

BY JERI ZEDER

STARTUP
FOR
AN

Ailing Planet



RISING sea levels, melting ice caps, increasing temperatures, struggling ecosystems, frequent and destructive storms—these are the early warning signs of global climate change. No one can predict all their implications, but experts say what is foreseeable could be devastating: diminishing fresh water supplies, destruction of coastal societies, droughts and floods, mass extinctions

**A NEW
PROGRAM AIMS
TO CHANGE
THE WAY
WE THINK
ABOUT
ENVIRONMENTAL
LAW**



and rampant disease.

To avoid the worst impacts, scientists say, the global community must drastically reduce greenhouse gas emissions—a task that will require a massive effort by individuals, businesses, NGOs and governments to develop and use regulatory, market and technological innovations.

How can lawyers help?



IN MARCH 2006, a group of leading scholars, politicians and policy-makers gathered quietly at Harvard Law School to answer that question during a day of frank, off-the-record workshops, away from the media and other distractions that might have hindered the free exchange of ideas. The participants included U.S. Sen. Jeff Bingaman (D-N.M.), chairman of the Senate Energy & Natural Resources Committee, and 17 other political, academic and industry leaders representing diverse perspectives. HLS students were invited, and about a hundred of them engaged with the panelists, brainstorming about how law can best address the problem of climate change.

“That was a big event, in terms of announcing, ‘HLS is here and wants to make a difference,’” says Professor Jody Freeman LL.M. ’91 S.J.D. ’95, a leading scholar of environmental and administrative law, who had just been hired from UCLA with a mandate to build a major center for environmental law at Harvard Law School. For Freeman, the conference on climate change marked the unofficial debut of the school’s new Environmental Law Program.

The conference couldn’t have been more timely, according to Jonathan Black, Bingaman’s lead staff member. For many attendees, it served as a rehearsal for a hearing convened a month later by Bingaman’s committee, and was particularly helpful in framing issues related to cap and trade systems—programs that create financial incentives for reducing greenhouse gas emissions. According to Black, the Washington conference, in turn, helped inform the Bingaman-Specter Low Carbon Economy Act of 2007, which was introduced as Senate Bill 1766 in July 2007.

A BROAD AND GROWING CURRICULUM

Since that first conference, the program has come a long way. It boasts a broad and growing curriculum; a new law and policy clinic; a mentoring program for emerging environmental law scholars; and discussion forums for national

and international policy-makers, advocates, scholars, practitioners and investors.

“The timing is fortuitous,” says Antonio Rossmann ’71, an environmental law teacher at Boalt Hall and attorney with Rossmann & Moore in San Francisco. “Harvard will redefine environmental law education and set the national standard.”

That’s precisely what HLS Dean Elena Kagan ’86 had in mind when she made environmental law a priority upon becoming dean. “I wanted us to focus on these critical issues in really creative ways,” says Kagan. “Environmental problems will require solutions across borders and disciplines, both regulatory and market-based, and Jody Freeman, a superb scholar and teacher and a natural institution builder, is the perfect person to lead our efforts.”

Freeman brings a vision that’s intended to differentiate Harvard’s program from others, and to bring fresh ideas and solutions to the field. An instinctive convener and collaborator, she canvassed other leading law professors—including Georgetown’s Richard Lazarus ’79, Duke’s James Salzman ’89 and Robert Verchick ’89 of Loyola—and numerous prominent practitioners and policy-makers. The result: a program that is changing the way lawyers think about environmental law.

“A DIFFERENT ROLE FOR LAWYERS”

Because environmental issues cut across every area of human endeavor, Freeman says, the program must train not only students who are planning environmental careers but also those who will practice in other areas of law. Litigation—the cornerstone of environmental law practice in the 1970s and 1980s—will always have its place, she says, but it’s now just one of many tools for addressing environmental issues. “Law students might wind up in business; they might wind up practicing law; they might wind up in politics. But they need to be exposed to a range of environmental issues, even if they don’t view themselves as ‘green’ or ex-

pect to work as environmental lawyers, because no matter what they do in the public or private sector, they’ll have an opportunity to impact the environment.”

When environmental law emerged as a discipline in the late 1960s, the priorities were all about cleaning up the air, water and land. The tools were legislation, regulation, enforcement and litigation. Today, climate change represents a new frontier, Freeman says, where we must rethink the world’s energy systems, invest in technology and engage with the developing world. Increasingly, environmental questions will be answered by what Freeman calls a “transactional market model”—at least as often as by the old litigation model.

“We are in an era when people are using markets as an approach to regulation, alongside and sometimes instead of command-and-control regulation, where government sets standards and requires firms to meet them,” Freeman says. “We’ve been building up to this point for a long time, but we’re now full-fledged in an era when regulators are going to be using instruments like markets more often, meaning the enterprise of system design on the front end, and enforcement on the back end, are both different. It calls for a different role for lawyers.”

To prepare students for that role, the law school now offers an expanding number of environmental law courses—a “suite” ranging from introductory basics to advanced and even cutting-edge legal work.

KEY PLAYERS AND PRACTITIONERS

Freeman teaches administrative law, environmental law, legislation and regulation, and natural resources law. Several other faculty members, including Assistant Professor Matthew Stephenson ’03 and Tyler Giannini, the clinical director of the Human Rights Program, teach related courses. And, when he arrives from the University of Chicago this summer, the newly hired Cass Sunstein ’78, who has a strong interest

in environmental risk and regulation, will join them (see sidebar, p. 27).

The program also relies on a cadre of visiting practitioners renowned in the field. One of this year’s visitors, Roger Ballentine ’88, was a key White House adviser on climate change during the Clinton administration, and is widely recognized as a leading expert on the subject. In his seminar this past winter, students benefited from extensive interaction with guest experts, including U.S. Sen. and former Democratic presidential nominee John Kerry, who lectured and fielded questions for nearly two hours. Kerry, says Ballentine, was one of the earliest national leaders on the issue of climate change and is an expert in his own right.

A NEW CLINIC

Another major goal was accomplished in 2007 with the launch of an ambitious new clinical program (see related story, p. 28). Under the direction of Clinical Professor Wendy B. Jacobs ’81 (see sidebar, p. 33), students now have a broad array of opportunities to work on complex environmental law projects and cases. Some are off campus with government agencies and nonprofit organizations. Others are on campus, under Jacobs’ supervision—working on what she describes as “cutting-edge, real-time projects and cases.” A sampling of the projects includes greenhouse gas litigation; fighting false and misleading “green” product claims; a proposal for a permitting regime for ocean energy projects; and development of a liability framework for carbon capture and sequestration here and in China.

The clinic’s popularity is testimony to Jacobs’ ingenuity—she’s been known to dream up clinical opportunities from brief news flashes on NPR, and to encourage students to form interdisciplinary collaborations with programs throughout Harvard. “I’ve been match-making like a yenta,” Jacobs says.

In a similar vein, Freeman has launched the biannual Junior Scholarship Workshop, in partnership with the environmental law programs at



Sen. John Kerry (D-Mass.) came to HLS in January to talk to students in Visiting Professor Roger Ballentine’s class on the law of climate change. “We only have about a 10-year window left to try to get this right,” Kerry said.

Berkeley and UCLA, to enable young scholars to submit their research and writing for critiques by seasoned academic mentors. The Environmental Law Program has also been a boon to HLS's Environmental Law Society and the Environmental Law Review. Students have turned to Freeman and Jacobs for strategic advice and ideas, says the review's managing editor, Matt Krauss '09. Funding from the program has enabled the Environmental Law Society to hold more events, invite more speakers and send more students to high-level environmental conferences across the country, says Eric Ritter '09, the society's president. In January 2008, the Environmental Law Society and the National Security Law Society co-sponsored a talk at HLS by former CIA Director R. James Woolsey on the relationship between national security and climate. Says Freeman: "I know I've got a successful event when the groups that think they're right-leaning and the groups that think they're left-leaning co-sponsor it with equal enthusiasm."

STARTUP VENTURE

Looking ahead, Freeman and Jacobs say there's much more that they want to do. "We need people who believe in this program model," says Freeman, "one that focuses on a wide range of regulatory tools, cares about business and seeks to engage students who are not already self-identified environmentalists. We need people who believe that Harvard Law School can have more of an impact than any other law school, who will be willing to finance it as it gets off the ground." The program is a startup, she says, and it needs venture capital. With Kagan's enthusiastic backing, she has logged thousands of miles flying around the country to drum up support.

What would the school do with the money? Hire more faculty members to further strengthen teaching and scholarship. Expand the clinical program by adding staff attorneys. Dedicate

a full-time policy person to convene high-level events and engage with policy-makers in Washington, D.C., and the states. (The ELP now relies on an environmental law fellow—a paid student position—to help plan events and coordinate speakers. So far, Miriam Seifter '07 and Meghan Morris '08 have done so ably, Freeman says, but the impact of the position could be leveraged.) More money for additional staff would also make it easier to achieve another goal: injecting environmental law into the entire law school curriculum.

"We need people to help us draft curriculum ideas and think about little modules—a set of examples that you could integrate into other courses," says Freeman. "What if we developed a set of materials for the bankruptcy courses about the relationship between environmental problems and bankruptcy? What if we designed a set of materials for the securities course that could expose students to environmental liability issues?" she asks, adding that lawyers will increasingly be expected to advise their business clients about legally mandated environmental disclosures.

As the program grows, Harvard Law School is putting the full force of its influence and talent behind solving the problem of climate change: In April 2008, the school held its second major conference on environmental law in two years, "Carbon Offsets: Opportunities and Challenges for State Carbon Trading Schemes." In addition to scholars, the 18 panelists included representatives of state agencies, environmental organizations, industry and the banking sector.

For Freeman, bringing all of these interests to the table is essential. It reflects the kind of program HLS is building: cooperative, interdisciplinary and innovative. And it mirrors what's necessary to thwart disaster and protect life on Earth. *

Jeri Zeder is a freelance writer living in Lexington, Mass.



Professor Jody Freeman LL.M. '91 S.J.D. '95 joined the faculty in 2005. She recently told the Bulletin why climbing Mount Kilimanjaro didn't turn her into an environmentalist—and what did.

HLB: What led you to this field?

JF: I'm a skier and a hiker. I'm from Vancouver; we spend all our time outside. But it wasn't primarily that. I came to environmental issues more intellectually, I confess, as someone who is interested in how systems work, how regulation works. I like design. The question is: How do we create governance institutions to deal with high-stakes problems in a context of tremendous interest group conflict? I'm a lawyer who thinks like an institutional architect.

What do you enjoy about what you're doing?

It's hard to describe these serious environmental issues

EVERYTHING ... and Right Now

*THE FOUNDING
DIRECTOR OF
HARVARD'S NEW
ENVIRONMENTAL
LAW PROGRAM
WASTES NO TIME—
AND SAYS THERE'S
NO TIME TO WASTE.*

as fun, because it can sound perverse—I mean, sea levels are rising, hurricanes are intensifying, national security is being compromised by climate change, and it's all sort of bad news. But in fact these issues are exhilarating to me because there is such opportunity for innovation and creativity, both by government and nongovernment actors. There is so much good academic scholarship to write, and so much to do to train students for the future. Strangely, my optimism just deepens at the darkest, bleakest moments. When Hurricane Katrina happened, like many people who care about climate change, I actually thought, Finally, a catastrophic event that will make people realize that something serious and strange is going on in the natural world! If anything will bring this home and force government to act, it's going to be the terrible impact of Katrina. *With the Environmental Law Program, you've accomplished a tremendous amount in a very short time.*

Life is short. Once, my family sat around and talked about what we'd each be if we could be summed up by book titles. And my book title was *Everything and Right Now*. With these issues in particular—environmental impacts and especially climate change—you can't sit around and wonder what you should do in the next 10 or 20 years. It's too urgent for that kind of luxury. This is not to say I'm a doomsayer. I'm not. But if we don't figure out how to make some transitions to a smarter, high-tech and more energy-efficient way of doing things, and if we don't

do it fast—in the next two, three, four, five years—we could be facing some very bad consequences. So I have a kind of impatience that's helpful.

Did something happen in your life that makes you feel life is short?

I've had some wonderful adventures, like climbing Kilimanjaro and scuba diving in some of the greatest spots in the world. You really do marvel at the wonder of it all when you're standing there at 19,000 feet, or when you're staring at an ocean of life 80 feet below sea level. And now it's all at risk—the reefs are bleaching, Kilimanjaro's snow is melting, and the polar ice cap is retreating. It gives me real pause, and at the same time I find it motivating. I want to write scholarship that is both intellectually interesting and able to have an impact, and I want to train students to tackle the future's problems.

You received awards for teaching when you were at UCLA. Do you have a vision of teaching that you bring into the classroom?

I'm a high-energy person in the classroom. I try to bring the students into my excitement and interest. The challenge is to teach analytic tools and legal skills in a way that connects with students and makes them feel part of a shared experience. It's a relational thing. When it works, it's to their credit as much as mine. There's no way to be a good teacher by yourself. It doesn't exist.

—interview by Jeri Zeder

The Baykeeper's Legacy

A LONGTIME ENVIRONMENTALIST WANTS LAW TO CATCH UP TO SCIENCE

WHEN DAN A. Emmett attended Harvard Law School in the early 1960s, there was no such thing as an environmental movement, let alone an environmental law class or clinic. But five years after his 1964 graduation, an ecological disaster awakened Emmett and many of his fellow Californians to the cause of environmental protection.

An oil platform off the coast of Santa Barbara ruptured, sending 3 million gallons of crude oil onto the city's beaches and surrounding channels and killing tens of thousands of birds, seals and dolphins. Emmett, who witnessed the disaster from a shared beach house, recalls: "There was a foot of oil along the coast. It galvanized people to get organized."

Emmett has made his career in real estate management and development. He co-founded the Santa Monica-based firm Douglas Emmett and Co. in 1971, and he is now chairman of its successor public company, Douglas Emmett Inc. An avid outdoorsman—he climbed Mount Everest in 1976 and was headed on a helicopter skiing trip to the Cariboo Mountains in British Columbia this spring—Emmett has held environmental concerns close to his heart since the Santa Barbara spill. He helped found the Santa Monica Baykeepers, to restore and protect the Santa Monica Bay, and his real estate company has pioneered energy and water conservation in commercial buildings. Now, a \$5 million grant from Emmett has aided in the creation of the law school's Environmental Law and Policy Clinic, which will soon bear his name.

"The political machinery and the juggernaut that is doing the damage to the environment are unstoppable unless you have very good environmen-



On Mt. Everest in 1976: (from right) Dan Emmett '64, Frank Morgan '63 and Phil Trimble '63

tal laws," says Emmett. "The Clean Air Act and the Clean Water Act are very good, but lawyers have to understand how to use them. And in the climate change catastrophe, science is way ahead of the law in regulation and policy, so we have to train young lawyers to work on these issues."

Emmett has seen some of his favorite places on earth degraded—from Santa Monica Bay to the hills of Northern California, where he grew up. He has also been saddened by the pollution around Mount Everest, which he came close to summiting along with climbing buddies Phil Trimble '63 and Frank Morgan '63 in 1976. For that expedition, the group hiked for three weeks in Tibet to reach base camp. Last year, Emmett drove along newly constructed roads to that same base camp, which was teeming with 30 climbing groups and littered with gear. Though he gave up high-altitude climbing when his children were young, at 68, Emmett is still an avid biker, kayaker and skier. Protecting the outdoors is his passion.

"The law and policy clinic has great potential," says Emmett. "The student interest is there, and with the team of Dean Kagan, Jody Freeman and Wendy Jacobs, there is a chance to make a difference." —M.B.D.

BY MICHELLE BATES DEAKIN



GETTY IMAGES

Jacobs' Ladder

A NEW CLINIC LETS STUDENTS STEP UP TO ENVIRONMENTAL CHALLENGES—AND ONTO THE FIRST RUNGS OF THEIR CAREERS

IN OCTOBER 2007, Kansas Secretary of Health and Environment Roderick L. Bremby denied an application for two new coal-fired power plants, basing the decision explicitly on concerns about carbon dioxide emissions and global warming. It was the first time that a high-level government official in the U.S. has denied such a permit on those grounds.

When Wendy B. Jacobs '81, director of the HLS Environmental Law and Policy Clinic, heard about Bremby's decision, she knew what would come next: lawsuits. It was just the kind of novel opportunity she was seeking for her students. So she phoned Bremby's office and said she had an offer he couldn't refuse: "We at the Harvard Law School Environmental Law and Policy Clinic want to help

defend you." Bremby accepted, and was soon receiving advice and briefs from Jacobs and the Harvard Law students working in the clinic.

Jacobs came to the law school last summer, charged with creating a hands-on legal clinic in which students could put their academic knowledge of environmental law to practical use. She has drawn on her 27 years of environmental work and connections to create a wide-ranging set of opportunities for the more than 20 students who have joined the clinic in its inaugural year. In addition to the Kansas litigation, students have worked on a broad variety of projects. They've submitted comments to the Federal Trade Commission, urging it to toughen its guidelines on what manufacturers can say about the envi-



BRANCH OFFICE

A team of HLS students helped a Kansas official fend off challenges to his denial of an application to build a coal-fired power plant. Clockwise: Alison Healey '08, Eric Ritter '09, Neil Gormley '09 and Jimmy Richardson '09

TAILOR-MADE
3L Jim Krenn's clinical placement drew on his twin interests in finance and the environment.



tary Bremby. She met weekly with Jacobs and other ELPC students to share what they learned reviewing the administrative record and the voluminous comments on Bremby's denial of the permit.

Last November, shortly after Bremby killed the plans for the coal-fired plants, he and his department were sued in Kansas State Court by Sunflower Electric Power Corp., Tri-State Generation and Transmission Association, the Board of Commissioners of Finney County, Kans., and the Garden City Area Chamber of Commerce. The suit claims that, in denying the coal plant permit, Bremby acted unlawfully by altering public policy in the absence of state or federal laws governing carbon dioxide emissions. Bremby answered that it was within his capacity as secretary of health and environment to deny the permit application. (In an unusual move, the Kansas Supreme Court took the case sua sponte and, after briefing, retained jurisdiction but remanded for further administrative proceedings—a victory for Bremby.)

Along with Jacobs and attorneys for the Kansas Department of Health and Environment, the students drafted two briefs in the case. They also made careful study of the interplay between applicable state and federal regulations. "I didn't realize how intricate and detailed environmental work was," says Healey. "We're working with real clients on issues that have implications for the future. It's my generation's responsibility to be raising awareness about environmental issues and developing a plan of action."

Healey was also struck by the onslaught of shifting deadlines that govern law practice. "It's been eye-opening," she says. "In law school, we live in a bubble. This case has set deadlines and issues that change from week to week."

As in real practice, that sometimes means dropping everything else to do something for your client. That's what three students working on the Kansas litigation did when they learned that Bremby had been summoned to testify in front of the U.S. House Select Committee on Energy Independence and Global Warming. Kansas Team Leader Jimmy Richardson '09, along with classmates Neil Gormley and Eric Ritter, learned on a Monday that Bremby would be testifying three days later. So they jumped on a plane to Washington to help prepare Bremby for his appearance.

For Richardson, who had spoken with Bremby on the phone, the D.C. trip was the first chance to talk with his client face to face. "It was an amazing honor to meet this gentleman, who really is something of an environmental hero," Richardson says.

With the hands-on experience he has gained in the case, Richardson is ready for his summer job doing environmental work in the Massachusetts Attorney General's Office. After graduation, he plans to pursue a public interest job in environmental enforcement.

ronmental friendliness of their products. They've weighed in with the U.S. Environmental Protection Agency, explaining why its jurisdiction to regulate air pollution extends to emissions by foreign ocean-going vessels that dock in U.S. ports. They've created a set of consumer-friendly brochures to facilitate purchasing of renewable energy. One student has assisted a national investor advisory group in promoting better corporate environmental policies. Others have worked with the Massachusetts Department of Environmental Protection, the Conservation Law Foundation or the Environmental Law Institute.

"There's an old model of environmental program that was created in the '80s, where students would go sue polluters and primarily learn about litigation. Our vision is very different," says Jacobs. "It's about training students to do a whole range of things now that we have a very different set of environmental problems—especially problems around climate change and global warming."

THE KANSAS CASE

When she wasn't attending class or studying cases this spring, Alison C. Healey '08 was writing memos for Secre-

THE CERES PROJECT

Jim Krenn '08 majored in finance at the University of Notre Dame, and while at HLS, he has been actively involved with Harvard University's Green Living Program, which encourages students university-wide to conserve, recycle and live sustainably. For him, the ELPC was a way to blend his twin interests in finance and the environment.

Jacobs strives to tailor clinical opportunities to individual students. Given Krenn's interests, she found an opportunity for him to intern with Ceres during the fall of his 3L year. Based in Boston, Ceres is a national coalition of investors, environmental organizations and other public interest groups working with companies and other institutions to address sustainability challenges such as climate change. Its mission is to integrate sustainability into capital markets.

Krenn's work with the coalition focused on developing a petition to the U.S. Securities and Exchange Commission, encouraging it to ask for more disclosure by companies about their environmental impacts. "Environmental reporting by companies is either not there or very inconsistent," says Krenn. "There's little ability for investors to compare different companies and how they are managing risk. The petition was geared toward increasing transparency."

Krenn dug through 10-Ks and other financial reports to analyze corporate disclosure practices. He also prepared a

memo describing current climate change litigation throughout the U.S. He found that there has been an uptick in the number and scope of lawsuits asking for injunctive relief related to climate change, although few of them have been successful. He believes that will change, however, in the same way tobacco and asbestos lawsuits eventually made headway.

"Traditional law school classes are very heavily based on reading cases," says Krenn, who will be an associate at the San Diego office of Morrison & Foerster in the fall. "To be able to take a more practical, hands-on approach adds a further dimension to working with the theory."

CONSUMER GUIDES AND SHIPS IN PORT

Benjamin Thibault '09 isn't interested in litigation. What drew him to the Environmental Law and Policy Clinic was the policy aspect.

Thibault describes himself as "a headstrong environmentalist." His e-mails end with a message to readers in two languages: "Before printing, think about the Environment. *Avant d'imprimer, il faut penser l'Environnement.*" He is working for Greenpeace in Amsterdam this summer (and is one of five students receiving summer funding from the Environmental Law Program's newly established Covey Fellowships).

"A HEADSTRONG ENVIRONMENTALIST"
Benjamin Thibault '09 is drawn to environmental policy rather than litigation.



In his clinical project, Thibault is team leader of an effort to create user-friendly consumer guides to purchasing renewable energy in the six New England states plus New York and New Jersey. The guides will help consumers understand the various options available for purchasing and/or subsidizing the development of clean energy. They will also explain state rules about how consumers can choose one form of energy—such as geothermal—over another—such as wind or solar. And they will include guidance on tax credits and installation of systems that generate power. Guides for all eight states were expected to be completed by the end of the semester.

“People don’t have time to figure out if they can buy green energy directly or buy renewable energy credits,” says Thibault. “Our goal is to help them figure out their options in layman’s terms and reduce their transaction costs.”

Before working on the energy guides, Thibault joined other students in the clinic to draft a comment-letter to the EPA, on behalf of the Environmental Defense Fund, on how the EPA should regulate emissions from vessels in ports. Ships spew ozone and noxious chemicals from burning marine diesel. The pollution affects the often economically disadvantaged and minority communities that live nearby. And, Thibault explains, many commercial vessels sail under foreign flags, such as Liberia and Panama, which have lax regulations. The clinical students argued that the EPA has the authority to regulate vessels flagged under foreign countries, even though it has never done so before.

It was a valuable experience for Thibault, a Canadian who would like to eventually pursue environmental policy work in Canada. “It was good to get our arguments out there,” he says. “It was good to point out to the EPA how egregious it is to not act.” *

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“Nontraditional, multifaceted and creative”

AFTER PUBLIC SERVICE AND PRIVATE PRACTICE, WENDY B. JACOBS '81 BRINGS WORLDS OF EXPERIENCE TO A NEW CLINIC

Love Canal changed Wendy Jacobs’ life.

In 1979, when newspapers began chronicling the rampant illness and birth defects among residents of the Niagara Falls neighborhood built on 21,000 tons of chemical waste, Jacobs—then a student at Harvard Law School—became apoplectic. “I knew I wanted to force the bad actors to pay for the damage and injuries they caused.”

It was a radical shift for Jacobs, who had come to HLS to study international law. Instead, her career has been in environmental law, starting in the earliest days of toxic tort cases and shaping the laws designed to prohibit and clean up hazardous waste and chemical contamination. Having worked in both the public and private sectors, Jacobs returned to HLS last year to launch the Environmental Law and Policy Clinic.

After graduating from HLS in

1981, Jacobs signed on with the Department of Justice in Washington, D.C., in the Land and Natural Resources Division. The experience was formative—“Boy, did I love it,” she says. “I was fortunate to be able to argue in courtrooms all across the country, something that none of my friends in the private sector did. I was also able to work on policies affecting the implementation of environmental laws throughout the United States.” For this reason, Jacobs now encourages her students to seek out similar opportunities in the public sector.

Jacobs later headed into the private sector, working first for a large law firm in Seattle and later at another in Boston where she was a partner for 18 years. She counseled municipalities, schools and corporate entities about environmental compliance and helped them develop their envi-

ronmental management and self-audit programs. She advised them about the environmental risks attendant on the purchase and sale of real estate, the acquisition and divestiture of corporate units, and the distribution of products overseas, where some of the environmental laws are more stringent than in the U.S. And she worked extensively with a host of state and local governments in their development of rules and permits affecting her clients.

Now, at HLS, Jacobs is drawing on the full range of her experience to create far-reaching opportunities for students in the Environmental Law and Policy Clinic. While other law schools have created environmental clinics that focus on a single issue, such as clean water

or endangered species, Jacobs wants Harvard’s clinic to have a broader focus—from enforcement of existing laws to working on consumer issues to finding innovative ways to help companies reduce their impact on the environment. Her goal is for the clinic to be “nontraditional, multifaceted and creative,” and she is committed to training law students to be attuned to environmental issues no matter what kind of law they go on to practice.

“Students know what the laws are, but they don’t know how agencies or corporations work,” she says. “My goal is to bridge the gap between academics and real practice. I want my students to learn how to use the law to protect and improve the environment.”
—M.B.D.

CLINICAL PROFESSOR WENDY B. JACOBS '81:
Committed to training ALL law students to be attuned to environmental issues