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.
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.*