



# CREATE CHANGE

## PUBLIC INTEREST AT STANFORD LAW SCHOOL

<http://publicinterestlaw.stanford.edu>

Fall 2005

# Clinic Teaches Students to Translate Science, Technology into Sound Environmental Policy

**H**ow much is a clean ocean worth? A sacred Native lake? The preservation of environmentally sensitive national parks? How does one defend a plaintiff who is incapable of asserting their rights within a court of law, practically by definition? These are all questions facing the Stanford Environmental Law Clinic (SELC).

Since its inception in 1997, SELC has served two vital and interdependent functions: providing an opportunity for students to gain first-hand experience with environmental legal issues through trial and appellate litigation, and protecting the environment by representing the needs of various non-profits, NGOs and conservation organizations. In both instances, the Clinic focuses on the broader policy concerns within disputes.

As of August 1, 2005, SELC became independent of longtime partner EarthJustice. Previously, the non-profit law firm worked jointly with the Clinic, allowing students to work on several of their high profile cases. Just last year, a two-student clinical team successfully argued in San Francisco Federal Court that the EPA had illegally granted exemptions to ships violating the Clean Water Act by dumping ballast water full of invasive species along the coasts and Great Lakes. After a six-year long battle, this joint victory was a wonderful opportunity for students to engage in impact litigation.

Despite this synergistic pairing, the programs have decided to move in different directions. However, according to Clinical Director, Deborah Sivas '87, this is not necessarily bad news.

She says, "My philosophy is to have a range of work because some of the smaller cases can be the best learning experiences. Students can wrap their arms around it, have a lot more experience with it and see something happen."



PHOTO: JOE NETO

**Clinic Director Deborah Sivas '87 (left), clinical fellow Holly Gordon, and Paul Spittle '07 discuss key points in a brief prepared for the *Friends of Hope Valley v. United States Forest Service* case.**

This change affords the Clinic the freedom to diversify and expand their docket of cases.

Sivas' dedication to providing invaluable experiences for students while simultaneously fostering their involvement with each step of the legal process goes far beyond the classroom.

While representing the Pitt River Tribe, the Native Coalition for Medicine Lake Highlands Defense, and Mount Shasta Bio-regional Ecology Center in a case trying to protect the Medicine Lake landscape, a sacred area to many Indian Tribes for over ten thousand years, from drilling, Sivas decided to think outside of the box. Each year, she takes students to meet with the Tribal Counsel and gain an appreciation for the cultural worldview underlying the plaintiff's legal issues.

The recent bifurcation with EarthJus-

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## News Briefs

### *Save-the-date! Public Interest Reception for Alumni, Students, Faculty*

Public interest alumni, students and faculty are invited to celebrate the beginning of another year in Crocker Garden on Monday, September 12. This reception also serves to welcome first-year students into the public interest community. Please RSVP to [annawang@law.stanford.edu](mailto:annawang@law.stanford.edu).

### *Five Students To Be Honored at State Bar Conference in San Diego*

All five of Stanford's nominees for the Foundation of the State Bar of California's Law School Scholarship program have been awarded scholarships. Jonathan Cantu '06, Adair Ford '07, Matthew Liebman '06, Olivia Para '07, and Jason Tarricone '06 will be honored at the State Bar's conference in San Diego on Thursday, September 8.

### *Alumni Reception in DC Will Feature Public Interest Program*

The Public Interest Program (PIP), Stanford Law Society of Washington, DC, and Latham & Watkins are hosting an evening reception on Wednesday, October 26 for alumni in DC to learn more about PIP and meet staff and Dean Larry Kramer. For more information, please write to [annawang@law.stanford.edu](mailto:annawang@law.stanford.edu).

### *Travel Scholarships to EJW Conference in DC Available to Students*

Students interested in attending the 2005 Equal Justice Works conference in Washington, DC October 27-28 may apply for a travel scholarship to offset expenses. The amount available depends on the number of grants distributed. Applicants should submit a one-page essay outlining why they wish to attend the conference and confirming they have financial need. Essays are due in Anna Wang's office by 12 noon on Wednesday, September 14. More details are available on the web at <http://www.equaljustice-works.org/careerfair/>. ■

## DIRECTOR'S NOTE

*Be the change you wish to see in the world . . .*

—Gandhi



Olivia Para '07 (left), Salena Cope-land '07, Lauren Brady '06, Diane Chin, Nat Garrett '06, and Matthew Liebman '06 at the San Francisco reception this summer.

Class of 2008 - welcome to Stanford Law School! Welcome back to the classes of 2006 and 2007!

We look forward to meeting all of the new students and reconnecting with those returning. This will be a very exciting year at the law school for anyone who wants to include public service in their law student experience or in their careers after graduation, or to gain a deeper understanding of and preparation for public interest law practice.

Please plan on coming to our opening reception on September 12, in Crocker Garden. Dean Kramer will make remarks to launch our exciting new academic year, our Public Interest and Public Policy Faculty Mentors will be introduced, and students will have an opportunity to meet each other as well as alumni, administrators, faculty, and staff.

Refer to the back page of this newsletter for a full calendar of events, ranging from informal gatherings to career panels to substantive talks by alumni and faculty. Make sure to take advantage of Fall PIP's range of activities and opportunities, whether you are participating in OCS's Fall CIP, or not.

Don't forget to look for us in our new digs – downstairs near our clinical colleagues. I'll be delighted to catch up with everyone and to get to know the Class of 2008.

Best,  
*Diane T. Chin*

### ABOUT CREATE CHANGE

This newsletter is designed and produced by Public Interest Program staff. Unless specifically noted, all articles are written by staff.

The Public Interest Program staff consists of two full-time staff members and a part-time student assistant. **Diane T. Chin** directs the program. **Anna Wang** serves as the assistant director, and **Dawn Butler** (BA '06) is the program assistant.

To receive the newsletter by e-mail, please write to [majordomo@lists.stanford.edu](mailto:majordomo@lists.stanford.edu) with

the command "subscribe create\_change" in the body. If you have any problems subscribing to the list, please write to [public.interest@law.stanford.edu](mailto:public.interest@law.stanford.edu).

*Create Change* is published quarterly via e-mail and past issues are available on our website at <http://publicinterestlaw.stanford.edu>. Articles, letters, and photos are welcome. Please send them to: *Create Change*, c/o Public Interest Program, Stanford Law School, Crown Quadrangle, 559 Nathan Abbott Way, Stanford, CA 94305-8610.



PHOTO: ANNA WANG

Mark Chavez '79, Michael Wald, Jackson Eli Reynolds Professor of Law, and Lauren Brady '06 attended the San Francisco reception at the ACLU.

## Stanford PI Community Convenes in Four Cities Across Country

This summer, Washington, D.C., Los Angeles, San Francisco, and New York City each hosted receptions for Stanford Law School public interest alumni, students, and faculty. Alumni and student volunteers in each city helped organize the events.

In Washington, D.C., Craig Segall '07 arranged the use of his summer employer's office, Environmental Defense, for the July 6 reception, which was co-organized by Matthew Sanders '02, Elizabeth Pederson '07, and Chris Walker '06.

On July 14, the SLS PI community in Los Angeles met at the Federal Public Defender's office, courtesy of Deputy PD Liliana Coronado '02. Her co-organizers were Amber Garza '01, Ruth Barnes '07, Gloria Borges '07, and Michael Kaufman '07.

In San Francisco, Natasha Minsker '07, Director of the ACLU's Death Penalty Project, and Matthew Liebman '06, an ACLU summer clerk, opened up their conference room for us on July 21. Lauren Brady '06, Lin Yee Chan '07, and Salena Copeland '07 assisted PIP staff with the event.

The final reception was at the Center for Reproductive Rights in New York City, where Jenifer Rajkumar '07 is interning. Corene Kendrick '03, Brian Blalock '07, and Melanie Wachtell '07 were instrumental in organizing this event on July 28.

Many thanks to all of our volunteers and the SLS community members who joined us. We hope to see more alumni at future events!



PHOTO: ANNA WANG

San Francisco also hosted a mini-reunion of public interest alumni from the class of 1997: Victor Ortiz de Montellano, Leslie Hatamiya, Barbara Saavedra, and Natasha Minsker.



COURTESY OF CORENE KENDRICK

Melanie Wachtell '07 and her supervising attorney Corene Kendrick '03 of Children's Rights pose at the New York City reception at the Center for Reproductive Rights.



PHOTO: ANNA WANG

Heather Nolan '01, Susan Bowyer '92, and Larry Marshall, Associate Dean of Clinical and Public Interest Programs, enjoyed the reception in San Francisco.

# Labor Lawyer-Economist Merges Theory, Practice

If Alison D. Morantz, assistant professor of law, has anything to say about it, Stanford law students of all backgrounds will soon be eagerly enrolling in classes on labor and employment law.

Morantz, who joined the faculty last fall, says, “My larger goal in being here is to start building up interest in workplace issues and help students recognize this as an attractive area of practice. I’m also hoping to get the message out that even if a student is not going to become a labor or employment lawyer, employment law is a foundational course that is extremely useful background for many other areas of law.”

This passion for labor and employment law comes as no surprise, given her past experience as a union-side labor lawyer and antidiscrimination advocate at a small Boston firm.

Armed with stellar credentials, Morantz seemed destined to go into academia. A Harvard-educated Rhodes Scholar, Morantz earned an M.Sc. in Economics of Development from Oxford, a JD from Yale Law School, and a Ph.D. in Economics from Harvard before completing a federal district court clerkship.

While Morantz’s interests lie at the intersection of law, economics, and empirical legal studies, she was quite attracted to practicing law. After her clerkship, Morantz chose to represent labor unions as well as individual plaintiffs in a variety of employment law matters.

“What I loved about practicing [labor and employment law] is the fact that work is so important to people’s identity in so many ways. Obviously, it is fundamental to earning a livelihood but it’s also important psychologically to people’s self-esteem. Helping clients protect their rights on the job can really help them turn their lives around.”

She relates the story of the first labor arbitration she won, a case in which a recent immigrant working at a factory was fired for absenteeism even though the company hadn’t enforced the absenteeism policy in the same way against other employees.

“He was a young guy and the job meant a lot to him. It was his means for upward mobility, as the plant paid reasonably well and was unionized.

“The opposing counsel was twice my age, had more than thirty years’ experience, and was this macho gunslinger type who was offering to settle the case for chicken feed. I thought our position was very strong, so I advised my client not to settle. It was clear to me that we should win and we did. The grievant was reinstated with full back pay.”

She reflects, “There’s nothing like that feeling when you can right an individual wrong and get somebody their job back when they have been unjustly fired. It’s tremendously rewarding.”

Morantz adds, “The beauty of working at a public interest firm is that it’s so clear to you every day why you’re doing what you’re doing, why there’s a need, and how you’re making a difference. Of course, you pay a price for that, as you don’t make nearly as much money [compared to a large firm,] but it’s really worthwhile. I’m convinced the satisfaction rate among attorneys in my field of practice



PHOTO: STEVE GLADFELTER

**Assistant professor of law Alison D. Morantz is working with PIP to plan our spring symposium on labor and employment law.**

is much higher than at corporate firms.” She pauses, then says with a grin, “But I haven’t done an empirical study so I’m just conjecturing here.”

She elaborates, “My sense anecdotally is that people feel good about what they do, so they are satisfied with the trade-off. The problem with legal practice at large firms is that you get so very disconnected from the idea of law as a mechanism for promoting justice and furthering positive social change. You lose sight of that almost immediately because you become one cog in a much larger constellation of professionals serving some large corporation whose ultimate goal is to extract money from some other large corporation.”

Morantz made the transition to teaching because “as much as I enjoyed practicing, I missed the research angle. I decided in the end that being an academic gives me more flexibility to integrate research with the practical aspects of law.”

She has conducted empirical and legal research on workplace safety and health issues, regulatory enforcement, and teens in the workforce.

Morantz explains, “I tend to focus on projects I find challenging and interesting that also have a tangible connection to people’s lived experiences. I don’t like to lose sight of the connection between theory and practice and why my research matters at the end of the day.”

Morantz taught employment law last spring, is teaching contracts this fall, and looks forward to adding a course in labor law and seminars in workplace-related subjects.

But it’s not all number crunching and analysis without any fun. When asked about quirky or unusual hobbies, Morantz admits to a passion for singing and that she sang a capella in college and law school. She is deeply saddened that there isn’t such a group here yet and playfully declares, “I think it’s completely shameful that [SLS] doesn’t have its own a cappella singing group. I’m hoping some enterprising law students will come along soon and correct this sorry state of affairs. I’ve got a stash of old sheet music I’d be happy to contribute, and if they are looking for a faculty sponsor. . . .” ■

**“I tend to focus on projects I find challenging and interesting that also have a tangible connection to people’s lived experiences. I don’t like to lose sight of the connection between theory and practice and why my research matters at the end of the day.”**

# Clinic Protects Land, Air and Water

*continued from page 1*

tice by no means indicates that SELC will focus on smaller cases to the exclusion of those with far-reaching implications. In fact, they are currently appealing a lower court decision to the Ninth Circuit that permits the federal government to cede jurisdiction of a public road to a Californian county (Alpine).

The *Friends of Hope Valley v. United States Forest Service* case comes in the midst of a movement throughout the Western United States in which various counties have demanded ownership of public roads. However, this is the first formal case involving this phenomenon and will have tremendous ramifications either way it is decided.

If the Ninth Circuit affirms the lower court ruling, it may become much easier for counties to gain title to literally thousands of miles of roads affecting pristine wilderness areas and national parks. If the Clinic is successful, it could set a precedent throughout California and portions of surrounding states. A judgment is expected this year.

Clinical student, Paul Spitler '07 has worked diligently on *Friends of Hope Valley* all summer and expects to return this fall.

"[SELC] is the reason I chose Stanford Law School," says Spitler. "I came to law school to pursue my interest in environmental law, and the clinic is really the best place to get hands-on experience in environmen-

tal litigation and policy work."

Sivas encourages all interested students to apply to the SELC, advising, "People shouldn't be afraid of the science." The Clinic is designed to expose those students lacking science-based backgrounds to technologies salient for environmental issues, in addition to providing all students with readily transferable skills such as complex federal litigation.

For Sivas, "What's interesting is the interplay between the legal issues, the science, the technology, and of course the policy arguments."

Instead, Sivas asserts that a very different challenge faces clinical participants: fighting an uphill battle. She recounts that most students are initially shocked by the huge amount of deference courts give to administrative agencies in case after case.

For example, in the case involving a violation of the Clean Water Act by the EPA, the Clinic and EarthJustice were successful not simply because the judge actually understood the magnitude of the destruction invasive species can wreak upon aquatic populations but rather, because of the clarity of their argument.

Sivas asks, "How do you make these complex issues simple enough for very busy judges to get it and not defer to the agency," all while maintaining the integrity of the case? She answers, "That is what the Clinic is for." ■

## Update on Education Clinic's *Smith v. Berkeley Unified School District*

On August 3, 2005, Magistrate Wayne D. Brazil approved the consent decree in our case against the Berkeley School District for violating the due process rights of numerous students of color and failing to provide them with the educational opportunities required by law.

Bill Koski, director of the Youth and Education Clinic, Molly Dunn, the Clinic Fellow, along with Bryn Martyna '05, Sara Pappas-Bellamy '05, and Yael Zakai '05, as well as co-counsel from Legal Services for Children and Pillsbury Winthrop LLP, were commended at the final hearing by Magistrate Brazil.

In granting final approval of the decree, he noted the "handsome work" submitted and that plaintiffs' counsel should feel proud of their papers and research. He also

conveyed his assessment of reasoning behind why the lawsuit was pursued and the terms of the decree, stating:

"You have been working on communicating the importance of process. And obviously the court has a fairly substantial ego investment in process and believes deeply, not only as a professional matter but as a personal matter, that there may not be anything more important than process integrity.

"Among other things, process integrity communicates respect, a presumption of respect for other human beings. [C]ommunicating that presumption of respect for other human beings helps our society. It's glue. Process is social glue. There isn't anything much more important than democracy. You are to be congratulated." ■

## Environmental Clinic Names New Fellow

The Stanford Environmental Law Clinic (SELC) recently selected Holly Gordon to be its first Fellow.

Gordon brings a wealth of experience and enthusiasm to the position. After graduating from Chicago-Kent College of Law in 1999, she went on to become an Associate at Jones Day where she worked on a myriad of issues ranging from general litigation to environmental compliance and defense work.

After one year in private practice, she returned to Chicago-Kent as a staff attorney for the Chicago Environmental Law Clinic. For three years, she focused on urban environmental issues, representing communities of color directly affected by adverse air and water conditions.

Simultaneously, Gordon served as the Assistant Director of the Program in Environmental and Energy Law (PEEL) at Chicago-Kent as well as an Adjunct Professor at Northwestern University School of Law co-teaching an Environmental Law Survey course and an Environmental Law seminar.

Before joining Stanford, Gordon most recently was a staff attorney at Communities for a Better Environment, a California environmental non-profit. While there, Gordon cemented her dedication to providing legal assistance to underserved communities affected by industrial pollution.

"Similar to my experience at the Chicago Environmental Law Clinic, I'll be working very closely with the Director," says Gordon. "What I'm most looking forward to is being back in an academic environment and helping students to become better environmental advocates." ■

*For the next two years, Gordon will work with Clinical Director Deborah Sivas and various clinical students on a wide variety of cases ranging from natural resources, to forestry, to those involving the Endangered Species Act.*

# PUBLIC INTEREST EVENTS

## FALL 2005

Unless otherwise indicated, all events will be held at Stanford Law School, Crown Quadrangle, 559 Nathan Abbott Way, Stanford, California. For more information, write to [public.interest@law.stanford.edu](mailto:public.interest@law.stanford.edu) or call (650) 723-2519.

### SEPTEMBER

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Wednesday, Sept. 7	Party with PIP & Public Interest Law Students Association	12:20-2:15 p.m., PICC
Monday, Sept. 12	Public Interest & the Law Firm Experience	1:15 p.m., Room 280B
Monday, Sept. 12	Public Interest Faculty Mentor Reception	6:00 p.m., Crocker Garden
Wednesday, Sept. 14	U.S. Department of Justice Honors Program Presentation	1:15 p.m., Room 280A
Thursday, Sept. 15	Brown Bag Lunch with Soraya Yanar '01, Staff Attorney at Texas RioGrande Legal Aid	12:20 p.m., Room 79A
Monday, Sept. 19	Brown Bag Lunch with Stephen Rosenbaum, Associate Managing Attorney at Protection & Advocacy	12:20-2:00 p.m., Room 272
Wednesday, Sept. 21	Public Interest Career Planning for 2Ls	12:20-2:00 p.m., Room 95

### OCTOBER

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Monday, Oct. 3	Externship Informational Workshop	12:20 p.m., Room 180
Monday, Oct. 3	Financial Management and Budgeting for Public Interest 1Ls	12:20 p.m., Room 190
Wednesday, Oct. 5	Public Interest Career Options Panel	12:20 p.m., Room 95
Wednesday, Oct. 12	Public Sector Career Options Panel	12:20 p.m., Room 95
Wednesday, Oct. 19	Criminal Law Career Options Panel	12:20 p.m., Room 95
Wednesday, Oct. 26	D.C. Public Interest Alumni Reception	(Washington, D.C.)
Oct. 27 - Oct. 28	Equal Justice Works Career Fair & Conference	(Washington, D.C.)

### NOVEMBER

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Nov. 4-5	Shaking the Foundations Conference	
Wednesday, Nov. 9	International Law Career Options Panel	12:20 p.m., Room 95
Wednesday, Nov. 9	Public Interest Lawyer of the Year Dinner Honoring Barbara Olshansky '85	6:00 p.m., Schwab Center
Nov. 28 - Dec. 9	Mock Interviews for 1Ls	3:00-6:00 p.m., Room TBA