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Environmental Affairs Law Review

Boston College Law School

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Environmental Affairs Law Review

SPRING SYMPOSIUM

9/20/05—The Boston College Law School Environmental Affairs Law Review is pleased to present its 2005 Fall Symposium, Environmental Law’s Path Through the Fourth Estate: Environmental Law and the Media, which will take place on Thursday, October 6 from 2 p.m. to 5:30 p.m. in the East Wing building, Room 400. The symposium is free and open to the public, and will explore themes such as the global warming story, changes in the orientation of modern media from public information to “infotainment,” and hands-on practical media advice for environmental lawyers.

“The Press plays a decisive role in virtually all public policy debates, creates the public context of most significant environmental court cases, and frames the information that shapes public opinion and governmental decisions,” says BC Law professor Zyg Plater, who helped organize the event. “The media, both print and electronic, can be a great asset or a frustrating obstacle to attorneys in most of the many fields of environmental law. This symposium is a great opportunity to examine how information is gathered by the media and transmitted into the political and legal process, while exploring how the media succeeds or falls short in accomplishing its societal role — and how modern environmental attorneys can use a better understanding of the media process in daily environmental practice as well as in enhancing efforts to shape public policy.”

The first panel will explore the interaction between law and media in the context of the global warming issue. Panelists will then focus on evaluating the success and failures of the modern media in informing the public and the political process in the environmental context. Finally, the symposium will provide hands-on advice to current and future attorneys on how to work with the media in order to achieve the client’s goals.

This symposium was designed with both lawyers and non-lawyers in mind, and is expected to provide useful guidance for those in the fields of communications and journalism as well as law.

The symposium is co-sponsored by the Boston College Environmental Law Society. For more information, please contact Roz Kaplan, B.C. Law Reviews Manager, at kaplanr@bc.edu.

Panel Discussions

Global Warming: A Case Study

Matthew Pawa  
Plaintiff’s Attorney in Land Trust Global Warming Law Suit
Jim Milkey  
Chief of Environmental Protection Division, Office of the Massachusetts Attorney-General
Beth Daley  
Boston Globe environmental reporter
Moderator: Seth Kaplan
Conservation Law Foundation

Modern Media’s Environmental Coverage
Jane Akre
Steve Wilson
*Ex-Fox News reporters*
Zyg Plater
*Boston College Law School*
Phil Shabecoff
*Founder of Greenwire & fmr. New York Times environmental reporter*
Moderator: Rusty Russell
*BC Law, Tufts U., fmr. reporter and Conservation Law Foundation attorney*

**How Attorneys Can Be Effective With the Media**
John Stanton
*National Environmental Trust, Washington*
Charlotte Ryan
*Boston College and University of Massachusetts-Lowell*
Moderator: Anne Kelly
*BC Law, Creative Resolutions, Inc., former head of OAG Environmental Strike Force*

**Speaker Biographies:**

**Seth Kaplan** is Senior Attorney and Director of CLF's Clean Energy & Climate Change Program. A native of Rhode Island, Seth worked as a real estate and environmental attorney in New York City before his return to CLF, where he had previously worked as a law student. Seth is a graduate of Wesleyan University and Northeastern University School of Law.

**Matthew Pawa** is a litigator who has represented governments, non-profit groups, citizens and small businesses in a wide range of environmental, constitutional, and antitrust cases, including class actions and individual cases. He conceived of and developed the global warming case for eight States, the City of New York and two non-profit groups that was filed in July, 2004 against five major power companies that emit large quantities of greenhouse gases.

**James R. Milkey** currently serves as an Assistant Attorney General and is Chief of the Environmental Protection Division (EPD) of the Massachusetts Office of the Attorney General. In that capacity, he directs the environmental litigation involving the Commonwealth and its agencies. He recently argued to the D.C. Circuit Court of Appeals a lawsuit seeking to force the E.P.A. to regulate greenhouse gas emissions, along with several cities, states, and conservation organizations.

**Beth Daley** is an environmental reporter for the Boston Globe. Since 2000, she has reported on various issues including 9/11, the war in Afghanistan, the space program, in addition to her work on global warming. This is her third turn with the Boston Globe - she worked there while a student at Northeastern University, and then later as a feature writer before returning in her current position. She has also worked at the Newburyport Daily News, taught English, and worked overseas in Sri Lanka.

**Jane Akre and Steve Wilson** are journalists with almost fifty years of combined experience in investigative reporting. They left their positions with Fox news after Fox news managers and their lawyers pressured them to deliberately distort a news story-and then fired them after he resisted. They fought back with a landmark lawsuit against Fox Television. In 2000, a jury was unanimous in its decision that the changes the journalists resisted amounted to "a false, slanted or distorted news report" and they awarded Akre $425,000. This verdict was overturned on appeal, however, on the grounds that the "FCC's news distortion policy is not a 'law, rule, or regulation' under under the whistle-blower's statute" and therefore Fox could not be held liable.

**Phil Shabecoff** is a journalist and author who, for the past 28 years, has focused on environmental policy. After 32 years with The New York Times in a wide variety of reportorial assignments, he left in 1991 to found Greenwire, an electronically distributed daily environmental news digest. He now writes books and articles and serves as an advisor on environmental issues.
Zygmunt J. B. Plater is Professor of Law at Boston College Law School, teaching and researching in the areas of environmental, property, land use, and administrative agency law. Over the past 25 years he has been involved with a number of issues of environmental protection and land use regulation, including service as petitioner and lead counsel in the extended endangered species litigation over the Tennessee Valley Authority's Tellico Dam, representing the endangered snail darter, farmers, Cherokee Indians, and environmentalists in the Supreme Court of the United States, federal agencies, and congressional hearings.

Rusty Russell works with regional nonprofit organizations and agencies on matters that connect environmental law, policy and communications. During the 1990s, he was an attorney and then director of communications for the Conservation Law Foundation, a New England-based environmental advocacy organization. Since 1997, he has taught graduate and undergraduate courses in environmental policy and law at Tufts, Brown, and Boston Universities, and the University of Massachusetts; energy regulation at Boston College Law School, and property law at Northeastern University School of Law. He holds a B.A. in history from Amherst College, and a J.D. from Harvard Law School.

Anne Kelley is an environmental attorney and certified mediator with 15 years of experience managing complex cases on behalf of state and federal environmental agencies. As Director of the Massachusetts Environmental Strike Force, Anne managed a multi-agency enforcement team designed to target high profile environmental violators. Anne has settled numerous inter-agency conflicts as well as disputes between government entities and private parties. Anne has facilitated stakeholder groups seeking to reach consensus on regulatory matters and has taught environmental law at Tufts University, Boston College Law School and New England School of Law.

John Stanton is a Vice President at the National Environmental Trust, a non-profit, non-partisan organization with expertise in public education, governmental affairs, environmental law, and investigative research. Formerly Legislative Counsel at the US Environmental Protection Agency and a New Jersey Deputy Attorney General, John also served as Environmental Counsel and Environment Committee Director at the National Conference of State Legislatures. He earned his J.D. at Georgetown University Law School and clerked for Judge Edward Beglin.

Charlotte Ryan is a sociologist whose research focuses on the interaction of mass media and the growth of social movements. With William A. Gamson, she co-directs the Media Research and Action Project which has pioneered community-university partnerships promoting participatory communication. She teaches at the University of Massachusetts Lowell.