

FRESHWATER ACCOUNTABILITY PROJECT

MAY 17, 2018 9:00-10:00

MS. MEGAN HUNTER: Hi, my name is Megan Hunter. I am an attorney with Hunter & Hunter LLC, a firm that I founded to increase access to justice for environmental matters here in Ohio. I'm out of Akron, Ohio. And I'm here today representing Freshwater Accountability Project. A client of mine who -- they're a grassroots nonprofit organization and they've been working very hard on issues related to hydraulic fracturing for, oh goodness, at least since 2010 here in Ohio and they have members throughout the state of Ohio as well as members in Pennsylvania.

And Freshwater Accountability Project's main mission is really just to be a community advocate. So to be a central contact for people impacted by industry but also they really identify as an organization that collects information. So it does all the public records requests that individuals might not know how to do. Pursues access to that information and acquires that information, then makes it publicly available to help people empower themselves to play a bigger role or any role in the environmental decision-making that is directly impacting them.

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1 So I submitted an Amicus Brief on behalf of
2 Freshwater and that is what I will be referencing today
3 and walking you through today.

4 So I'm not going to go through just a summary
5 of every human right that I argue has been violated here
6 in Ohio from the hydraulic fracturing industry. Instead
7 I'm just going to jump right into the meat of it.

8 So first I think it's important in terms of
9 semantics -- and you're seeing me glance to the side
10 because I have some notes just here besides me -- in
11 terms of semantics I think it's important to note that
12 while the industry might call hydraulic fracturing, it
13 might try to limit that term to mean just the reaching
14 of natural gas resources that weren't otherwise
15 available through conventional methods. Really what
16 we're talking about or when communities are impacted by
17 hydraulic fracturing, really what they're talking about
18 is the larger issue of what they sometimes refer to as
19 an occupation or an invasion by the unconventional oil
20 and gas industry.

21 And that comes in the form of mass volumes of
22 truck traffic, of pipelines, of all sorts of
23 infrastructure, compressor stations, numerous well pads
24 each spanning multiple acres.

25 So we're not just talking about a specific
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1 technique of extracting oil and gas. We're talking
2 about an industry that transforms rural communities into
3 an industrial landscape, often without them thoroughly
4 understanding or participating in what is taking place.

5 So that's, I think, is just an important
6 clarification to make in terms of when I say fracking
7 what I mean or what my clients or the individuals that I
8 mentioned the testimony about, what they mean.

9 So first and foremost, you know, I'll just
10 walk through a list of the rights that we found have
11 been violated.

12 So in terms of substantive rights, the right
13 to life, security of person and bodily integrity. So
14 the UN, the Universal Declaration of Human Rights states
15 plainly everyone has the right to life, liberty and
16 security of person.

17 Well here in southeast Ohio's gas patch that's
18 not taking place. So I submitted with my Amicus Brief
19 testimony from numerous individuals, including the
20 testimony of Kerry Bond who lives down in Noble County,
21 Ohio right in the middle of the gas patch. She owns
22 over 200 acres and has a pad on her property and a
23 compressor station very near to her home as well.

24 Kerry Bond describes being terrified to go to
25 sleep at night for fear that she'll be blown up in her
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1 sleep. And that's due to literally being awakened
2 during the night by the massive blow downs that take
3 place at the compressor station. So it's a terms of art
4 in terms of what's happening but I'm sure you have heard
5 so much of the factual basis of this now that I won't go
6 into detail about every procedure here. But they're
7 awakened by the compressor station nearby their home and
8 literally fear for their lives.

9 And that's not an uncommon occurrence here in
10 southeast Ohio. Indeed you see the media reporting on
11 that regularly. In June 2014 the Eisenbarth well pad
12 explosion resulted in people fearing for their lives. A
13 one mile evacuation notice. February 2018, again, a one
14 mile evacuation notice after another well pad explosion.

15 So these types of regular occurrences,
16 particularly from compressor stations but also from well
17 pads, truly do leave local communities fearing for their
18 lives and not feeling at all secure in their person, and
19 realistically under threat.

20 There's also, I wanted to speak about, the
21 right to health. So, again, the UN Declaration on Human
22 Rights states everyone has the right to a standard of
23 living adequate for the health and well-being of himself
24 and his family.

25 So in addition to these explosions and actual
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1 threats to, in an emergency sense, there's also just the
2 daily health impacts. And I submitted testimony again
3 from Kerry Bond as well as from Jill Hunkler and
4 numerous other individuals who lived near compressor
5 stations.

6 And I can also testify on my own behalf that
7 this is a type of infrastructure that I have most
8 frequently people coming to my office about the harms
9 from compressor stations, the air emissions and the
10 health impacts that they experience as a result of those
11 air emissions.

12 People describe, so Ms. Bond and Ms. Hunkler,
13 describe vomiting, headaches, dizziness, vertigo, eye,
14 nose and throat irritation, rashes, numbness in the
15 body, aches and pains. Just a general sense of not
16 being well.

17 So in addition to the health impacts from
18 compressor stations from other types of infrastructure
19 like the well pads you hear testimony. Ron Golla
20 testified that the well pad, emissions from the well pad
21 have caused him to have a fissure below his nose and
22 joint pain.

23 In addition to that here in Ohio we used the
24 waste for all kinds of things, wastes from hydraulic
25 fracturing operations, so brine that flows back from the
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1 operations is spread on roads as a deicer and dust
2 suppressant. When that brine dries and becomes wind
3 borne people describe eye irritation, difficulty
4 breathing, again nausea, dizziness.

5 And some people who have been diagnosed with
6 different forms of cancer have certainly raised concerns
7 that that is related to that exposure. And, again,
8 detailed testimony I submitted with my Brief but here
9 I'm just summarizing for you.

10 The right to a healthy, viable and supportive
11 environment. Principle 1 of the 1972 Declaration.
12 Adequate conditions of life in an environment that
13 permits a life of dignity and well-being.

14 So Pennsylvania, not Ohio where I'm located,
15 but Pennsylvania interestingly enough has enshrined a
16 similar value in its constitution.

17 Article 27 states that people have a right to
18 clean air, pure water and to the preservation of the
19 natural scenic, historic and esthetic values of the
20 environment.

21 Testimony from Kerry Bond as well as Mary Ann
22 Stine I submitted with my Brief, details how, in many of
23 these landscapes that are near unconventional oil and
24 gas infrastructure, be it a compressor station or wells,
25 there's literally a loss of ecological vibrancy or life
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1 in these communities.

2 People describe that the birds that they had
3 always seen every year no longer return. That their
4 farm animals have tumors. Farm animals gazing into the
5 distance before dying. Just a lot of general decrease
6 in life and ecological well-being near these sites of
7 oil and gas development.

8 The right to property. This one I'll spend a
9 little more time on just because I, as an attorney here
10 in Ohio, worked a fair bit on it.

11 So, again, the Universal Declaration states
12 everyone has the right to own property. No one shall be
13 arbitrarily deprived of his property.

14 Ohio's constitution states private property
15 shall ever be held inviolate but subservient to the
16 public welfare.

17 And the Fifth and Fourth Amendments of the
18 U.S. Constitution respectively state no person shall be
19 deprived of property without due process of law nor
20 shall private property be taken for public use without
21 just compensation. And no state shall make or enforce
22 any law which shall abridge the privileges or immunities
23 of citizens of the United States, nor shall any state
24 deprive any person of property without due process of
25 law.

1 Well, here in Ohio that happens regularly in
2 terms of deprivation of property without due process of
3 law and the taking of private property for private gain
4 by the state.

5 Ohio is different than many other states in
6 the US in that it has a unitization law which is
7 different than a forced pooling law. So it's very
8 common, you see these laws and they've been upheld by
9 courts again and again, to have certain pooling
10 requirements where you can be forced into giving up of
11 your mineral rights just to meet spacing requirements to
12 allow for the efficient production of oil and gas.

13 And that's to avoid this problem commonly
14 thought of with conventional drilling of you just don't
15 want to stick too many straws in one bucket kind of
16 thing.

17 Unitization in Ohio is quite different than
18 that. So unitization in Ohio you have a situation where
19 if an operator can demonstrate that they own 65% of a
20 unit that they would like to develop, so they can just
21 draw a line of what unit that they would like to develop
22 is, these units can be as large as a thousand acres.

23 If they own 65% or have access to 65%, control
24 over 65% of the mineral rights associated with that unit
25 and they can demonstrate that it is more profitable than
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1 not for them to develop the remaining portion of the
2 unit, so the remaining 35%, then they can go to Ohio's
3 Department of Natural Resources, which is who regulates
4 oil and gas development in the state of Ohio, for an
5 order to take those mineral resources from unleased
6 mineral owners. So, you know, people are often shocked
7 to hear that number of 65%.

8 In terms of how these hearings go, unleased
9 mineral owners are notified that a hearing will take
10 place. They are able to attend the hearing. They often
11 do not. But they are able to attend the hearing but the
12 hearings tends to go verbatim where often times the
13 attorneys for the Ohio Department of Natural Resources
14 are almost indistinguishable from the attorneys by the
15 operator applying for the order to unitize.

16 So individuals are often left confused. If
17 they themselves are not represented by an attorney they
18 are often left confused about who is representing them
19 in such a procedure, who they can trust in such a
20 procedure, and who is representing the public at large
21 in such a procedure.

22 So after that hearing takes place, in terms of
23 the process for unitization, orders have always been
24 granted in favor of the company, consistently 100% of
25 the time in the state of Ohio. Those orders have also
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1 been identical, with the exception of a couple phrases,
2 they did start clarifying the term "gross proceeds"
3 recently and "net proceeds" in their more recent orders
4 but until that time they were all verbatim.

5 Individuals do have a right to appeal that
6 order, that order taking their property. They have a
7 right to appeal that through another hearing that is
8 also done by the oil and gas commission, which is
9 another part of the Ohio Department of Natural
10 Resources.

11 Again, they don't have to have an attorney to
12 do this but without an attorney it would be quite
13 difficult to do so.

14 And to be clear, when they appeal that order,
15 they're going up against their government. They're not
16 going up against the operator. So they're appealing the
17 government's decision to take their property to give to
18 a private company.

19 I submitted testimony by Patrick Hunkler who
20 outlines his story with unitization, how he felt through-
21 out the process as someone who had relocated and spent
22 his life working hard to relocate to southeast Ohio
23 where he "poured his blood, sweat and tears" into
24 building a country retreat for his family that reflects
25 his values, using recycled materials, conserving water,
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1 running solely on renewable energy and active and
2 passive solar.

3 So he had found the perfect homestead for him
4 and his family and he had held out and refused to lease
5 despite endless pressure, constant pressure, from
6 landmen to lease his property he had held out, as well
7 as pressure from his neighbors to lease the property so
8 they could move forward with the unit and the neighbors
9 could get royalty payments. He continued to hold out
10 only to have his government take his property from him
11 to then be handed to the oil and gas company.

12 And we hold that that is a violation of the
13 right to property, both under international standards
14 and international law, but also under US Constitutional
15 law and the Ohio Constitution.

16 In terms of challenging that all the way up
17 through an appeals process in the Ohio courts it just
18 simply hasn't yet. Nobody has been able to fight the
19 battle. It's takes a lot of financial resources and
20 when you're up against a large company like these
21 operators it becomes next to impossible for a landowner
22 to wage such a battle in the courts.

23 In addition to the unitization problem with
24 regard to the taking of private property in violation of
25 human rights standards and US law, we also see the
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1 taking, the eminent domain taking, of property for
2 pipelines. And I want to be clear that this is not
3 exclusively for natural gas pipelines but an important
4 part of the natural gas industry is also the plastics
5 industry. So natural gas liquids in the transport of
6 ethane,, to ethane crackers. So then the natural gas
7 liquids can be used in plastics production.

8 Kinder Morgan, an operator that was building
9 such a pipeline for the purpose of producing plastics in
10 Canada, filed 130 eminent domain cases to take private
11 property for the purpose of transporting natural gas
12 liquids to be made into plastics by one company in
13 Canada. So, again, the taking of public property for
14 private use, for clearly private use.

15 I'll move on from the taking of private
16 property and, again, I'm going to quickly go over some
17 of these because I feel like I can't speak to them as
18 well but they definitely are the case here.

19 So the right to respect for private and family
20 life.

21 Testimony I submitted with my Amicus Brief
22 detail how landmen repeatedly pit families against one
23 another to secure leases and this results in immense
24 turmoil. And it can be immediate families. It can also
25 be extended families, but it's a strategy that is
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1 certainly used and it's used deliberately. And this
2 would be in violation of Article 12 of the Universal
3 Declaration of Human Rights.

4 The right to peaceful assembly and
5 association.

6 People who have been impacted by the oil and
7 gas industry, I submitted testimony by Ray Kimball, Jill
8 Hunkler, Leotta Harper and Kerry Bond, have all had
9 statements made to them saying that their lives are at
10 risk because of their outspoken behavior against the
11 impacts they are suffering under oil and gas. So that
12 is certainly a human right that is threatened in this
13 current environment here in Ohio.

14 Procedural rights.

15 And, again, as an attorney practicing in Ohio
16 I can speak more here to my experience as well in
17 witnessing this taking place regularly. So some of the
18 things that the Aarhus Convention establishes is that
19 the public has a right to easy access to a wide array of
20 environmental information. To be informed of all
21 projects impacting their environment. And an
22 opportunity to participate during the decision-making
23 and legislative process. And judicial or administrative
24 remedies if the state fails to adhere to environmental
25 law or the rights to information and participation in
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1 decision-making.

2 So the Freshwater Accountability Project, who
3 I'm representing here today, regularly uses public
4 records requests to access information and citizens who
5 know to do so often will do so as well, but one thing
6 that they run up against here in Ohio is that they have
7 no rights, no legal right to ask for particular
8 information. They may only ask for specific readily
9 identifiable documents.

10 So people are often in the situation where
11 they know the information they're trying to get and they
12 can't figure out the words to, with reasonable clarity,
13 identify a document, a specific document, that would
14 contain that information.

15 And so then the agency under Ohio law is
16 required to work with the individual to help them
17 identify such documents but that can look as simply as
18 here's a list of the way we keep records or, you know,
19 very vague assistance.

20 It also can be abused by the agency if the
21 agency does not want to be forthcoming with information.
22 The requester has no way of verifying how helpful an
23 agency is or is not being. And this is a huge hurdle
24 for those trying to educate themselves on what's
25 happening in their communities.

1 There's also just simply no centralized area
2 where you can find out what's going on in your
3 community. You can't go online and log in to the Ohio
4 Department of Natural Resources web site and suddenly
5 figure out the pipeline going in down the street from
6 you, who is putting that in and what type of pipeline it
7 is. It's extremely difficult to get that information.

8 And it takes you, often times, going to the
9 Ohio Department of Natural Resources only to be pushed
10 over to the Ohio EPA or the Ohio Department of
11 Transportation. And citizens are often trapped in this
12 position of staying on the phone for hours going from
13 agency to agency without anyone being able to provide an
14 answer.

15 This is supported by previous testimony
16 presented by attorney Rick Sahli in Ohio at the Ohio
17 Citizens Tribunal. And it also demonstrates how -- and
18 Rick spoke to, and I can also speak to, that those
19 documents that are not appealable or do not have direct
20 implications for legal recourse are often not made
21 available on the Ohio Department of Natural Resources
22 web site, whereas those that you can't do anything with
23 legally will be.

24 And so that is just another hurdle of ways
25 that it's difficult for individuals to find out when a
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1 permit is being issued. To find out how to challenge
2 that permit.

3 And then in terms of access to justice and the
4 right to equality and nondiscrimination in environmental
5 matters you have whole another issue. So even if you
6 are able to access the information in order to access
7 justice, typically you need an attorney and, quite
8 frankly, most of the people who are impacted by this
9 industry simply do not have the funds sitting around to
10 secure one. And that leaves them without legal
11 recourse.

12 And non-profit groups can do their best but
13 they are limited in what they can provide just in terms
14 of they themselves are stretched thin, which leaves
15 poorer individuals unable to access justice whereas
16 wealthier individuals may have a chance to be able to.
17 Indeed those cases that we have seen be fought in the
18 Ohio legal system are by wealthier individuals.

19 Even individuals who are able to retain
20 counsel, so I give the example here of a firm that I
21 previously worked for, Fair Shake Environmental Legal
22 Services, opened its doors in Ohio with the intention of
23 providing legal services on environmental matters to
24 modest means clients. And they've done an excellent job
25 of representing individuals who otherwise would not have
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1 access to representation and I followed in those foot-
2 steps with my own firm.

3 Even when that is taking place people who are
4 able to receive representation through people like
5 myself or Fair Shake Environmental Legal Services run up
6 against the problem of experts. So you're up against
7 oil and gas companies who have a seemingly endless
8 budget to refute your case and you're there with so few
9 resources to provide an excellent defense.

10 So we're talking about someone who is facing
11 problems in their home from a compressor station, for
12 example, to get just the noise study to find out what
13 the levels of noise are that are causing people to lose
14 sleep, that are causing heart palpitations, a study like
15 that can be as much as \$30,000.00. These are folks who,
16 you know, don't make \$30,000.00 in a year. How are they
17 ever supposed to be able to pay for something like that.

18 And the same can be true for people who are
19 suffering from health effects, other health effects
20 other than those brought about by noise. Getting the
21 air canisters out there to do the testing is expensive.

22 One would think that the government, so the
23 ODNR, the Ohio Department of Natural Resources or Ohio
24 Environmental Protection Agency, could step in and
25 provide those resources. But what we find is Ohio
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1 Department of Natural Resources has sole authority over
2 oil and gas in Ohio so they often -- first of all
3 they're underresourced. So they don't step in.

4 Secondly, they have a bias towards the oil and
5 gas industry so they do not step in. And that results
6 in you can't use the government agencies to then collect
7 the data for you that would be helpful in legal
8 recourse. So citizens are really left without the
9 ability to access justice when they are harmed by this
10 industry which is a violation of numerous, numerous
11 standards of procedural human rights.

12 So I'm not sure how I'm doing on time so I --
13 if there are any questions I want to be clear feel free
14 to interrupt me or to follow-up.

15 But in terms of how to respond to what is
16 happening with oil and gas development in Ohio, it is
17 warranted that states and non-state actors be held
18 responsible and liable for the violations to human
19 rights that are taking place.

20 So in the Guiding Principles on Business and
21 Human Rights it states that states should enforce laws
22 that are aimed at or have the effect of requiring
23 business enterprises to respect human rights and
24 periodically to assess the adequacy of such laws and
25 address any gaps.

1 That they ensure that other laws and policies
2 governing the creation and ongoing operation of business
3 enterprises, such as corporate law, do not constrain but
4 enable business respect for human rights.

5 And that they provide effective guidance to
6 business enterprises on how to respect human rights
7 throughout their operation as well as encourage and,
8 where appropriate, require business enterprises to
9 communicate how they address their human rights impacts.

10 Here in Ohio the state is doing the opposite.
11 It's predominantly looking the other way. When
12 government receives, when ODNR, when Ohio EPA, receives
13 complaint after complaint they either do not have the
14 resources or the will to respond frequently.

15 DR. THOMAS KERNS: This probably is a
16 good time to start tying it up a little bit Megan.

17 MS. MEGAN HUNTER: I kind of agree.

18 DR. THOMAS KERNS: We want to have time
19 for questions from judges too.

20 MS. MEGAN HUNTER: Okay. So I would just
21 say that I would recommend and the Freshwater
22 Accountability Project recommends a moratorium on all
23 unconventional oil and gas development and a holding
24 that Ohio, Pennsylvania and the US government
25 responsible and liable for the violation of human right
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1 recognized and protected under international law as well
2 as damages issued to the impacted public.

3 So I am happy to answer any questions.

4 MR. GILL BOEHRINGER: Gill Boehringer.
5 I've got a couple of questions. Just a simple one
6 because I missed it.

7 What is the name of the legislation, the one
8 where the 65% they can take your --

9 MS. MEGAN HUNTER: It's a statute in
10 Ohio. We refer to it as the Forced Unitization Statute
11 but it's 1509.28, ORC 1509.28.

12 DR. THOMAS KERNS: Similar statutes are
13 operative in other states, is that right?

14 MS. MEGAN HUNTER: That's correct. I am
15 of the opinion that Ohio's is distinguishable from those
16 statutes in other states just because of that 65% number
17 is lower than you have in other states. And also the
18 units here are larger so there's no cap on units.

19 So you don't see units that are that big in
20 Pennsylvania, for example. You wouldn't see a thousand
21 acre units.

22 DR. THOMAS KERNS: And it was a surprise
23 to me it almost sounded like you said that those units
24 could be sort of gerrymandered in a way. They could
25 sort of be picked to help --

1 MS. MEGAN HUNTER: Well, right. And
2 indeed they are but I mean the unit it does -- it has
3 to reflect truly what they are intending to develop and
4 there has to be a unit plan for development that clearly
5 lays out, you know, where the wells will be and where
6 the laterals will be. So all of that will have been
7 submitted.

8 And, indeed, often well pads are -- they can
9 be constructed and are constructed prior to such a
10 unitization order being granted. So you could have your
11 permit for construction granted, you could go ahead and
12 construct that permit, even though you need that
13 unitization order to be able to develop that well.

14 And I think that is just speaks to how much a
15 rubber stamp and a done deal this already is.

16 MR. GILL BOEHRINGER: Couple of other
17 points. So what you're saying is that in a sense, I
18 mean to conceptualize it, this is the kind of private
19 eminent domain but it's not -- but eminent domain is
20 another one that they used and they've bastardized that
21 by taking property for private corporations for private
22 use and profit.

23 Two systems that they use both look kind of
24 like eminent domain but they're not and they're
25 unconstitutional. And I'm wondering -- well, let's say
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1 I'm surprised that that hasn't been challenged. I mean
2 it seems fairly clearly unconstitutional although that
3 doesn't mean the courts would call it such.

4 MS. MEGAN HUNTER: Right. Well, I think
5 several things are happening there. I think that, you
6 know, the definition of what constitutes a public use
7 has been creeping in US law. So that is one issue. But
8 here I do think it's distinguishable in terms of this
9 clearly being for private use.

10 In terms of why it hasn't been seen in the
11 courts it's because of this appeal process is my
12 understanding is that you have -- if you have that first
13 hurdle of an administrative appeal process before you
14 can even access the state court, people often settle at
15 that administrative level and so then it never gets to
16 the next level.

17 MR. GILL BOEHRINGER: And from what you
18 say my understanding is then that really what we call in
19 Australia and other places just legal aid there is
20 significant funding for community law centers, this
21 isn't really happening in the states?

22 MS. MEGAN HUNTER: Well we absolutely --

23 MR. GILL BOEHRINGER: Sorry. I was just
24 wondering or if it does has austerity ventured onto the
25 scene and the funding dried up?

1 MS. MEGAN HUNTER: So there's definitely a
2 strong legal aid system here in the US. In terms of how
3 austerity has impacted that funding I can not speak to
4 that.

5 I know it certainly has impacted that in the
6 criminal sector in terms of the public defenders it's
7 hurt their funding.

8 What we find with environmental law and
9 representing individuals on these types of matters is
10 legal aid simply doesn't have the expertise or the time.

11 If I'm working some of these environmental
12 cases it's all my time has gone to almost one case. And
13 in a situation with legal aid you just have so many
14 matters that people have to handle.

15 And even here with people, with attorneys who
16 are working for pay, local attorneys (1) often lack the
17 environmental law experience to bring these cases or (2)
18 they have too many connections with the industry to be
19 willing to bring these cases.

20 And that's something I didn't speak about in
21 detail but the dependence of local attorneys in these
22 small rural communities on the natural gas industry is
23 very real.

24 MR. GILL BOEHRINGER: So there's no
25 reason, in principle, why legal aid couldn't take on
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1 these cases.

2 And this is important because people are
3 saying, oh well, we just give more resources and so
4 forth. But I mean resources are limited and in a sense
5 that sector of the legal profession has a practical
6 dilemma. They basically cannot do environmental cases
7 because it takes so much time and effort and energy and
8 they're going to lose anyway.

9 So they do other kinds of cases, criminal
10 cases, et cetera, which seems to be very deserving and
11 don't take up -- they are not a sponge. They don't
12 take up all the resources. So it is a practical matter.

13 MS. MEGAN HUNTER: I would say so.

14 MR. GILL BOEHRINGER: Not by any law or
15 regulation that prevents environmental legal aid.

16 MS. MEGAN HUNTER: Correct, at least
17 that's my understanding.

18 MR. GILL BOEHRINGER: It's interesting.
19 I went to Hastings College of the Law, but some years
20 ago, but we never even heard of the environment or
21 environmental law.

22 You're talking about lawyers who don't know
23 anything about environmental law. Presumably a lot of
24 those lawyers who would have gone to, shall we say, the
25 smaller or less well-known law schools.

1 Is environmental law a big subject in the more
2 wealthy or prestigious law schools?

3 MS. MEGAN HUNTER: I'm not sure if I would
4 classify it that way. I think it's a niche area of law
5 that has a growing interest.

6 So you have some law schools that have
7 actually developed up around that very topic. So I went
8 to Vermont law school that is known for that specific
9 topic.

10 You know, sure, some of the Ivy League law
11 schools are better known for it but, you know, I think
12 here in Ohio you've got a great law school that is a
13 state school but it's just -- environmental law is not a
14 big focus of their program.

15 So I think it's more just because it's a niche
16 area of the law and it's only now becoming more
17 important to people.

18 MR. GILL BOEHRINGER: But, again, the
19 curricula may reflect the industrial taxation issues in
20 a particular state.

21 MS. MEGAN HUNTER: It absolutely does.

22 MR. GILL BOEHRINGER: It's not surprising
23 to me that Vermont -- does Bernie Sanders have anything
24 to do with it?

25 That Vermont has a law school that
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1 concentrates on environmental law whereas Ohio does not.

2 MS. MEGAN HUNTER: Right. And I think
3 Vermont also, you know, it has no fossil fuel resources
4 so they don't have that industry exactly. And, yeah, I
5 think that's the main point.

6 One other point is that law schools do have
7 free legal clinics where they provide legal services.
8 If you look at such clinics in West Virginia, for
9 example, the funding for these clinics specifically
10 states that they will not do certain types of work,
11 including direct attacks on fossil fuel industry work,
12 mining in particular.

13 MR. GILL BOEHRINGER: This is university
14 law schools or state law schools.

15 MS. MEGAN HUNTER: Yes.

16 MR. GILL BOEHRINGER: And they're
17 restricted, the legal aid clinics are restricted from
18 taking these kinds of cases.

19 MS. MEGAN HUNTER: So, in those cases,
20 it's not a legal aid. It is a clinic associated with
21 the law school that, yes, has restrictions on it.

22 And I know that University of Pittsburgh's law
23 school also has similar restrictions on their law
24 clinic.

25 DR. THOMAS KERNS: This might also be
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1 something that we could explore this afternoon with
2 judges and attorneys.

3 So we do need to move on to the next
4 presentation.

5 Wow! Thank you. Thank you.

6 MR. GILL BOEHRINGER: Thanks.

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8 [youtube.com/watch?v=nng1KaqHeNc]

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