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## Fighting for Environmental Justice: The Life and Work of Professor Eileen Gauna

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## Tribute

# **FIGHTING FOR ENVIRONMENTAL JUSTICE: THE LIFE AND WORK OF PROFESSOR EILEEN GAUNA**

By Clifford J. Villa\*

Among the many fans of Emerita Professor Eileen Gauna, I probably have one of the thinnest claims to the honor of composing this tribute, having only spent one year with Professor Gauna before her official retirement from the University of New Mexico (UNM) law faculty in 2016. And yet, I would not be here on the UNM law faculty were it not for Eileen Gauna. As you will see, she has made such a difference in my life, as perhaps she has made in yours.

Many readers have known Eileen for much longer than me, some of you going back together for decades. Still, few people probably know the full story for why Eileen so deserved the Fighting For Justice award bestowed upon her in 2017. And that is probably by Eileen's design. Eileen once told me that in the world of environmental justice, "[a]s a lawyer, law professor, or other trained ally to the endeavor, you don't seek the limelight. Communities should speak for themselves." Michael Olivas—the venerated Latino legal scholar and "accidental historian"<sup>1</sup>—once told Eileen that she hides her light under a bushel. Today, it is time to let her light shine.

As the saying goes, Eileen Gauna came from modest beginnings in and around Moriarty, New Mexico.<sup>2</sup> One of eight siblings, Eileen was the daughter of Willie—a janitor, and Josephine—a cook and cleaner of hotel rooms, who later worked for President Johnson's "war on poverty" as a community worker. From her father, Eileen learned to appreciate nature, camping and fishing along Santa Rosa Lake, and raising a variety of farm animals.<sup>3</sup> From her mother, as well as

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\* Assistant Professor, University of New Mexico School of Law. Professor Villa originally presented this tribute as introductory remarks for Professor Gauna on April 14, 2017, on the occasion of her recognition as the recipient of the 22nd annual Fighting For Justice award from the UNM Mexican-American Law Student Association.

1. See *LAW PROFESSOR AND ACCIDENTAL HISTORIAN: THE SCHOLARSHIP OF MICHAEL A. OLIVAS* (Ediberto Román ed., 2017).

2. Most of this background follows from an interview between the author and Professor Gauna on April 9, 2017. She was born in Vaughn, New Mexico, but moved to Moriarty at age five, where she attended school.

3. As a young child, she had charge of five sheep, a goat, and a variety of chickens and rabbits—and later in her teens, a horse named Sugar. The memory of Sugar and Sugar's colt would later make an appearance in her Property I class when describing the rule of increase.

VISTA<sup>4</sup> volunteers in Torrance County, Eileen developed values for public service and social justice. When it came time for college at UNM, Eileen explored interests in sociology and psychology, and deepened her appreciation for nature with a Wilderness Experience course that sent her backpacking into the Pecos Wilderness and, as she described it, “turned me into a hippie.”

After college, Eileen Gauna worked for a time as a legal secretary for four local attorneys—“my boys,” she calls them—who encouraged her to consider law school. Figuring that if they could do it, she could do it, she did. After taking a pre-law summer program through CLEO (the Council on Legal Educational Opportunity),<sup>5</sup> Eileen enrolled at UNM School of Law and later tutored for the same pre-law program the next summer.

As a law student, Eileen took Contracts with Robert Desiderio, Criminal Law with Leo Romero, Civil Procedure with Rob Schwartz, Constitutional Law with Ruth Kovnat, Family Law with Ted Occhialino, and Business Associations with a young new professor, Alfred Mathewson. Dean Mathewson now remembers Eileen then as an “outspoken activist for change,” with a knack for persuading faculty members to adopt educational reforms.<sup>6</sup> New Mexico Supreme Court Justice Barbara Vigil, a member of the same UNM School of Law Class of ‘85, remembers Eileen as more of a “quiet leader,” both funny and serious, and always kind.<sup>7</sup> Eileen herself remembers those law school days most fondly as a proud “MALSERA,” serving as secretary and later president of the very same student organization, the Mexican-American Law Student Association (MALSA), which presented her with the 2017 Fighting For Justice award. If you ever have the chance, ask Eileen about the “hell of a *matanza*” they threw one year in the Manzano Mountains. . . .

After law school, a friend convinced Eileen to apply for a clerkship with the New Mexico Supreme Court, because “all it costs you is a stamp, Eileen!”<sup>8</sup> Of course, she got the job and clerked for Justice Mary Walters, whom Eileen described as “no nonsense,” perhaps just like herself. At the Court, Eileen learned that she didn’t want to do criminal law, but had an affinity for “deal” cases (as in “deals gone wrong”), which led eventually to work in property transactions with the erstwhile Poole law firm. While the Poole law firm would not survive, Eileen’s friendship with another young firm associate, Ruth Pregonzer, has endured and remains cherished by Eileen to this day.<sup>9</sup>

Before leaving the firm, Eileen caught the teaching bug through experiences including guest appearances back at the law school and special

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4. *VISTA Volunteers In Service To America*, AMERICORPS, <https://www.nationalservice.gov/programs/amicorps/amicorpsvista> [<https://perma.cc/XKC4-NTLW>].

5. For further information on CLEO and CLEO programs today, see CTR. ON LEGAL EDUC. OPPORTUNITY, INC., <https://cleoinc.org/> [<https://perma.cc/E4PG-JJ4Q>].

6. E-mail from Alfred Mathewson, Co-Dean, University of New Mexico School of Law, to author (Apr. 6, 2017) (on file with author).

7. Interview with Barbara Vigil, Justice, New Mexico Supreme Court (Apr. 6, 2017).

8. Conversation between Eileen Gauna and Terry Storch, who would later become an excellent public defender.

9. Interview with Ruth Pregonzer, Of Counsel, Pregonzer, Baysinger, Wideman & Sale, PC (Apr. 10, 2017).

encouragement from Professor Michael Olivas.<sup>10</sup> On the occasion of Eileen's receipt of the Fighting For Justice award, *Don Miguel* provided these words:

I have adored Eileen for many years, since she came across my radar as she was entering law teaching. . . .

I have always found her engaging, scary smart, and a wonderful friend and confidante. When Tina and I return to NM, she and a small circle of UNM law friends and we get together to swap lies and other stories, and to correct the record: Antoinette [Sedillo-Lopez], Peter [Winograd], Gloria [Valencia-Weber], and others, including my brother Sean [Olivas]. . . . *Cuates all*, they form one of the many reasons we will return to Santa Fe and live our next phase, as we slip into retirement.

I do hope I will remain retired longer than the six months that Eileen did—she appears to be the firehouse dog who keeps chasing after fire engines. Her winning this recognition burnishes the [Fighting For Justice] award, in my eyes.<sup>11</sup>

One day back at the law firm, with encouragement from Michael, Eileen phoned up Peter Winograd for advice on how to enter the world of law teaching.<sup>12</sup> Peter directed Eileen to the annual conference hosted by the American Association of Law Schools—affectionately known to law teaching applicants as the “Meat Market.” While her heart might have been set on our UNM School of Law, Eileen determinedly applied and interviewed with a range of law schools, and soon found herself moving to Los Angeles to join the faculty of Southwestern Law School.

In her years at Southwestern, 1991 to 2006, Eileen fully blossomed into Professor Gauna, a renowned scholar of Environmental Justice.<sup>13</sup> Among other things, Professor Gauna developed one of the first law school seminars in environmental justice and, through her influential writings, succeeded in expanding understandings of the nature of environmental injustices in environmental regulation. Professor Gauna was one of the first legal scholars to highlight the connection between air pollution regulation and disparate impacts on poor and minority communities.<sup>14</sup> She was one of the first to examine the inadequate regulation of pesticides that caused troubling exposures to younger farmworkers in

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10. Professor Michael Olivas routinely ran a workshop for attorneys considering entering legal education at the National Hispanic Bar Association conventions. It was at one of these workshops that Eileen first met him.

11. E-mail from Michael A. Olivas, Interim President, University of Houston-Downtown, to author (Apr. 8, 2017) (on file with author).

12. Interview with Peter Winograd, Emeritus Professor of Law, University of New Mexico School of Law (Apr. 6, 2017).

13. For an introduction to the concerns of environmental justice and Prof. Gauna's scholarship in this area, see Eileen Gauna, *An Essay on Environmental Justice: The Past, The Present, and Back to the Future*, 42 NAT. RESOURCES J. 701 (2002).

14. See Eileen Gauna, *Major Sources of Criteria Pollutants in Nonattainment Areas: Balancing the Goals of Clean Air, Environmental Justice, and Industrial Development*, 3 HASTINGS W.-N.W. J. ENVTL. L. & POL'Y 379 (1996).

the fields, including infant children taken to the fields by their parents.<sup>15</sup> She was also one of the first advocates that addressed these injustices through the exercise of authorities from both environmental law and civil rights.<sup>16</sup> Not surprisingly, when one of the first modern casebooks on environmental justice was proposed, Professor Gauna was immediately asked to join as co-author.<sup>17</sup>

While Professor Gauna's academic career was succeeding beyond bounds, readily earning her tenure at Southwestern, her personal life brought other challenges. In Los Angeles, a divorce coincided with news of a sister who fell terminally ill.<sup>18</sup> And so, while still holding her faculty appointment at Southwestern, Professor Gauna moved back to New Mexico to be with her sister, continuing to commute to L.A. for classes each week. After keeping up this commute across time zones for three years, Professor Gauna began teaching at UNM law as a visiting professor. Later that same year, 2006, she was invited to join the tenured faculty at UNM School of Law.

At UNM, Professor Gauna instructed a generation of fortunate law students in Practicum, Property I and II, Administrative Law, Environmental Law, Introduction to Natural Resources and Environmental Law, Energy Law, Environmental Justice, Climate Change Law, and eventually a writing seminar exploring the intersections among environmental justice, climate, and disasters. She served as faculty advisor for the Environmental Law Society and her beloved MALSA, providing students with the tools to solve their own problems, while touching more lives than she can ever know.<sup>19</sup>

She coached the UNM Environmental Law Moot Court team for the annual competition at Pace University,<sup>20</sup> and she mentored junior faculty. Professor Alex Ritchie, as a "brand new oil and gas law professor, . . . was assigned an office right next to Eileen, the extremely prominent environmental law professor. . . ." He wondered, and then concluded:

Was the law school trying to mix oil and water? Maybe, but I have never had a more influential mentor. Eileen sacrificed her time and provided me with her wise counsel on a daily basis. . . . In fact, I have learned more from her about teaching, scholarship, and service than any other person.<sup>21</sup>

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15. See Eileen Gauna, *Farmworkers as an Environmental Justice Issue: Similarities and Differences*, 25 ENVIRONS ENVTL. L. & POL'Y J. 67, 69 (2002).

16. See Eileen Gauna, *EPA at Thirty: Fairness in Environmental Protection*, 31 ENVTL. L. REP. 10528 (2001).

17. For the latest edition, see CLIFFORD RECHTSCHAFFEN, EILEEN GAUNA & CATHERINE O'NEILL, ENVIRONMENTAL JUSTICE: LAW, POLICY & REGULATION (2d ed. 2009).

18. Her sister was Jeanne Gauna, co-founder and one time director of the SouthWest Organizing Project.

19. Interview with Natalie Zerwekh, Judicial Clerk, New Mexico Supreme Court (Apr. 12, 2017).

20. See *The Jeffrey G. Miller National Environmental Law Moot Court Competition*, PACE L., <http://law.pace.edu/jeffrey-g-miller-national-environmental-law-moot-court-competition> [https://perma.cc/2TDZ-WDS7]. The Jeffrey G. Miller National Environmental Law Moot Court Competition is hosted each year by the Elisabeth Haub School of Law at Pace University.

21. E-mail from Alex Ritchie, Associate Professor, University of New Mexico School of Law, to author (Apr. 10, 2017) (on file with author).

Over time, Professor Gauna served on almost every faculty committee including Admissions, Appointments, and Curriculum. She also served two years as Associate Dean, where she was co-chair of the “Self-Study” committee that helped prepare the school for a successful American Bar Association (ABA) visit that would assure UNM School of Law’s ABA accreditation for another seven years.<sup>22</sup>

As if all that wasn’t enough, Professor Gauna continued fighting for environmental justice through an astounding array of state and national initiatives. On the state level, for example, Professor Gauna took a leave of absence from teaching in order to serve as a consultant to the New Mexico Environment Department and conducted listening sessions across the state in order to learn about and report on environmental justice concerns in New Mexico.<sup>23</sup> Professor Gauna also served for many years on the board of directors for the New Mexico Environmental Law Center<sup>24</sup>—where even now, in her “retirement,” she continues to serve as vice president and supports direct legal efforts to achieve environmental justice in our state. Similarly, she also served for several years on the board of the New Mexico Center on Law and Poverty,<sup>25</sup> continuing the fight for social justice in different arenas.

On the national level, Professor Gauna carried the fight for environmental justice to all corners of the country, chiefly through participation on the Environmental Protection Agency’s (EPA) National Environmental Justice Advisory Council (NEJAC).<sup>26</sup> Through four terms on the NEJAC, between 2000 and 2010, Professor Gauna served alongside national luminaries including Robert Bullard, the “Father of Environmental Justice,”<sup>27</sup> the late Luke Cole, founder of the Center on Race, Poverty, and the Environment,<sup>28</sup> Professor Richard Lazarus, now

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22. UNIV. OF N.M. SCH. OF LAW, SELF STUDY (2014).

23. ALL. FOR TRANSP. RESEARCH INST., FINAL REPORT: A REPORT ON ENVIRONMENTAL JUSTICE IN NEW MEXICO (2004), <https://www.env.nm.gov/NMED/EJ/Documents/NMEDFinalReport-Dec07-04.pdf> [<https://perma.cc/8CX6-64G5>]; JUDITH M. ESPINOSA & EILEEN GAUNA, ENVIRONMENTAL JUSTICE BACKGROUND REPORT FOR THE NEW MEXICO ENVIRONMENT DEPARTMENT (2004), <http://archives.elpalacio.org/cdm/ref/collection/p267801coll5/id/355> [<https://perma.cc/SAB9-JU7D>].

24. See generally N.M. ENVTL. L. CTR., <http://www.nmenvirolaw.org/> [<https://perma.cc/NZ5W-UY5V>].

25. See generally N.M. CTR. ON L. & POVERTY, <http://nmpovertylaw.org/> [<https://perma.cc/VW24-RCDA>].

26. For information on the NEJAC’s past and continuing activities, see *National Environmental Justice Advisory Council*, Subheading to *Environmental Justice*, U.S. ENVTL. PROTECTION AGENCY, <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council> [<https://perma.cc/UGV4-MH74>].

27. For a profile of Dr. Bullard, see DR. ROBERT BULLARD FATHER OF ENVIRONMENTAL JUSTICE <http://drrobertbullard.com/> [<https://perma.cc/29RZ-3UYH>]. For one classic introduction to the work of Dr. Bullard on environmental justice, see ROBERT D. BULLARD, *DUMPING IN DIXIE: RACE, CLASS, AND ENVIRONMENTAL QUALITY* (3d ed. 2000).

28. Tragically, after achieving so much for poor and minority communities afflicted by environmental degradation, Mr. Cole was killed in a car crash in Uganda in June 2009. *Luke Cole, Court Advocate for Minorities, Dies at 46*, N.Y. TIMES (June 10, 2009), <http://www.nytimes.com/2009/06/11/us/11cole.html>. For an introduction to Mr. Cole’s early, pioneering work addressing the connection between poverty and environmental injustice, see Luke W. Cole, *Empowerment as the Key to Environmental Protection: The Need for Environmental Poverty Law*, 19 *ECOLOGY L. Q.* 619 (1992). According to Professor Gauna, it is this classic article that set the tone for much of her work; Luke Cole

at Harvard Law School,<sup>29</sup> and our own Richard Moore from Albuquerque, the once and current chair of the NEJAC.<sup>30</sup> Through NEJAC, Eileen participated in “toxic tours,” visiting some of the most heartbreaking cases of environmental injustice in the United States. She visited the notorious cancer clusters collectively known as “Cancer Alley” in Louisiana<sup>31</sup> and other lesser known areas where contaminated water and toxic air emissions were suspected culprits in a range of rare medical problems afflicting many in low-income communities of people of color. In response, Gauna worked closely with others in drafting several reports to the EPA Administrator,<sup>32</sup> documenting the range of injustices but also suggesting solutions.

In time, the EPA invited her to sit on a high-profile advisory committee to investigate environmental applications of the Civil Rights Act Title VI,<sup>33</sup> which generally prohibits discrimination by any recipient of federal funds.<sup>34</sup> In a highly charged political setting, and with repeated attempts by members of Congress to gut EPA’s civil rights initiative with appropriations riders, the Title VI Implementation Advisory Committee managed to complete its investigation and report.<sup>35</sup> In connection with her work on this committee, Professor Gauna and

admonished professionally trained allies to support—not displace—the voices from the grassroots. This proved to be challenging in the highly technical area of environmental regulation, where the tendency is to defer to lawyers and scientists.

29. For more on Prof. Lazarus, see *Faculty*, HARVARD L. SCH., <http://hls.harvard.edu/faculty/directory/10509/Lazarus> [<https://perma.cc/4F5F-QRFP>]. Among many other credits, Prof. Lazarus authored of one of the earliest and most influential works of legal scholarship on environmental justice. See Richard J. Lazarus, *Pursuing “Environmental Justice”: The Distributional Effects of Environmental Protection*, 87 NW. U. L. REV. 787 (1993).

30. ENVTL. PROTECTION AGENCY, NAT’L ENVTL. JUSTICE ADVISORY COUNCIL, LIST OF MEMBERS BY STAKEHOLDER CATEGORY 1 (2016), [https://www.epa.gov/sites/production/files/2017-02/documents/nejac\\_member\\_list.pdf](https://www.epa.gov/sites/production/files/2017-02/documents/nejac_member_list.pdf) [<https://perma.cc/JN45-AF8A>].

31. See Eileen Gauna, *The Environmental Justice Misfit: Public Participation and the Paradigm Paradox*, 17 STAN. ENVTL. L. J. 3, 33 (1998) (describing “Cancer Alley” as a collection of “rural African-American communities along a 100-mile stretch of the Mississippi River where over 125 oil and chemical giants discharge pollutants daily”).

32. See, e.g., NAT’L ENVTL. JUSTICE ADVISORY COUNCIL, RECOMMENDATIONS FOR NATIONALLY CONSISTENT ENVIRONMENTAL JUSTICE SCREENING APPROACHES (2010), <https://www.epa.gov/sites/production/files/2015-02/documents/gulf-coast-recomm-9-27-06.pdf> [<https://perma.cc/J7FL-HPR6>] (Eileen Gauna Co-Authored and Co-Chaired the NEJAC Working Group that prepared the report); NAT’L ENVTL. JUSTICE ADVISORY COUNCIL, INTEGRATION OF ENVIRONMENTAL JUSTICE IN FEDERAL AGENCY PROGRAMS (2002), <https://www.epa.gov/sites/production/files/2015-02/documents/integration-ej-federal-programs-030102.pdf> [<https://perma.cc/M58A-YQQS>] (Eileen Gauna served as a member on the drafting committee for the report); NAT’L ENVTL. JUSTICE ADVISORY COUNCIL, ENVIRONMENTAL JUSTICE IN THE PERMITTING PROCESS (2000), <https://www.epa.gov/sites/production/files/2015-02/documents/permit-recom-report-0700.pdf> [<https://perma.cc/8BF8-5ZFP>] (Eileen Gauna served as a member on the drafting committee for the report).

33. U.S. ENVTL. PROTECTION AGENCY, REPORT OF THE TITLE VI IMPLEMENTATION ADVISORY COMMITTEE: NEXT STEPS FOR EPA, STATE, AND LOCAL ENVIRONMENTAL JUSTICE PROGRAMS (1999), <https://nepis.epa.gov/Exe/ZyPDF.cgi/700002DI.PDF?Dockey=700002DI.PDF> [<https://perma.cc/7SZZ-W6PC>].

34. Civil Rights Act of 1964, 42 U.S.C. §§ 2000d–2000d-7 (2012). Section 601 of the Civil Rights Act of 1964 provides: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d (2012).

35. U.S. ENVTL. PROTECTION AGENCY, *supra* note 33.

Professor Lazarus provided trainings to community organizations on the potential uses of Title VI for the achievement of environmental justice in local communities. One legacy of these efforts is a current Title VI investigation of the cumulative impacts of air pollution on local residents of Albuquerque's South Valley, initiated by the New Mexico Environmental Law Center on behalf of the SouthWest Organizing Project.<sup>36</sup>

Reflecting on their years of collaboration on the NEJAC and Title VI Advisory Committee, Professor Lazarus observed:

Eileen's contributions were uniquely valuable. She brought to all of our debates and discussions a deep expertise in both civil rights and environmental law not found in other legal academics who tend to specialize in either civil rights law or environmental law. Eileen merged the two together in her work, which she joined with her personal passion to address the needs of those in low income and communities of color who were suffering from environmental contamination and natural resource degradation. Of course, environmental injustice still persists and much work remains to be done. But because of Eileen's scholarship, teaching, and public service, environmental justice is now a bedrock principle of environmental law and much progress has been achieved. It was a true privilege to work with her.<sup>37</sup>

As one final example of Professor Gauna's national pursuit of environmental justice, she was invited to join a brainstorming session on a new think tank for progressive scholars. As a result, Professor Gauna became one of the original members of the Center for Progressive Reform (CPR), a thriving non-profit research organization now based in Washington, D.C.<sup>38</sup> One of her distinguished colleagues at CPR recognized Eileen as "one of the pioneers in the field of Environmental Justice."<sup>39</sup> Through CPR, Professor Gauna helped produce a series of white papers for policymakers and the public,<sup>40</sup> including a paper

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36. Complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d and 40 C.F.R. Part 7, SouthWest Org. Project v. Albuquerque Air Quality Div. (Sept. 15, 2014), <http://nmenvirolaw.org/images/pdf/title-vi-complaint-9-15-14.pdf> [<https://perma.cc/QXD3-2QTX>].

37. E-mail from Richard Lazarus, Professor, Harvard Law School, to author (Apr. 12, 2017) (on file with author).

38. See *CPR Member Scholars*, CTR. FOR PROGRESSIVE REFORM (last visited Apr. 25, 2017), <http://progressivereform.org/scholarGateway.cfm> [<https://perma.cc/9UDN-G2B8>].

39. E-mail from Professor Joel Mintz, Nova Southeastern University Shepard Broad College of Law, to author (Apr. 4, 2017).

40. See Eileen Gauna et al., *CPR Perspective: Environmental Justice at Stake*, CTR. FOR PROGRESSIVE REFORM (2005), <http://progressivereform.net/perspEnviroJustice.cfm> [<https://perma.cc/RH8F-96VB>]; Eileen Gauna, Catherine O'Neill & Clifford Rechtschaffen, *Environmental Justice: White Paper 505*, CTR. FOR PROGRESSIVE REFORM (Mar. 2005), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2316439](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2316439) [<https://perma.cc/MM7X-AY6K>].

examining the justice implications of Hurricane Katrina.<sup>41</sup> In the process, CPR helped usher in the new area of legal study and practice known as Disaster Law.<sup>42</sup>

Disaster Law, in turn, connected me to Professor Gauna.

While I only recently joined the law faculty of UNM, I have secretly admired Eileen Gauna for many years. As an EPA attorney for two decades, I took Professor Gauna's writings on environmental justice to heart. I kept her EJ book<sup>43</sup> on my desk and sought to achieve environmental justice through my daily work in environmental enforcement. During my time with EPA Region 10 in Seattle, Washington, the NEJAC with Eileen Gauna held a national meeting in Seattle,<sup>44</sup> and I attended—sitting in the back row, too shy to introduce myself.

Later, after Hurricane Katrina and the Deepwater Horizon oil spill, my EPA work turned to emergencies and disasters. And I began teaching as an adjunct professor at Seattle University School of Law, with courses including Disaster Law.<sup>45</sup> In 2012, Seattle University sent me to a summer conference on Disaster Law in Berkeley, California.<sup>46</sup> Professor Gauna served on the planning committee for this conference, and she attended herself. And there, in line for the buffet lunch one day, I finally worked up the nerve to introduce myself to *the* Eileen Gauna. I was nervous, but her smile was disarming, and I managed to explain that I was from Albuquerque and would love to talk with her sometime about her work on environmental justice. She readily agreed and offered to meet for coffee sometime whenever I was back in Albuquerque.

I shortly took her up on her offer. We met at the Flying Star on Central Avenue. And we began a friendship and a conversation that continues today.

I wasn't fishing for a job. I really loved my work with EPA. But two years later, like Eileen in her later years at Southwestern, I found myself at a juncture in life, facing divorce and the growing feeling that I had accomplished all I could as an agency attorney. And then an angel from the 505 area code left a message on my phone.

As Eileen would tell it in her no-nonsense way, she was simply calling as a representative of the faculty appointments committee to invite me to submit an application for an anticipated opening on the UNM law faculty. "No guarantees," she said. She was helping to recruit promising individuals that would result in a strong pool of applicants for the faculty to consider. However, as my good Catholic

41. CTR. FOR PROGRESSIVE REFORM, AN UNNATURAL DISASTER: THE AFTERMATH OF HURRICANE KATRINA (2005), [http://www.progressivereform.org/articles/Unnatural\\_Disaster\\_512.pdf](http://www.progressivereform.org/articles/Unnatural_Disaster_512.pdf) [<https://perma.cc/FV73-D4SX>].

42. Some of Gauna's CPR colleagues proceeded to produce the first book on disaster law in 2006, with the book now in its third edition. *See, e.g.*, DANIEL A. FARBER, JAMES MING CHEN, ROBERT R. M. VERCHICK & LISA GROW SUN, *DISASTER LAW AND POLICY* (3d ed. 2015).

43. RECHTSCHAFFEN, GAUNA, & O'NEILL, *supra* note 17.

44. *See* U.S. EPA, Exec. Summary, Nat'l Envtl. Justice Advisory Council Meeting, Seattle, WA (Dec. 3–5, 2001), <https://www.epa.gov/sites/production/files/2015-06/documents/2001-12-nejac-meeting-summary.pdf> [<https://perma.cc/NJJ8-PKER>].

45. *See Faculty*, SEATTLE U. SCH. OF L., <http://law.seattleu.edu/faculty/profiles/adjunct/clifford-villa> [<https://perma.cc/2B9F-BSLQ>].

46. American Ass'n of Law Schools Workshop on Torts, Environment and Disaster, Berkeley, CA (June 8–10, 2012), [https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=SesDetails&ses\\_key=833F9D06-A104-4851-B1BD-61F643B7D612](https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=SesDetails&ses_key=833F9D06-A104-4851-B1BD-61F643B7D612) [<https://perma.cc/8QG9-F2F8>].

mother knew immediately, this was Divine intervention, calling me home to New Mexico to accept the mantle from Eileen Gauna, continue her instruction of students,<sup>47</sup> and carry on the fight she began for environmental justice.

I can't do everything she did, of course, and I doubt anyone can. But I can teach, and write, and advocate, and follow her lead as best I can while I find my own way to help other people. And that is what I'm sure Eileen would want for all of us, to continue fighting for justice with every energy and talent we can offer. And then we should go for a hike, putter in the garden, read some fiction, and cherish time with family.

Because there is more to life than the fight.

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47. In fact, the author did assume instruction of Prof. Gauna's classes in environmental law and environmental justice, and happily inherited her role as faculty advisor for MALSA and the Environmental Law Society.

