

# ENVIRONMENTAL LAW AND JUSTICE CLINIC

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Faculty	Director: Prof. Sara A. Colangelo Teaching Fellow(s): TBA
What do students do	Students engage in environmental advocacy projects on issues related to environmental justice, pollution control, natural resources and wildlife, and climate through litigation, regulatory, and other advisory contexts.
Semester or year-long	One semester, beginning Spring 2021
Open to	Second semester 2Ls, 3Ls, and 4Es (at least 40 credits)
Prerequisite(s)	All first year courses plus exposure to the fundamentals of administrative law, which can be satisfied by taking Environmental, Administrative, or Natural Resources Law, or Government Processes.
Credits	12
Requires Student Bar Certification	Yes
How many students	8/semester
Conflicts	Handled on a case-by-case basis
Average time commitment	42 hours per week total. 32 hours per week M-F on cases/projects. 10 hours per week preparing for and attending seminar and project rounds. Full-time work on cases will continue for one week into the reading period.
Seminar hours	Tues. 1:20pm-3:20pm Fri. 10:00am-12:00pm
Orientation	There will be a one-day orientation before classes begin, date TBA
Open house	Open House: Monday April 5th from 3:30-4:30pm via zoom

## THE ENVIRONMENTAL LAW AND JUSTICE CLINIC EXPERIENCE

Environmental justice and climate change are often described as intersecting crises. How society responds to these dual threats to the health of marginalized communities, and the health of wild places and resources, may well come to define this era. The Environmental Law and Justice Clinic (the “Clinic” or “ELJC”) is an immersive and multi-modal experience, exposing students to the broad spectrum of work in which environmental attorneys engage. The ELJC aims to develop three core areas of competency, which can be translated to multiple practice areas or career paths:

- the skills to *engage* with clients, *identify* client interests, and effectively *advocate* for client goals in service of social justice;
- the habits relevant to professional practice such as individual and collaborative problem solving, planning and task sequencing, self-evaluation and reflection, and identification of ethical considerations; and
- an understanding of the foundations of environmental law and broader administrative legal practice by working on live cases.

The Clinic's projects are public interest matters of national significance or local importance on behalf of under-represented clients. In a given semester our projects might include:

- litigation such as: filing amicus briefs; suing a state or federal governmental agency (to undertake a non-discretionary duty, to get access to information, to challenge administrative rulemaking decisions, or to overturn permitting or siting decisions with careful attention to environmental justice and cumulative impact aspects of such cases); or enforcing violations of law (against industrial, agricultural, and governmental polluters with a focus on legacy pollution affecting marginalized populations).
- regulatory work such as commenting on a proposed regulation or rescission of a Trump-era rollback to be filed with administrative agencies. As of December 2020 there were more than 100 regulatory rollbacks across environmental, climate, and energy issues. The Clinic focuses on regulatory actions that foster environmental justice or threaten environmental justice: For example, the Trump lead and copper rulemaking; rollbacks of the chemical accident prevention regulations; or designating "forever chemicals" as hazardous substances and promulgating drinking water protections from these chemicals. More broadly, we will look for opportunities to push agencies to consider cumulative impacts of different pollutants and pathways of exposure on behalf of our clients, which would better protect communities bearing the burden of the synergistic effects of pollution.
- advisory projects such as: educating communities interested in participating in the development of state legislation on environmental justice; representing communities in environmental enforcement cases that want to propose or comment on a remedy to government agency(ies) and alleged violator(s); or otherwise participating in strategy sessions with clients or writing letters of advice following robust client engagement.

In its original formulation, the Clinic was a member of Georgetown's "Institute for Public Representation," a ground-breaking cohort of legal clinics which existed for more than 30 years. While our environmental law clinic will re-launch in the Spring of 2022, recent projects by the former clinic that provide examples of the type of advocacy students might undertake next year include:

- Litigating a Clean Water Act enforcement suit to compel a coal-fired power plant to comply with pollution limits in its discharge permit;
- Filing amicus briefs on behalf of environmental law professors in the Supreme Court and various Circuit Courts in Endangered Species Act cases;
- Filing access to information cases to compel the release of documents from the Department of Agriculture relating to treatment of captive marine mammals and the Department of the Interior relating to the development of continental shelf oil and gas leasing;
- Drafting comments on behalf of a public health organization on the Environmental Protection Agency's proposed rollback of methane regulations for oil and natural gas facilities;
- Advising public interest client on avenues to challenge a state air permitting practice that limited compliance with state and federal clean air regulations;
- Advising public interest client on potential violations of the municipal storm water control provisions of the Clean Water Act by industrial facilities impacting the Chesapeake Bay

The ELJC advocates on behalf of groups ranging in size from small community groups to tribes to large environmental or public justice organizations. Potential representative clients and partners include: Sierra Club; Earthjustice; NRDC; Environmental Defense Fund; NAACP; Center for Biological Diversity; Defenders of Wildlife; Public Justice; Southern Environmental Law Center; Earth Island Institute; WeAct for Environmental Justice; The Nature Conservancy; Oceania; and the Environmental Working Group.

Students benefit from assuming substantial responsibility for their cases under the supervision of faculty and fellows. Students interested in a public interest law career can obtain first-hand familiarity with the public interest law community and the kinds of clients served by public interest lawyers. Students considering other careers will also profit from the insights the Clinic provides into the litigation, administrative, and advisory processes and from exposure to complex law practice involving real cases and real clients. ELJC students will obtain a greater understanding of their roles as attorneys and the responsibility of lawyers in our society through their work on these projects and interaction with clients and allied organizations.

Accepted students will be assigned to work on a specific project or projects. Students may work on teams or by themselves and may work on more than one project at a time. The projects offered depend on client need, the opportunity for law reform, and other factors like pedagogical opportunities for students.

Students in the Clinic also attend and participate in bi-weekly seminars to develop skills needed to be an effective environmental advocate in a variety of settings. Our seminars emphasize student participation and cover a broad spectrum of issues confronting environmental attorneys. A non-exhaustive list of topics include: skills related to client interaction; persuasive written and oral advocacy in the litigation, administrative, and/or advisory settings; and recent developments in environmental law and the environmental justice movement.

### **TIME COMMITMENT**

The work undertaken by students at the ELJC affects the lives of our clients and improves the laws that affect under-represented people and groups. To represent clients zealously and meet academic requirements, students enrolled in the Clinic must make a serious, ongoing commitment of time to their clinical work. Students should plan to devote significant time to learning about their clients, understanding the substantive legal issues related to a particular matter, analyzing various legal strategies, and ultimately pursuing a particular course of advocacy. Students also need time to write, to revise drafts in response to the comments of the faculty and clients, and to ensure that all deliverables are well-researched and well-written, clear and persuasive, proofread, and compliant with all procedural requirements. For this outlay of effort students receive 12 credits for the Clinic, and are not permitted to enroll in more than 16 credits per semester. Many students plan their studies so that they do not need to take other classes.

When not operating remotely, most of the work takes place on-site in the Clinic's office. We expect that students will spend at least 32 hours each week during normal business hours (approximately 9:00-5:00), working at the law school (preferably in the Clinic office space) or attending meetings, hearings or other activities related to clinic cases or projects. We also conduct seminars and holds project case rounds. Rounds are informal meetings that provide students an opportunity to share their experiences with the larger group and to brainstorm and get advice from peers on thorny issues. Accordingly, in addition to time spent on cases, we expect students to devote the time necessary to prepare for and attend seminars and rounds, which we estimate will take an additional ten hours a week. Preparation for seminars and rounds does not need to take place in our offices or at the Law Center. Students are also responsible for important administrative tasks, such as maintaining time records for their projects and establishing and maintaining case files.

### **GRADING**

Approximately midway through the semester, students conduct self-evaluations and receive written and oral evaluations of their progress from the fellow and faculty supervising their work. (Students will also have the opportunity to provide anonymized feedback about their Clinic experience throughout the

semester, as well). At the end of the semester, students receive separate letter grades worth four credits each in three categories: 1) research and analysis; 2) written and oral communication; 3) professionalism and advocacy.

### SELECTION CRITERIA/APPLICATION PROCESS

The ELJC gives preference to students who will be in their final year of law school. If we have more applicants than slots, we will select those students who have a demonstrated background or interest in environmental or natural resources law, and/or environmental justice. If all the slots are not filled by students who will be in their final year, we will select from among students who will be in their second year based on demonstrated background or interest in environmental and natural resources law, and/or environmental justice.

### DIVERSITY, EQUITY, AND INCLUSION

A focus of the Clinic is to advance diversity, equity, and inclusion in the substantive work we pursue and the ways in which we pursue it. ELJC operations will strive to ensure that the equity we seek in the environmental legal landscape is reflected in how students are taught to lawyer. We will hold ourselves and students to a high standard of facilitating an equitable and inclusive learning environment, exhibiting emotional intelligence and cross-cultural awareness, and treating clients and one another with respect. The ELJC believes incorporating diversity, equity, and inclusion in the clinical philosophy will elevate the collective abilities of students to achieve our pedagogical and substantive environmental law and justice goals.

### STAFF

**Sara Colangelo**, Visiting Associate Professor of Law, directs the Environmental Law and Justice Clinic, and is an alumna of the Clinic. Since 2015, she has served as the Director of Georgetown's Environmental Law & Policy Program and teaches multiple environmental law courses. In 2020, she won Georgetown's Charles Fahy Distinguished Adjunct Professor Award for excellence in teaching out of several hundred adjuncts. Previously Professor Colangelo served as a DOJ trial attorney for the Environmental Enforcement Section (EES) of the Environment and Natural Resources Division for eight years, entering through the Attorney General's Honors Program. At EES, she managed complex civil environmental enforcement cases for pollution control and cleanup of hazardous waste sites to negotiated or litigated resolution, appearing on behalf of the United States in trials across the country. Professor Colangelo received multiple awards from the Environmental Protection Agency and from the Division for her work. In addition, she was nominated for two awards from the Attorney General. Professor Colangelo also ran her litigating group's intern program, and for years supervised law students working at DOJ. She was asked to serve on the Honors Graduate Orientation Committee to train new attorneys to navigate the steep substantive and procedural learning curves of complex federal environmental practice. Outside of school, Professor Colangelo loves being a mom of two very active boys, and a triathlete competing in races and recruiting women and people of racial and economic diversity into the sport.

**Fellow:** We will be hiring a new teaching fellow to begin in the summer of 2021.