

ENVIRONMENTAL AND NATURAL RESOURCES LAW CLINIC

ENRLC clients range from small neighborhood groups to regional and national organizations. The primary focus is New England, but the clinic also works on cases of national significance. In all cases, the clinic strives to ensure that their clients would not, but for their assistance, be able to afford legal representation.

CASE SELECTION CRITERIA

The clinic's powerful and effective advocacy has produced significant accomplishments and raised visibility of environmental issues, including winning a major victory for the endangered gray wolf; protecting wetlands and tributaries; standing up for the health of individuals threatened by the mining operations of a major, multi-national company; and defending a sacred tribal site.

Cases are selected based upon criteria intended to ensure educational value for students and to address significant environmental harms. In sum, these criteria include the following considerations:

Environmental Value

The case should present an opportunity to contribute to the resolution of a significant environmental problem or to enhance the protection and conservation of important natural resources. The fact that a potential client's position may be seen as controversial is not a reason to decline representation. On the other hand, cases that seek to vindicate purely private economic interests or that would undermine the environmental goals of statutes and regulations are not appropriate.

Educational Value

Cases should provide students with high quality learning experiences that teach specific lawyering skills, competencies, and the exercise of sound professional judgment. Cases should pose interesting legal, scientific, and ethical issues and should be susceptible to a team approach and group learning. Cases should, wherever practicable, provide students with opportunities for direct client contact and site visits. Overall, the cases should provide opportunities for students to interact with experts from other disciplines, including such things as preparing affidavits and evaluating scientific and technical material.

Adequacy of Existing Representation

It is not the purpose of the ENRLC to compete with the private bar or to duplicate the efforts of other public-interest law firms. Rather, the goal of the ENRLC is to provide representation for interests that are underrepresented in the legal system. To this end, the ENRLC will make reasonable efforts to refer clients to private lawyers or to other public-interest lawyers wherever feasible and appropriate.

Legal and Scientific Merit

The case should present meritorious legal claims on behalf of clients with the requisite standing to bring them. This does not mean that every case must be a sure winner. It does mean that a decision to litigate

ENRLC: STATISTICS

must be based on a careful review of the facts and the law of each case to screen out frivolous claims. This includes a careful review of the science underlying potential claims. Scientific uncertainty is not a reason to decline representation, but claims and arguments should have some reasonable basis in the relevant scientific discipline.

CASE/PROJECT STATISTICS

FY 2009 and 2010 **Total: 44 cases/projects**

BY REGION

- New England: 25 cases/projects
- Northeast (outside New England): 3 cases/projects
- Southeast: 1 case
- West: 6 cases/projects
- Midwest: 5 projects
- National: 3 cases/projects
- International: 1 project

BY STATE

- Vermont: 4 cases, 9 projects
- Massachusetts: 5 cases, 2 projects
- Maine: 3 cases
- New Hampshire: 1 case, 1 project
- Virginia/Maryland: 1 case
- Montana: 1 case, 1 project
- North Carolina: 1 case
- New York: 1 project
- Pennsylvania: 1 project
- California: 1 project
- Illinois: 1 project
- Iowa: 1 project
- Kansas: 1 project
- Kentucky: 1 project
- Missouri: 1 project
- Nevada: 1 project
- Oregon: 1 project
- Washington: 1 project
- National: 1 case, 2 projects
- International: 1 project

PROJECT EXPANSION

The students who do get to participate in the clinic bring an enthusiasm and dedication that has virtually guaranteed its success, both as a teaching tool and as an advocate for clients. Although the ENRLC has increased the enrollment level to 10 students and now offers the option to enroll in the clinic full time, the clinic usually receives at least twice as many qualified applications (and often more) than available spots. Even with these limitations, the Environmental and Natural Resources Law Clinic has managed to serve a significant number of students. As of the fall 2010 semester, the clinic has provided a hands-on learning experience to more to 169 law students. The Center for Legal Services will allow for the growth and expansion of the Environmental and Natural Resources Law Clinic from four staff members to six and will create room for 10 additional students each semester thereby helping to ensure that many more community groups and non-profits without financial resources will prevail in essential environmental litigation.