Into the fray

Harris selects cases more for the teaching opportunities. In attempting to join the Longmont lawsuit, the students will take on one of the most controversial issues facing the state. Numerous municipalities have attempted to regulate fracking, where a chemical-slush mixture is injected deep into the ground to release trapped natural gas. Most have faced pushback through lawsuits brought by the oil industry or the state itself, which says it has the sole right to regulate oil and gas extraction.

Harris said the case allows the students to consider their role as advocates and to practice on an issue with no academic guide. "We're trying to write the casebook on it," he said.

Jenni Barnes, a third-year law student, said the citizens groups that the clinic represents have a unique interest in the Longmont fight and should be allowed to intervene. "They're the ones breathing the air and drinking the water. The city, as an entity, isn't the one living near the proposed drilling sites and dealing with the potential impact."

They face a tough battle. In 1992, the Colorado Supreme Court ruled that local governments cannot ban oil and gas drilling. Municipalities that have passed fracking bans could argue that they haven't banned drilling, just one method of it. But fracking is seen as the only economically feasible way to extract some natural gas deposits, so opponents of the bans argue that a fracking ban is a de facto ban on all drilling.

Harris said the courts may have said there needs to be a balance between local and state interests, but those are in the context of traditional oil and gas drilling. Citizen groups don't see traditional methods and fracking as remotely the same.

"Until the court says it's the same, we intend to argue it's not," he said.

Continually meaningful work.

Barnes and the other students estimate they put in 30 hours each week on the case. Second-year law student Jonathan Goldstein said hitting the send button on a real-life motion isn't like a graded paper. "It's real and it's nerve-wracking but also very exciting."

Stephen Arnett, a second-year student who actually drafted the motion to intervene, said she enjoys getting the client contact provided by the Longmont case.

Harris said he hasn't seen a movement like the opposition to fracking in his 17 years practicing in the area. He's portrayed the clinic's work in Longmont into representation with other cities. Come this summer, the clinic's students won't be around, but the case will continue.

"So, I'll be taking a break," he said. "By break, I mean I'll be doing it myself."

---

Law Week Colorado

BARE WALLS?
Show your CLIENTS, COLLEAGUES, AND COMPETITORS that YOU were featured in Colorado's Top Legal Publication!

Law Week Reprints are reproduced in color and without advertisements and are perfect to hang around the office!

Call or email to get your reprint today! 303-292-1212 or info@circuitemedia.com