Highlights Include

ELC Students Make an Impact Locally, Nationally and Internationally

Criminal Defense Clinic Launches Summer Session to Respond to Need for Public Defenders

New Faculty & Fellows
Environmental Law Clinic

ELC Students Make an Impact Locally, Nationally and Internationally

The students and faculty of the Environmental Law Clinic (ELC) have been making a significant impact on behalf of a wide range of clients both locally, nationally, and internationally. On the local level, the ELC represented the City of Denver in a lawsuit against the Department of Justice regarding the city's failure to strengthen the national ambient air quality standard for carbon monoxide. And internationally, ELC students petitioned the Commission on Environmental Cooperation (a body formed under the NAFTA regime) asserting that the Canadian government was failing to enforce its own environmental laws regarding fish farms, particularly in the Pacific Northwest, where juvenile salmon swim out to sea after being born far upriver.

Finally, we’re pleased to share some recent clinic experiences and successes such as the tremendous work the Environmental Law Clinic (ELC) continues to accomplish on behalf of its clients locally, nationally, and internationally. On the local level, the ELC represented the City of Denver in a lawsuit against the Department of Justice regarding the city’s failure to strengthen the national ambient air quality standard for carbon monoxide. And internationally, ELC students petitioned the Commission on Environmental Cooperation (a body formed under the NAFTA regime) asserting that the Canadian government was failing to enforce its own environmental laws regarding fish farms, particularly in the Pacific Northwest, where juvenile salmon swim out to sea after being born far upriver.

For the past 4 years, ELC students have worked with Assistant Professors Kevin Lynch and Mike Harris on a citizen suit enforcement action under the Clean Air Act involving Xcel Energy’s coal-fired power plant in north Denver. Last April, the clinic reached a settlement agreement in that case on behalf of the client, WildEarth Guardians.

The four generations of clinic students gained valuable federal court litigation experience over the life of this case, shepherding the case from the initial filing, through complex discovery, multiple rounds of extensive briefing, several oral arguments, and on to trial prep. The settlement was reached when the case was 2 weeks out from trial, so the students did not have the opportunity to present their openings and closings or to examine witnesses. However, the settlement was a tremendous win for our clients because of the benefits for the most impacted communities.

Ronald V. Yegge Clinical Director and Associate Professor Laura Rovner

Settlement Benefits: As part of the Settlement, Xcel Energy has agreed to perform $447,000 to Colorado River, a third party nonprofit organization dedicated to bringing about the sustained improvement of the physical environment through community-based partnerships and action.

Groundwork Denver will use the funds to complete energy efficiency projects for 142 homes in the north Denver neighborhoods of Globeville, Elyria, and Swansea, and to install energy retrofits at Xcel Energy’s nearby power plants in the neighborhoods. Additional funds also will be used to support the development of the 5.5 acre Xcel Energy Share Open Space, an area of community natural area, including solar powered lighting on picnic shelters and along paths.

It is anticipated the projects will eliminate more than 3,000 tons of carbon dioxide emissions and save or produce nearly a megawatt-hour of electricity. The energy efficiency projects will save families nearly $200 annually, while solar panel installation will generate more than $3,400 every year in savings.

Leading the Fight to Protect Vulnerable Communities Nationwide

On September 26, 2013, ELC student attorneys Nick Lopez and Shannon Love traveled to our nation’s capital to put the pressure on EPA for failing to strengthen the national ambient air quality standard for carbon monoxide. In front of a sizeable audience including government attorneys, local law students representing EPA, and a panel of judges on the D.C. Circuit Court of Appeals. Facing tough questioning from the panel, Mr. Lopez pressed the argument that EPA failed to consider or adequately weigh the epidemiological evidence showing that lower levels of carbon monoxide have negative impacts on vulnerable populations such as pregnant women and children, particularly in poor, urban, and minority communities across the country.

Following the argument, one of the judges and several of the government lawyers complimented Mr. Lopez on his poise and delivery of a complicated argument. The clinic is now awaiting a ruling from the court, expected sometime in the next several months.

Utilizing International Law to Preserve Wild Salmon in British Columbia

For the years declining wild salmon runs in the Fraser River of British Columbia, Canada, have caused concern among fishermen, scientists, First Nations, and environmental advocates. Mounting evidence points to the growing use of industrial fish farming methods at the mouth of the Fraser River as contributing to the precipitous decline in wild salmon runs. Open water fish farms concentrate pollution, disease, and parasites along the channels where juvenile salmon swim out to sea after being born far upriver. Clinic students worked with the Center for Biological Diversity to prepare and submit a petition to the Commission on Environmental Cooperation (a body formed under the NAFTA regime), arguing that the Canadian government was failing to enforce its own environmental laws such as the Fisheries Act and its requirement that fish farms do not harmfully alter, disrupt, or destroy fish habitat. On September 12, 2013, the Commission ruled that the Canadian government would be required to respond to these arguments.

Ronald V. Yegge Clinical Director and Associate Professor Laura Rovner

On other fronts, in a tribute to Gideon v. Wisconsin, the Criminal Defense Clinic kicked off a special summer clinic by enrolling fourteen students in an intensive summer training session. During the first part of the session, the students were exposed to all facets of the criminal defense process through their work on a simulated case. Following their completion of the simulation, the students represented indigent clients charged with a variety of misdemeanor violations.

Here at Denver Law, we are especially excited for the coming year as we gear up to celebrate the 110th anniversary of our clinical program, and to honor Professor Howard Rosenberg, who is retiring after forty years of teaching in the clinic. We are thrilled that NYU Professor Brian Dinneen, comparator and founder of the Equal Justice Initiative, has agreed to keynote the event, which will take place on April 11-12, 2014. For more information about the celebration, please visit the anniversary website.

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The Criminal Defense Clinic (CDC) offers an extended orientation to students who have completed the clinic and want to continue their first year of law school. The summer session students hit the ground running and into the three-week orientation and summer session, the CDC was designed to track the progress of the students' cases throughout the semester. The CDC aims to steep students in criminal defense practice and in the Colorado criminal defense community. Regular guest lecturers include the training director for the Colorado Public Defender's Office and the executive director of the Alternate Defense Counsel, the two largest criminal defense organizations in the state.

The summer session students quickly hit the ground running and undertook representation of clients in cases involving charges of assault, theft, drug or drug paraphernalia possession, criminal mischief, disorderly conduct, and a variety of other alleged violations. The students provided excellent advocacy at every stage, from getting cases dismissed shortly after arraignment due to thorough investigation and exonerating witness statements, to providing comprehensive, client-centered sentencing advocacy that judges cited as the reason for not sentencing the client to jail time. Getting clients out of jail and getting charges dismissed were the order of the day. By September, two teams of students had gone to trial, one in a domestic violence case that unfortunately resulted in a conviction, and the other in a drug paraphernalia case. While a case involving a maximum fine of $100 may seem insignificant, our client was facing years of imprisonment if convicted, as it would have been a parole violation. Armed with the tools they learned during the summer session, two CDC students cross-examined the police officer witnesses in the case, exposed the inconsistencies in their testimony, and after the jury returned from a mere 15 minutes of deliberation, heard the defender's two sweetest words: Not guilty.

Each semester, the vast majority of CDC students will represent a client in a contested trial or evidentiary hearing. The students also engage in vigorous motions practice, and most will work on First, Fourth, Fifth, Sixth, and Fourteenth Amendment grounds. The students also litigate different kinds of cases: trial-level cases, including adult and juvenile accused of crimes; and cases on appeal, including a case on behalf of a homeless man challenging a high-profile and notorious anticamping ordinance. Students also write petitions to seal their clients' records upon dismissal. After the extended orientation, the students pick up their cases and continue to meet for the seminar component of the class twice a week. They also meet with their professors in individual and team supervisions. The seminar and the casework complement each other, as the seminar is designed to track the progress of the students' cases throughout the semester. The CDC aims to steep students in criminal defense practice and in the Colorado criminal defense community. Regular guest lecturers include the training director for the Colorado Public Defender's Office and the executive director of the Alternate Defense Counsel, the two largest criminal defense organizations in the state.

The CDC continues to take on second-semester students in the CDC II—students who have completed the clinic and want to continue to represent clients, and to work on their trial skills in an actual courtroom setting under close supervision. More than half of the spring 2013 class, and half of the summer 2013 class, applied to continue in CDC II.
Assistant Professor Lindsey Webb
Civil Rights Clinic

Lindsey Webb graduated from Wesleyan University and Stanford Law School. She also spent two years as a Pretanny Fellow in the Criminal Justice Clinic at Georgetown Law School in Washington, D.C., where she earned her LL.M. in Advocacy.

After graduation from law school, Webb worked as a Deputy State Public Defender in the Colorado State Public Defender’s Office. In this capacity, she represented people accused of misdemeanors and felonies, in addition to children accused of crimes in juvenile court. She also worked as an attorney in the appellate division of the Public Defender’s Office, where she handled direct appeals of felony convictions. At Georgetown Law School, Webb supervised law students enrolled in the Criminal Justice Clinic in their representation of persons accused of misdemeanors in the District of Columbia, and taught weekly classes on trial advocacy skills. Prior to joining the Civil Rights Clinic, Webb served as Denver Law’s director of Public Interest law, as a Prettyman Fellow in the Criminal Justice Clinic at Georgetown Law School in Washington, D.C., where she earned her LL.M. in Advocacy.

Clinical Fellow Lauren Fontana
Civil Rights Clinic

Lauren Fontana is the Civil Rights Clinic Fellow. Fontana graduated from The Ohio State University Moritz College of Law, magna cum laude, as a Public Service Fellow with Dean’s Highest Honors, and received her bachelor’s degree in Computer Science in Engineering from the University of Michigan. After law school, Fontana clerked for Justice Nancy Rice at the Colorado Supreme Court and Judge Algonon L. Marbley in the United States District Court for the Southern District of Ohio. She then spent three years as an associate attorney at the Denver civil rights law firm of Killmer, Lane & Newman, LLP. Her practice at KLN focused on police misconduct, and representation of five detainees held at the Guantanamo Bay prison.

Whiting Clinical Fellow Jack Wroldsen
Community Economic Development Clinic

Jack Wroldsen is the Whiting Clinical Fellow in the Community Economic Development Clinic. Jack’s scholarship focuses on laws that affect entrepreneurship. His recent articles analyze the securities laws that govern crowdfunding investment, which is an innovative way for entrepreneurs to raise capital from the general public via the Internet. Previously, Jack was in-house counsel to a software company serving the healthcare industry. He also practiced transactional law in the Denver offices of two law firms, representing non-profit organizations, start-up ventures, public companies, and private equity firms.

University of Denver Sturm College of Law

New Faculty & Fellows

Lindsey Webb
Assistant Professor
Civil Rights Clinic

Lauren Fontana
Clinical Fellow
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Jack Wroldsen
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Faculty Highlights

Publications
Christopher Lasch


Kevin Lynch

Robin Walker Sterling


Lindsey Webb

Presentations & Conferences
Christopher Lasch


Media
Christopher Lasch

Laura Rovner

Civil Rights Clinic

Join us April 11-12, 2014 to celebrate Denver Law’s top-ranked clinical programs and to honor a legend in clinical legal education, Professor Howard Rosenberg, on the occasion of his retirement. The event’s keynoter will be NYU Law Professor Bryan Stevenson, founder and director of the Equal Justice Initiative.

**CELEBRATE** Professor Rosenberg’s remarkable contributions to clinical education and the greater Denver legal community.

**RECONNECT** with current and former clinical faculty and classmates.

**ENGAGE** as MacArthur Foundation Fellow and Professor Bryan Stevenson discusses major legal challenges eliminating excessive and unfair sentencing, exonerating innocent prisoners on death row, and aiding children prosecuted as adults. In 2012, Professor Stevenson received the longest standing ovation in the history of TED talks at the conclusion of his presentation, “We Need to Talk about an Injustice.”

Please share your stories! We would love to hear about the experiences you had as a student, faculty member or administrator in the clinic. Simply go to [www.law.du.edu/forms/alumni/clinicmemories](http://www.law.du.edu/forms/alumni/clinicmemories).

If you would like to assist with outreach to your classmates or make a donation in support of the clinical program, please contact Laura Dean at 303-871-6122 or ldean@law.du.edu.

For more info and updates visit [www.law.du.edu/events](http://www.law.du.edu/events).