

# Selecting the Right Wind Energy Attorney for Your Community

Selecting the right attorney to assist citizens of a community 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 Commissioners Chairman. Do you have any problem being a member of such a Team?
- 6 - 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?

- 7 - Since there will be some education on your part to get up-to-speed on this highly technical matter, will we be billed for your education?
- 8 - 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?
- 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-What local wind ordinances in our state did you play a significant part in creating?
- 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](#), 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?
- 13-What is your overall view about our existing (and/or proposed) local Wind Ordinance? [*This assumes your community has an existing/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 the legal consequences of 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 regarding wind energy?
- 20-What is your work load and current availability?