

Clinical opportunities for ASL students just got a bit sunnier. This semester, ASL launched a Solar Live Client Clinic project whereby students will provide legal and regulatory work associated with the deployment of community-scale solar energy. This *pro bono* legal work is part of ASL's contribution to a 15-member Virginia college consortium whose project was selected for an \$800,000 grant under the Department of Energy's *Solar Market Pathways* program. Started in 2011, the goal of the program is to double renewable energy generation for a second time by 2020. In all, 15 "SunShot" projects to advance solar deployment across the U.S. were awarded for 2015.

Professor Buzz Belleville, who is ASL's representative for the grant consortium and who is supervising the Solar Live Client Clinic, sees a significant amount of legal work associated with community scale solar installations. Such work includes understanding local building or zoning ordinances that could affect a project, and dealing with utility company policies that vary greatly depending on the service area where the project is located. There are multiple transactional structures that can be utilized based on this information, an analysis that is made more complicated for non-profit entities by the challenges in trying to capture the tax incentives associated with solar investments. Depending on the structure chosen, there would be the need to draft contracts, prepare regulatory filings, negotiate with local utilities, find investors, or create separate legal entities to own the panels.

"The legal and regulatory barriers can be so daunting that many projects die in the planning stage," Belleville said. "If we can help communities and non-profit entities overcome those barriers, we could really make a significant contribution to the region."

For now, the focus is on serving the 15-college consortium. The Virginia college consortium's project will draw on expertise from select faculty and staff at participating institutions, eliminate duplication of effort and create a streamlined, replicable process for institutions to plan for, acquire and implement solar energy systems on their campuses. Students at participating institutions will contribute their time and effort to the program.

While some schools will contribute expertise in engineering or financing, Belleville hopes that the Solar Live Client Clinic allows ASL students to be the lawyers for the project.

When the amount of legal work associated with a community solar project is multiplied by 15 ready-made clients, it is easy to see that there is enough solar energy legal work to keep law students busy for the next three years. The Solar Live Client Clinic allows ASL both to capitalize on the *Solar Market Pathways* grant by providing educational opportunities to its students, and to serve the grant participants and help the consortium meet its solar deployment goals.

Clinical student Ross Chapman (Class of 2016) appreciates the synergy between the opportunity presented by the *Solar Pathways* grant and the real world training that he is receiving through the Live Client Clinic: “The grant has provided an opportunity for a clinical project where we students are able to apply the substantive knowledge we have gained from our studies to real world transnational situations. It gives us a taste of the importance of what we are doing and what we will be doing as lawyers. This project and its follow-on activities are particularly interesting because we are not only watching an industry evolve but we are actively engaging in pushing the regulatory landscape to keep pace with energy innovations.”

Professor Belleville, who has worked with the team of Virginia colleges on the grant proposal since May, calls the opportunity a significant “windfall” for the School. “Quite apart from the DOE grant, we’ve been working on the legal and regulatory barriers to solar energy deployment in southwest Virginia for more than a year,” Belleville explained. “In addition, we are always seeking to expand and enhance our natural resources law offerings as well as clinical opportunities for the students. When you put those things together, and then this grant opportunity came along, the Live Client Clinic was a perfect fit.” Natural Resources Program Director and Professor Pat Baker says the solar law expertise will be pivotal in elevating greater awareness of the Program.

The Live Client Clinic also enhances ASL’s commitment to community service. While the Clinic students will initially be providing services that will benefit the 15 participating colleges, Belleville hopes that the work they are doing will allow them to serve communities and non-profits throughout the Appalachian region. He sees an absence of legal expertise in this area of the law and in this region of the country, a vacuum that the Live Client Clinic can fill: “I was talking with one southwest Virginia County that wants to install a solar system, and they had actually retained an attorney from Buffalo to work their way the legal and regulatory morass.”

For students whose academic schedules this semester do not allow them to meet the full requirements for Live Client Clinic credit, they can receive community service credit by helping with the grant work.

Though the grant project is just getting started, ASL students enrolled in the Solar Live Client Clinic have already begun cataloguing ordinances in the 15 different localities to identify building or zoning restrictions or incentives that could affect solar installation in those communities, examining the policies of the various utility companies for barriers to such efforts, and making sure they understand state and federal any incentives that exist for solar projects.

Down the road, the consortium will also use its group purchasing power to leverage price reductions for hardware and installation services, and create a learning network accessible by other organizations considering solar power. ASL clinical students will be prepared to discuss transactional structures with individual colleges, file required documents with the State Corporation Commission, and draft the contracts associated with installation at a particular campus. “The solar clinic is an excellent opportunity to experience the practical application of an interesting legal issue,” explains clinical student Taylor Hay.

The range of practical experience available extends even further. Recently, Phillip “Bucky” Blevins (Class of 2016) organized meetings with state delegates and senators in Richmond to discuss ways to remove barriers to solar energy deployment in southwest Virginia. Blevins explained, “Organizing and leading a trip to the Capitol to support legislation that would level the playing field for Southwest Virginia’s solar industry is an opportunity that any law student with an eye turned towards a career in public service and politics would drool over—I was lucky enough to do just that as a student at The Appalachian School of Law.” The lobbying effort, also attended by 2L Paul LaBarr, 1L Megan Barger, Professor Belleville, and a couple students from another grant-participating school, Roanoke College, has paved the way for an agreement with the local utility that will hopefully make solar deployment more cost effective for the grant colleges in southwest Virginia.



Phillip Blevins and Paul LaBarr, both ASL Class of 2016, on a recent lobbying trip to the State Capitol.



Professor Belleville, Phillip Blevins (Class of 2016) and Megan Barger (Class of 2017), meet with ASL alum and current State Delegate Jeff Campbell (Class of 2000), second from the left.

The 15 colleges in collaboration are Appalachian School of Law, Bridgewater College, Eastern Mennonite University, Emory & Henry College, Ferrum College, Hampton University, Hollins University, Lynchburg College, Mary Baldwin College, Marymount University, Randolph College, Roanoke College, Shenandoah University, Virginia Union University and Washington & Lee University. All are members of the Council of Independent Colleges in Virginia (CICV).

Ultimately, the case studies and lessons learned from the *Solar Market Pathways* project will provide examples that can be replicated—an important step towards making solar deployment faster, easier, and cheaper across the country, which is a major goal of the SunShot Initiative. The fifteen 2015 grantees include not-for-profits, utilities, industry associations, universities, and state and local jurisdictions in California, Illinois, Minnesota, New York, Utah, Virginia, Vermont, Wisconsin and Washington, D.C.

One clinical student who appreciates the perspective that the grant and the clinical work has afforded is Paul LaBarr (Class of 2016): “After a forty-year career in driving resources for business advocacy groups, it has been fascinating to watch how different facets of the law affect the passage of seemingly simple policies. ASL has afforded me the opportunity to be engaged at the front lines in the battle to advance solar power for non-profit institutions in Virginia. Attending law school at the age of 60 has given me the knowledge, skills, and focus for a new chapter in my life.”

Phillip Blevins and Paul LaBarr, both
ASL Class of 2016, on their lobbying
trip to Richmond