

Why Environmental Law Clinics?

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Summary

The law clinic has become an increasingly important part of legal education, giving students the opportunity to learn practical skills as well as to internalize core legal values. Pedagogical concerns preclude clinics from letting fear of criticism drive decisions about how they represent clients. The legal profession's idealistic aspirations pose challenges, and political attacks have answered clinicians' efforts to live up to these aspirations. An error underlies such attacks, however: holding lawyers responsible for their clients' legal positions despite the profession's duty to ensure that such positions get a fair hearing.

Authors' Note: The authors prepared this Article to coincide with an Association of American Law Schools (AALS) presentation about the controversy that surrounds environmental law clinics, called "The Rise and [?] of the Environmental Law Clinic."

According to political rhetoric, the U.S. Environmental Protection Agency (EPA) "should be renamed the 'Job-Killing Organization of America.'"¹ A 2012 Louisiana Bar Association President's Message warns that "irrational" environmental concerns threaten the "fundamental ideals that have made America great."² And Maryland's governor announced that a law school clinic's representation of citizens asking a chicken contract grower to comply with the Clean Water Act (CWA)³ "perpetrates an injustice."⁴

One has to wonder: Why do law school clinics persist in enforcing laws that such passionate voices condemn?⁵ After all, clinics' home institutions depend on the goodwill of the public, government officials, and donors. So, why not avoid controversy by focusing on projects that are less likely to evoke "clamor and popular suspicions and prejudices"?⁶

We are glad you asked! Fundamental values that underlie the U.S. legal system demand our persistence—and that of our students—in advocating on behalf of clients. Lawyers are not supposed to abandon or turn away clients to avoid criticism and controversy. Instead, the legal profession is duty-bound to expand access to the justice system and to ensure representation for lawful points of view, no matter how controversial or unpopular. This is true even for clients' positions that ultimately do not prevail. As law professors who run clinics, our job is to instill in students the legal profession's values. We cannot do that by running cowardly or hypocritical clinics.

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1. Ruth Marcus, Editorial, *Sledgehammer Politics*, WASH. POST, Apr. 25, 2012, at A19 (2012 WLNR 8675349) (quoting Rep. Michele Bachmann (R-Minn.)).
 2. James J. Davidson III, President's Message, *America Deserves Our Respect and Devotion*, 59 LA. B.J. 402 (2012) (The then-president of the Louisiana State Bar Association invoked "our profession's respect for and devotion to this country and the ideals upon which it was founded" and "our association's pledge to create a conscience in this state and nation which will advance and reestablish our founding fathers' desires for this country" and asserted that "fundamental ideals that have made America great are fast disappearing," in part because "we limit our country's ability to be self-sufficient and care for its people because of unrealistic and irrational environmental concerns").
 3. 33 U.S.C. §§1251-1387, ELR STAT. FWPCA §§101-607.
 4. Letter from Martin O'Malley, Governor, State of Maryland, to Phoebe Haddon, Dean and Professor of Law, University of Maryland Francis King Carey School of Law (Nov. 14, 2011), available at http://sbmblog.typepad.com/files/md_dean_haddon_letter.pdf.
 5. Of course, equally passionate voices can be heard on the other side of the issue. See, e.g., Oliver Houck, Letter, 60 LA. B.J. 107 (2012) (responding to Davidson, *supra* note 2, by citing Prof. Oliver Houck's pride in our country's commitment to environmental protection); Editorial, *Holding DEQ Accountable*, NEW ORLEANS TIMES-PICAYUNE, Sept. 16, 2012, at B4 (asserting that the Louisiana Department of Environmental Quality's handling of a toxic release "has been maddening" and suggesting that the agency "can't be bothered to notify residents quickly of potential dangers").
 6. See DAVID McCULLOUGH, JOHN ADAMS 66 (2001) (quoting John Adams' description of the likely response when he agreed to represent British soldiers who participated in the Boston massacre).

I. Environmental Law Clinics' Rise

The idea of law school clinical education goes back at least to the 1920s.⁷ But law school clinical programs did not really begin to take off until the 1960s.⁸ Reportedly, the number of law schools giving credit for clinical work expanded suddenly, from about one dozen in 1968 to 125 four years later.⁹ Environmental law clinics began in the 1970s with the University of Oregon opening a clinic focusing on environmental law and the National Wildlife Federation founding such a clinic at the University of Colorado School of Law.¹⁰ Today, there are more than 30 environmental law clinics across the country,¹¹ recent additions being at the University of California-Irvine School of Law and the University of Chicago Law School.¹²

II. Law Clinic Pedagogy

Law school clinics work from a “learn-by-doing” philosophy. The goal, however, is more ambitious than only teaching students to understand the nuts and bolts of filing legal documents, counseling clients, investigating facts, presenting cases in court, and negotiating settlements. Clinical education is also about teaching students to internalize the core values that underlie the legal profession.¹³ As Stephen Gillers put it: “Where in legal education today do students

develop professional identity? From whom do they learn what it means to be a lawyer with responsibility for a client? . . . First is the legal clinic.”¹⁴

The legal profession’s core values include: (1) integrity; (2) competence; (3) respect for the rule of law; and (4) loyalty to clients.¹⁵ American Bar Association (ABA) Model Rules and guidance establish that a significant component of “respect for the rule of law” is the lawyer’s duty as “a public citizen having special responsibility for the quality of justice.”¹⁶ Lawyers are to seek improvement of “access to the legal system, the administration of justice and the quality of service rendered by the legal profession” and “should help the bar regulate itself in the public interest.”¹⁷ The rules tell us that “[l]awyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system.”¹⁸ Unless lawyers remain committed to advancing the rule of law, there will be no justification for the self-regulated nature of the legal profession.¹⁹

The legal profession’s obligation to expand access to justice is reflected in a variety of ethical principles.²⁰ For example, a lawyer’s “preference . . . to avoid adversary alignment against . . . public officials, or influential members of the community does not justify his [or her] rejection of tendered employment.”²¹ Thus, lawyers “should not decline representation because a client or a cause is unpopular or community reaction is adverse.”²² Indeed, “One of the highest services the lawyer can render to society is to appear in court on behalf of clients whose causes are in disfavor with the general public.”²³ This is true even “where the unfavorable public opinion of the client’s cause is in fact justified.”²⁴ Consistent with the rule of law, “the disfavored cause [should] have its full day in court, which includes, of necessity, representation by competent counsel.”²⁵ Therefore, “A lawyer’s representation of a client . . . does not constitute an endorsement of the client’s political, economic, social or moral views or activities” and “representing a client does not constitute approval of the client’s views or activities.”²⁶ For all of these reasons, it is not surprising that the ABA Committee on Ethics and Professional Responsibility has recognized an (unenforceable) duty

7. See Peter A. Joy & Robert R. Kuehn, *The Evolution of ABA Standards for Clinical Faculty*, 75 TENN. L. REV. 183, 186 (2008).

8. *Id.* at 187-88.

9. WALTER OLSON, SCHOOLS FOR MISRULE: LEGAL ACADEMIA AND AN OVERLAYERED AMERICA 95-96 (2011) (crediting Ford Foundation funding for the rise of law school clinics).

10. See Robert F. Kennedy Jr., *Environmental Litigation as Clinical Education: A Case Study*, 8 J. ENVTL. L. & LITIG. 319, 321 (1994) (The Universities of Colorado and Oregon instituted the first environmental litigation clinics some twenty years ago. . . . [F]ounded in 1975 . . . [t]he [Oregon] clinic attracted national attention by winning a number of high profile lawsuits, including the first lawsuit involving the northern spotted owl); University of Colorado (web page), <http://www.colorado.edu/law/clinics/nrlc> (last visited Nov. 5, 2012) (“The Natural Resources Clinic is one of the nation’s first, opening in 1978.”).

11. See Hope M. Babcock, *How Judicial Hostility Toward Environmental Claims and Intimidation Tactics by Lawyers Have Formed the Perfect Storm Against Environmental Clinics: What’s the Big Deal About Students and Chickens Anyway?*, 25 J. ENVTL. L. & LITIG. 249, 250 (2010) (“Today, approximately one out of five law schools has an environmental clinic.”); Adam Babich *Illegal Permit? Who Are You Going to Call? Your Local Environmental Law Clinic!*, 39 ELR 11051, 11052 n.9 (Nov. 2009) (listing examples of schools with such clinics).

12. See Mike Anton, *UCI Law Has Status, Not Tradition*, L.A. TIMES, Aug 21, 2009, at 1 (2009 WLNR 16314103) (reporting that in 2009, University of California, Irvine Law School received a \$2 million donation to start an environmental law clinic); University of Chicago (web page), *Mark N. Templeton to Direct New Abrams Environmental Law Clinic* (Nov. 11, 2011) (noting that: “The first students will begin work with Templeton in the Abrams Environmental Law Clinic in January 2012.”), <http://www.law.uchicago.edu/news/mark-n-templeton-direct-new-abrams-environmental-law-clinic> (last visited Nov. 2, 2012).

13. Wallace J. Mlyniec, *Where to Begin? Training New Teachers in the Art of Clinical Pedagogy*, 18 CLINICAL L. REV. 505, 539 (2012) (“[T]he profession is not value-neutral, and law schools are the place where the values of the profession must be discussed and inculcated into incipient lawyers.”); ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP 145 (2007) (“One way in which a law school can impart [important values of the legal profession] to students is by establishing and supporting in-house clinics that respond to the legal service needs of the communities in which they operate.”).

14. See Stephen Gillers, *2011 Michael Franck Award Acceptance Speech*, 21 PROF. LAW., No. 1, 2011, at 6, 7 (paragraph break deleted).

15. Adam Babich, *The Apolitical Law School Clinic*, 11 CLINICAL L. REV. 447, 452 (2005).

16. MODEL RULES OF PROF’L CONDUCT pmbl. ¶ 1 (2010).

17. *Id.* pmbl. ¶ 6.

18. *Id.* pmbl. ¶ 13.

19. *Id.* pmbl. ¶¶ 11-12.

20. See STUCKEY, *supra* note 13, at 145 (“Providing access to justice and seeking justice are two of the most important values of the legal profession.”).

21. MODEL CODE OF PROF’L RESPONSIBILITY EC 2-28 (1986). Both the ABA’s Model Rules of Professional Conduct and the older Model Code of Professional Responsibility are “effective pronouncements of the standards generally accepted by the profession.” In re Dresser Industries, Inc., 972 F.2d 540, 545 (5th Cir. 1992).

22. MODEL CODE OF PROF’L RESPONSIBILITY EC 2-27 (1986).

23. ABA & Assoc. of Am. Law Schools, *Professional Responsibility: Report of the Joint Conference*, 44 ABA J. 1159, 1216 (1958).

24. *Id.*

25. *Id.*

26. MODEL RULES OF PROF’L CONDUCT R. 1.2(b) & R. 1.2 cmt. 5.

for law school clinics to establish policies to “encourage, not restrict, acceptance of controversial clients and cases,” particularly when the clients “may be unable otherwise to obtain legal services.”²⁷

Because of the core value of loyalty to clients, lawyers do not compromise their clients’ interests to advance their own, or their institutions’, interests. “A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client’s cause or endeavor.”²⁸ Indeed, Louisiana’s student-practice rule requires that each student certify that he or she “will not place his/her personal interests or clinic interests ahead of the interests of the client.”²⁹ The *Wall Street Journal* has editorialized: “To drop a case under political pressure is especially unethical.”³⁰

Intellectuals in other fields may question the legal profession’s high-minded goals, especially since it is undeniable that not every lawyer lives by them. But it is the responsibility of lawyers and legal educators to take these goals seriously. Clearly, therefore, a law school clinic must never moderate its representation of clients to please third parties, whether university administrators, law school donors, alumni, or politicians.³¹ Clinics have considerable latitude when it comes to case selection, but it runs counter to our profession’s values to turn away clients to avoid criticism or to please powerful people.³² As a matter of law clinic pedagogy, therefore, we embrace the ABA Committee on Ethics and Professional Responsibility’s recognition of law school clinics’ duty to “not restrict acceptance of controversial clients and cases.”³³

III. The Challenge

Society’s aspirations for lawyers—and the legal profession’s aspirations for itself—are so idealistic that they are difficult to attain on a professionwide basis.³⁴ Ideally, we would *all* be like Atticus Finch,³⁵ selflessly representing our clients,

no matter how poor or unpopular, even when we disagree with those clients’ positions.³⁶ And we would do so even when other people disapprove—regardless of whether we hope to represent those disapproving people down the road and regardless of their power to retaliate. Most practicing lawyers are aware of situations in which they or their colleagues fell short of this standard. Most also are aware of examples—sometimes from unexpected quarters—of lawyers courageously living up to these aspirations. Most of us probably struggle in between—trying to do our fair share of pro bono work but sometimes letting economic pressures influence case selection more than we would like.³⁷ But even as we fall short of attaining the very ambitious goals our profession has set, lawyers do not stop trying to live up to the principles embodied in our ethical codes and the rulings that interpret those codes. And if anyone should try extra hard, it is the teachers responsible for steeping law students in the values of our profession.

Nobody willing to advocate for potentially unpopular causes can expect a life that is free of controversy. In the field of environmental law, our clients are often pitted against high-dollar interests. State politicians, business leaders, administrators of universities, and others may have legitimate (and sometimes illegitimate) goals that our clients’ successes could thwart.³⁸ And when legal action puts anybody’s goals at risk, the gloves tend to come off. Nonetheless, it is fundamentally inconsistent with our nation’s commitment to the rule of law for politicians to attack lawyers or law clinics when they feel threatened by litigants’ causes of action. Similarly, it would be fundamentally wrong for us—or our home institutions—to purport to teach professional values if we are unwilling to try to live by them, despite the resulting clamor, popular suspicions, and prejudices.³⁹

27. ABA Comm. on Ethics and Prof’l Responsibility, Informal Op. 1208 (1972).

28. MODEL RULES OF PROF’L CONDUCT R. 1.3, cmt. 1.

29. LA. SUP. CT. R. XX §6(g).

30. Editorial, *Knave and Spalding*, WALL ST. J., Apr. 26, 2011, at A16.

31. See MODEL RULES OF PROF’L CONDUCT R. 5.4(c) (“A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer’s professional judgment in rendering such legal services.”); see also *infra* note 66 (discussing the lawyer’s duty of loyalty to clients).

32. See *supra* notes 21-22 and accompanying text; see also Adam Babich, *Controversy, Conflicts, and Law School Clinics*, 17 CLINICAL L. REV. 469, 483-87 (2011).

33. ABA Comm. on Ethics and Prof’l Responsibility, Informal Op. 1208 (1972) (punctuation altered).

34. See Gene R. Nichol Jr., *Judicial Abdication and Equal Access to the Civil Justice System*, 60 CASE W. RES. L. REV. 325, 327-28 (2010) (noting that “eighty percent of the legal need of the poor and the near poor—a cohort including at least ninety million Americans—is unmet”).

35. See HARPER LEE, *TO KILL A MOCKINGBIRD* (Grand Central Publ’g 1982) (1960). Atticus Finch, of course, is the fictional court-appointed lawyer for Tom Robinson, an African-American man accused of raping a white woman. Atticus’ determination to provide professional services to his client despite disapproval and threats from the community has become emblematic of society’s aspirations for the legal profession. See also David B. Wilkins,

Race, Ethics, and the First Amendment: Should a Black Lawyer Represent the Ku Klux Klan?, 63 GEO. WASH. L. REV. 1030, 1036-37 (1995) (noting that lawyers such as Atticus Finch “who represent unpopular clients are celebrated in professional lore for providing a vital service to society”).

36. See *supra* notes 23-26 and accompanying text.

37. See Alan W. Houseman, *The Future of Civil Legal Aid: A National Perspective*, 10 U. D.C. L. REV. 35, 57-58 (2007) (An ABA survey of lawyers “found that two-thirds of respondents provided free pro bono services to people of limited means and organizations serving the poor, and 46 percent of the lawyers surveyed met the ABA’s aspirational goal of providing at least fifty hours of free pro bono services.”).

38. For example, companies that threaten clients’ interests in environmental quality may also be important donors to universities or political campaigns, or may be important to a state’s plans for economic development. Regardless of who is ultimately found to have been right or wrong in such disputes, the legal professions’ responsibility is to see that all sides can be heard. See *supra* notes 21-25 and accompanying text; see also, e.g., FWPCA §101(e), 33 U.S.C. §1251(e) (2006) (“Public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any State under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States.”); Roger C. Cramton, *The Why, Where and How of Broadened Public Participation in the Administrative Process*, 60 GEO. L.J. 525, 529 (1972) (“The cardinal fact that underlies the demand for broadened public participation is that governmental agencies rarely respond to interests that are not represented in their proceedings. . . . Noneconomic interests or those economic interests that are diffuse in character tend to be inadequately represented” (footnote omitted)).

39. See *supra* note 6.

IV. Attacks

Political attacks on law school clinics have been well-documented.⁴⁰ Here are some highlights:

- Maryland's governor announced that the University of Maryland Francis King Carey School of Law's Environmental Law Clinic's representation of clients in a CWA lawsuit is "a misuse of state resources . . . [and] perpetrates an injustice."⁴¹ This was in addition to legislative action brought to retaliate against the clinic for the same case.⁴²
- The Louisiana Chemical Association and Louisiana Oil & Gas Association convinced a Louisiana state senator to sponsor a bill to retaliate against the Tulane Environmental Law Clinic for "two decades of lawsuits filed against chemical companies by clients of the Tulane Environmental Law Clinic students and attorneys."⁴³
- The Pennsylvania Legislature prohibited the University of Pittsburgh from using state funding for its environmental law clinic in retaliation for litigation about timber harvesting in the Allegheny National Forest.⁴⁴
- Louisiana's governor, the Louisiana Association of Business and Industry, and others launched an attack against the Tulane Environmental Law Clinic that culminated in a Louisiana Supreme Court revision to the state's student-practice rule.⁴⁵
- The University of Oregon launched an investigation of its own Western Natural Resources Law Clinic after the clinic "won an injunction . . . that halt[ed] the sale of timber that provides the habitat for the northern spotted owl."⁴⁶ The investigators concluded

that the clinic served "a proper social role" and did "not violate any principle of institutional neutrality."⁴⁷

Attacking lawyers because you disagree with their clients' position is contrary to fundamental values that underlie our legal system.⁴⁸ Thus, in the context of a legislative attack on the Tulane Environmental Law Clinic, a business-oriented newspaper pointed out that the attack's proponents "were, in effect, thumbing their noses at the law, judicial process and regulation—all areas within the purview of the Legislature to change."⁴⁹

Our nation has a long and celebrated tradition of affording even people we disagree with an opportunity to vindicate their rights in court.⁵⁰ As the U.S. Supreme Court has recognized, this right to participate in the legal system "lies at the foundation of orderly government."⁵¹ It "is the right conservative of all other rights."⁵² Lawyers and litigation are part of a dispute resolution mechanism that is "the alternative of force" and violence.⁵³

For these reasons, legal professionals from both sides of the political spectrum condemned criticism of government lawyers for having formerly represented Guantanamo detainees, and also condemned a law firm's withdrawal, in the face of attacks, from representation of supporters of the federal Defense of Marriage Act.⁵⁴ An ABA president urged "those who would undermine clinical law school programs to step back and remember that the rule of law cannot survive if pressure prevents lawyers from fulfilling their responsibilities to their clients."⁵⁵

40. See Robert R. Kuehn & Peter A. Joy, "Kneecapping" *Academic Freedom: Attacks on Law School Clinics*, ACADEME, Nov.-Dec. 2010, at 8 ("More than thirty instances of interference in law school clinics have been publicized since the late 1960s."); Robert R. Kuehn & Bridget M. McCormack, *Lessons From Forty Years of Interference in Law School Clinics*, 24 GEO. J. LEGAL ETHICS 59, 92-95 (2011) (providing a chart entitled "Publicized Instances of Law Clinic Interference").

41. See *supra* note 4.

42. See, e.g., Editorial, *First, They Get Rid of the Law Clinics*, N.Y. TIMES, Apr. 12, 2010, at A24 ("Maryland's lawmakers [had] been wrestling over a bill that threatened the funding of the University of Maryland's law clinic . . ."); Karen Sloan, *Partial Victory for Law Clinic in Fight With Legislature*, NAT'L L.J., Apr. 6, 2010; see also *infra* notes 87-95 and accompanying text.

43. Bill Barrow, *Bill Targeting Tulane Clinic Fails: Measure Dies in Senate Committee*, NEW ORLEANS TIMES-PICAYUNE, May 20, 2010, at A2 (attributing the statement to Louisiana Chemical Association Executive Director Dan Borne); see also Adam Babich & Brandon Sousa, *Protecting Public Participation*, ENVTL. F., May/June, 2011, at 22 (summarizing the history of this failed legislative effort).

44. See, e.g., Elizabeth Amon, *School Law Clinics Spark Hostility*, NAT'L L.J., Apr. 1, 2002, at A5.

45. See Mark Schleifstein, *Foster, Clinics Face Off on Rules Legal Debate Goes Beyond Shintech*, NEW ORLEANS TIMES-PICAYUNE, Aug. 2, 1998, at A1; Adam Babich, *How the Tulane Environmental Law Clinic Survived the Shintech Controversy and Rule XX Revisions: Some Questions and Answers*, 32 ELR 11476 (Dec. 2002).

46. See Katherine Bishop, *Oregon Law Clinic Battles the Timber Industry*, N.Y. TIMES, Aug. 5, 1988, at B5.

47. See *Student Suits Defended*, N.Y. TIMES, Dec. 16, 1988, at B7.

48. See ABA & Assoc. of Am. Law Schools, *supra* note 23, at 1216 ("Under our system of government the process of adjudication is surrounded by safeguards evolved from centuries of experience. . . . All of this goes for naught if the man with an unpopular cause is unable to find a competent lawyer courageous enough to represent him."); David Luban, *Taking Out the Adversary: The Assault on Progressive Public-Interest Lawyers*, 91 CALIF. L. REV. 209, 245 (2003) ("When politics impinges on the imperative to hear both sides, the adversary system threatens to dissolve into farce or fraud.")

49. Editorial, *A Good Kill*, NEW ORLEANS CITYBUSINESS, May 24, 2010, at 22.

50. See Laurel E. Fletcher et al., *Defending the Rule of Law: Reconceptualizing Guantanamo Habeas Attorneys*, 44 CONN. L. REV. 617, 626 (2012) ("The American tradition of zealous representation of unpopular clients is at least as old as John Adams's representation of the British soldiers charged in the Boston massacre.") (quoting Benjamin Wittes et al., Statement on Justice Department Attorney Representation of Guantanamo Detainees, Brookings Inst. (Mar. 8, 2010), available at <http://www.brookings.edu/research/opinions/2010/03/07-guantanamo-statement>).

51. *Chambers v. Balt. & Ohio R.R. Co.*, 207 U.S. 142, 148 (1907); see also Theodore B. Olson, *Lay Off Our Judiciary*, WALL ST. J., Apr. 21, 2005, at A16 ("Our courts are essential to an orderly, lawful society.")

52. *Chambers*, 207 U.S. at 148.

53. *Id.*; see also Arthur H. Bryant, Op-Ed., *Access to Justice at Risk*, NAT'L L.J. (D.C.), Mar. 28, 2005, at 22 ("Extremely emotional and heated disputes are resolved nonviolently in the courts every day.")

54. See Fletcher, *supra* note 50, at 626 ("Across the political spectrum, attorneys were galvanized in the defense of the Guantanamo lawyers."); Steve Visser, *Lawyers Question Firm's Withdrawal*, ATLANTA J. CONST., Apr. 27, 2011, at A3 ("U.S. Attorney General Eric Holder . . . said [Paul] Clement is 'doing that which lawyers do' by representing the lawmakers [in support of the Defense of Marriage Act, 28 U.S.C. §1738C (2006)]."); Michael Shear & John Schwartz, *Law Firm Won't Defend Marriage Act*, N.Y. TIMES, Apr. 25, 2011, at 1 (quoting Prof. Stephen Gillers' statement that the "firm's timidity here will hurt weak clients, poor clients and despised clients").

55. *First, They Get Rid of the Law Clinics*, *supra* note 42 (quoting former ABA President Carolyn Lamm).

None of this is to say that lawyers are immune from criticism. It is unethical, for example, for lawyers to file cases that do not have a good-faith grounding in law and fact, and lawyers who violate this and other ethical rules are subject to sanction.⁵⁶ But attacking lawyers because of who they represent is an attack on the fundamental principle that everyone deserves a chance to vindicate his or her rights in the legal system.⁵⁷

V. Frequently Asked Questions

- If people believe that environmental laws are too stringent, should they oppose environmental law clinics? The answer, of course, is no. Law school clinics do not enact the laws. People who disagree with environmental regulations should campaign to change the law, not try to undermine people's ability to protect rights that the law grants them.⁵⁸ Similarly, if people think it is a mistake for environmental laws to empower citizens to participate in permitting decisions or to sue violators, they are free to seek amendment of those provisions. Trying to change environmental laws in this way might be controversial, but it would still be part of a legitimate dialogue about social policy. In contrast, attempting to prevent lawyers or law clinics from representing people who seek to enforce environmental laws is an attempt to end-run that dialogue by silencing opponents.⁵⁹
- What if people believe that lawyers and litigation themselves are a drain on society?⁶⁰ Well . . . it would be hard to argue that the U.S. legal system is per-

fect.⁶¹ Perhaps, the best that can be said for the system is to paraphrase Winston Churchill's famous statement about democracy: it is the worst system out there except for all the alternatives.⁶² Despite its well-publicized drawbacks, the U.S. legal system remains, in many respects, "the envy of the rest of the world."⁶³ In any event, it is the responsibility of lawyers to work within the system on behalf of their clients. And it is our job as law professors to help law students learn how to represent their clients' interests within the context of the existing system.

- How can clinics purport to serve the poor or disadvantaged when reputable advocates for such groups sometimes disagree with clinic's activities?⁶⁴ The short answer is that clinics—like all lawyers—do not represent "the poor," or "minorities," or "industry" as a whole. Lawyers represent their specific clients.⁶⁵ And those clients are entitled to legal representation even when they disagree with recognized organizations that share the clients' values. Under such circumstances, a duty of loyalty to the clinic's *particular* clients defines the clinic's responsibilities.⁶⁶
- Do clinics have an obligation to ensure that clients' positions are consistent with the policies and interests of their home institutions? No. Law school clinicians' responsibilities to their employers are to run ethical and professional clinics, to be mentors and role models, and to provide a first-rate educational experience for their students. Clinics are not

56. State and federal laws and court rules provide for sanctions when lawyers abuse the litigation process. See 28 U.S.C. §1927 (2006) (authorizing sanctions against any attorney who "multiplies the proceedings in any case unreasonably and vexatiously"); FED. R. CIV. P. 11(b) & (c) (providing for sanctions and specifying that an attorney implicitly "certifies" that every filing has no "improper purpose," is "warranted by existing law or by a nonfrivolous argument for [change to existing law]," and has "evidentiary support or . . . will likely have evidentiary support after . . . a reasonable opportunity for further investigation or discovery"); MODEL RULES OF PROF'L CONDUCT R. 3.1 (2009) ("A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.").

57. See Luban, *supra* note 48, at 246 (arguing that steps to combat limitations on access to justice "should be regarded as matters of fundamental procedural justice, not partisan politics").

58. See *supra* notes 23-25 and accompanying text.

59. See generally Luban, *supra* note 48, at 245 ("Silencing doctrines raise the prospect of an adversary system in which one set of adversaries . . . is relentlessly squeezed by political opponents who would rather muzzle them than argue against them.").

60. The Supreme Court has recognized that "the expense and annoyance" of legal processes "is part of the social burden of living under government." FTC v. Standard Oil Co. of California, 449 U.S. 232, 244 (1980) (quoting Petroleum Exploration, Inc. v. Pub. Serv. Comm'n, 304 U.S. 209, 222 (1938)). Courts take such burdens seriously and strive to ensure that judicial review of agency action does not become "a forum to engage in unjustified obstructionism." Vt. Yankee Nuclear Power Corp. v. Natural Res. Def. Council, Inc., 435 U.S. 519, 553, 8 ELR 20288 (1978). Yet, courts also seek to ensure that agency decisions are subject to "searching and careful" inquiry. Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 416, 1 ELR 20110 (1971).

61. See *supra* note 34.

62. Winston S. Churchill, Speech at the House of Commons (Nov. 11, 1947), in 2 WINSTON S. CHURCHILL: HIS COMPLETE SPEECHES, 1897-1963, at 7563, 7566 (Robert Rhodes James ed., 1974) ("[I]t has been said that democracy is the worst form of Government except all those other forms that have been tried from time to time . . .").

63. See Hon. Clarence Thomas, *The Judiciary and Civility*, FED. LAW., June 2001, at 21 ("Our legal system, we say, it's litigious. Perhaps, it is. Yet . . . we are the envy of the rest of the world."); United States v. Reid, 214 F. Supp. 2d 84, 96 (D. Mass. 2002) ("[W]e should listen . . . to those around the world who aspire to the legal system we in America have, because that system has contributed to a level of freedom, of stability, and of material well-being that rightly are the envy of the world.") (quoting RONALD A. CASS, *THE RULE OF LAW* 151 (2001)).

64. See Heather MacDonald, Op Ed., *Clinical, Cynical*, WALL ST. J., Jan. 11, 2006, at A14 (asserting that in 1997, "Tulane's environmental law clinic got a planned plastics plant barred from a predominantly black township The clinic claimed that it was fighting 'environmental racism,' but many town residents, backed by the NAACP, had worked for years to win the Shintech company's new PVC plant for their parish.").

65. See Adam Babich, Letter, WALL ST. J., Jan. 25, 2006, at A13 (responding to Ms. MacDonald (see *supra* note 64) that "the St. James Citizens are entitled to legal representation even when the NAACP disagrees with them").

66. MODEL RULES OF PROF'L CONDUCT R. 1.7 cmt. 1 (2009) ("Loyalty and independent judgment are essential elements in the lawyer's relationship to a client."); *id.* R. 1.2(a) ("[A] lawyer shall abide by a client's decisions concerning the objectives of representation . . ."); *id.* R. 2.1 ("In representing a client, a lawyer shall exercise independent professional judgment . . ."); RESTATEMENT (THIRD) OF THE LAW GOVERNING LAWYERS, §121 cmt. b (2000) ("[T]he law seeks to assure clients that their lawyers will represent them with undivided loyalty. A client is entitled to be represented by a lawyer whom the client can trust.").

responsible for representing the legal positions of law schools or their funders.⁶⁷

- Can university administrators moderate clinics' activities on behalf of clients? Under the rules of professional conduct, law school administrators have no lawful expectation of regulating their clinics' representation of clients.⁶⁸ The New Jersey Supreme Court has recognized that a state-run university cannot control "the manner in which clinical professors and their students practice law."⁶⁹
- Why do law school clinics never (or hardly ever) represent accused violators, i.e., defendants, in environmental cases? The answer to this question may vary from clinic to clinic, but there is nothing about the policies or philosophies of our clinics that precludes representation of defendants.⁷⁰ For us to take such a case, of course, there must be no conflict with existing representations⁷¹ and the work must meet the intake criteria of a particular clinic. Furthermore, the potential client must want the help of a law school clinic, staffed primarily by law students. This is rare in the business world since "[t]hose with the ability to do so, hire the best legal talent available," rather than relying on law students.⁷²

67. Cf. *Polk County v. Dodson*, 454 U.S. 312, 321 (1981) ("State decisions may determine the quality of [a state public defender's] law library or the size of his caseload. But a defense lawyer is not, and by the nature of his function cannot be, the servant of an administrative superior."); *Legal Servs. Corp. v. Velazquez*, 531 U.S. 533, 542 (2001) (noting that "a [state-employed] public defender does not act 'under color of state law' because he 'works under canons of professional responsibility that mandate his exercise of independent judgment on behalf of the client' and because there is an 'assumption that counsel will be free of state control'" (quoting *Polk County v. Dodson*, 454 U.S. 312, 321-22 (1981)); *In re Exec. Comm'n on Ethical Standards re: Appearance of Rutgers Attorneys*, 561 A.2d 542, 549 (N.J. 1989) (holding that lawyers in a state clinical teaching program may represent clients before state agencies because "a Rutgers University professor in a teaching clinic of this type is not to be regarded as a State employee for purposes of the conflicts-of-interest law").

68. See *supra* note 31 (quoting MODEL RULES OF PROF'L CONDUCT R. 5.4(c); *id.*, R. 5.2(a) ("A lawyer is bound by the Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another person."); ABA Comm. on Ethics and Prof'l Responsibility, Informal Op. 1208 (1972) (It would be improper to require clinic directors "to seek, 'on a case-by-case basis,' the prior approval of the dean or a faculty committee before accepting a case involving an affirmative lawsuit against a federal, state or municipal officer."); ABA Comm. on Ethics and Prof'l Responsibility, Formal Op. 334 (1974) (It would not be improper to require prior consultation with an Advisory Committee that "consisted entirely of lawyers" if the committee "had no power to veto the bringing of a suit" and "did not in practice result in interference with the staff's ability to use its own independent professional judgment as to whether an action should be filed.").

69. *Sussex Commons Associates, LLC v. Rutgers*, 46 A.3d 536, 546 (N.J. 2012); see also *Konigsberg v. State Bar of California*, 353 U.S. 252, 273 (1957) (recognizing society's interest in "unintimidated" lawyers who are "free to think, speak, and act as members of an Independent Bar"); Model Rules of Prof'l Conduct pmb. ¶ 11 (2009) ("An independent legal profession is an important force in preserving government under law . . .").

70. Both of our professional backgrounds include representation of accused violators. In fact, the Tulane Environmental Law Clinic has represented residents in defense of a Louisiana Department of Health and Hospitals' administrative action.

71. See MODEL RULES OF PROF'L CONDUCT R. 1.7 (2009).

72. See La. Sup. Ct., Resolution Amending and Renacting Rule XX (Johnson, J., dissenting) 2 (1999), <http://www.lasc.org/rules/supreme/xxbjj.PDF>.

- Would not law schools save themselves a lot of trouble by running clinics that focus on things besides environmental law? Not without educational sacrifice. We have already discussed the need for legal educators to run their institutions in a manner that is consistent with the legal profession's values, i.e., not to turn away clients because of fear of criticism.⁷³ Additionally, law schools that seek to provide a first-rate legal education offer a variety of clinics, including at least one that involves administrative law issues, complex litigation, and highly regulated sectors of the economy.⁷⁴ Such clinics provide training for a type of practice that is typical in law firms, government, and nonprofits.⁷⁵ These clinics offer students experience on cases that turn on large numbers of documents, detailed regulatory schemes, expert opinions, and multiple parties. Whether such a clinic focuses on environmental law or other complex and highly regulated areas, e.g., securities, energy, anti-trust, chances are that controversy will be part and parcel of that clinic's practice. The question, then, comes down to whether universities should (1) sacrifice educational and public service goals and design curriculums that tiptoe around issues that might annoy people with influence, or (2) maintain independence from their constituents' points of views. The question answers itself.⁷⁶ It may not always be easy for large institutions to buck financial supporters' preferences, but universities prize their independence.⁷⁷

VI. Our Clinics

A. The University of Maryland

The Environmental Law Clinic at the University of Maryland Francis King Carey School of Law is the only public interest environmental law firm in the state of Maryland devoted to providing free legal services to support envi-

73. See *supra* notes 32-33 and accompanying text.

74. See *OLSON supra* note 9, at 104 ("To compete with other schools, a range of clinical options has to be offered that most students will find attractive . . ."). For example, the University of Maryland Francis King Carey School of Law's Clinical Program, which consistently ranks in the top 10 of all law school clinical programs, offers on average 25 clinics each year.

75. See *STUCKEY, supra* note 13, at 139 (arguing that clinics should "teach students about . . . the types of practice settings in which they will be engaging").

76. See *Sweezy v. N.H. by Wyman*, 354 U.S. 234, 250 (1957) (plurality opinion) ("The essentiality of freedom in the community of American universities is almost self-evident. . . . To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation."); *DEREK BOK, UNIVERSITIES IN THE MARKETPLACE: THE COMMERCIALIZATION OF HIGHER EDUCATION* 206 (2003) ("[T]he purely pragmatic university, intent upon increasing its financial resources by any lawful means, may gain a temporary advantage now and then, but it is an institution that is likely not to prosper in the long run.").

77. See *Richard W. Garnett, Can There Really Be "Free Speech" in Public Schools?*, 12 *LEWIS & CLARK L. REV.* 45, 59 (2008) (arguing that universities are "soaked in traditions of independence" and "play an important structural role in the landscape of civil society, clearing out the space necessary for discovery and dissent").

ronmental advocacy, litigation, and law reform. First established in 1987,⁷⁸ the Clinic works to develop future environmental lawyers who will contribute in their practices to the improvement of the environment in our state, region, and nation. The Clinic represents clients whose goals include addressing the continuing degradation of the Chesapeake Bay Watershed and protecting their communities' air and water quality. The Clinic's practice includes advocacy in the areas of litigation, legislation, rulemaking, permitting, counseling, and negotiation.

Protecting the Chesapeake Bay, a "national treasure,"⁷⁹ is of particular importance to many of our clients. Despite decades of policy and legislative initiatives, and the expenditure of more than \$5 billion since 1983,⁸⁰ the Bay is dying. According to a 2010 report from EPA, "most of the [Chesapeake] Bay's waters are degraded and are incapable of fully supporting fishing, crabbing, or recreational activities. Algal blooms fed by nutrient pollution block sunlight from reaching underwater Bay grasses and lead to low oxygen levels in the water."⁸¹ This pollution has disrupted the food cycle in the Bay, leading to record low levels of fish and shellfish populations.⁸² Given these alarming facts, our clients believe that enforcement of existing laws that protect the Chesapeake Bay Watershed is critically important. "The Chesapeake Bay and its watershed are an ecosystem and resource of enormous economic, social, and environmental significance."⁸³

One tool used to advance our clients' interest is the citizen suit provision of the CWA.⁸⁴ "Our environmental laws are founded on the principle that citizens have the right to participate in the regulatory process in order to ensure that the laws are fully implemented, fairly applied, and vigorously enforced."⁸⁵ Thus, "[v]irtually every major environmental law adopted by [the U.S.] Congress contains a citizen suit provision allowing individuals and groups affected by violations of the laws to seek legal redress in court."⁸⁶ It was the Clinic's filing of a CWA citizen suit

against a major poultry company and one of its growers for violations of the Act that triggered the legislative efforts to interfere with the representation of our clients.

In 2010, legislators attempted to withhold state funds from the University of Maryland unless its law school provided the legislature with sensitive information about clinic clients and case activities.⁸⁷ This effort did not pass, but the law school was required to report to the legislature on the Environmental Clinic's cases filed in court and related non-privileged expenditures.⁸⁸ Unfortunately, that was not the only interference.

In November 2011, Maryland's governor publicly pressured the Law School's Dean to moderate the clinic's representation of its client.⁸⁹ The Dean responded by cautioning that such public statements "have the potential to become highly prejudicial, undermining the integrity of the judicial process and the independence of the lawyers' relationship with their clients."⁹⁰ That sound warning, however, did not stop yet another round of legislative efforts to interfere with a case being actively litigated in federal court.⁹¹

During the 2012 legislative session, several bills were introduced with the intent of hampering the Clinic's representation of its client. These included a bill that would have required the University of Maryland to pay the legal fees for the Hudsons, the defendant grower in the case, no matter the outcome of the case.⁹² Another would have reduced or restricted funding for Maryland's Office of the President of Professional Schools.⁹³ Ultimately, the legislature passed a bill that transferred \$250,000 from the University of Maryland Professional Schools to the general University system and earmarked the money to assist farmers.⁹⁴ In

78. See *Environmental Law at Maryland*, Spring/Summer 2012, No. 33 at 1, <http://digitalcommons.law.umaryland.edu/elmd/33/> (last visited Nov. 12, 2012).

79. Exec. Order No. 13508, 74 Fed. Reg. 23099 (May 15, 2009).

80. David A. Fahrenthold, *EPA Puts Bay States on Notice*, WASH. POST, Sept. 25, 2010, at A1 (2010 WLNR 25821067).

81. See U.S. EPA, *Chesapeake Bay Compliance and Enforcement Strategy 1* (May 2010), available at <http://www.epa.gov/compliance/civil/initiatives/chesapeake-strategy-enforcement.pdf>.

82. *Id.*

83. U.S. EPA, *The Next Generation of Tools and Actions to Restore Water Quality in the Chesapeake Bay 1* (Nov. 24, 2009); see also *id.* at 6 ("Economists have estimated the Bay's value at more than \$1 trillion, and its bounty includes more than 500 million pounds of seafood per year.").

84. 33 U.S.C. §1365.

85. Letter from Robert Percival, Rena Steinzor et al. to the Hon. Pascal F. Callero, Chief Justice, Supreme Court of Louisiana (Dec. 22, 1997); see also *Waterkeeper Alliance, Inc. v. EPA*, 399 F.3d 486, 503 (2d Cir. 2005) ("Congress clearly intended to guarantee the public a meaningful role in the implementation of the Clean Water Act."); Resource Conservation and Recovery Act §7004(b)(1), 42 U.S.C. §6974(b)(1) (2006) ("Public participation in the development, revision, implementation, and enforcement of any regulation, guideline, information, or program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States."); FWPCA §101(c), *supra* note 38.

86. Letter from Percival & Steinzor et al., *supra* note 85.

87. Senate Bill 140, 2010 Leg., 427th Sess. (Md. 2010), available at http://mlis.state.md.us/google_docs/2010rs/bills_noln/sb/esb0140.pdf; <http://www.marylandreporter.com/page550313.aspx>; http://weblogs.baltimore-sun.com/news/opinion/2010/03/state_house_bullies_um_law_sch.html; http://www.washingtonpost.com/wp-dyn/content/article/2010/03/27/AR2010032702380_pf.html.

88. Act of April 10, 2010, ch. 482, 2010 Md. Laws 146-47; University of Maryland School of Law, *General Assembly Will Not Withhold Funds Over Clinic Lawsuit*, <http://www.law.umaryland.edu/about/features/enviroclinic/index.html>.

89. See *supra* note 4.

90. Letter from Phoebe Haddon, Dean and Professor of Law, University of Maryland Francis King Carey School of Law, to Martin O'Malley, Governor, State of Maryland (Nov. 17, 2011), available at http://www.law.umaryland.edu/about/features/feature0012/documents/haddon_to_governor.pdf. Stephen H. Sachs, who has served as the U.S. Attorney for Maryland and as the state's Attorney General also criticized the governor's actions: "It is inappropriate for the governor to suggest that the environmental law clinic turn its back on its clients. Lawyers cannot ethically abandon clients, and governors should not suggest they do so." Stephen H. Sachs, *O'Malley Can Make Up for UM Law Clinic Error*, BALT. SUN, Nov. 30, 2011, at 21A (2011 WLNR 24853759); see also Thurman Jones & Madeleine Golde, Letter, *U-Md.'s Environmental Law Clinic Came to Our Rescue*, WASH. POST, Dec. 13, 2011, at A28 (2011 WLNR 25653427).

91. *Waterkeeper Alliance, Inc. v. Alan & Kristin Hudson Farm*, No. 10-cv-487 (D. Md. filed Mar. 1, 2010).

92. House Bill 1349, 2012 Leg., 430th Sess. (Md. 2012).

93. Senate Bill 150, 2012 Leg., 430th Sess. (Md. 2012).

94. The bill states:

On page 131 of the Committee Reprint, under the heading University of Maryland, Baltimore, in program R30B21.00 University of Maryland, Baltimore, adopt Amendment 29, and after "Appropriation" insert "provided that \$250,000 of this appropriation made for the purpose of general operating expenses at the University of

the hearings related to each of these bills, legislators made it clear that they were trying to find ways to prevent the Clinic from bringing these types of citizen suits.⁹⁵

Despite these criticisms, or perhaps partly because of them, in August 2012, the ABA presented the Clinic with the 2012 Award for Distinguished Achievement in Environmental Law and Policy, citing the Clinic's "zealous championing of the state's air, waterways and species and its tireless efforts to advance environmental interests in the legislature, the courts and with administrative agencies while maintaining high standards and dedication to training a new generation of environmental lawyers and battling political challenges."⁹⁶

B. Tulane University

Tulane University began its Environmental Law Clinic in 1989, knowing that public interest environmental litigation in Louisiana would stir things up. In seeking funding for the Clinic, Tulane explained: "There is no state in America more in need of an environmental law clinic than Louisiana."⁹⁷ From the beginning, the Clinic helped clients whose positions conflicted with those of powerful entities, for example in a 1989 dispute with the Louisiana Chemical Association about environmental impacts from tax exemptions designed to attract industry.⁹⁸ A 1991 *Tulane Lawyer* article acknowledged "complaints from angry alums who threaten to quit supporting the University if the Clinic's efforts aren't modified to their liking."⁹⁹ In 2000, the ABA honored the Clinic as co-recipient of its first "Award for

Distinguished Achievement in Environmental Law and Policy" for showing, inter alia, that "law students can make a difference in shaping environmental law . . ." ¹⁰⁰ In 2010, the New Orleans Chapter of the Federal Bar Association presented the Clinic with its Camille F. Gravel Jr. Pro Bono Award.¹⁰¹ In 2011, the same law firm that represented Shintech, Inc.—the clinic's clients' opponent during the controversies of the late 1990s¹⁰²—prepared a report that labeled the Clinic "the most significant environmental litigant in the Gulf South" and concluded that the Clinic has a "substantial success rate."¹⁰³

When pressured to stop the Tulane Environmental Law Clinic from representing clients in litigation, Tulane University President Scott Cowen responded that if Tulane were to shut down its clinics to preserve state funding, "we [would] throw under the bus every indigent person in this state . . . and say we will not represent you because the money is more important . . . [T]hat is what America is not about."¹⁰⁴

VII. Conclusion

The title of our AALS presentation—"The Rise and [?] of the Environmental Law Clinic"—implies that political attacks on these clinics may threaten their survival. But although we take each such attack seriously, we expect that environmental law clinics will survive to continue their important work. Granted, it may prove impossible to convince *every* politician not to attack lawyers for representing clients with points of view that the politician believes to be politically incorrect. But the legal profession's duty to provide representation to all lawful viewpoints is too deeply entrenched to be lightly tossed aside. Similarly, it may be impossible to ensure that *no* university administrator ever pushes for inappropriate concessions that would pander to donors or powerful constituents. Nonetheless, universities' long traditions of independence and idealism should rule out the deeply cynical step of denying law students the profound educational experience of helping clients express lawful points of view.

Maryland, Baltimore may only be transferred by budget amendment to the University System of Maryland Office (R30B26) for use by University System of Maryland institutions to leverage State resources to assist farmers in the State with estates and trusts issues, compliance with environmental laws, and other matters necessary to preserve family farms. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled."

House Bill 150, Conference Committee Amendment No. 11, Apr. 9, 2012, Act of Apr. 20, 2012, ch. 148, 2012 Md. Laws 136.

95. "[W]e're trying to send a message . . ." Internet video: Maryland House of Delegates Appropriations Committee Meeting (Mar. 15, 2012), <http://mgahouse.maryland.gov/House/Viewer/?peid=e68a94b976284bffb9cf886a402022cb1d> (last visited Nov. 12, 2012). "I think [the legislature has] a right to say how the school acts, how the school behaves . . . we're not telling the school what they can teach, but we're telling the school that they cannot pick on some innocent family in the state of Maryland." *Id.* "Just to start defending that farmer so that they don't have to be spending money . . ." *Id.*
96. ABA Press Release, Environmental Law Clinic at the University of Maryland Francis King Carey School of Law to Receive ABA Environmental Law and Policy Award (July 25, 2012), <http://www.abanow.org/2012/07/environmental-law-clinic-at-the-university-of-maryland-francis-king-carey-school-of-law-to-receive-aba-environmental-law-and-policy-award/>.
97. John R. Kramer & Morris Ardoin, *Environmental Law Clinic: Making Dirty Business Everybody's Business in Louisiana*, TULANE LAW., Spring 1991, at 22.
98. Vicki Ferstel, *Environment Impact, Tax Exemption Link Eyed by Task Force*, BATON ROUGE ADVOC., Dec. 21, 1989, at 3B.
99. Kramer & Ardoin, *supra* note 97, at 22.

100. Pamela Coyle, *Tulane Law Clinic Honored for Work*, NEW ORLEANS TIMES-PICAYUNE, July 5, 2000, at B1 (2000 WLNR 1105626).

101. See Press Release, Tulane Environmental Law Clinic Honored With Camille F. Gravel Jr. Pro Bono Award by Federal Bar Association (July 27, 2010), <http://www.law.tulane.edu/tlsNews/newsItem.aspx?id=14150>.

102. See Babich, *supra* note 45.

103. Liskow & Lewis, Report for the National Petrochemical & Refiners Association (Oct. 24, 2011).

104. See Hearing, Louisiana Senate Commerce, Consumer Protection, and International Affairs Committee, LOUISIANA STATE SENATE (May 19, 2010) (providing a video of a hearing on Senate Bill 549), <http://senate.legis.state.la.us/video/2010/May/051910comp2.asx> (also available on YouTube at http://www.youtube.com/watch?v=osTF_XITNAE).