

MEMORANDUM

To: Melissa Webb, Internship Coordinator, Sewanee: The University of the South

From: Jordan Long, Legal intern, Southern Environmental Law Center

Date: 28 August 2013

Re: Tonya Public Affairs Internship Report

Summary:

On May 28, 2013 I began work as an undergraduate intern in the Nashville office of the Southern Environmental Law Center. I worked directly under managing attorney, Anne Davis, and with attorneys Gwen Parker and Nathan Moore, completing background research on various active cases. The internship came to an end on August 5, 2013 after ten weeks with the firm. This memorandum is meant to serve as a summary of my time with the firm; including but not limited to a description of the firm, the expectations and tasks assigned to interns and my recommendations for future interns and feedback for the firm.

Questions Presented:

1. Why is this internship report in memo form?
2. What is the Southern Environmental Law Center and what type of work do they do?
3. What assignments and learning objectives were set out and completed during this internship?
4. How should a future intern prepare for work with the SELC?
5. What career knowledge and insight was gained from this internship experience?
6. What could be changed to improve the internship experience?

Short Answer:

The Southern Environmental Law Center is a privately funding not-for-profit institution founded by Rick Middleton in Charlottesville, VA and currently has offices throughout the southeast, the Nashville office being among the newest. Mr. Middleton founded the firm after noticing the disparity between the amount and quality of land and natural resources found in the south, the amount of degradation of these lands, and the number of resources available to aid in the conservation efforts. The internship program offered by the SELC Nashville office provided interns with a hand on learning opportunity that allowed meaningful contribution to active cases. Interns gained vast legal knowledge, (the memorandum format is a product of this learning

experience) and a breadth of knowledge regarding various environmental issues in the southeast and in Tennessee specifically.

The Memorandum

Rather than write this report in a traditional format I choose to use the format I became all too familiar with this summer and which was a key part of my learning experience: the legal memo. Nothing gave me more trouble this summer or irritated me more in the initial weeks than trying to iron out all the simple mistakes that can be made when constructing a legal memo. After much consulting of 1L text books and constant revision of the first memo I wrote, the format became second nature to me. Writing a memo on Off Highway vehicle usage was my first task as an intern, and was the first indication I had that this internship program was going to be about more than simply getting coffee and copying papers. Never having been one for English class, the strict formatting requirements were grating at first, however, it came to be clear that it was simply the first step in holding me to the highest standard. Rather than differentiating between quality of work accepted from me and from the other intern (who possessed by a J.D. and an L.M in environmental affairs) my supervisor made it clear I would be held to the same standards; a fact which I am incredibly grateful for.

Southern Environmental Law Center: Nashville Office

For 27 years, the Southern Environmental Law Center has leveraged the power of the law to protect the environment of the Southeast—the fastest growing region of the U.S. Working in all three branches of government and with more than 100 partner groups, it is a nonprofit organization shapes, implements, and enforces the laws and policies that determine the quality of the air we breathe, the water we drink, and the landscapes and communities we love.

Founded in 1987 by attorney Rick Middleton and headquartered in Charlottesville, SELC engages in legislative lobbying in Washington, DC and in statehouses, working with various regulatory agencies, and brings litigation related to environmental issues. In addition to Charlottesville, SELC has regional offices in Chapel Hill and Atlanta as well as satellite offices in Washington, DC, Richmond, Asheville, NC and Charleston, SC. Currently 38 attorneys work for the Center. [Has a highly credentialed team of almost 60 attorneys, many of whom have been with the firm for 15 years or more. Important to note is that the SELC operates solely from charitable gifts from individuals, families and foundations. This means the center does not charge clients or partner groups for any services.

The Nashville office is the newest addition to the SELC family. Though the office technically opened last year, the office held its official opening in June of this year, with a city wide reception held on the Nashville pedestrian bridge. The Nashville office is run by attorney Delta

Anne Davis, who serves as the managing attorney. Anne came to the SELC with over ten years teaching experience as a professor of legal writing at Vanderbilt University and a vast expanse of experience from her nearly thirty year career in private practice. At the SELC, in addition to handling office business, Anne focuses on issues surrounding public lands and water.

Also in the Nashville office is attorney Nathan Moore. Nathan is a graduate of Southern Wesleyan University and Vanderbilt Law School. Nathan focuses primarily on energy issues in the southeast, currently working on issues surrounding solar energy policy and on issues regarding the proposed TVA retrofit of several coal fired power plants in the area.

Additionally, throughout the course of the summer the various issues worked on the firm included: fracking on public lands at the University of Tennessee at Knoxville, the use of off-highway vehicles in the Upper Cumberland, and

Internship Assignments and Expectations

My internship with the Southern Environmental Law started with a bang. I was immediately assigned to research and write a memo on the current issues with off highway vehicle impacts on the upper Cumberland Plateau, and the north Cumberland area. I used GIS skills obtained at Sewanee to examine the topography of the area to determine the areas most sensitive to disturbance and compared this with the complaints and reports of locals. Furthermore, I completed research on the legality of the discharges in the water-bodies in the area in questions learning to use the TDEC permit database to discover which permits were active and which permits were inactive (and thus in violation) in the areas in question. This research was particularly useful in helping me become more acquainted with the permitting process in the state of Tennessee as well as with the provisions contained in the Clean Air and Water Act, crucial legislation for any environmental attorney to understand. As work on this issue progress, I had the opportunity to attend a meeting with the local Senator who was advocating against restricting OHV use in the area (or rather enforcing current legislation). This first assignment gave me a clear look at the complexities of environmental law, an area in which the laws themselves are far less important than their enforcement in regards to protecting the environment.

The second main task I was assigned was research into coal ash contamination of water-bodies due to coal fire power plants. A secondary portion of this assignment was to create economic profiles of the profitability of these power plants in comparison to those which are powered by natural gas. However, because these issues have not yet been legally resolved and are actively being worked on by the SELC, the work I did remains confidential. Once the casework is closed I am happy to provide a full, more in depth description of the research completed in this area.

The two final tasks completed during my time at the SELC were two research projects. The first research was completed for attorney Nathan Moore. Due to recent changes to various TVA solar energy programs, the solar energy industry in Tennessee has suffered greatly. The research I completed looked at various programs which have been implemented by the TVA in the past few decades and the various ways in which the solar energy industry has benefitted from these programs and the ways in which changes to these programs stand to impact the industry in the future. Research also included a thorough profile of the current state of the solar energy industry in Tennessee. As with the coal ash research, casework is currently being actively pursued by the SELC in issues surrounding solar energy and the research I completed (and information pertaining to said research) is considered confidential attorney work product. The other research I completed during my time at the SELC was in regards to the current effort to prevent the University of Tennessee at Knoxville from fracking on a research forest in the school of agriculture. The first memo I wrote regarding this matter was in response to a claim by UTK that many other schools across the country were fracking on their lands in a similar manner, under similar legal constraints and parameters. The research completed looked at each of the schools mentioned by UTK and their corresponding policies, comparing the reality of the situation with the implications of the press statement released by UTK. The memorandum on this issue is attached. In relation to fracking at UTK, my final research was completed for attorney Anne Davis and involved the possibility of the existence of an endangered species within the proposed drilling area. This research is still being utilized and will be available for the committee to review once it has been fully edited and approved by the SELC.

Information for Future Interns

This internship is definitely an atypical and demanding experience for undergraduate students but one that is more than worth the effort required for the value the intern will receive. While the work itself is not difficult, the SELC does require interns who are self-motivated and will contribute actively to their own workload. Being open and honest about the type of environmental interests you possess and the type of work you enjoy doing and excel will help the intern get the most out of the experience. When I first began the internship I was reluctant to point to a specific interest or type of work, as I didn't want to see picky or unwilling to do all types of work. As the internship progressed it became obvious that no one was benefiting from the lack of communication. While I wouldn't say there was any time wasted, I would encourage future interns to be more articulate of their strongest skills from the onset and to speak up to make sure those skills are put to work.

The Nashville office of the SELC is a small tight knit group and any intern working there will be treated as an equal member of that group and expected to participate accordingly. If you're looking for an internship where tasks are supplied via a command chain and accountability is

dispersed I would look elsewhere. That being said, while the SELC is a close knit group the nature of the internship is research based. While I had the opportunity to attend more meetings and events than I ever expected (which made the internship all the more enjoyable) the majority of the time was spent on the research described above. Any future intern should enjoy research and be able to spend the vast majority of the day (5-7 hours) at a desk.

Career Knowledge and Insight Gained

Having always had the notion of law in the back of my mind, and having developed a passion for sustainability and environmental advocacy while at Sewanee, the internship at the Southern Environmental Law Center seemed absolutely perfect. I was ecstatic when I found out I was selected. I went into the internship knowing that I was interested in gaining two main insights. First and foremost I wanted to determine if the legal field was a career I could see myself enjoying and thriving in on a daily basis. The second thing I hoped to gain from this internship was more information on the regulatory environment surrounding alternative energy industries. Having a strong interest in startup energy firms, I thought that understanding the legal constraints I would be working within would provide me with a competitive advantage if and when I entered the field. The latter goal was definitely achieved. I left well versed with a thorough knowledge of the exact levels of bureaucracy I would be facing and an even better working knowledge of how to wade through that bureaucracy.

In terms of helping me with my decisions regarding law school this internship left me with mixed feelings. In terms of the legal profession, it does appear to be a career lacking (for the most part) in the social interactions I really need in order to do my best work. However, I spoke with the managing attorney Anne Davis extensively about the legal practice in other branches of law, namely corporate. I enjoyed my time with the SELC immensely, but the general conclusion I reached was that I would need if not a more fast paced legal sector in general but certainly a more fast paced larger firm. As the SELC grows (the office officially opened this summer) and more casework comes in, it is likely that the firm's environment will become faster paced. Working for the SELC also meant working in a very unique office culture, one far more casual than I have been used to in previous internships. I completely loved this part of the internship. Everyone in the office was completely respected and treated as a human being with the understanding that work cannot and should not always come first and different working styles were fully integrated. I have to give the office a ton of credit for the office culture; it was welcoming, fostered productivity and made it all around pleasant to be in the office. I definitely learned that this will be the type of corporate culture I seek out, though I understand fully how rare it is.

While I enjoyed working at the law firm, the experience was not without a rather strong reality check regarding the practicality of entering the legal field at this moment. I worked alongside

another intern this summer, a 30 year old graduate of Vanderbilt Law School and the University of Oregon's master's program in environmental policy, both top programs in the field. While working alongside someone with so much experience and knowledge was beneficial to me it was grounding to realize that someone with so many credentials was working for the SELC, unpaid, and was having to work additional jobs in order to make ends-meet. While I understand that sacrifices must be made for any career one is serious about, I cannot help but think that serious consideration and research must be done before I make any decisions regarding law school attendance.

Internship Recommendations

While the internship was a fantastic experience overall, my one recommended change to the program would be a better facilitation of a working relationship between the interns. Towards the end of my time at the firm we began to do bi-weekly update meetings which were incredibly helpful to me. I really enjoyed knowing what others were working on as it gave me both the opportunity to learn more about different things, but also allowed me to offer my help if I thought I could be useful.