



Emmett Environmental Law & Policy Clinic

HARVARD LAW SCHOOL

2023 Annual Report



Image: Mt. Gould, Glacier National Park, Montana. Photo Credit: Mark Ingraham, Pexels

THE YEAR IN THE EMMETT CLINIC 2022-2023

In January of 2023, a dream came true for me, and I joined the Harvard Environmental Law Community on a full time basis. I had previously taught Advanced Environmental Law as a visitor in 2018-19. I knew before coming to HLS that the Clinic was an extraordinary place. At the Department of Justice, Environment and Natural Resources Division, I worked with many talented Clinic alums. When I began teaching at HLS, many students in my course were also in the Clinic and they raved about the work that the Clinic was doing. It was clear to me that Wendy Jacobs, Shaun Goho, Aladdine Joroff, and Jackie Calahong were building something special here.

FROM FACULTY DIRECTOR ANDREW MERGEN



Following the late Wendy Jacobs into the position as Clinic Director is a daunting task. I am going to do my best to honor and build on her legacy. I am so fortunate to have been able to learn from Shaun and Aladdine this semester. Shaun's thoughtful clinical seminar exposes students to practical environmental lawyering that augments the lessons students learn in Environmental Law. Aladdine's Climate Solutions Living Lab, the innovative class created by Wendy, is a model of interdisciplinary, team-based learning.

Shaun and Aladdine have accepted new and exciting positions this year – Shaun joined Clean Air Task Force as Senior Counsel, and Aladdine is the Director of Climate Policy for the City of Boston. We look forward to working with them in the future. There are no better mentors for our students!

Synergy is part of our success here at the Clinic and at HLS. Each year, former students mentor current HLS students in Clinic projects and externships. Likewise, the Clinic, the Environmental & Energy Law Program, and Harvard's extraordinary faculty all work together to provide our students with the knowledge, training, and practical skills to help them become competent and capable lawyers. Every component of our teaching program is committed to the growth and development of our students. And that is important! Our students will be confronting and attempting to resolve the many environmental challenges that our planet faces. For too long, poor, minority, and Indigenous communities have shouldered the greatest pollution burdens, and our students are aware of and want to address these inequities. This generation of environmental lawyers must seek just solutions. I am proud to be a part of a team that trains creative problem-solving and compassionate lawyers.

I want to close by encouraging you to look at the work we accomplished this year. I am very proud of our students! The students were aided by two wonderful people: Jackie Calahong and Rosa Hayes. Jackie and Rosa are greatly invested in the success of our students. Jackie, our Staff Assistant, is a problem solver who ensures that we can deliver a meaningful experience to the students; Rosa, our Clinical Fellow, is a gifted writer, editor, and teacher who pushes our students to improve and excel. In August, we were joined by Sommer Engels, a former colleague from the Department of Justice, who has an impressive record in both brilliant advocacy and launching young lawyers. I am very excited for this coming academic year!



Photo Credit: Marta Wave, Pexels

MEET CLINICAL FELLOW ROSA HAYES



Rosa Hayes joined the Clinic as a Clinical Fellow in Fall 2022. Prior to joining the Clinic, she served as a law clerk for Judge Kermit V. Lipez of the U.S. Court of Appeals for the First Circuit and Chief Judge Geoffrey W. Crawford of the U.S. District Court for the District of Vermont. She graduated from Yale Law School in 2020, where she was a member of the Peter Gruber Rule of Law Clinic, the Yale Environmental Law Association, the Yale Urban Law & Policy Society, and the Yale Law Journal. Before law school, Rosa received a B.A. in economics from Wesleyan University and an M.A. in economics from Yale, and worked for the Federal Reserve Bank of New York.

What drew you to working at the Clinic as a Fellow?

I like thinking about novel legal theories and litigation strategies, and the Clinic seemed like a good place to do that. Clinic was also a formative part of my law school experience, both in terms of thinking about the law and being part of the public interest community, and I wanted to contribute to building that sort of environment.

What have you found to be the most rewarding aspect of working at the Clinic?

Most of my work involves supervising students, and their writing in particular. In my experience, legal writing is almost always an intensely collaborative effort, and I tend to make a lot of edits and margin comments. I think the extent of redlines can be disconcerting at first, especially for students with less writing experience. But it's very rewarding when students begin to feel comfortable in the collaborative process that is legal writing and when, by the end of the semester, their early drafts reflect the feedback and conversations we've had throughout the semester.

Alternatively, what have you found to be the most challenging?

It has been challenging to figure out how to structure supervision for different projects. Some students prefer or need close, structured supervision whereas other students excel with just weekly check-in meetings and emailed exchanges of drafts. I think the key is discussing and trying out different models of supervision early in the semester, and being flexible and adaptable to students' needs. Because the optimal supervisory balance depends on the needs of specific students and projects, I think striking that balance will always be a challenge, but I think I'm becoming better at adapting.

What are you looking forward to for the upcoming academic year?

I am looking forward to co-teaching the clinical seminar with Andy.

Do you have any fun summer plans?

I am training for the Chicago marathon!

WELCOME TO NEW CLINICAL INSTRUCTOR SOMMER ENGELS



The Clinic is excited to welcome Sommer Engels, who joined the Clinic as a Clinical Instructor in August 2023.

For the past six years, I served as an attorney in the Appellate Section of the Environment & Natural Resources Division at the U.S. Department of Justice. My cases covered numerous pollution control and natural resource management statutes and touched on a range of jurisdictional and constitutional issues. I authored 25 merits briefs and dozens of substantive motions and memoranda, and I presented 15 oral arguments in federal appellate courts across the country.

Working with law student clerks was a highlight of my time at DOJ. As one of the Appellate Section's law clerk program coordinators, I ensured that our clerks were assigned substantive and interesting projects, that they received meaningful feedback, and that their assistance benefitted the assigning attorneys as well. Seeing our clerks succeed in our office and beyond was always immensely rewarding, and I am so looking forward to working with students full time in the Clinic.

My career has extended beyond litigation too. Early in the Biden Administration, I was detailed to the White House Council on Environmental Quality, where I served as Deputy General Counsel. I advised the Chair and other White House officials on the legal implications of environmental initiatives and emergencies nationwide, co-managed an interagency group tasked with developing guidance for federal agencies on Traditional Ecological Knowledge, and helped ensure that proposed regulations were consistent with the Administration's environmental justice initiatives.

Prior to joining DOJ, I was a law clerk for Judge Bruce M. Selya on the U.S. Court of Appeals for the First Circuit. I graduated from the University of Michigan Law School in 2016 and was the managing editor of the Michigan Law Review. Before law school, I was a paralegal in ENRD Appellate. I received my B.A. from Colby College.

I am thrilled to be joining the Clinic team, and I look forward to helping the Clinic's students develop and hone the skills they need to embark on meaningful and rewarding careers during this critical time for environmental law and the environment.

ADVANCING ACCESS, EQUITY, AND ENVIRONMENTAL JUSTICE, AND WORK WITH NATIVE TRIBES

Guidebook for Alaska Natives to Put Land in Trust: On July 13, 2022, the Clinic and Native American Rights Fund (NARF) published [Putting Land in Trust: A Guidebook for Alaska Native Tribes and Individuals](#), which informs and guides Alaska Natives about the process of applying to have their privately held land converted to land held in trust for them by the United States. This “fee-to-trust” or “land into trust” process gives tribal members much greater sovereignty and control over land as compared to land they hold privately. The Guidebook explains the relevant statutes and regulations, the benefits and possible drawbacks of having land held in trust, and the details of the application process. The Guidebook was written by Anna Todd (JD’23), in collaboration with former Clinical Fellow Tommy Landers, and Matthew Newman, a Senior Staff Attorney at NARF.



Image: Mystic Generating Station in Everett, Massachusetts. Photo Credit: [Fletcher6 / Creative Commons](#)

How the Massachusetts EFSB Can Integrate Environmental Justice into its Review Process: In July 2022, the Clinic published [Opportunities for the Massachusetts Energy Facilities Siting Board to Advance Environmental Justice](#), which explores how the Massachusetts Energy Facilities Siting Board (EFSB) can or must use its existing authorities to better incorporate environmental justice (EJ) principles in its reviews of proposed energy facilities. The paper recommends that the EFSB: 1) Make a “senior-level commitment” to environmental justice; 2) Develop a formal EJ strategy; 3) Issue impact review guidelines that explicitly take into account the distributive effects of proposed projects; 4) Issue regulations for its consideration of cumulative impacts and of projects’ consistency with the EJ policy; and 5) Develop these guidelines, regulations, and strategy pursuant to a process that prioritizes public engagement, especially with EJ communities. This paper was written by Delaney King (JD’23), in collaboration with former Clinical Fellow Tommy Landers and former Clinic Acting Director Shaun Goho.

Report on Environmental Justice in Renewable Energy Siting: In June 2023, the Clinic produced a report for the Environmental League of Massachusetts (ELM) titled Opportunities to Advance Environmental Justice in Renewable Energy Siting. The report considers how transitioning to clean energy has triggered concerns about the environmental justice implications of siting renewable generation facilities and transmission resources, identifies barriers that might inhibit EJ communities' participation in the renewable energy siting process and proposes strategies for overcoming these obstacles. The report consists of three parts: 1) Challenges to EJ community participation in the renewable siting process; 2) Potential solutions for EJ engagement that mitigate some of these challenges and suggestions for how advocacy organizations can help to implement these solutions; and 3) Possible solutions to mitigate the tension between the need for expeditious renewable energy siting and the goal of encouraging EJ community participation in the siting process. The report also included a summary handout that outlines the recommendations for states, applicants, and advocates in brief. The report was written by Julie Kim (JD'24) and Yao Li (JD'24) under the supervision of Clinical Fellow Rosa Hayes and Clinic Faculty Director Andrew Mergen.



Photo Credit: [Jason Blackeye](#) on [Unsplash](#)

Environmental Justice and Wetlands: This Fall 2022 project addressed the challenging question of how to advance substantive environmental justice and equity goals through the regulation of wetlands. The idea of advancing equity through environmental regulations and permits is not new, but explicitly doing so in the context of wetlands is less common. The research and analysis for this project addressed both (i) what actions can advance substantive equity via the regulation of wetlands; and (ii) what authority municipalities have or need to take such actions.

Conservation Restrictions and Indigenous Rights: This Fall 2022 project examined how tribes, nonprofit organizations, private parties and local governments can integrate indigenous rights into the long-term protection of land. Drawing on experiences from across the country, the Clinic focused on how the objectives of remediation can be advanced through the Massachusetts conservation restriction program, both in its current form and with recommended revisions.

DEVELOPING INNOVATIVE CLIMATE CHANGE MITIGATION AND ADAPTATION STRATEGIES

Promoting the Removal of Obsolete Dams in Massachusetts: The Clinic worked with a local NGO in Fall 2022 to investigate legal and regulatory strategies to promote dam removal. Removing dams increases the resilience of a waterbody, allows fish and other aquatic species to pass freely, and eliminates the risk of catastrophic dam failures and resulting flooding and threats to life and property. The Clinic conducted legal and regulatory research on the removal of obsolete dams as well as research on the provision of adequate fish passage on dams that are not candidates for removal.



Image Source: High Street Dam on the Town River in Bridgewater,
[Massachusetts Division of Ecological Restoration](#)

Reducing Greenhouse Gas Emissions from the Building Sector: The Clinic has worked for several years to help develop strategies for Massachusetts municipalities to address greenhouse gas emissions from the building sector. Clinic students have analyzed pre-emption issues, written a white paper outlining the authority for municipal action, drafted a model law for cities and towns to use as a starting point, and helped the City of Boston draft its BERDO 2.0 building performance standard, enacted in October 2021, to reduce greenhouse gas emissions from existing buildings. In Fall 2022, the Clinic's project on Gas Bans for New Construction explored opportunities for cities and towns to limit the use of fossil fuels in new buildings in order to reach their climate change mitigation goals and reduce their greenhouse gas (GHG) emissions. The work focused on analyzing municipal authority to regulate the use of fossil fuel in new construction and to recommend strategies for moving forward.

Brownfields and Climate Change: This Fall 2022 Clinic project focused on developing strategies to support, incentivize and mandate the advancement of climate change mitigation and adaptation objectives in the redevelopment and use of brownfields. To the extent brownfields can be reused in ways that contribute toward climate change mitigation, this will both increase the land area that can be used for climate mitigation projects and reduce the pressure on greenfields, allowing more crucial renewable energy and carbon removal projects to be sited.

State Preemption of Natural Gas Bans: In Winter 2023, the Clinic analyzed new arguments to challenge state preemption of natural gas bans. The project entailed extensive historical research on gas franchise agreements, analysis of statutory schemes, and research into relevant case law surrounding preemption, home rule powers, and climate change legislation.

SUPPORTING THE TRANSITION TO A CARBON-FREE ENERGY SYSTEM

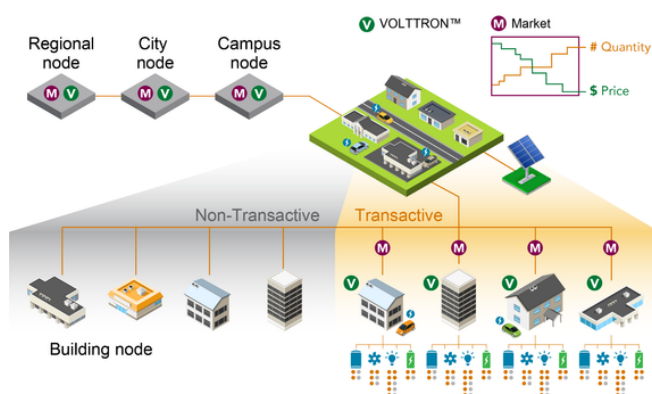


Image: The graphic provides a basic illustration of how a transactive energy system might work.

Source: [Graphic by Nathan Johnson, Pacific Northwest National Laboratory.](#)

The Clinic's 2022-2023 projects that address efforts to decarbonize the energy system include:

- Working with an international NGO to develop strategies related to greenwashing by asset managers, with a focus on how to positively influence asset manager accountability for climate-related risks and impacts. Prior work in this area included developing U.S. corporate and securities law strategies related to overseas coal plant investments.
- Supporting efforts by the Post Road Foundation on an on-going project to pilot and scale up transactive energy services in Maine. Transactive energy uses real-time, market-based signals to coordinate energy use and storage across buildings and distributed energy resources (DERs), thus creating load flexibility and efficient and resilient integration of DERs in an increasingly decarbonized electric power system. The Clinic analyzed potential regulatory and legal barriers to the deployment of transactive energy and developing recommendations for how to address these issues as part of pilot design.

VINEYARD WIND ORAL ARGUMENT AT THE U.S. DISTRICT COURT

On March 3, 2023, Professor Mergen and students from his Natural Resources Law course, the Clinic, and research assistants from the Environment & Energy Law Program attended oral argument in Allco Renewable Energy Limited et al. v. Haaland et al. (Case No. 21-11171), a Marine Mammal Protection Act challenge to the Vineyard Wind project. The oral argument hearing was held at the U.S. District Court for the District of Massachusetts at the John Joseph Moakley United States Courthouse in Boston.

Following the argument, three of the lawyers attending the hearing met with interested students to answer questions and talk about the work that they do: Peter Steenland from Sidley & Austin (representing Vineyard Wind), Mark Brown from DOJ-ENRD (representing NOAA), Gladys Miles from NOAA Office of General Counsel, and Charles Scott, JD'06, of Orsted, Head of Legal-Offshore North America (formerly of DOJ-ENRD).



CLINIC HOSTS MOOT COURT FOR CLEAN AIR ACT CITIZEN SUIT



Image: ExxonMobil Refinery, Baytown TX. Photo Credit: Roy Luck via Flickr, CC BY 2.0 [flic.kr/p/bs9cpo](https://www.flickr.com/photos/bs9cpo/)

On May 5, 2023, the Clinic hosted a moot court for David Nicholas and the team from the National Environmental Law Center. David represents the Environment Texas Citizen Lobby and the Sierra Club in an important Clean Air Act citizen suit, [Environment Texas Citizen Lobby v. Exxon Mobil Corporation, Case No. 17-20545 \(5th Cir. App.\)](#). The Fifth Circuit Court of Appeals [convened en banc](#) to consider the requirements for legal standing in this sort of litigation and it was the Clinic's privilege to help David prepare for this important case. Clinic students Eoin Jackson (LLM'23), Caroline Jaschke (JD'23), and Sami Ilagan (JD'23) sat in on the moot. Both Caroline and Sami are headed into appellate clerkships this fall, so this experience was especially valuable for them. In addition, Eoin and Sami had undertaken a deep dive in Supreme Court standing law as part of a clinic project and they were well-situated to provide feedback.

EXTERNSHIPS

In addition to the work that our students perform under the direct supervision of Emmett Clinic faculty and staff, some students work off-campus in the offices of federal, state, or local government agencies or with non-profit environmental groups. This year's placements included: the U.S. Department of Justice Environmental Enforcement Section, the Massachusetts Attorney General's Office (the Environmental Protection Division and the Environmental Crimes Strike Force), U.S. Department of Interior Solicitor's Office in Minneapolis, California Attorney General's Office - Environment Section, Earthjustice, Clean Air Task Force (CATF), Alternatives for Community and Environment (ACE), Earth Law Center, Oregon Agricultural Trust, Nashua River Watershed Association, and Donahue & Goldberg.

CLINIC STAFF AND STUDENT SCHOLARSHIP

Former Clinic Acting Director Shaun Goho wrote an online article for the Harvard Environmental Law Review titled Standing to Appeal Administrative Decisions in Massachusetts: A Game of Bait and Switch? (January 11, 2023). The article highlights some confusions regarding standing to challenge administrative actions in Massachusetts through the analysis of two state appellate court decisions. The article also proposes some recommendations to help litigants, hearing officers, and the courts, as well as regulatory and statutory improvements.

Clinic student Eoin Jackson (LLM'23) wrote an article for the Dublin University Journal of Criminology titled An Eco-Exemption to Sovereign Immunity – A Criminological Analysis of Sovereign Immunity for Acts of Environmental Harm (located in Volume III, April 15, 2023), which looks at how sovereign immunity interacts with environmental harm and how that might interact with the broader debate about the introduction of ecocide. Eoin also published an article for the Irish Law Times titled Ireland's Methane Problem, which looks at the legal and policy framework on Ireland's approach to methane emissions. Eoin notes that, while Ireland has made some progress to reduce methane emissions to mitigate climate change, greater innovation and engagement with stakeholders, in particular with the agricultural community will be required to reduce Ireland's status as one of the worst emitters of methane per capita within the EU. Ireland's Methane Problem (41 Irish Law Times 7 (2023) is available on Westlaw and ProView.

Clinical Fellow Rosa Hayes wrote a paper that was published in the William & Mary Journal of Race, Gender, and Social Justice titled Decolonizing Equal Sovereignty, 29 Wm. & Mary J. Race, Gender, & Soc. Just. 355 (2023). The Article derives two mutually compatible justifications for applying the equal sovereignty doctrine to the U.S. territories, and explains how a principle of equal territorial sovereignty could be employed to challenge the ongoing subordination of U.S. citizens who reside in the territories, with a particular focus on healthcare inequality and voting rights.

Clinic Faculty Director Andrew Mergen contributed to an Environmental Law Institute (ELI) Debate article, How Can U.S. Safely Mine Minerals Critical to a Carbon-Free Economy, in the May/June 2023 edition of The Environmental Forum. Professor Mergen's contribution, "Biden Can Lead as We Enter the Electric Era," critiques the 1872 Mining Law's emphasis on mineral development and suggests the following steps that the Biden Administration could undertake to implement mining regime reform: 1) press for environmental standards in mining plan of operations; 2) encourage federal land managers to protect Native American cultural and religious areas; and 3) invest in a trained workforce with experience in mining law, environmental protection, and cultural resource management.

CATCHING UP WITH CLINIC ALUM FRANK STURGES, JD'20

Frank Sturges graduated from HLS in 2020. At HLS, Frank was co-editor-in-chief of the Harvard Environmental Law Review and interned with Earthjustice and the Western Environmental Law Center. As a student in the Clinic, Frank assisted with the drafting of an amicus brief in support of lawsuits challenging the shrinking of national monuments, wrote comments opposing the Trump Administration's proposal to revise the definition of "Waters of the United States" under the Clean Water Act, and assisted with the drafting of an amicus brief to the U.S. Supreme Court in another Clean Water Act case, County of Maui v. Hawai'i Wildlife Fund, et al. (U.S. 18-260). Frank was also part of the Spring 2019 cohort of the Climate Solutions Living Lab, where he worked on a project team that drafted a proposed district energy implementation plan.



Frank joined Clean Air Task Force (CATF) as an Attorney in April 2023. Prior to CATF, Frank was a litigation fellow with the Natural Resources Defense Council and a Presidential Management Fellow at the Office of Management and Budget and the Bureau of Land Management. He also holds an M.S. in natural resources and the environment and an M.P.P. from the University of Michigan, and a B.A. from the University of North Carolina.

What did you do after graduating from HLS in 2020, and how did you come to working at Clean Air Task Force (CATF)?

After graduating, I joined the litigation team at the Natural Resources Defense Council through the Beagle Fellowship. In that role, I represented NRDC on a successful challenge to restore Endangered Species Act protections for gray wolves, brought a National Environmental Policy Act challenge to the U.S. Postal Service's environmental review for new delivery trucks, and represented the organization on other matters in federal court and before agencies. The Clean Air Task Force has grown significantly recently, and I was glad to have the opportunity to join CATF as my fellowship neared its end.

Tell us more about your work at CATF – what are some of the highlights and what are some of the challenges? What are you looking forward to working on this year?

At CATF, I'm a member of the legal team for a nonprofit that works to safeguard against climate change by catalyzing rapid deployment of low-carbon technologies and other climate solutions. I really enjoy the solutions-oriented approach of the group, and one highlight of my job as an attorney is getting to work with program teams and experts on land use and infrastructure solutions to climate change throughout the entire policy and legal process. The most challenging aspect is probably getting up to speed quickly on a wide range of complicated areas of the law, from the Clean Air Act to electric transmission, but that's what it takes to take an integrated approach to finding all the various policy and legal levers to put climate solutions in place. This year, I'm particularly excited about working on the ways land use, infrastructure, and renewable and zero-carbon energy development intersect in how the management of federal lands can address climate change.

CLINIC ALUM FRANK STURGES (CONT'D)

In what ways did your experiences at HLS shape/influence your career trajectory and where you are today (e.g., your work in the Clinic, the environmental law courses you took or the Climate Solutions Living Lab, and/or any other activities you were involved in)?

At HLS, I really learned how to approach environmental issues through the litigation lens. I worked in and studied environmental policy before law school, so I always knew I wanted to go into environmental law, but in the environmental law clinic and courses like advanced environmental law I learned how to approach those areas in a different way. At the clinic, I worked on public comments for proposed agency rules with an eye to how the comments would set up subsequent legal challenges, and in advanced environmental law we dove into ongoing and recent court decisions every single week. Those skills set me up to jump immediately into litigation and prepared me to do my first oral argument in district court only a year after I had graduated.

In the Climate Solutions Living Lab, I also learned about the role that a lawyer can play on interdisciplinary teams. Now I do the same thing every single day as I analyze regulations, draft comments, and represent CATF in different stakeholder coalitions.



Frank with his 2019 Climate Solutions Living Lab team

What advice do you have for our current law students who are interested in practicing environmental law after graduation?

Take advantage of as many environment-related law opportunities in law school as you can and make sure that they give you a range of experiences and insight. First off, understanding a range of perspectives makes you a more effective legal advocate. It's helpful to know how to approach a problem from more than one angle, and you get that ability from mixing nonprofit and government internships or externships, pursuing litigation and policy experiential credits or writing projects, and taking courses across environmental law, natural resources, and related areas like Federal Indian law and administrative law. Second off, you never know what door will open for an opportunity in the field, and having a varied background sets you up to succeed no matter where your career takes you.

What is your favorite part of living in the Chicago area?

Water! I love living on a Great Lake and being close to some of my favorite natural areas, such as the Boundary Waters Canoe Area Wilderness in Minnesota.

STUDENT TESTIMONIAL: KAYLEE DING, JD'23



It felt like most people in the environmental law space came to law school with some sort of background in environmental science and knew they wanted to do environmental law—I was not one of those people. By some happenstance, I chose and got into the Emmett Environmental Law & Policy Clinic in my 2L fall. It ended up becoming one of the most defining and rewarding experiences in my law school career and changed the trajectory of my career.

In my 2L fall and winter, I worked with an HLS alum based in the Southwest on a variety of different projects, but the most important one I was involved in was a Clean Air Act case that had been going on for years. A community in El Paso, Texas was fighting to get their county designated as an ozone nonattainment area under the CAA, which would trigger stricter air pollution regulations. Many residents in the area suffered from health problems, such as asthma, due to the worsening ozone pollution. Building on a favorable 2020 ruling and EPA's redesignation of El Paso as a nonattainment area, I helped draft memos related to any potential legal challenges that the opinion would face from the state of Texas. Over J-term, my supervisor and I drafted a comment letter that we submitted to the Texas Commission on Environmental Quality, arguing against their request to EPA to be exempt from enacting stricter pollution control in El Paso. And though that concluded my time working with this supervisor, I was able to come back and help moot the follow-up case that Texas brought during my clinical externship.

This project was very rewarding to work on because it introduced me to a very fascinating area of law: the Clean Air Act. The statute is extremely technical with a ton of moving parts, but it was such a fun intellectual challenge to take a deep dive into very specific provisions and parts of the regulatory scheme. In addition, it also introduced me to the idea of environmental justice—the clients we were working for were a majority Hispanic community living in El Paso who had been fighting for cleaner air for their community for years. Knowing that I was a part of something that would hopefully change their lives for the better was such a meaningful experience.

Finally, I never felt like I was out of place or way behind my classmates when it came to doing clinical projects and learning during the clinical seminar. While knowledge of environmental science and law is never not useful, I still found my experience to be enriching and engaging.

Because of how formative my time during the Emmett Environmental Law & Policy Clinic was in my 2L year, I signed up again in my 3L year to do a clinical externship at a nonprofit called the Clean Air Task Force. I really enjoyed being able to see how a nonprofit organization is structured and run, and that the Emmett Environmental Law & Policy Clinic gave me the opportunity to do so. At CATF, I worked on a variety of projects, including writing a report on the CAA's minor new source review program to inform the organization's agenda, researching CAA regulations, and preparing an expert to testify before a state regulatory committee.

I'm so glad I took a chance on the Emmett Environmental Law & Policy Clinic because my whole law school trajectory changed as a result of my time in it.

Note: Kaylee Ding's testimonial originally appeared in "Finding a new path in the Environmental Law & Policy Clinic" under Clinical Student Voices on the HLS Office of Clinical and Pro Bono Programs website on May 10, 2023.

STUDENT TESTIMONIAL: SEBASTIAN MILLER, JD'24

I came to law school knowing I wanted to practice environmental law. The funny thing about 1L year, though, is that you spend most of your time questioning everything you think you "know." My chosen career path was not immune; the sheer vastness and diversity of opportunities presented to new law students is staggering. By the time I emerged from the haze of my last spring final I could hardly be sure which way was north, let alone be confident in my earlier ambitions.



Spending the summer at a government agency that specialized in land use and environmental law helped refocus my original purpose for attending law school. Yet, there was only so much that a ten-week internship could do to animate the concepts I spent the prior year reading about. I was hungry for more, for greater exposure to what practicing environmental law felt like.

The Emmett Environmental Law & Policy Clinic gave me just that. Under the steadfast management of my project supervisor—and with more than a little help from my veteran project partner—my time with the clinic provided me with the necessary experiences that aided my growth as a legal thinker and practitioner. Through my work with the clinic, I gained new insight into the nuances of project-based legal research, and felt the thrill of applying my findings to real-world problems.

STUDENT TESTIMONIAL: SEBASTIAN MILLER (CONT'D)

Perhaps most importantly however, the clinic gave me the opportunity to work directly with clients—something that had been missing in my prior summer experience. As a discipline often rooted in the enforcement of cumbersome federal statutes, environmental law can feel highly theoretical at times, divorced from real people in difficult situations. My clinic project showed me what it was like to be an advocate, to find the best possible routes through law and policy that would vindicate the goals of my client. Often, I was frustrated that I couldn't give them better news. Though, every time my research produced a dead end, I felt myself striving all the more vigorously to find what could work. I relished each meeting, which I viewed as opportunities to give the clients real answers and solutions.

The lessons did not come without their challenges. If nothing else, environmental law is hard— the technical complexity of the Clean Water Act alone was humbling, to say nothing of its interactions with other state and federal laws. I spent more than a few weeks wondering if I was qualified to be advising anyone about anything, let alone provisions that I had only learned about a few days prior. But I discovered that through the crucible of those moments of doubt, I grew most as a researcher and advocate. I learned to use the robust resources provided by the clinic, to seek advice from others and shed my previously rigid approaches to my project's unique problems.

My clinic experience is best summarized as growth through adversity. With each new frustration came a fresh opportunity to learn, and my supervisor was effective in both providing important advice and granting me the independence to confront each hurdle myself. I am grateful for what the clinic has taught me about how to be a better advocate for the environment, and a better lawyer.

Note: Sebastian Miller's testimonial originally appeared in "A Humbling Experience in the Environmental Law & Policy Clinic" under Clinical Student Voices on the HLS Office of Clinical and Pro Bono Programs website on December 16, 2022.



Image: Arches National Park, Moab, Utah. Photo Credit: Ray Bilcliff, Pexels

CLINIC EVENTS

The Clinic organized a variety of events this year to introduce students to different aspects of environmental law practice. On March 23, 2023, the Clinic, the Environmental & Energy Law Program, and the HLS Environmental Law Society welcomed David Doniger, Senior Strategic Director of the Climate & Clean Energy Program at the Natural Resources Defense Council (NRDC), who gave a talk on West Virginia, the Inflation Reduction Act, and the Future of Climate Policy.



David Doniger speaking to the students with Professor Andrew Mergen moderating.

On April 3, 2023, the Clinic hosted a small informal lunch with Sean Donahue and Megan Herzog of Donahue & Goldberg, LLP, who shared their experiences and insights working in environmental law with the Clinic students. Sean is considered one of the best public interest appellate environmental lawyers in the country and Megan has extensive experience from her work at Conservation Law Foundation, the Environmental Law Institute, and the Massachusetts Attorney General's Office.



Sean Donahue



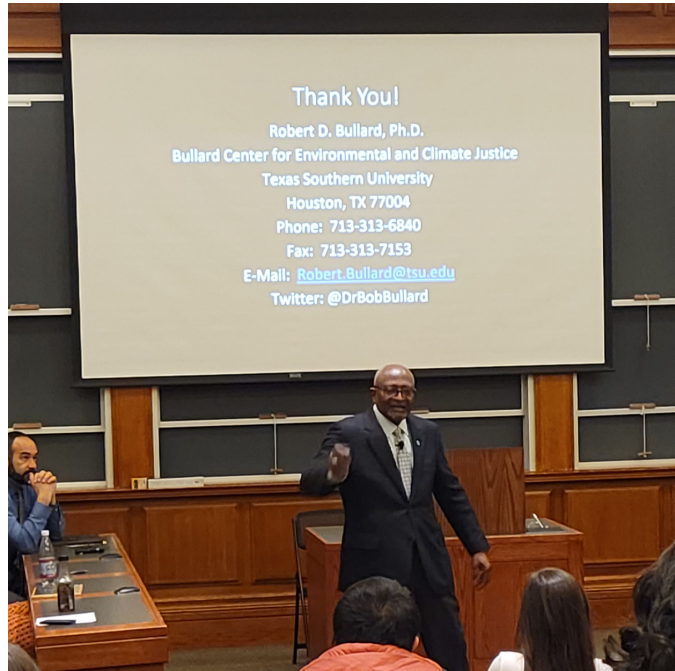
Megan Herzog

In addition, the Clinic also co-sponsored or participated in a number of events in the overall HLS Environmental Law Program. On April 4, 2023, the Clinic helped co-sponsor the HLS Environmental Law Society's Annual Horizon Awards event, which recognized the

CLINIC EVENTS (CONT'D)

exceptional career of Dr. Robert Bullard, who is widely regarded as the “father of environmental justice” and has been the pioneering scholar and advocate in the fight against environmental racism.

On April 12, 2023, Professor Mergen participated in a panel discussion with Martha Minow, 300th Anniversary University Professor, and Richard Lazarus, the Howard and Katherine Aibel Professor of Law, to discuss the new edition of Professor Lazarus’ book *The Making of Environmental Law*.



Dr. Robert Bullard delivering his keynote presentation to Horizon Award attendees



Professor Andrew Mergen presents his remarks in the panel discussion with Professor Minow and Professor Lazarus

On April 21, 2023, the Clinic joined the Environmental & Energy Law Program in holding a celebration for our graduating environmental law students.



Congratulations to the HLS Class of 2023!

CLINIC EVENTS (CONT'D)

In conjunction with Harvard Climate Action Week organized by the Salata Institute for Climate and Sustainability, the Clinic and the Environmental & Energy Law Program hosted a reception for environmental leaders and practitioners in Massachusetts working on climate change and environmental justice issues on May 8, 2023.



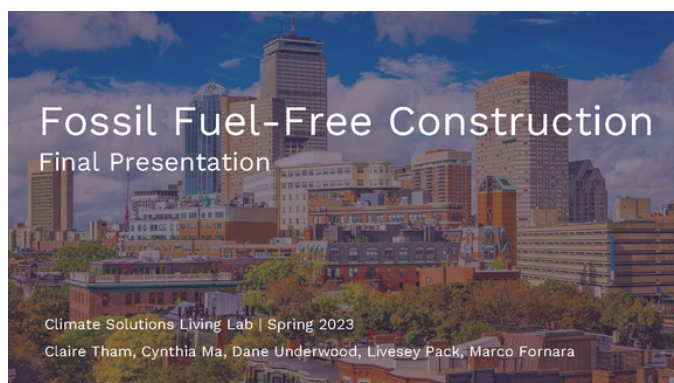
Photo Credits for May 8 Salata Reception: Martha Stewart, HLS Communications

CLIMATE SOLUTIONS LIVING LAB

The Climate Solutions Living Lab combines pedagogy and applied research to advance the climate change goals of Harvard and other institutions, governments and companies. Advanced students from graduate schools across Harvard University work in interdisciplinary teams to advance new, replicable and innovative steps to redress climate change. Students scrutinize the feasibility, scalability, and social justice impacts of climate change measures from multiple perspectives, including economic, technological, legal, and health. Participants are pushed to think outside their expertise as they collaborate with peers from diverse academic backgrounds on complex, real world challenges. The students' final work product includes analyses and tools that can be tested and further refined by on- and off-campus partners of the Living Lab.

This year, Living Lab students worked on projects regarding:

- Implementation and Equity Considerations for Municipal Requirements for Fossil Fuel Free Construction
- Sharing Access to Private Networked Geothermal Systems
- Integrating Smaller Buyers into Consortium Power Purchase Agreements
- Improving the Permitting Process for Clean Energy While Advancing Environmental Justice



Shared Access to Net-Zero Energy Systems



Team 3: Consortium Power Purchase Agreements

Raveena John, Maya Patel, Jack Raeder, Yizhi Shen
April 19th 2023
Climate Solutions Living Lab

**NO TRANSITION
WITHOUT
TRANSMISSION:**
REDUCING CHALLENGES TO TRANSMISSION
DEVELOPMENT

Evan Gao
Gray Bender
Kipper Berven
Lindsey Mayer



Material from the Climate Solutions Living Lab is available on the [Clinic's website](#).

CLIMATE SOLUTIONS LIVING LAB (CONT'D)



Living Lab students present their final projects during class



The Climate Solutions Living Lab is taught by Aladdine Joroff and co-led by Debra Stump. This year's class included a tour of the Blackstone Steam Plant led by Robert Manning, Senior Director of Harvard's Energy & Facilities Department.



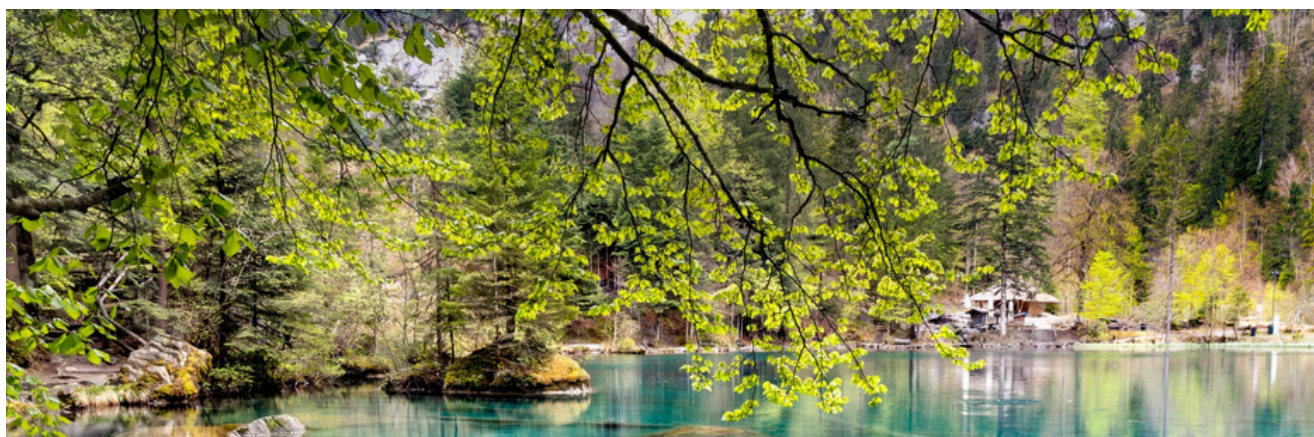
THE WENDY B. JACOBS ENVIRONMENTAL LAW FUND

The law school has created the Wendy B. Jacobs Environmental Law Fund in memory of the Emmett Clinic's founding director. The fund will support the Clinic's work, including by providing a fellowship for students to work with the Clinic over the summer and covering project-related travel expenses. You can contribute to the fund [here](#).



ABOUT THE CLINIC

The Emmett Environmental Law and Policy Clinic at Harvard Law School offers students the opportunity to practice environmental law through work on a variety of litigation, administrative, legislative, and policy projects. Clinic projects focus on environment, energy, public health, and social justice issues. The Clinic works with scientists, medical professionals, nonprofit and public interest organizations, and government clients on environmental and energy issues at the federal, state, and local level. The work includes writing briefs and comment letters, developing litigation strategies that are pursued in state and federal administrative and judicial forums; prepare legislative and judicial testimony; comment on proposed federal and state regulations; propose legislative and regulatory reforms; provide legal advice to non-profit and government clients, drafting climate change mitigation and adaptation regulations and policies for municipalities, preparing guidance documents and manuals for non-lawyers, drafting model legislation, and preparing policy papers. The Clinic develops novel strategies to address thorny environmental problems; investigates new cases; works with scientific, economic, and policy experts to help them present their views about the impacts of legal reforms; advises citizen scientists; and convenes meetings of policy-makers and regulators. Some students work off-campus with government agencies and nonprofit organizations, while others work on-campus on cutting-edge projects and case work under the supervision of the Clinic's faculty and staff. For more information, please contact Faculty Director and Visiting Assistant Clinical Professor of Law Andrew Mergen at amergen@law.harvard.edu.



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