

Unparalleled Opportunity

By Maggie Hall

As an NEDC Student Director and 3L at Lewis & Clark, I had several rare and exciting opportunities to address Clean Water Act (CWA) issues at the Supreme Court level this year.

One opportunity was on April 4 when John Roberts, Chief Justice of the United States, came to Lewis & Clark to judge the inaugural Advocate of the Year moot court competition. The competition pitted me and two other students – all of us fresh from competing as a team at this year's environmental moot court national competition at Pace Law School – against each other in a moot CWA case before a panel that included the Chief Justice, Judge Diarmuid O'Scannlain of the Ninth Circuit, and Judge Anna Brown of the District of Oregon.



The panel heard our argument in a CWA suit concerning unpermitted ditching in a wetland. My role allowed me to advocate on behalf of citizen-plaintiffs, defending the ability of environmentalists to invoke federal protection of water quality. Arguing novel and unanswered questions of law related to the forty year-old statute was intimidating, exhilarating, and unbelievably rewarding. Fortunately, working as the NEDC law clerk prepared me well for the task.

NEDC also gave me a glimpse into Supreme Court advocacy well before the Chief Justice's visit. When I became the law clerk at NEDC, the Ninth Circuit had recently decided *NEDC v. Brown*. The attorneys representing NEDC and I took a field trip to Oregon's Coast Range to visit the now-famous logging roads that had been in dispute in the case. After the Supreme Court accepted certiorari, I was able to help the attorney representing NEDC prepare for briefing and oral argument in *Decker v. NEDC*. This taught me some of the unique strategies that go into arguing an environmental case before the Supreme Court, such as tailoring certain arguments to particular Justices.

In early December I saw the case argued live at the Supreme Court in Washington, D.C., which gave me a sense of the Chief Justice's style on the bench, particularly in a CWA case. I was also able to work with Earthrise Law Center on an amicus brief in another CWA Supreme Court case argued the day following oral argument in *Decker v. NEDC*.

NORTHWEST DEFENSE

The Newsletter of the Northwest Environmental Defense Center

Spring/Summer 2013

In short, I consider myself very lucky to have been involved with NEDC in such a big year for the organization and the CWA.

**Maggie Hall is graduating this May and will continue her CWA work as a Law Fellow with the Los Angeles Waterkeeper.*