

# Selecting the Right Wind Energy Attorney for You

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

As a *minimum* we recommend personally meeting with and interviewing at least two 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 some questions that should be carefully discussed in each interview. The questions will vary depending on whether the citizens are considering legal action against their community, or against the wind developer:

## **Some Questions To Ask Attorneys Who are Applying for the Job of Assisting Citizens with Local 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 experience do you have on the legal issues being adjudicated (e.g. contract law)? [*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. [*Note: this Team will report to the hiring citizen.*] Do you have any problem being a member of such a Team?
- 6 - As a Team player with this highly technical matter, we would expect that you would work closely with other experts. Who are the top 5 experts who are most knowledgeable about wind energy, and who are on our side?

- 7 - How familiar are you with the [WiseEnergy.org](http://WiseEnergy.org) website, and particularly their **Key Documents** page? Do you have any objections to anything there?
- 8 - Since there will be some education on your part to get up-to-speed on this highly technical matter, will you bill us for your education?
- 9 - In your view, does the strongest legal basis for a protective wind ordinance come from the State Constitution, State statutes, or State court cases?
- 10-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?
- 11-What local state wind ordinance did you play a significant part in creating?
- 12-What is the best state local wind ordinance that you are aware of?
- 13-On page 20 of the [Model Wind Ordinance](#), twelve (12) 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?
- 14-What is your overall view about our existing (and/or proposed) local Wind Ordinance? [*This assumes that there is such an ordinance.*]
- 15-What is your opinion of the strongest and weakest parts of our existing (and/or proposed) local Wind Ordinance? [*Please provide specifics for each.*]
- 16-What is your proposed strategy for getting our community to enact a more protective Wind Ordinance?
- 17-In our situation what do you think about our Town passing a Moratorium (to give us time to enact a proper Wind Ordinance)? [*If this is applicable.*]
- 18-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? [*If applicable.*]
- 19-If we have to sue our Town representatives for not acting responsibly, how do you feel about making that a Federal [1983 Action](#)?
- 20-What is your fee structure for legal assistance (e.g. with improving our Wind Ordinance, the Article 10 procedure, and a possible court case)?
- 21-What is your work load and current availability?