

Introducing A New Section

This issue of UNM Law presents news from the Natural Resources Program and the Utton Transboundary Resources Center. Two pages will be set aside in every issue for student profiles, features and other goings-on. The Utton Center Report is available online at uttoncenter.unm.edu.

Rebecca Roose Finds Career Niche in Washington, D.C.



Rebecca Roose was in the 8th grade when she decided to become an environmental lawyer. Midway through her first year of law school, she knew she wanted to work in the environmental nonprofit community and not in a courtroom. She worked on the Natural Resources Journal and earned a Natural Resources certificate. Every year during law school, she attended the Equal Justice

Works public career fair in Washington, D.C. and spent her summers there, clerking for environmental groups.

Upon graduation in 2004, she took a job with Public Employees for Environmental Responsibility, which she discovered at the career fair and for whom she clerked during law school. The small Washington, D.C.-based nonprofit is a resource for city, state and federal government employees who work in environmental and natural resources agencies.

“We provide support for whistleblowers in an agency, such as the EPA or a state department of environmental quality,” she says. “Hopefully, they don’t have to go so far as to blow the whistle, that the problem can be resolved before that.”

As program director and staff attorney, Roose is in charge of investigating and researching campaigns that result from employees’ phone calls to her office. Those campaigns typically involve sending press releases to the media as a way to get the word out about wrongdoing or harassment. Since joining the nonprofit a year ago, Roose has primarily worked with a coalition of other environmental and public health organizations,

investigating charges that the Bush Administration has manipulated scientific facts and suppressed the scientific research of federal scientists.

She is learning about web development, fundraising and often conducts intakes from employees who call to report problems. In that last role, she has been ever thankful for her clinical rotation at the UNM School of Law, a requirement she tried to circumvent, knowing that she didn’t intend a traditional law practice. She resented working in the clinic and praises Assistant Professor Carol Suzuki for putting up with her.

“I had no idea that my community lawyering clinic would pay off in just my first year out of school,” says Roose. “At any given moment, the phone can ring with an employee on the verge of a nervous breakdown for what they have to endure at work. They expect me to be their counselor, attorney and friend, all within 30 seconds of introducing myself. I have learned how to listen and make them feel comfortable speaking with me, despite the fear instilled in them at the office.”

Even though she does not spend her time in a courtroom, every day Roose relies on her legal education, which has helped her understand the framework within which her employees work, how government operates, interpret and carry out environmental legislation and communicate with public employees or colleagues.

“I learned to listen and more effectively share information,” she says. “Law school helped me express myself better, gear information toward my audience and draw information I need out of my audience.”

Field Trip Highlights Natural Resources Issues

Law professors from across the country attended the Natural Resources Law Teachers Conference, sponsored by the Rocky Mountain Mineral Law Foundation, in Santa Fe. As part of the three-day conference in June, the Utton Transboundary Resources Center organized a day-long field trip, which included a presentation on Indian Law by UNM Law Professor John LaVelle, discussions with fire experts regarding fires and their impacts in the Los Alamos area, along with visits to the Valles Caldera National Preserve and Bandelier National Monument, where participants explored cliffside ruins. At Zia Pueblo, the professors enjoyed lunch and a presentation by Tribal Administrator Peter Pino on the pueblo’s gypsum mine. The final stop was along the Rio Grande, where Brian Bader, manager of the restoration division of Santa Ana Pueblo’s Department of Natural Resources, explained the pueblo’s efforts to keep the water table at a level favorable to plants native to the area.



Exploring the ruins at Bandelier National Monument



Brian Bader shows the results of Santa Ana Pueblo’s bosque restoration efforts.

Law School Gatherings

Workshop Addresses Bosque Restoration

Scientists, professors, land managers and environmental professionals gathered at the UNM School of Law last May for the Second Annual Bosque Restoration Workshop, sponsored by the Utton Transboundary Resources Center.

The day-long workshop continued the work of the first gathering a year earlier, during which Cliff Crawford, UNM professor emeritus of biology, and Sterling Grogan, biologist with the Middle Rio Grande Conservancy District, presented a proposal for habitat restoration projects in the Rio Grande bosque. During the 2005 workshop, specific guidelines were developed that focused primarily on preventing catastrophic fire and creating wildlife habitat, while minimizing water depletion of the river.

More than 35 agencies are involved in issues concerning the bosque that stretches between Cochiti Dam and Elephant Butte Lake. The Utton Center was asked to help facilitate the discussion among these groups – in sharing information and making sure that restoration funding is being used wisely. The resulting guidelines will help land managers design projects and promote bosque restoration without increasing water use.

For more information on the bosque workshops, contact Susan Kelly at 277-0514 or skelly@law.unm.edu.

Border Governors Water Table Created

At a summer meeting of the Border Governors, a bi-national group of 10 states on either side of the Mexico-United States border, the Water Table subcommittee was created to establish a work program and method for discussing and resolving water-related issues along the border.

Marilyn O’Leary, director of the Utton Transboundary Resources Center, was appointed to represent New Mexico on the Water Table, and she will work with New Mexico officials and those of the other states on issues such as groundwater and development of a bi-national system of water information. The goal is to ascertain how the six Mexican states and the four U.S. states can work together to further mutual objectives in the exchange of water data and expertise.

Given the differences in water management between the two countries, Water Table members won’t be discussing issues such as water deliveries under international treaties or water allocation. In Mexico, the federal government manages water allocation, whereas, in the U.S., state law governs water allocation.

But the Water Table can address other issues, such as the need for joint groundwater modeling and monitoring, which is envisioned in a pending bill sponsored by U.S. Sen. Jeff Bingaman.

O’Leary is excited about the possibilities: “The recent settlement between New Mexico and Texas regarding payment of the Mexican water debt to Texas under the 1944 Water Treaty has helped the states put aside some of their differences,” says O’Leary. “As a result, I am hoping the Water Table will be able to make good progress.”

Utton Center and State Bar sponsor CLE

The Utton Transboundary Resources Center and the Natural Resources, Energy and Environmental Law Section of the State Bar of New Mexico co-sponsored the Second Annual Water Policy CLE at the UNM law school last May. UNM Law Professor Denise Fort spoke about federal and state responses to the drought and UNM Associate Professor of Economics Janie Chermak discussed the effect of rate policy on water use. Tim De Young (’90), a partner with Modrall Spering, moderated a panel regarding the New Mexico Active Water Resource Regulations. Fred Abramowitz (’82), with Abramowitz, Franks & Stroud and D.L. Sanders (’85), chief counsel with the New Mexico State Engineer, presented the final version of those regulations, which are intended to guide the state in managing water allocations during times of short supply even in unadjudicated basins. Water lawyers provided the perspective of various water use sectors, such as agriculture, the pueblos, municipalities and rural domestic users.

Another topic discussed was the draft stream adjudication rules, presented by Judge Jerald Valentine, chair of the New Mexico Supreme Court’s Ad Hoc Stream Adjudication Rules Committee. The committee was established in October 2002 to make recommendations to the court concerning procedural rules for water litigation and adjudications in state courts. An adjudication is the judicial determination of the quantity and priority of all individual water rights to a common source of water. All claims must be brought together in one lawsuit and each claimant must have notice and an opportunity to be heard before a court fixes its water rights. Cases are typically complex with thousands of water rights claimants.



Tim De Young (’90) discusses water regulations. Other panelists are, Adrian Oglesby (’00) and Tessa Davidson (’95).

Marilyn O’Leary Attends Stockholm Event

Marilyn O’Leary, director of the Utton Transboundary Resources Center, participated in the 2005 World Water Week in Stockholm last August. She moderated a panel that was part of a seminar titled, “Transboundary Water Governance as a Manifestation of a Dialogue.”

The World Water Week is the leading annual global meeting place for the world’s diverse water community. It includes the Stockholm Water Symposium, topical plenary sessions and panel debates, scientific workshops, independently organized seminars and side events, along with exhibitions. Participants come from more than 100 countries and represent the business, civil society, governmental, inter-governmental, science and water management sectors.