio-economic, legal, and ecological concerns which are relevant. According to Farber and Bradley, “ecological economics is prescriptive, in proposing institutions and behaviors compatible with sustainability norms. Its position as a discipline is on the boundary of economic and natural systems, focusing on impacts of each system on the other.” (Farber & Bradley, N.D.) Mainly the impacts of the market economy which places a price on all ecosystem services that are rival, and places stress on non-rival resources. Environmental law can be an avenue to change some of the regulations and

policies that lead to EE problems. John Kassel, a practicing environmental lawyer, explained that his firm's practice was built around a mission to only take clients who want to better the environment.

Shems, Dunkiel, Kassel, and Saunders or SDKS promotes their stance for advocacy, and what they deem 'good development' they represent clients who want to protect and improve the law in favor of the environment and also developers who are promoting good development, environmentally friendly, so to speak. For example SDKS have represented persons that wanted to combat the CIRC in the interests of protecting wetlands and vital ecosystem services that are non-rival in the sense that they provide benefits to the community as a whole. A typical day for an environmental lawyer could possibly meet with clients, research specific laws and regulation that pertain to the case at hand, travel might be necessary depending in the case, write briefs, interview relevant parties, and if a trial is coming up prepare arguments, line up witnesses, and review information. Mr. Kassel also agreed that it might be necessary to contact an ecological economist depending on the case, he acknowledged working with Bob Costanza in the past to solve EE problems.

The field of ecological economics is about solving complex problems that require a vast base of skills across different academic disciplines. Currently, classes at UVM are working on projects that are considered EE problems. One of the projects Professor Farley is looking at is improper river riparian zone management and the many different effects it has on the community whether the effects be flooding and storm water destruction to infrastructure or the loss of waste absorption capacity of the riparian zone and downstream areas (in this case Lake Champlain). In this class students are broken into small groups and focus on one aspect of the problem history, cost benefit analysis, policy, law, implementation plan, or communication. Once in each group students are

required to become proficient in their specific category and then share what they learn with other groups so the whole class can better grasp the problem at hand.

River riparian zone management is only one example of an EE problem that uses the integrations of many disciplines; an ecological economist may be working in the field with various sponsors. The integration of many parts of academia leads an ecological economist to perform an enormous variety of daily functions. Among daily tasks that relate to the specific problem currently being undertaken an Ecological Economist could be working both outdoors and doing research in ones office, library, and on the internet. Travel is necessary in EE because there are ecological economists all over the world working on problems, annual conferences where leaders in the field gather to report on findings, and share new ideas and theories.

According to Dr. Farley travel for each member of the Gund Institute can range vastly depending on outgoing projects, from months abroad to a few days at conferences each year. Many members of the Gund Institute travel to developing countries to help solve EE problems and also to a range of EE conferences throughout the year to gain more knowledge in this developing field. Because many members have teaching commitments travel is limited to field courses with students in addition to personal projects. Undergrad and graduate students routinely participate in field courses because it is important to have a team working with some background on a specific aspect of a given problem. As stated previously, a team is necessary because EE problems have a wide variety of disciplines involved smaller groups are needed to break the problem down to manageable sections that will contribute to the whole. Therefore, it is important that ones team/ co-workers can function together as a cohesive group. Mr. Franklin spoke of an experience working for a 'boutique firm' in New York City that only dealt with environmental law- he said, "the people were very hard to work" re-iterating the importance of a cohesive team.

Both ecological economists and environmental lawyers could work in almost anywhere from large cities to rural areas. According to Dr. Costanza his daily life changes with each job, this stresses how often people are changing careers and the importance of becoming a well rounded professional, Mr. Kassel and Mr. Franklin each spent time working criminal law, in bigger firms they expressed that it was a conscious decision to move to Burlington and practice law here. Each articulated that the big money is made in the cities, climbing the corporate ladder. It's true that lawyers must rely a great deal more on a client base than a ecological economist, a lawyer will move to a more remote area knowing that a decrease in cliental and revenue will most likely follow.

An ecological economist would most likely have affiliation with a university and/or a society of people in the same field. Persons in working in the field of EE could work for a host of different peoples anywhere from NGO's to the federal government to senior research fellowships at the University of Leeds. (ESEE, 2003) Dr. Farley and Dr. Costanza's past demonstrate how may ecological economists spend their careers, in academia. It is also possible to take the route Brian Czech has taken which is a "regular' environmental positions in which one finds it useful and important to incorporate ecological economics." (EnvironmentalProrgams.Net, 2003) Each of these men has their own projects they are working on at any given time.

At the same time the rewarding aspects for each of these jobs respectively are increasingly high. Self-fulfillment is obviously a large part of solving ecological economic problems; likewise in the field of environmental law. Travel is also a reward that is frequently available in EE. Dr. Farley travels annually, as do most of his colleagues (stated earlier). According to *Jobs Rated Almanac*, the extras perks of becoming a lawyer, the benefits of becoming a senior partner can range from company cars, and personal health insurance to their own expense accounts and even country club memberships. All of these 'bonuses or extras' seem to occur in the latter years of work,

following years of high stress and long hours. Persons working in the field of EE usually have many projects that are ongoing and if working in academia are very busy. With that said, it took weeks to get an appointment with Dr. Costanza. Long hours accompany both of these professions, although each interviewee spoke of their families and how their wives and children came first. Dr. Farley stated that on any given trip over a week it is his general rule to bring his family along. The downside according to each person I spoke with was at some points extra hours are needed, whether preparing for a case, finishing up research for a project, or preparing a presentation.

A masters degree if not a Ph D. is necessary for the career path of an ecological economist and at least a masters for environmental law. To practice law one must pass the bar exam in his or her respective state. "After graduation, lawyers must keep informed about legal and nonlegal developments that affect their practice. Currently 40 states and jurisdictions mandate continuing legal education (CLE)" (Chao & Utgoff, pg. 206). This feature of continuing education is analogous to EE in the sense of staying up to date in the relevant new laws, theories, and precedents that come out. The *School of Earth & Environment at the University of Leeds* located in the U.K. offers a one-year masters program in EE. This is a new program that is aimed at students who want to conduct research in the U.K. or work in policy related areas.

For most lawyers an entry-level job would be a salaried position or a paralegal and trial assistant, while ecological economists work their way up slowly through additional schooling and fellowship positions. Upon beginning a career in law one may be in debt and any work you can find will be worthwhile just to scrape together some cash. Working in a city may be the best start at a large firm doing research, taking cases for that are deemed in the public's interest (for loan forgiveness), possibly gaining trial experience (from the criminal side), or even being a file clerk. Mr. Kassel told me that you are going to have to gain a base of experience with law in general before becoming

full-fledged environmental lawyer. Paraphrasing, the typical environmental case is thick with facts while a criminal case may be much more clear-cut. It is important to feel comfortable in a court room to be able to “open your mouth and hope you sound like a lawyer” Mr. Kassel said, acknowledged that grasping the tools of the trade is very important. Likewise Dr. Farley expressed that having a solid base in one discipline is an advantage that will allow one to become a systems-thinker. (Herman Daly steered him in this direction) He stressed the importance of not using one single discipline or tool to solve all problems, the key, according to Farley is to become trained and pick up more knowledge along the way that will pertain to each problem.

Specifically speaking in terms of job titles becoming a research fellow at a university is a likely progression after undergraduate and graduate studies; moving ahead in EE requires participating in many projects and having a continuing quest for knowledge.

This continues quest for knowledge is fuelled by societies for EE. The European Society for Ecological Economics, the International Society for Ecological Economics, the US Society for Ecological Economics, the Gund Institute for Ecological Economics are a small number of organizations in which conferences are organized, publications circulated, ongoing research is displayed, and a database for persons currently looking into EE problems. Annual conferences where researchers present their work, and new theories these conferences are EE's best sources of networking. It is here, at these conferences that one may form a working relationship with pioneers in the field, as this field of study is relatively new, mentors can come from many places. The Gund Institute for Ecological Economics here at UVM has some leaders in the field of EE; each one of the members has a different focus under EE. I spoke with two of them, Dr. Bob Costanza and Dr. Joshua Farley. Dr. Farley expressed that his main inspiration came from Herman Daly. Daly was a true pioneer of the field of EE and told Farley to stay his course at

Cornell. "I wrote to Herman and told him I wanted to quit, and he said, 'No, finish it up, we need people who are trained in mainstream economics and know its problems.' Basically, if you want to convince people that something is wrong, you have to understand what it is you're talking about." (Harris, 2003) Farley wanted to quit his PhD work because he felt that the neo-classical models he was being taught were unrealistic to real world problems. Daly explained the need finish his degree and develop a solid base in one specific discipline.

A great professor, a knowledgeable colleague, or a person with expertise in another discipline could prove to be a magnificent guide through some serious systems thinking problem solving. Mentors in careers could be understood if one were to compare pioneers in a field to a childhood sports hero; no matter how great your hero was you strive to be just as respectable, using your hero/ mentors achievements to fuel your own goals and passions. Anywhere from having a family to pioneering new policies and problem solving techniques.

In EE and environmental law having a family is a very achievable goal, all of the people I interviewed had wives and children; however, each of these professionals stressed the need to be financially stable before having children. Mr. Franklin and Mr. Kassel expressed how difficult it would have been to begin a family when they were working in cities, just out of law school. Mr. Franklin stated that he and his wife made a conscious decision to move to Vermont and start a family. The amount of leisure time for a lawyer is much less according to Krantz the typical lawyer works 50 hours a week, of the 16 waking hours in a day 1/4 of those are leisure time (Krantz, pg. 27). These figures are higher than the hours Mr. Franklin and Mr. Kassel log each week on average they both estimated around 40 hours, sometime less and other times more if they are preparing for a case. Mr. Kassel also expressed that some travel is incorporated into his firm, he has represented clients in California and this forced him to make the trip to the west coast.

Mr. Franklin articulated that he had a good balance between the time he can spend at home in relation to time at work.

Ecological economists could work independently on a given research project, without any affiliation to a NGO or University; however, it is much more likely for a lawyer to work for him or herself than it is for an ecological economist to be self-employed. Statistically 36% of lawyers are self-employed and 7% work part time (Farr & Laurence, pg. 436). Neither Dr. Costanza nor Dr. Farley expressed the possibility or desire to ever work part time, they love what they do too much. With annual trips to the Caribbean and around the country to instruct problem-solving courses or participate in conferences one could understand the desire to work most of the year. In an interview of Brian Czech he was asked what his typical week was like his response was: "I spend approximately 40 hours per week on issues of ecological economics, including about 10 hours per week in my position as conservation biologist with the U.S. Fish and Wildlife Service and another 30 hours per week off the job. This includes reading, writing, speaking, and networking." (EnvironmentalPrograms.Net, 2003) This lay would be similar for most University professors; however, it may vary with teaching schedules.

In our society money almost always ties in to one's when trying to choose a career choice, both Mr. Franklin and Mr. Kassel stated that being a lawyer in Vermont or any rural place is not lucrative and in addition most lawyers in Vermont don't specialize: there simply is not a big enough client base. They both suggested training in cities to be very useful with helping pay down debt because you are most likely to be paid by the hour. With a large workload Mr. Kassel mused, it will be easy to log significant amount of hours and still be buried in work. Starting out a lawyer could expect to make \$48,000 (Krantz, pg. 94), \$35,000 according to Farr & Laurence, and around \$40,000 according to Chao & Utgoff. After a few years one could be making upwards of 88 grand a year. I felt uncomfortable asking my professor (Dr. Farley) how much he makes, but he did say that



he does not worry about money, and that when associations offer to pay him to speak, about the emergence of EE as a field, he does not consider how much he may be paid, but rather the impacts the trip may have on his family.

Dr. Costanza strives to better the community through classes he teaches and projects he undertakes. This intertwining of EE with his own personal goals demonstrates how his career has not sidelined his aspirations to improve the community. Each interviewee felt that he had been able to accomplish almost everything they wanted in addition or along with their career, without sidelining their professional work. The best example of this could be seen in Mr. Franklin and Mr. Kassel's statements; both took time off after undergraduate work, Mr. Franklin traveling out west and becoming a ski bum and Mr. Kassel traveling to Europe with his Russian degree. Mr. Kassel expressed he was not hungry for knowledge until his mid-twenties. At the same time Mr. Franklin expounded upon not needing to have a particular career path, after being a ski bum he worked as a paralegal and developed a passion for law. He pointed out the importance of gaining a lot of knowledge and using that knowledge as a window for your future. Dr. Costanza and Dr. Farley would most certainly agree with using the knowledge you gain as a window to open new doors in your career.

The field of EE is emerging, depending on which ecological economist you ask their answer on what topics may be the most relevant may differ. For Dr. Farley riparian and mangrove ecosystem management have been big themes in his work. As for Dr. Costanza, as mentioned earlier, Burlington Bread, the Greening of Aiken project, IHOPE- an integrated history project, and Earth network make the top of his list.

At SDKS there is a much more specific base for hot topics, there is a link on their website called "renewable energy law blog," (SDKS Home pg. 2002-2004) which takes you to relevant news, science, environmental law, and renewable energy development. Vermont

topics comprise a good amount of time for Mr. Kassel; generally speaking growth issues (secondary growth), global warming in CA, Act 250 regulations, wind energy, CIRC proceedings, just to name a few. Shems, Dunkiel, Kassel, and Saunders are much more livid on energy issues, they are pushing for the use of wind energy in the Northeast Kingdom. In Mr. Franklin's firm, Eggleston & Kramer, he mostly focus on the Act 250 permits. One aspect the Mr. Franklin did get worked up about was the creation of an Environmental board he felt that this was a good step, but he feared that the committee, with only one judge will quickly get backed up quickly and only cause more problems.

As Professor Czech explained many professionals use ecological economics in their 'regular' environmental professions. It is important for all individuals working with EE concepts to have the means to contact one another with developments in research, findings, and places to gain access new information (as stated previously); the International Society for EE, the US Society for EE, the European Society for EE, and the Center for EE & Water Policy Research all provide a web for persons all over the world to contact one another and pass on information. EE has taken off so rapidly because of the Internet's capabilities to all information to move so fast. Many conferences are scheduled on line, speeches are posted, and links are provided to many other publications and news articles. (ISEE & USSEE, 2003)

On the beginning of this endeavor I was faced with a harsh reality of the culmination of my undergrad studies. The question -where does this all lead, echoed through my thoughts. Upon serious consideration of my interests and the course work I had completed I felt gravitation towards the emerging field of ecological economics or EE for short. But I ran into a problem, EE is a relatively new field and because of this there is not a good collection of information that I could base my research off of. Therefore, I decided that I would correlate environmental law and EE. My interest in law stems from early exposure in school; I have always had the feeling that without people to

effectively change policy I will be ever increasingly hard to combat the destruction of our remaining natural resources. But I digress, I would like to use EE within the practice of environmental law and also use the knowledge of law in solving EE problems. The structure of this paper has, in a sense, been a comparison of the fields of EE and environmental law, and also a delicate integration of the two. Taking the problem based ideals from EE and balancing them with law that promotes environmental viability and also social responsibility.

In conclusion, I have found a great deal of positive information that will undoubtedly lead me to into a field of EE, at some point going into law. As the field is relatively new, only being developed in the 1990's there will be many more jobs available in the future. For now I am looking into finishing my undergraduate degree, following that with an internship at an NGO, a suggestion by John Kassel, and then graduate research, possibly law school. Almost all of the aspects of the lifestyle really fit my personality and my love for nature and beautiful places, by taking time between my undergrad years and graduate school I hope to get the chance to work in some of the most beautiful places of the earth helping communities realize how the development path they are progressing on is unsustainable and while working with others develop models that third world nations might follow. I found that all of the people I spoke with had similar advice, advice that I have been told for some time; to keep an open mind and always be on a quest for knowledge- to keep my perspectives open (G. Franklin), that there is no prescribed way to get where you might end up (J. Kassel), and that most universities teach people how to take things apart not put things back together (B. Costanza). Each one of the interviewees left me with a good feeling inside, because I have been going through college following my passions and through talking to these professionals, most of whom are in their 40's, they acknowledged that the best way to get where you want to end up is through what gets you excited. The conclusions I have reached have been mostly to do with my next

steps, I want to get more involved in EE internships and deep course work seem to be the right avenue, going to a conference this summer and networking would also be very helpful. As far as becoming a lawyer goes, I see that as something that will fall into my lap, most likely doing some trial work and then moving on to work for an NGO.

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### Personal Contacts

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