Our Environmental Future
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THE COLORADO URBAN PROJECT

NEW CLINIC GIVES STUDENTS HANDS-ON EXPERIENCE WITH ENVIRONMENTAL URBAN ISSUES

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Professor Mike Harris has been in the eye of the hurricane, wrestling with air quality issues in Southern California for nearly a decade. But now his radar screen shows a “perfect storm” gathering near Denver and the Front Range.
That’s one of the reasons Harris picked up stakes last year and moved his family to Colorado. That’s also why he is championing a major addition to DU Law’s environmental law program.

“Many of the experts are projecting that Denver and the Front Range will be the next Las Vegas in terms of population growth,” he says. “They’re predicting our population will increase to nearly 6 million people over the next 20 to 25 years.

“This will create a host of environmental issues,” he adds. “With increased growth will come not only increased air pollution, but traffic congestion; waste management concerns; land use conflicts; and storm water pollution into our urban lakes, streams and rivers.

“We must also ask ourselves what all this growth means for our lower income neighborhoods. They are already struggling with the industry that’s around them now. But increased urbanization will make things worse unless our policymakers start making better decisions to address the environmental injustices the poor regularly face.”

Against this challenging backdrop, Harris sees opportunity for the law school and its graduates.

“Working on air quality in Los Angeles is a thumb-in-the-dike proposition,” he says. “You’re focusing on damage control. But here in Denver, we’ve got all of our population growth in front of us. We can get out ahead of these problems and really make a difference. If we can just come to terms with meaningful environmental planning in Colorado, we can assure a future with not only economic growth, but with sustainable, healthy neighborhoods as well.”

Harris is moving quickly along three fronts to create what he calls the Colorado Urban Project (CUP). He is starting a clinic for students to gain practical experience; building a corresponding curriculum; and expanding relationships with local politicians, community groups and environmental advocates.

From day one, students have responded enthusiastically.

“There’s been a huge amount of interest,” Harris says. “The first day of the clinic when we introduced students...
to the two different sides of our docket—the natural resources and wildlife side, and the urban side—we asked them to mark down their preferences. Sixty percent chose the urban side. And the first course dedicated to urban environmentalism, which will be offered this fall, is completely full.”

Students in the CUP quickly rolled up their sleeves and are already making an impact.

One of their first projects was the adoption of the Colorado Air Pollution Control Plan. DU students testified and cross-examined state witnesses. According to Harris, the students were the only people in the room representing the public. Everyone else was from industry.

“Our students were just as knowledgeable, if not more knowledgeable, about the actual law than anybody else in the room,” Harris recalls. “Others may have had more of a stake in it in that they were representing an industry that clearly didn’t want as much regulation, but our people more than held their own.”

DU students have also been working hard to address the problem of childhood lead poisoning in Denver, according to Wendy Hawthorne, executive director of Groundwork Denver, an environmental advocacy group. “For years we’ve been told that there is no authority to directly force cleanup of lead-based paint hazards in Denver residences. The students reviewed local, state and federal laws and produced a white paper that outlined the authority that does exist. This allows us to move forward with the city on solid footing. There would have been no other way for us to get this level of professional assistance.”

DU Law student Alison Eastley, who worked with Hawthorne on the project, spent weeks performing research at the Clerk and Recorder’s Office as well as at the public library, and meeting with city officials.

“Lead-based paint hazards is the greatest concern in underserved communities, so the work went beyond academic achievement into the realm of environmentalism, public service and social justice,” she says. “Plus, the skills you develop are different compared
with the classroom. At school, we read a large amount of information over a semester and attempt to organize that information just in time for finals. The CUP experience, on the other hand, requires a student to develop research skills, people skills and understand the allocation of authority between agencies and various levels of government.”

Fellow law student Katharine Johnston partnered with Hawthorne and other local environmental groups to address another important urban issue: the environmental impacts of realigning Interstate Highway 70 in north Denver.

“The clinic gave me the freedom to actually be a lawyer,” Johnston reflects. “I was able to take on cases and interact with clients. Not only was it better than the classroom experience, it was also better than most internships. The amount of freedom and autonomy to deal with the cases is something I think you would be hard pressed to find at an internship with a practitioner.

“I knew the clinic would either make me hate environmental law and never want to do it again or solidify my interest in it and draw me into the field,” she adds. “Luckily, it was the latter. I’m excited to get out there and start practicing, and am confident that the clinic has given me the skills to be successful.”

“Too often state regulators ignore the concerns of the public,” says Jeremy Nichols, director of Climate and Energy Programs for Wild Earth Guardians in Denver. “With the help of students like Katharine, we’re making it clear to them that they can’t just go about business as usual.”

It’s no wonder local advocacy groups are embracing the CUP with open arms: They literally have nowhere else to turn.

“Many of us working in Denver’s communities know there are significant environmental justice issues here, but there has been no source of good, credible support to push for change,” says Hawthorne. “We get stopped in our tracks by well-intentioned government officials who say, ‘We understand your concerns, but nothing can be done. All of the environmental regulations are being met.’ The CUP can help us determine if this is indeed true or if we have a legal mechanism to insist on accountability or change.”

“We’re in a situation where there is no competition,” adds Harris. “The only other law school in the state is focused exclusively on natural resources and energy law. The urban issues are simply not being addressed.

“So this is a natural for DU. First, we’re an urban law school and second, we’re targeting a market that isn’t being served. As the demographics change, we’ll stand out as providing great training and lots of opportunities to engage in these issues,” he says.

“More importantly, these are issues most people can relate to that directly benefit them,” Nichols says. “The clinic has done a lot of great work over the years, working to conserve wildlife and wild places. But too often that becomes a bit esoteric for the folks who are part of the university, who support the community or just the community at large. This is exactly what the University of Denver should be doing.”

On a more pragmatic level, Harris believes DU should
also focus on urban environmental law because that is where many of the jobs will be.

“A majority of our graduates stay in Colorado. Those currently involved in environmental law are mainly focused on oil and gas development, natural resources or endangered species protection,” he says. “Looking ahead 10 years, there’s no doubt in my mind we’re going to have a huge need for environmental lawyers in this state who are trained to do things like develop storm water management plans in urban areas or do complex permitting under the Clean Air Act.

“Right now, permitting is not that difficult. But as our air gets increasingly worse, we’re going to have to deal with much more difficult permitting processes and more requirements for Denver companies.

“So whether you’re representing those companies, the government or community organizations, there will be an enormous increase in the need for environmental lawyers to tackle those issues.”

With Denver’s expected population explosion, the CUP can help local communities weather the coming storm, Hawthorne believes.

“This growth could lead to declining air and water quality, sprawl and other land-use issues, and exacerbated environmental justice concerns. There will be continued pressure for bigger highways, higher density housing, conversion of industrial land to housing, new energy sources and other issues that can potentially lead to environmental degradation. The Colorado Urban Project can help the impacted communities sort out the legal issues and allow us to hold government agencies, developers and industry accountable for their decisions.”

“Some areas in my district have a history of urban environmental justice that reaches back several generations,” says Denver City Councilwoman Judy Montero. “I believe it will be through community partnerships like this that we can continue to make our communities healthier and more vibrant. I believe Professor Harris’ program can help solve problems such as urban food deserts and pollution, while promoting sustainable local economies.”

Over time, Nichols expects the clinic will become a force to be reckoned with.

“Right now the voice of citizens and advocacy groups is fairly limited,” he says. “Hopefully the clinic will be able to amplify that considerably and be known as a leader in shaping the environmental future of the Denver metro area.

“DU can also help us change the tone of the debate, so the first thing public policymakers think about if they want to widen this freeway is what are the environmental impacts going to be? What is the clinic going to think about this? And what are their clients going to think about this? And that’s not a bad thing. That’s an important thing because that’s what they should be thinking about first and foremost,” he says.

“I’ve also learned there are a lot of law students who really do care about these issues. They realize being a lawyer isn’t just about money. It isn’t just about a career. This is about helping people. It’s refreshing to see that idealism is alive and well and growing. If they come out of law school with that passion and that drive, this society and our communities are going to be so much better for it.”
Almost every year the students came knocking on Professor Christine Cimini’s door.

“Their message was always the same,” recalls the director of clinical programs at the University of Denver Sturm College of Law. “We didn’t come to law school to litigate,” they’d tell me. “We think the Student Law Office should give us the opportunity to gain experience in transactional work.”

In fact, last spring, second-year students Dan O’Connell and Zach Warkentin took the next step and wrote a proposal to plead their case.

“Law school does a good job of emphasizing litigation work, but that isn’t always proportionate to the number of students who actually end up litigating for a career,” Warkentin explains. “We really think it’s important that students get an on-site experience in transactional law. That’s not something that’s stressed in the curriculum.”

Until now, that is.

Spurred by a gift from a grateful alumnus, the law school will soon be adding a faculty member, a fellowship and, yes, a hands-on clinic focusing on transactional law.

“This will really expand the opportunities we have for students and provide exposure to an area we haven’t been able to offer in the past,” says Cimini. “I’m not saying we don’t have transactional-related doctrinal classes. But unlike a doctrinal class, students enrolled in a clinic step into the role of a lawyer and actually work on cases. That was previously missing from the curriculum. This new offering will make our overall clinical program more well-rounded.”

Cimini says the new clinic will focus on a niche in the community that is not being served: nonprofit organizations.

“Our students will be providing advice that nonprofits will need – from formation to potential expansion. This
includes corporate structure and governance, writing up bylaws and articles of incorporation, intellectual property work, tax and contract issues, and employment-related concerns,” she says.

In the process, Cimini says students will sharpen their interviewing, counseling, negotiation and advocacy skills. They will also learn how to facilitate, organize and collaborate with clients, community members and other lawyers.

She cites the school’s work with El Centro Humano- tario as an example of the type of legal services students will be providing. The Denver-based nonprofit organization supports the rights of day laborers in Colorado.

“El Centro is collaborating with seven other nonprofits to purchase some shared space and create a human rights center,” Cimini says. “Last semester, the students in the civil litigation clinic helped this group by drafting a memorandum of understanding between the parties and researching potential zoning issues. They also prepared a report on other multitenant centers across the country to identify what works well and where there have been problems.

“All of those projects are related to transactional work. The thought that somebody with this expertise in transactional work could come in and help advise El Centro and other nonprofits could make a world of difference,” she says.

The law school is currently looking for that “somebody” to be a tenure track faculty member who would specialize in transactional work.

Cimini credits Kenneth Whiting’s $500,000 contribution as a huge impetus for the new initiative.

“It also gave the faculty a growing awareness of the needs that were not being met,” she says.

Whiting, a longtime Denver attorney and oil industry executive, says he just wants to pay back the school for providing him a scholarship when he was a struggling law student.

“I’ve been indebted to DU ever since,” says the 1953 alumnus. “This is a way I can help the law school, the students and especially the lower income people in the community. I feel strongly that the poorer people don’t get adequate legal representation, and this might help to remedy that.”

The rollout of the new clinic will depend on when the new faculty member is hired.

“My guess is the 2010-11 academic year,” says Cimini.

That’s none too soon for students like Warkentin who hopes to practice in sports or entertainment law.

“Gaining the actual on-site, real-world experience is invaluable,” he says. “Everyone I’ve talked to in the other clinics at DU have all said the same thing: ‘Actually having clients matures you in a way your legal practice that inside the law building just can’t do.’”

He also believes it will also make him more competitive in the job market.

“Especially in a community like Denver, where I’d guess that half the lawyers are from DU,” he says. “They are aware of the curriculum. They stay current. This kind of experience would be invaluable for jobs in corporate law, mergers and acquisitions, bankruptcy law—anything where you’re dealing with a decent amount of paperwork and working some kind of legal or financial transaction between two entities.”

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SLO Clinical Programs

The University of Denver’s Student Law Office (SLO) was established in 1904 and is one of the longest standing clinics in the country.

According to Professor Christine Cimini, “Students are allowed to practice law under the Student Practice Act as long as they represent clients who otherwise would be unable to obtain legal services.”

Cimini says the university’s commitment to expanding clinical opportunities is consistent with recent influential reports (“Best Practices for Legal Education” and the Carnegie Foundation’s “Educating Lawyers: Preparation for the Profession of Law”), which seek to expand more practical learning experiences for law students.

In addition to the new transactional law clinic, DU also offers clinics focusing on civil litigation, civil rights, criminal representation, environmental law, and mediation and arbitration.