Every year in October, the California State Bar Environmental Law Section hosts a three-day conference on the outskirts of Yosemite, attracting prominent lawyers, advocates, and public officials from all over the state. This past weekend, at the traditional Saturday night banquet, famed climate activist Bill McKibben was the speaker. Unfortunately at the last minute he couldn’t attend in person, but in his videotaped remarks, he commented on all the good things California is doing on the environment. However, he urged attendees to stop the state from taking a leading role in fracking, the destructive process of harvesting and then burning the last drops of oil and gasps of natural gas from underground rock.

McKibben could be forgiven for not realizing that there were a number of lawyers in the room who are dedicated to helping their oil and gas clients frack to their hearts’ content. After all, it is an “environmental” law conference, right? McKibben is not the first outside speaker at the conference to make that mistake. And he’s probably not the first person to hear someone introduce themselves as an environmental lawyer and assume that he or she is working to protect the environment, when in fact that person is working with clients who are hurting the environment.


Is this an “environmental” activity?

The problem is the terminology. “Environmental” sounds benign, and it’s closely linked to “environmentalism,” which people associate as a movement to protect the environment. But calling a lawyer dedicated to helping their client frack (or pollute generally or stop environmentally beneficial projects) is like calling Kim Jong Un an expert in human rights law and policy.

Given the dynamic, it’s time to change the name of this legal field to a term that is less value-laden and misleading. My pick would be to rename it “resources” law. While many lawyers in the field associate “resources” with only one aspect of the practice, namely the forest and mineral-type part of it, there’s no reason the term needs to be defined so narrowly. Ultimately, everyone in this profession is fighting over natural resources, whether it’s air, land, chemicals, or water. And members of the general public would not assume that a “resources” attorney is either doing protective or destructive work when it comes to the environment.

I don’t mean to propose this change out of a sense of righteousness. After all, I fill up my gas car at Chevron; my carbon footprint is probably bigger than most people on Earth. And the law schools where I work are not immune to this criticism: our

“environmental” law courses are training a significant number of students to counsel clients involved in damaging the environment.

But I believe words matter and that we have an obligation to be honest with the public and Bill McKibbens of the world — let alone ourselves. After all, when I get my gas at Chevron, I don’t tell everyone that I’m engaging in an “environmental” activity. And lawyers should stop pretending the same about what happens in this field.