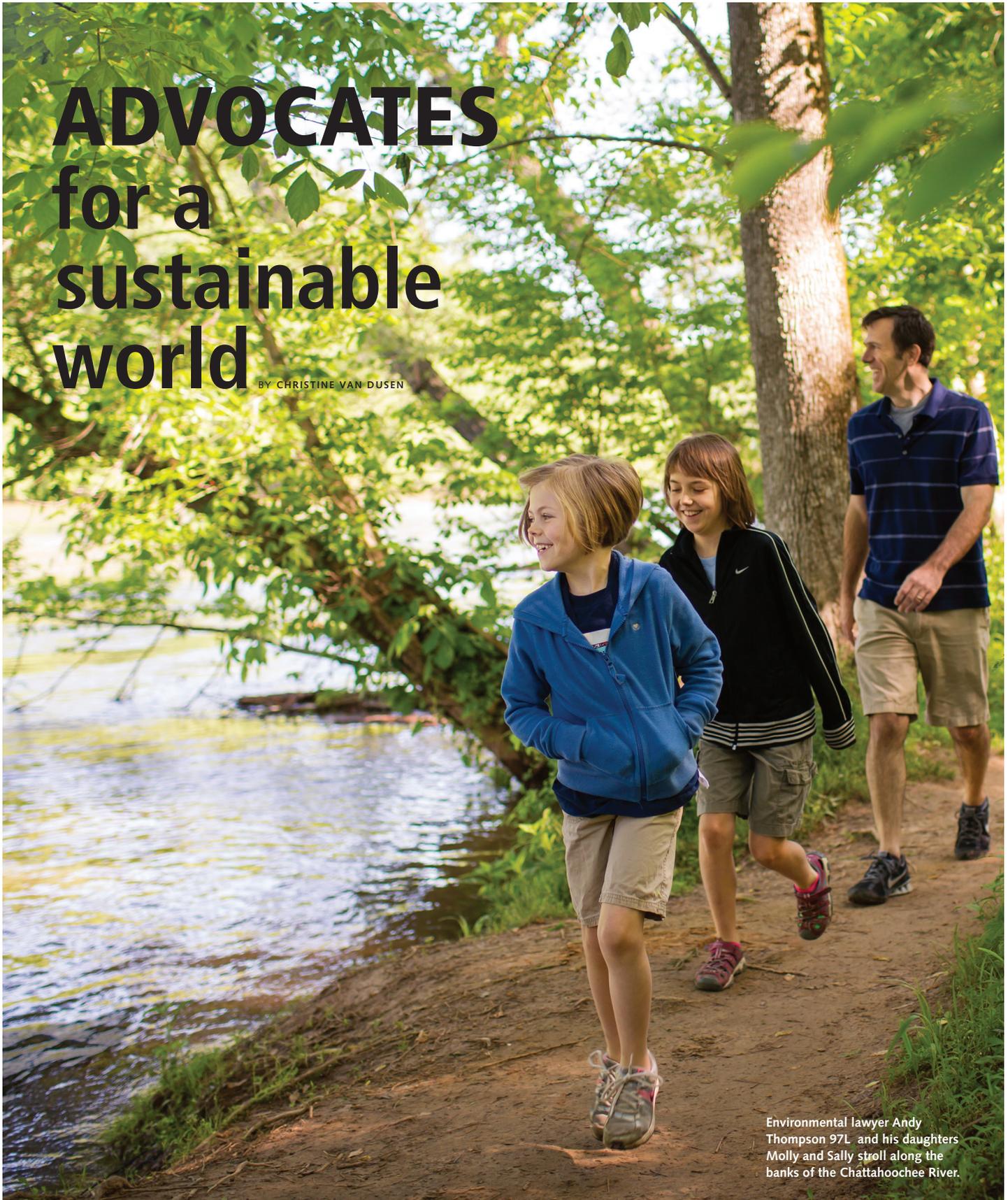


ADVOCATES for a sustainable world

BY CHRISTINE VAN DUSEN



Environmental lawyer Andy Thompson 97L and his daughters Molly and Sally stroll along the banks of the Chattahoochee River.

By the light of the moon the loggerhead sea turtle emerged from the ocean, then inched along the sand in search of the perfect spot. Eight-year-old Andrew Thompson was careful not to startle her with the beam of his flashlight as he and his family quietly followed her tracks to a nesting place near the dunes.

That moment didn't just inspire Thompson's love of animals and nature. It also sparked his curiosity about how humankind affects the natural world and led him to study environmental law at Emory — a move that prepared him to make a difference on the local, regional, and national stages.

"As an environmental lawyer, I can have real-world, positive impacts on protecting the environment while also having a stimulating career," says **Thompson 97L**, who now works primarily on water-related issues as a partner in the environmental and land use practice at Smith, Gambrell & Russell.

Thompson's path to a career in environmental law is a common one — boy meets nature, falls in love, wants to protect it — but it is by no means the only way that Emory Law students and graduates are finding their way into the field. Some are attracted to environmental law because of its unique complexities. Others are capitalizing on the United States' increasingly "green economy." Others are interested in fighting for the rights of corporations and organizations that may get a bad rap.

Emory's environmental lawyers, equipped with a well-rounded legal education, are taking the lead not just along riverbanks, on beaches, or in forests. They're also flexing their legal muscles in boardrooms, in courtrooms, and on campuses. And regardless of what side they're on, they're impacting the public interest, the private sector, and the government.

"We all need air to breathe and water to drink," says

Gwendolyn Keyes Fleming 93L, chief of staff to the administrator of the US Environmental Protection Agency (EPA). "We all come at it from different interests and priorities. The key is to find the areas where we have similarities and can coalesce around a workable solution. Emory Law definitely provides the necessary training and education to do that."

Thompson sees impact of 'before and after'

That moment on the beach, with his flashlight beam carefully trained on the turtle's mottled back, was one of many formative outdoor experiences for Thompson.

"I grew up in a family where there was a lot of focus on nature, and I took a lot of environmental studies classes in college," he says. "I went to law school because I wanted to practice environmental law."

While at Emory he participated in several externships, including positions with the EPA and the nonprofit Chattahoochee Riverkeeper, while taking classes with professors like William Buzbee.

"I think I gained an understanding of the fundamental legal concepts of environmental law as well as a very good appreciation for the practical aspects of what it's like to be an environmental lawyer," says Thompson, now a board member of Emory's Turner Environmental Law Clinic and an adjunct professor who teaches a water law course. "I learned what it was like to practice law, not just study it. Students know they can come to Emory and not only take a lot of classes but also get real-world, hands-on experience."

Thompson's current practice includes environmental and commercial litigation in state and federal court, representing and advising clients on everything from toxic tort litigation to Clean Water Act permitting and compliance.

Although Thompson primarily represents corporate clients in environmental litigation, his law firm also supports his representation of nonprofit environmental organizations. And he's able to see firsthand the difference he's making. After winning a case for Chattahoochee Riverkeeper, in which the organization sued a municipality for ruining a stream, the nonprofit sent him before and after



photos (see previous page).

The “before” photo depicted a mess of red clay, utter destruction. The “after” photo showed a beautiful, clean stream with green foliage sprouting up along its banks.

“That hammers home the impact you can have as an environmental lawyer,” Thompson says.

Jaber for the defense

But environmental law isn’t just for so-called nature lovers. Take the story of **Makram Jaber 96L**. His interest in this specialty is almost entirely academic — he loves an intellectual challenge — and he typically sits on the corporate side of the negotiating table.

Though he started out working on environmental issues as a geotechnical engineer, Jaber was fascinated with the regulatory side of those matters, so he went to law school for the express purpose of practicing environmental law.



Makram Jaber 96L champions the corporate side of environmental law.

In 1999 he joined Hunton & Williams, where he is now a partner working on environmental litigation, regulation, and counseling under the Clean Air Act. A majority of his time is spent defending electric utilities and other industries targeted in the EPA’s New Source Review Enforcement

Initiative since its start in 1999. He also has participated in a number of high-profile rulemakings and related litigation under the Clean Air Act.

“I work for those industries that people think are the bad guys,” Jaber says. “But there are two sides to most every issue, and in a sense, our system is based on the idea that there are always two adversaries who are fighting each other to get to some great truth in the middle. I’m on the corporate side. No bleeding heart on this one.”

Through participation in rulemakings under the Clean Air Act, litigating the resulting final rules in the DC Circuit, and defending sources in major enforcement actions, Jaber believes that he and his colleagues have a positive impact on the development of environmental law in the US.

Jaber sticks with environmental law because the cases are almost always complex, requiring him to rely on a host of knowledge areas — from constitutional and administrative law to real estate law.

Environmental law—and in particular the administrative law aspects of environmental law — is fundamentally “about how the branches of government work with each other and which branch should decide what and when. I find that interesting,” he says. “It’s right out there, on the cutting edge of the law.”

Chen says lawyers more influential than scientists

On a daily basis, **Linus Chen 08L** might tap his knowledge of constitutional law for one case, his understanding of first-amendment law for another. Even property law comes in handy when he’s dealing with cases related to wildlife refuges. So he’s glad that he too received a thorough legal education from Emory.

As attorney-advisor in the Solicitor’s Office of the US Department of the Interior, Chen now provides legal support for the Division of Parks and Wildlife’s Branch of Fish and Wildlife on matters related to the Endangered Species Act, the Migratory Bird Treaty Act, and the National Wildlife Refuge System.



Linus Chen 08L was a wildlife scientist before studying law.

Chen didn’t set out to be an attorney. He initially wanted to be a veterinarian, but he was allergic to anything with fur. So he became a wildlife scientist with the US Fish and Wildlife Service (FWS).

In that job, he served as a litigation coordinator and saw up close the legal actions

related to the Endangered Species Act, including a 60-day notice of intent to sue the FWS that was filed by Emory’s Turner Environmental Law Clinic.

“I saw how lawyers seem to have more influence than scientists,” he says. “I wanted to make a lot of change, so I appreciated that. I realized that maybe the best thing for me was to go to law school so that I could be at important meetings and hopefully steer decisions.”

COURSE OFFERINGS

Emory Law offers a wide variety of environmental law-related classes, including

- Energy Law
- Environmental Advocacy
- Environmental Law
- International Environmental Law
- Land Use
- Natural Resources Law
- Water Law

In one recent case, Chen helped secure protections for the polar bear. “Some people thought the polar bear was fine and shouldn’t be listed as a threatened species,” says Chen. “I helped with that litigation, and we won last year in the appellate court.

“I get to exercise my mind in a different way,” says Chen, who hopes to eventually obtain a political appointee position. “I like the mix, the occasional excitement of litigation, and the feeling that I am helping prevent problems by resolving issues.”

Thurman wanted broad legal foundation

Carter Thurman 12L is currently clerking for federal administrative law judges at the Nuclear Regulatory Commission and following his clerkship will experience the complexity of environmental law every day as a trial attorney in the US Department of Justice’s Honors Program — one of the toughest jobs to get within two years of law school.

While initially studying at the Environmental Law Center at Vermont Law School, the largest environmental law program in the country, Thurman transferred to Emory because he wanted a program that could give him a solid background in all areas of the law, given that all would eventually come into play during his career as an environmental lawyer.

“The curriculum at Vermont is almost exclusively focused on environmental law classes,” he says. “Emory Law is well-rounded and gives students a practical understanding of the law. It’s not uncommon to spend a morning in a class on complex civil litigation and then go next door to the Turner Environmental Law Clinic to work with licensed attorneys on all aspects of litigation.”

This fall Thurman will begin working behind the scenes at the Department of Justice on environmental civil litigation, compelling parties to clean up hazardous waste sites, address air pollution, maintain the integrity of the nation’s drinking water, and protect national parks and marine sanctuaries.

“I grew up with a family of public servants and saw the satisfaction they derived from public service. That’s the kind of satisfaction I’m getting,” he says. “The satisfaction also comes from being able to walk in on day one and be ready to answer questions, prepare memorandums with sufficient detail, and have the knowledge to be confident. Emory Law definitely provided me with the necessary training and education.”



Carter Thurman 12L will handle civil litigations in the Department of Justice.

Keyes Fleming bridges gaps, opens conversations

Service has always been of utmost importance to Keyes Fleming, whose father was a Tuskegee airman and whose mother was a registered nurse.

“I think what drew me in is the impact you have on the community,” says Keyes Fleming. “It’s about environmental justice, community engagement, and empowerment.”



Gwendolyn Keyes Fleming 93L serves as chief of staff to the administrator of the US Environmental Protection Agency.

She initially focused on litigation, becoming the first African American and first woman to serve as DeKalb County district attorney and solicitor general. In 2010, she was appointed by President Obama as Region 4 (Atlanta) administrator of the EPA — the first African American to hold that position as well.

Though Keyes Fleming wasn’t initially drawn to environmental law because of her love of the outdoors, she does remember fishing with her

father and drinking from a stream not far from her house in New Jersey — special moments that were interrupted by pollution.

“I saw how over time, things changed. We’d have to throw a fish back because it wasn’t safe to eat, or we couldn’t drink the water because it wasn’t clean,” she says.

Now, as chief of staff to the EPA administrator, she oversees more than 17,000 employees and works on cases related to climate change, nutrient pollution in waterways, mountaintop mining, the protection of the Everglades in Florida, and the cleanup of schools and playgrounds in Alabama.

“I come at this as not just a lawyer, but as a mom. I work to make sure my kids are healthy and safe. That’s what drives me,” she says. “You have to bridge gaps and open conversations and bring new ideas to the table that can result in a solution that protects people.”

Mahoney catalyzes economic growth, energy security

Bridging gaps is on the daily to-do list of **Mandy Mahoney 99OX 01C 06L** in her current post as executive director for the Southeast Energy Efficiency Alliance (SEEA), an independent and non-partisan nonprofit that promotes energy efficiency as a catalyst for economic growth, workplace development, and energy security.

“We work with elected and appointed officials in an 11-state region across the Southeast to help them develop new laws and policies that support a more energy-efficient economy,” she says. “I enjoy working with people on both sides of the aisle to find win-win solutions.”

She brings together environmentalists, politicians, energy company bigwigs, and academics to develop long-term plans for states in the South. In 2013, for example, SEEA worked with Mississippi to help state leaders draft and comply with an energy code for its buildings — the first such code the state has ever had and the strongest in the region.



Mandy Mahoney 99OX 01C 06L is executive director of the Southeast Energy Efficiency Alliance.

“It’s a very complex, gnarly set of issues, where you’re trying to balance the consumption of natural resources on the global scale with things that we need day to day,” Mahoney says.

Before assuming her current post, Mahoney served as senior project manager for the groundbreaking BeltLine Partnership, which is turning a former rail corridor in Atlanta into a system of trails and parks. She also has consulted with Sustainable Atlanta and served as Atlanta’s director of sustainability under Mayors Shirley Franklin and Kasim Reed.

Notice that her resume does not include any jobs with the word “attorney” in the description. She doesn’t practice law, but she credits her legal education from Emory with preparing her to understand the complicated issues that crop up every day on the job.

“I’m able to enter the conversation at a much more sophisticated level,” she says. “I find it gratifying to get outside the typical noise and negativity that you hear about so often in politics.”

And — like Thompson, Keyes Fleming, Chen, Jaber, and Thurman — Mahoney believes an education and a career related to environmental law can bring about amazing social change.

“I think the work we do is making the world a better place,” she says.

“I’m inspired by the incredible work of our alumni,” adds Mindy Goldstein, director of Emory’s Turner Environmental Law Clinic. “The Environmental and Natural Resources Law Program provides students knowledge and skills that are applicable across many practice settings, as evidenced by our alumni, who work in prominent law firms, state and federal agencies, and public interest organizations across the country. As I work with our students, I have great hope for the future of environmental protection.”

EXTERNSHIPS

Emory Law’s Externship Program places up to 150 students in more than 100 government agencies, public interest organizations, courts, and corporations in the metropolitan area every semester. Many of those externships focus on environmental law, including

- Centers for Disease Control and Prevention
- Chattahoochee Riverkeeper
- Department of Natural Resources
- Environmental Protection Agency Region 4
- Environmental Protection Division of Georgia
- GE Energy Services
- Georgia Office of State Administrative Hearings
- GreenLaw
- The Home Depot
- Office of the Attorney General of Georgia
- Southern Company
- Southern Environmental Law Center
- US Department of Health & Human Services
- US Department of Housing & Urban Development
- US Federal Highway Administration



Turner Environmental Law Clinic: Students do real cases in real time



Mindy Goldstein and Turner Clinic students Jolie Schamber 16L and Kari Reed 16L (above) are working with Georgia Organics and the Atlanta Local Food Initiative to amend Atlanta's zoning code to allow urban and market gardens.

The Turner Environmental Law Clinic has provided pro bono legal representation since 1998 to individuals, community groups, and nonprofit organizations around the country that are fighting to protect the environment. This unique clinic gives Emory Law students the chance to practice environmental law on real cases in real time.

"Some of the most cutting-edge environmental issues of our time are being addressed right here," says Mindy Goldstein, director. "Students can get out there and get their hands dirty, practicing complex environmental law."

In this "live client clinic," students take part in all aspects of civil litigation, including drafting briefs, participating in client meetings, and developing case strategy. They also present arguments at administrative hearings and prepare transactional documents while working on legislative policy issues at the local, state, and national levels. In recent years, the clinic has

- Successfully challenged decisions regarding the safety and environmental risks posed by nuclear power generation and the resultant nuclear waste.
- Helped promote sustainable agriculture by assisting the City of Atlanta in amending its

zoning ordinances to permit farmers markets and urban agriculture.

- Prepared comments that convinced the Food and Drug Administration to withdraw and reissue its proposed regulations governing the growing and harvesting of produce.
- Encouraged transparency in government decision making by successfully challenging the Department of Energy's decision to withhold information regarding its nuclear loan guarantee program.
- Helped protect water resources and encourage conservation by filing comments on a power plant's draft permit to withdraw millions of gallons of water a day from the Savannah River.
- Partnered with local watershed protection organizations in monitoring new reservoir proposals in Georgia.
- Answered questions for environmental organizations regarding conservation easements.
- Partnered with the Natural Resources Defense Council to report to Congress the ways the National Environmental Policy Act has protected human health and the environment.
- Identified legal barriers to distributed solar generation in Georgia.