

Western Resources Legal Center

Training Legal Advocates to Represent Natural Resource Users

2011 Newsletter

CLIENT SPOTLIGHT

Ranchers and Grazers Prevail With WRLC's Help



Seen Above: Jason Williams, Loren Stout, Nathan Forbes

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On March 10, 2011, the Oregon Federal District Court ruled that the Forest Service violated the Endangered Species Act (ESA) by failing to consult with the National Marine Fisheries Service (NMFS) about the effects of the agency's management of wild horses on threatened steelhead that reside in streams on the Malheur National Forest.

WRLC represents Loren and Piper Stout, who own a ranch in Dayville, Oregon and hold a permit to graze cattle on an allotment in the Malheur National Forest. The Stouts were enjoined from grazing cattle in 2008 because of a lawsuit brought by an environmental group claiming that cattle were overgrazing and damaging stream banks. In 2009, the Stouts obtained relief from the injunction after submitting evidence that the impacts were caused by wild horses. However, the wild horse impacts continued, and the Forest Service severely limited their ability to graze.

U.S. District Court Judge Ancer Haggerty ordered the Forest Service to consult with NMFS to determine whether its wild horse management plan adequately protects steelhead listed under the ESA. The court disagreed with the arguments by the Forest Service that the Stouts should not be able to have the court address wild horse impacts that affect their business. The court determined that even though the Forest Service

committed to removing excess horses in the agency's plan, the Forest Service may find, after consulting with NMFS, that the ESA requires more removal. This could allow for less pressure on the resource, improved steelhead habitat, and more capacity to allow the Stouts to resume their permitted grazing activities.

The Stouts still have claims pending against the Forest Service including a claim that the agency has failed to meet its own management levels for wild horses. If the Stouts prevail, the Forest Service would be required to take further action to reduce the current impacts of wild horses.

This case is not only an exciting win for WRLC, but is a unique hands-on educational experience for students. WRLC students prepared the 60 day notice complaint, and other critical legal pleadings and continue to represent the Stouts as this case unfolds.



Seen Above: Loren Stout, Nathan Forbes
Binah Yeung, Laysan Unger

Benefits of the WRLC Program

**By Janice Weis, Associate Dean & Director
Lewis & Clark Law School**

Lewis & Clark offers a wide variety of practical skills training opportunities. Among them are what we call “internships,” where law students work several hours per week for a legal organization in the Portland metro area for law school credit, adding valuable real world skills to their legal education. We offer a range of internship experiences in areas such as environmental, business, criminal, and animal law. These internships are accompanied by a weekly class at the law school.

Internships are an important component of the environmental and natural resources law program at Lewis & Clark as they allow our students to work with experienced environmental attorneys from whom they can learn the basics of a litigation or transactional practice and gain experience in drafting documents and counseling clients. In addition, an internship allows students to gain insight into the various types of practice environmental and natural resources attorneys can have.

We have offered the WRLC Internship since the spring of 2008. Through this internship, students represent natural resources users in a variety of areas such

as mining, forest management, grazing, and water quality. Students who have participated in this internship have given it highly positive reviews, citing the diversity of cases and projects, and the oversight and mentoring they are provided by WRLC’s executive director, Caroline Lobdell. The student interest in participating in this internship has grown each year and it is now offered in both the fall and spring semesters to better accommodate student demand.

The WRLC Internship is unique among law schools in that students are representing natural resources users. This experience allows students to appreciate the many perspectives that are often involved in natural resource issues and, as many have noted, they feel better prepared to represent clients, regardless of affiliation, after completing this internship. The addition of the WRLC experience to other environmental and natural resources internship, volunteer, clerkship, and clinical experiences offered at Lewis & Clark creates an opportunity for students to understand the many dynamics involved in a natural resources or environmental law practice.



The best judges of the experience are, of course, the students who have taken the WRLC Internship. Student comments include: “This was the most hands on experience I had in law school and I am walking away with a great skill set;” “I enjoyed how Caroline not only taught us about the issues involved in the cases, but also how to keep track of our time, write to a high standard, and be professionals;” and “We felt like associates in a law firm and were given the opportunity to try to figure out the best answer for an issue.”

A bonus for these students has been job placement—the WRLC experience has led directly to jobs after graduation for many of the students. The firms who have hired our students have been able to see examples of their work and feel these students are well prepared to begin a natural resources practice.

STUDENT SPOTLIGHT

WRLC Student Lands Dream Job with Schroeder Law Offices

**By Laura Schroeder, Attorney,
Schroeder Law Offices, P.C.**

In October, 2008 the economic downturn forced Schroeder Law Offices, P.C. to make significant changes to its traditional hiring and training programs. Our long-term plan to hire and train new law school graduates on an annual basis and to

engage one to three paid summer law clerks ended abruptly.

Sarah Liljefelt was clerking for WRLC and said to Executive Director Lobdell, “The Schroeder firm would be my dream job.” Sarah had performed excellent work for WRLC which led Caroline Lobdell to contact Schroeder directly

and recommend Schroeder hire Sarah in any capacity the economic downturn would allow.

Finding Sarah’s work superior, Schroeder hired her upon graduation in Fall 2010 as a JD paralegal. Sarah expressed enthusiasm for learning the “nuts and bolts” as a JD paralegal and

excelled in supporting the attorneys in the firm in whatever role called upon. Sarah passed the Oregon Bar and is awaiting the California Bar results. Schroeder Law was proud to support Sarah financially to undertake the California Bar, a risk Schroeder accepted given Sarah's loyalty that she expressed as a result of her WRLC training.

Sarah was recently promoted to an associate position. She is the first associate hired by Schroeder Law Offices, PC since October, 2008. Congratulations Sarah!

Schroeder Law is confident that WRLC will continue to help us find qualified law students truly dedicated to defending natural resources dependent clients. Schroeder also recently hired WRLC Advanced CIS student Nathan Forbes as a law clerk.

Credit for our success in turning the hiring freeze around in less than three years must be given to WRLC and its executive director Caroline Lobdell, and of course Sarah Liljefelt!



Laura Schroeder

Sarah Liljefelt

Schroeder Law Offices, PC

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FROM THE EXECUTIVE DIRECTOR'S DESK

WRLC Continues to Expand on All Fronts

By Caroline Lobdell, Executive Director

We have expanded our curriculum beyond its basic course to include an Advanced Clinical Internship Seminar, which is designed for a select group of students that have passed WRLC's introductory course but want to keep coming back for more.

We further diversified our constituent base to include aggregate cement and have added two new board members from aggregate and mineral industries.

The news about WRLC is inspiring other programs. WRLC is currently the only hands-on training program for students to learn to advocate on behalf of natural resource dependent entities. But hopefully, that's not true for too long. In working with the Idaho Cattlemen's Association and the Wyoming Stockgrowers' Association, both hope to build similar programs.

WRLC now has financial support from organizations across the country, including Hawaii, Idaho, Washington, Wyoming, and Nevada.

One truly significant accomplishment I want to report is the progress our students made by assisting the Steens Mountain Landowner Group. For many years, the families, small businesses and

local communities that are dependent on continued access to their historical uses of public lands have been denied direct participation in dozens of procedural lawsuits. These lawsuits impact public land issues, but also have great implications for private landowners.

WRLC students assisted the Steens Mountain Landowner Group who was denied intervention in a case involving access to their private lands and affecting their ability to maintain their livelihoods. The students researched and prepared initial drafts for appeal of this decision. Ultimately the intervention rule that shut landowners and natural resource users out of lawsuits filed by environmental groups, was found to be so important, that a full en banc panel of the Ninth Circuit agreed to reconsider the rule. All three judges that sat on the Steens Mountain Landowner case joined the full court in a unanimous reversal of the Ninth Circuit's restrictive intervention rule.

Negotiated settlements and court decisions have directly and indirectly impacted the sustainability and economic viability of rural communities with impacts in the millions of dollars. For many years private landowners and

natural resource users have been denied a seat at the table to ensure the agencies and courts have an understanding of all of the issues and impacts. The Ninth Circuit court reversal is a great victory for the economy, families, small communities, the agencies trying to do their job and for the environment. The educational experience for students was also fantastic and rewarding.



Caroline Lobdell

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Get Involved

Given the current economic environment of natural resource based industries WRLC needs your help now more than ever. You can help WRLC in its mission to help natural resource users while training the extraordinary legal minds of future lawyers, judges, educators and politicians.

• **Make a financial contribution to WRLC**

Your tax deductible donation is essential to the continuation of this important work.

• **Tell a friend about WRLC's important work.**

If you know someone who works in a natural resource field or whose livelihood (which is most of us) depends on natural resources, encourage them to become involved with WRLC.

• **Send our newsletter far and wide.**

Tell people about our website www.wrlegal.org or send them a copy of our newsletter.

• **Invite WRLC to speak at your meeting.**

Let us come and tell this important message to your group. Contact us at 503.222.0628.

• **Tell us about your potential case or legal issue.**

Do You Need WRLC's Help?

WRLC seeks cases and issues that allow students to build practical skills and learn environmental and/or natural resources law while advocating for natural resource entities. If you have a potential case or issue please go to our website www.wrlegal.org and download a "**Request for Legal Services Form**" and submit it to us today!