



ON THE GREEN

CLINICS AND EXTERNSHIPS AT VERMONT LAW SCHOOL

Message from the Associate Dean



The ABA Task Force on the Future of Legal Education recently issued its Report and Recommendations. Since the critique of legal education had risen to pandemic heights, a prescription that would guide law schools and underscore the value of high standards seemed in order. The report was

[Margaret Martin Barry, Associate Dean for Clinical and Experiential Programs](#) not quite that, though it may have been unfair to expect it. The report did raise a number of points about directions law schools are taking or considering, and, among its “key conclusions” was the following,

“Skills and Competencies: A given law school can have multiple purposes. But the core purpose common to all law schools is to prepare individuals to provide legal and related services in a professionally responsible fashion. This elementary fact is often minimized. The calls for more attention to skills training, experiential learning, and the development of practice-related competencies have been heard and many law schools have expanded practice-preparation opportunities for students. Yet, there is need to do much more. The balance between doctrinal instruction and focused preparation for the delivery of legal services needs to shift still further toward developing the competencies and professionalism required of people who will deliver services to clients.”

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[Criminal Law Clinic](#)

by [Gregory C. Ein](#), *Juris Doctor Candidate, 2015*

The Criminal Law Clinic enters its fourth semester at VLS. Student enthusiasm for this clinic remains high. In December, students completing their semester and those enrolled for the spring gathered with clinic faculty for a potluck dinner at Prof. Anna Saxman’s home. Professor Saxman, who also teaches Criminal Practice and Procedure at VLS, teaches in the clinic along with Brian Marsicovetere, David Cahill, and Robert Sand. Greg Ein, ’15,



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This is certainly in line with what Vermont Law School has been doing. Last December, the school added two new clinic offerings: the [Food and Agriculture Clinic](#) and the [Energy Clinic](#). Both clinics are introduced in this newsletter. We also voted to require that all law students take at least 6 clinic or externship credits prior to graduation, beginning with those entering after May 2014, and we committed to a policy of providing at least 13 clinic or externship credits to those students who want to go beyond the required 6. While the vast majority of VLS students traditionally enrolled in clinics and externships, this requirement reflects the faculty's decision that clinics and externships provide necessary opportunities for students to build and reflect on the application of law, the breadth of skills required for practice and their roles as lawyers. §

Energy Clinic

by [Kevin Jones](#), Deputy Director, Institute for Energy and the Environment

In the Fall Semester of 2014 Vermont Law School will launch a new clinical program: the Energy Clinic. Offered by the Institute for Energy and the Environment (IEE), the Energy Clinic will be a 4 credit course that will also include a supplementary option for a 4 credit Advanced Energy Clinic. The Energy Clinic will be taught by IEE faculty, Energy LLM Fellows and classes will include guest lecturers. The Energy Clinic is designed to introduce students to the practical aspects of real world energy projects that promote sustainability at the community level. From the stage of project conceptualization to construction, students will be responsible for drafting, reviewing, and explaining project related agreements, manuals, statutes, regulations, local ordinances, and tax codes to assist the development of community energy projects. Upon successful completion of the course students will have acquired knowledge of the various opportunities and hurdles communities and individuals face in implementing an energy project at the local level and will have developed the skills necessary to overcome some of the barriers through interdisciplinary analysis. The Energy Clinic represents a unique opportunity to participate in meaningful sustainable energy transactions. §



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whose practicum is with Professor Marsicovetere handling a full range of criminal defense cases recently reported,

“I have had the opportunity to meet with clients both in and out of court, as well as travel throughout Vermont assisting with and observing interesting cases, both state and federal. In one month, I have gained practical and real-world skills not taught in any classroom, and I cannot think of a better way for anyone to gain crucial procedural and substantive skills. I highly recommend this experience to all students at VLS.” §

The Externship Programs

by [Professor Jeff White](#), Judicial Externship and JD Externship Programs

The Externship Program's full-time component, known as Semester in Practice (SiP) concludes its 30th year this spring. Long-standing mentors who have contributed so much to our students in the past continued to devote their time to new externs this year. And, with the help of alumni, trustees, students, and faculty, high quality new relationships with new mentors were created to meet the specific academic goals of students.

The SiP Orientation met the digital age last fall with the development of an online academic component. Students engaged in a virtual classroom to complete eight modules designed to prepare them for their externship experiences, including identifying learning objectives, drafting learning plans, ethical considerations, and exploring how to get optimal feedback from their placement supervisors/mentors. Through the online orientation, students benefit from an economical, timely, and high quality introduction to the VLS approach to learning from practice in a structured and supervised work experience.

Semester in Practice students have, since the inception of the program, crafted a final reflective paper at the end of their externships. These papers include reflections on the students' early encounters with the profession and their recognition of the regular struggles all new legal professionals encounter during the transition from novice to seasoned practitioner.

Jared Schroder, '14 worked with the Environmental

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Defense Fund in New York last fall. EDF has hosted a number of SiP students over the years in its New York, D.C., and Denver offices. Jared concluded his final paper with these thoughts:

My time at EDF has really influenced my self-confidence in my work product. The constructive feedback that my supervisors provided was important and influential in the development of my legal skills. Additionally, simply seeing a case or project progress over time was incredibly important in refining my understanding of what I'm working towards and how to structure my work to be as useful and helpful as possible. I walk away from this experience with the knowledge that if I put enough effort into my work, I can produce something as good as any other law student.

I exit this Semester in Practice a different person. My outlook on my future career has changed immeasurably. The attorneys at EDF were incredibly helpful and influential on my attitude concerning the legal profession. Being a legal professional with an outstanding organization in New York City was an experience without equal in law school and will undoubtedly be incredibly important in shaping my future.

Jared expects to return to NYC to practice. §

Land Use Clinic

by [Adjunct Professor Catherine Gjessing](#), General Counsel Vermont Department of Fish and Wildlife

In the Land Use Clinic students work on a variety of land use issues which arise as a result of the regulatory and land management work of the Agency of Natural Resources. This spring, students have attended an Act 250 land use permit hearing and legislative hearings regarding water quality and other environmental bills; they have conducted research and have met with and consulted with agency staff on a number of projects, including: the application of the Clean Water Act and the Vermont Water Quality standards to dams and the public use of state waters; endangered species; various administrative law issues including party status and standing issues related to different appeal routes; restrictive covenants; and the enforcement of various agency regulations and statutes. Two of this spring's students share their impressions thus far:

Jeff Fucci, JD Candidate '14

"The first month at the Vermont Law School Land Use Clinic has been one of training and application of the State's unique "Act 250," a zoning law which ensures oversight of development in nine Vermont "Districts" under criteria established by the Legislature relating to topics such as traffic congestion, municipal services, water and air pollution, beauty and aesthetics. One of these criteria that has become close to me in a short time is something called "Rare and Irreplaceable Natural Areas," and I have had the opportunity to work with the Agency of Natural Resource on preservation of sandplain communities created by glacial movements near Lake Champlain many millennia ago. I've also drafted memos on topics ranging from expanding corridors between deer wintering habitats to ceremonial and religious rights to request a "take" permit under Vermont's equivalent of the Endangered Species Act. Through working with Professor Gjessing, I've had a valuable chance to attend key environmental policy meetings in Vermont and to participate in Legislative hearings as the next generation of environmental protections get drafted, amended, and passed into law. As a former communications specialist for an environmental state agency in New Jersey, I've been grateful to learn how the legal side works. This was the missing piece that drew me to VLS in the first place. Thanks to all!"



David Shaffer, JD Candidate '14



"Each Tuesday and Thursday I drive off with four other students to the Vermont Law School Land Use Clinic. I work in the Environmental Enforcement department where we write administrative orders against environmental permit violators.

It's sort of like working in the environmental equivalent of Law and Order. In a few weeks I've worked on everything from Act 250 violations to pollution cases. The Land Use Clinic is really a great opportunity." §



Environmental and Natural Resources Law Clinic (ENRLC)

by [Douglas A. Ruley](#) Director, Environmental and Natural Resources Law Clinic

Graniteville Case Leads To Trial

On December 3 and 4, 2013, the Clinic tried a significant portion of its case against an asphalt plant and related rock crushers that are located in a residential neighborhood in Graniteville, Vermont. Representing 26 residents who are subject to the noise, dust, traffic, and fumes from these facilities, the Clinic presented evidence before the Environmental Division of Vermont's Superior Court on whether the rock crushers require a permit under Act 250, Vermont's unique land use law. Student clinicians participated in the trial by preparing direct and cross examinations, preparing exhibits, and preparing for evidentiary issues. Prior to trial, the Clinic's Graniteville team had taken or defended multiple depositions and filed a motion for summary judgment. We expect a ruling from the Court in February or March.

Montana Coal Cases Generating Heat

Montana's picturesque Powder River Basin is at risk from a proposed strip mine and the railroad to serve it, proposed by industry giants Arch Coal and Warren Buffet's BNSF Railway Corporation. On behalf of the Northern Plains Resource Council, and with Co-counsel Jack Tuholske, the Clinic has opposed these mines in a series of proceedings before the Surface Transportation Board, which has permitting authority over the proposed \$416 million railroad. The case has entered an exciting discovery phase, with students collaborating on written discovery requests and preparing for depositions.

ENRLC student clinicians have drafted interrogatories and document requests that seek information about the demand and need for Montana coal and the financial viability of the proposed railroad—two important legal issues for the STB to consider. ENRLC student clinicians practiced the art of tailoring discovery requests to obtain key information yet ward off unnecessary objections. Our students also have participated in the “meet and confer” process with opposing counsel to work through objections and narrow the scope of discovery.

The Clinic has filed a motion to compel Arch and BNSF to turn over internal documents and emails concerning the project's financial status. Our students are also preparing to depose high-ranking mining and railroad executives in charge of the projects. §

Legislative Clinic

by [Adjunct Professor Michele Childs](#), Attorney, Vermont Office of Legislative Council

Each spring, VLS students are offered a front-row seat for the legislative action happening in Montpelier. Students in the Legislative Clinic spend two days a week working in the Office of Legislative Council, providing nonpartisan legal, policy, and drafting services to the Vermont General Assembly. Vermont's citizen legislature provides a unique opportunity for students to experience the legislative process from the idea stage through enactment by working directly with legislators to craft legislation, attending committee hearings and floor debates, and providing legal and policy research throughout the process.

“The Legislative Clinic is a truly unique experience and I would highly recommend the Clinic to anyone interested in policy work or starting their legal career in Central Vermont.”

- Brooke Jenkins, JD candidate '15



Emily Simmons '15, testifies on legislation before the Vermont Senate Committee on Judiciary.

South Royalton Legal Clinic (SRLC)

by [Erin Jacobsen](#), Staff Attorney SRLC

Breaking down the language barrier: a multi-disciplinary approach to teaching and learning

Every third Friday of the month, VLS students gather with UVM psychology and social work graduate students to discuss our mutual and respective roles in assisting survivors of torture. Meetings take place at UVM's Behavior Therapy and Psychotherapy Center, which houses the NESTT program.

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NESTT is the acronym for New England Survivors of Torture and Trauma, a partnership between legal, psychological, and social work service providers, whose goal is “to provide torture survivors holistic, integrated, and effective services in a culturally relevant, client-centered context.” NESTT clients include individuals seeking asylum in the United States. Through NESTT, asylum seekers can receive free legal representation, psychological counseling, social work services, and forensic evaluations that serve as objective evidence in their asylum claim.

NESTT practitioners serve people from around the globe, but perhaps the most confounding language barrier of all is between those who speak “law” and those who speak “psychology.” Lawyers and psychologists have different world views and come from different professional cultures. Lawyers tend to think in a linear fashion; where we find ambiguity, we impose a rule. Psychologists, on the other hand, embrace ambiguity and acknowledge uncertain outcomes.

If the goal of NESTT is to provide holistic, effective, integrated services, then those providing such services must be able to communicate across professional cultures using a shared vocabulary. One way NESTT forges this common ground is thru M-T NESTT, or Multi-disciplinary Team meetings. At the M-T NESTT table are law students, psychology students, social work students, professors, and community practitioners. Over coffee and bagels, we dismantle language barriers by discussing our work and providing trainings for one another.

In the past, law students have presented on such topics as the asylum filing procedure; Immigration Court proceedings; and expert testimony. In turn, psychology and social work students have provided trainings on advances in neurological testing; culturally-normed psychological evaluation methods; and the concept of malingering in the mental health field. (One psychology training even required participants to be test subjects.) This semester, legal trainings will include an overview of refugee and asylum law, and psychological trainings will include a session on vicarious trauma in asylum lawyers and the importance of self-care.

Through the exchange of substantive knowledge, M-T NESTT students also learn how to teach and communicate across disciplines, a skill *sine qua non* for effective and compassionate advocacy. §



Zach Chen '14, Jerod Simpson '14, Marissa Meredyth '14 and Marcella Cruz '15 (SRLC NESTT Team, Spring 2014)

Food and Agriculture Clinic (FAC)

by [Jamie Renner](#), Assistant Professor and Director, Food and Agriculture Clinic (FAC)

This fall marks the opening of the Food and Agriculture Clinic (FAC) which is part of the VLS Center for Agriculture and Food Systems (CAFS). The purpose of FAC - - consistent with the purpose of CAFS -- is to train the next generation of sustainable food and agriculture law and policy advocates, and to provide innovative legal and policy tools to the sustainable food and agriculture movement.



Clinic students will collaborate with local, regional, national and international stakeholder-organizations to provide legal information resources – such as guides, training documents, templates, white papers, compendia, infographics, governance standards, and model legislation and regulations –to targeted constituencies engaged in sustainable food and agriculture efforts, including farmers, food producers, food entrepreneurs, advocates, consumers, healthcare professionals, non-governmental organizations, and government agencies. Where the right opportunity arises, the clinic will also provide public comments on proposed food and agriculture regulations or engage in legislative task forces at the state and federal levels. Throughout its advocacy, FAC will apply entrepreneurial, innovative business practices to drive the social change it seeks. Namely, it will utilize strategic, interdisciplinary collaboration and the creative use of social media to amplify the impact of its efforts.

The clinic will be spearheaded by Assistant Professor of Law Jamie Renner, with support and participation in the clinic’s work from CAFS Director Laurie Ristino and Associate Director Laurie Beyranvand. §