

How the Project Unfolded Over Time | April 25, 2019



By Kristina Sinclair

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As a returning clinical student, I have had the unique opportunity to work on this project for two semesters, overseeing the project from start to finish. During this period, I witnessed the scope of our representation expand dramatically as we learned more about our client’s long-term goals. I also saw first-hand how our strategies for achieving the client’s goals changed over time.

In the following section, I discuss the major developments of this project in more detail. Through the hyperlinked visuals and explanations, I aim to demonstrate how this project evolved over time.

INITIAL QUESTION: What are the inert ingredients?

When we started working on this project in fall 2018, we focused on the client’s **initial question**: What are the inert ingredients in Rodeo® and Polaris®? To answer this question, we first researched what ingredient information about the herbicide products was publicly available. (**Step 1**). We then researched other potential sources of ingredient information. (**Step 2**).

Although we were not able to find a list of the inert ingredients in each herbicide product, we were able to provide other helpful information about the chemical composition and health hazards of the products. (**Step 3**). After revealing this information to the client, we learned that our client’s ultimate goal was much broader than we had initially thought; she wanted to recover damages for the injuries she had suffered as a result her exposure. (See **Question 2**). Accordingly, our research objectives and strategies expanded dramatically in spring 2019.

Despite these changes, we also continued to research the inert ingredients in the spring semester. Since we had already exhausted all the potential sources of ingredient information (see **Step 2**), we decided to try chemically reformulating the products at an analytical laboratory. (**Step 4**).

SECOND QUESTION: Can our client recover damages?

During our second semester on the project, we researched whether our client could recover damages for injuries she suffered as a result of the utility’s past spraying. We first researched if there was a statute of limitations of which we should be aware. (**Step 1**).

During a phone call with the client about upcoming deadlines, she informed us that there might be another pesticide spraying in her area in the next couple months. To prevent additional harm to our client, we began to research how to stop future pesticide applications on the client’s property. (See **Question 3**).

We then researched if there were any experienced tort firms located near our out-of-state client who would be willing to take this case on a contingency basis. (**Step 2**). After we found an interested firm, we began to researched what evidence the client would need if she decided to pursue legal action. (**Step 3**).

THIRD QUESTION: Can our client stop future sprayings?

To help the client stop future sprayings, we first researched the utility company’s pesticide policies to see if there were alternative ways to maintain the client’s property. (**Step 1**). We also looked at the pesticide programs of other local utility companies to find other methods of preventing additional exposure to the client. (**Step 2**). Finally, we sent the client a recommended course of action for future negotiations with her utility regarding upcoming sprayings. (**Step 3**).

CLIENT’S INITIAL QUESTION

What are the inert ingredient in Rodeo and Polaris?

Our client was exposed to herbicide residue after her utility company sprayed herbicides on her property without notice. As a result of her exposure, she suffered serious medical injuries for several months, and she was concerned about the potential long-term health risks of her exposure. She contacted ELC to help her identify the inert ingredients in the two herbicide products to which she was exposed.

CLIENT'S SECOND QUESTION

Can our client recover damages?

After presenting our findings to the client, our client indicated that she might want to recover the financial and medical damages she has suffered as a result of her exposure. Consequently, we spent part of our second semester on the project looking into our client’s legal options under state tort law.

STEP 1

What are the relevant time constraints?

We first researched the relevant statute of limitations to determine whether our client faced any upcoming deadlines that required urgent action. We then informed our client of her future deadlines.

Question 3 arose.

STEP 2

Who can serve as local counsel?

After we confirmed that the client still had ample time to pursue legal action, we proceeded to find local tort firms that could adequately represent her. To find local attorneys with expertise in this field, we asked environmental organizations in the state for recommendations.

STEP 3

What does our client need to prove to succeed?

After finding an interested tort firm, we gathered all the information we had received from the client and prepared a summary of the key facts and events. We also drafted a memo for the client outlining her potential legal claims, and the evidence she would need to successfully establish each claim if she decided to pursue legal action with the interested firm.

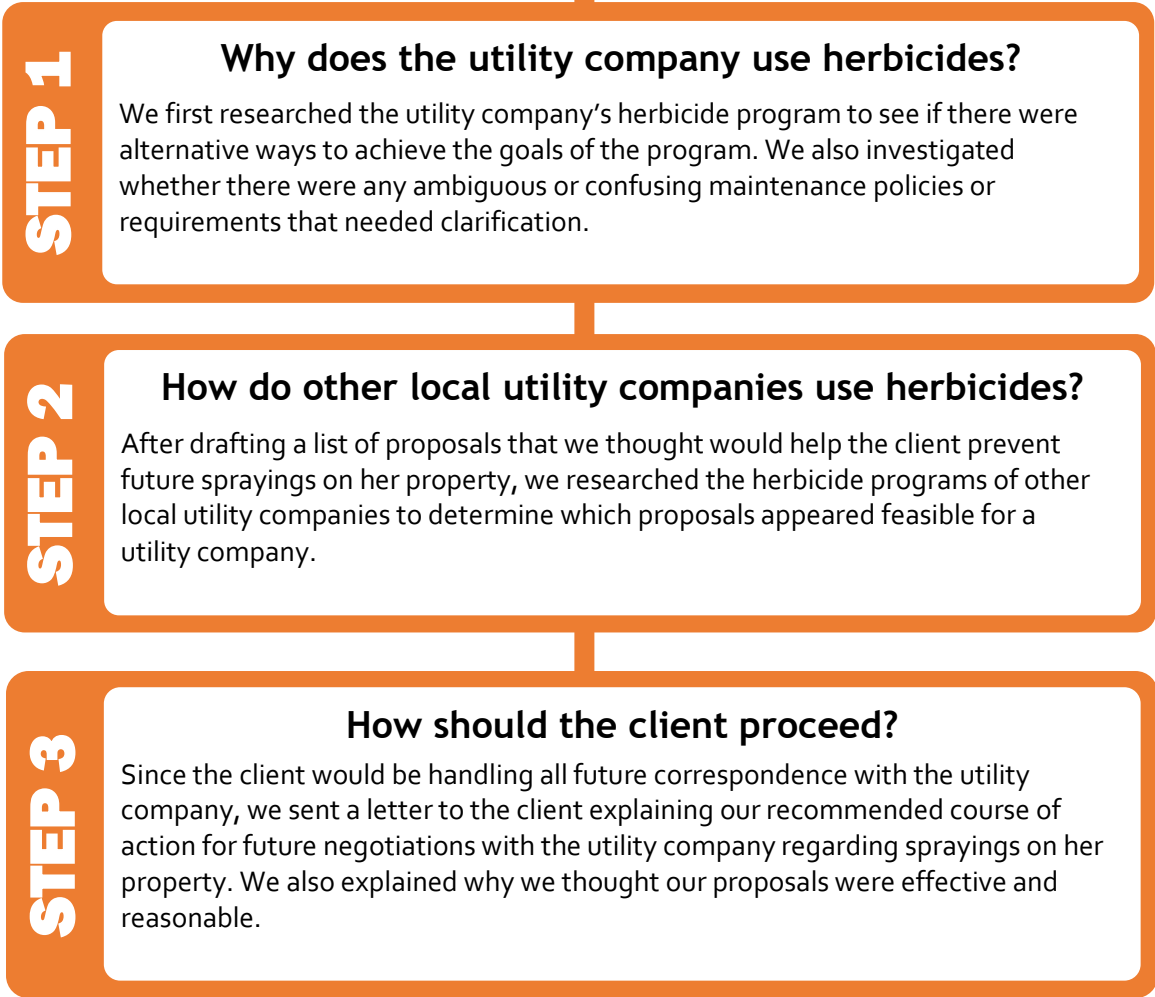


End of Second Semester

CLIENT'S THIRD QUESTION

Can our client stop future sprayings?

During a phone call with the client, she informed us that there might be another pesticide spraying in her area in the next couple months. To prevent additional harm to our client, we began to look into her options for stopping future pesticide applications on her property.



End of Second Semester

LAWYERING LESSONS

This case demonstrates how to identify the potential legal and factual issues and gaps in a client’s complicated life problem. It also highlights the importance of approaching a client’s problem with curiosity, flexibility, and creativity. By thinking expansively about our client’s problem, rather than focusing narrowly on the initial question presented to us, we were able to provide better legal advice to our client and advocate for her interests more effectively.