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Summer Legal Fellows

Pace Environmental Litigation Clinic

### Summer Legal Fellows Reflection

This past summer, I was provided the opportunity to intern for Pace Law School's Environmental Litigation Clinic (PELC). I, along with another Siena Legal Fellow, Holly Bednarik, worked with Pace Law School students under the supervision and instruction of the PELC's managing attorney, Professor Todd Ommen, and PELC Clinic Administrator Jennifer Ruhle. The Pace Environmental Litigation Clinic's purpose is to provide legal representation to local interest groups in the southern New York area in matters regarding environmental concerns, with particular emphasis placed on issues of pollution in the Hudson River and surrounding bodies of water. In accordance with this purpose, I was assigned to work with two third-year law students on an EPA Lawsuit regarding their administrative duties under the Clean Water Act, and an enforcement issue involving the New York State Department of Environmental Conservation.

As someone who had no significant experience or knowledge in federal or New York state environmental law, the first days of my internship were dedicated to getting up to speed by reviewing and taking notes on the legal documents and resources from Professor Ommen, as well as outside research of my own, having been provided access to online legal databases such as Westlaw and LexisNexis. The purpose of my research and reading was to become familiar with 33 U.S.C. § 1313, the federal statute that governs how state organizations can create and implement Water Quality Standards within their respective jurisdictions. However, the focus in

this particular case was placed on the role of the “Administrator,” and their respective duties in this process as it pertains to the approval of state water quality standards and the responsibilities beholden to them should they deem the proposed standards to be insufficient. Once I became familiar with the statute our legal argument was based upon, the next step was to start the process of outlining and drafting the documents necessary to file for Summary Judgement. Summary Judgement is an expedited process in which the party filing asserts there are no material issues of fact remaining to be tried and as such the decision of a reasonable fact finder, based on the available evidence, would concur with the moving party. The filing process for Summary Judgement is dictated by Rule 56 of the Federal Rules of Civil Procedure, and the main documents (in addition to the exhibits in evidence and declarations) necessary for the lawsuit I participated in creating were a written Notice of Motion, a Memorandum of Law in Support, and a Local Rules 56.1 Statement. While I was involved in the crafting of all three documents, I was primarily responsible for the Notice of Motion and Local Rules 56.1 Statement in this lawsuit. The Notice of Motion was a fairly straightforward document which outlined the intent by the Clinic’s clients to call for Summary Judgement, as well as provide the prominent legal and factual grounds on which the motion is based. The basic content requirements of this document allowed me the ability to familiarize myself with and practice proper legal formatting, which was helpful during my internship, and will serve me well in the future. The Local Rules 56.1 Statement proved to be a much greater challenge, as the statement contains all the material facts by which there is no issue to be tried or contested in court. Creating this document required me to consult all the exhibits and available evidence and compile all the agreed upon statements and notions. More importantly, I was required to structure the facts so that there was a logical

progression akin to a narrative so the Court would be able to easily follow, as well as carefully adjust the wording and structure so as to remove any potential points of contention that could be raised by the defendant. The process of drafting the 56.1 statement required a lot of forethought and thorough revision on my part, seeing multiple drafts prior to the one I submitted to Professor Ommen for his review, and the subsequent draft sent for the purpose of review by the clients, at which point the necessary adjustments were made and the draft was finalized for filing purposes.

In regards to the other cases I was assigned throughout my internship, I was given a revisionary role as it pertained to the complaint draft in the NYSDEC Enforcement issue. This issue focused on a failure to complete a Section 7 consultation under the Endangered Species Act (ESA), 16 U.S.C. §§1531-1544. The purpose of an ESA Section 7 consultation is to ensure that government agency actions do not jeopardize any listed at risk or endangered species or damage their habitats. My task for this assignment was to assist in the format and content editing based upon suggested changes made by both Professor Ommen and the represented clients. Towards the end of my time working for the Environmental Litigation Clinic, I, along with one of the third year law students I had been working with on the Water Quality Standards issue were to break ground on a potential action pursuant to Section 208 of the Clean Water Act, involving the presence of excess nutrients in local water bodies that were harming the marine life present within them. This was definitely the most interesting out of all the cases I participated in throughout my internship because it was a fresh case with no framework to work off of, instead our job was to set one. This is where the instruction on and ability to effectively use NexisLexis and Westlaw proved extremely useful. Using these two sites in addition to other resources, we were able to use case law to answer the question of whether or not a citizen suit was a viable

course of action and to gain a better understanding as to how courts interpret the language of Section 208 as relevant to our issue.

Due to the current pandemic, my working hours and schedule as an intern for the Pace Environmental Litigation Clinic became much more fluid than the standard working hours, while still adhering to the strict internal and filing deadlines, especially as it pertained to the Water Quality Standards lawsuit. Flexibility, availability, and coordination were paramount between not only myself and the interns I worked alongside, but between us interns and Professor Ommen and Administrator Ruhle, as well as between the Clinic and its clients. In place of potential face to face attorney-intern and attorney-client meetings, the Clinic employed teleconference and Zoom calls which we interns listened in on, took notes of, and participated in. These calls and online meetings provided me a better understanding of the work I was participating in, the expectations and importance that lay with it, and provided insight into what an effective attorney-client relationship consists of. The most important relationship throughout my internship with the Litigation Clinic however, was the working one I developed with my fellow interns. While I learned a lot about civil procedure in the realm of state and federal environmental law, I learned the most from the two third year law students I was assigned to cases with. They were open and approachable, allowing me the opportunity to ask questions and further hone my legal writing and the thought process from which it was derived.

Being able to intern for the Pace Environmental Litigation Clinic as a Summer Legal Fellow for Siena College was an opportunity I am glad I was able to receive and take full advantage of. In the legal field, there is no sufficient substitute for experience, and this experience introduced me to legal databases, research methods, writing, and procedure, all while

doing real casework for the purpose of benefiting the local environment and community. I cannot recommend this program enough for those interested in pursuing a career in law because it provides exposure to specialized fields and promotes the development of skills that will prove invaluable in the future, be it in law school or beyond.