

Selecting the Right Wind Energy Attorney

Selecting the right attorney to assist citizens in the defense of their rights, is an EXTREMELY important part of the process. Without the right attorney, the likelihood of success is severely reduced.

As a *minimum* we recommend personally meeting with and interviewing at least four interested lawyers. When interviewing perspective attorneys the objective is to try to accurately rate them on their:

- 1) willingness to be a team player to help their client (you) win this fight, *and*
- 2) industrial wind energy competence, *and*
- 3) opposition to wind energy as a matter of principle (not as a business opportunity), *and*
- 4) genuine support for citizen's rights (e.g. property rights, Home Rule, etc), *and*
- 5) aggressiveness and creativity in their legal strategies, *and*
- 6) affordability.

Below are twenty questions that should be carefully discussed in each interview:

Some Questions To Ask Attorneys Who are Applying for the Job of Assisting Your Community with Wind Energy Matters

- 1 - What percentage of your business involves energy issues? What percentage of your business involves wind energy matters?
- 2 - Have you ever worked for wind energy developers? [If yes: get specifics.]
- 3 - What communities in our state have you worked for on wind energy matters? [Please provide references for each.]
- 4 - Based on you and your associates' knowledge of wind energy realities, is your firm officially and adamantly opposed to all industrial wind energy development in our state, as a matter of principle?
- 5 - Our view of the best way to succeed in this significant challenge is to take a Teamwork approach. Our expectation is that the attorney will be one member of a Team comprised of various pertinent experts. This Team will be report to the Town Supervisor/County Chairman. Do you have any problem being a member of such a Team?
- 6 - How familiar are you with the WiseEnergy.org website, and particularly their **Key Documents** page? Do you have any objections to anything there?

- 7 - Do you believe that a top-quality local regulatory wind ordinance is our community's best first line of defense against the threat of wind energy development? If not, then what is a better first line of defense?
- 8 - In your view, does the strongest legal basis for a protective wind ordinance come from the State Constitution, State Statutes, or State Court Cases?
- 9 - What local wind ordinances in our state did you play a significant part in creating?
- 10-Since there will be some education on your part to get up-to-speed on this highly technical matter, how will you bill us for the education portion?
- 11-In your opinion, what is the best local wind ordinance in our state that you are aware of?
- 12-On page 20 of the [Model Wind Ordinance](#), eleven (11) objectives are identified as the goals of a community's quality regulatory wind ordinance. Which, if any, of those do you **not** fully agree with? Are there any additional objectives that you believe should be added?
- 13-What is your overall view about our existing (and/or proposed) local wind ordinance? [This assumes the you have an existing or proposed wind ordinance.]
- 14-What is your opinion of the strongest and weakest parts of our existing (and/or proposed) local Wind Ordinance? [Please provide specifics for each.]
- 15-Are you comfortable defending the Town/County if we are sued by the developer (e.g. claiming that our local wind ordinance is arbitrary and capricious). [Please explain.]
- 16-In our situation what do you think about us passing a Moratorium (to give us time to enact a proper wind ordinance)?
- 17-If we do pass a Moratorium, what is the best way to do it to make it most defensible against any objections by the wind developer?
- 18-If local citizens have to sue their local representatives to get them to fulfill their obligations, what is your familiarity with the [Federal 1983 Statute](#)?
- 19-What is your fee structure for legal assistance with finalizing our ordinance?
- 20-What is your work load and current availability?