
Firm Helps Walden Woods Project Preserve Nature and History

2010-02-16

For nearly 20 years, WilmerHale has done pro bono work for the [Walden Woods Project](#), a nonprofit organization based in Lincoln, Massachusetts that seeks to preserve the woods surrounding Henry David Thoreau's former temporary residence, located near Walden Pond. In that period of time, the firm has provided the organization with more than \$1 million worth of legal services for more than a dozen real estate transactions.

"The Walden Woods Project does great and valuable work," says Real Estate Partner [Keith Barnett](#), who has led the firm's relationship with the organization for the last 12 years. The firm began working with the Walden Woods Project in 1990.

Founded by musician and environmentalist Don Henley, the organization's original goal was to protect the 2,680-acre Walden Woods from the development of an office building and a large-scale condominium project. The two projects posed such a significant threat to the area that the National Trust for Historic Preservation twice listed the woods as one of America's 11 most endangered historic places. Thoreau, who is often considered to be the father of environmentalism, lived there and gained inspiration from the surroundings while he wrote *Walden*.

"It was symbolic to the environmental movement as well as important as far as the actual benefit of preserving this area," says Barnett.

Soon after Henley formed the Walden Woods Project, he reached out to John Hamilton, a former chairman and managing partner of Hale and Dorr, for legal assistance. The firm agreed to do pro bono legal work for the organization on an ongoing basis.

Since then, dozens of attorneys—led by Hamilton and Barnett, as well as Real Estate Partner Kathy Bachman and Counsel [Susan Kincaid](#)—have worked with the organization as they have preserved almost 160 acres of land in Lincoln and Concord, Massachusetts in perpetuity.

"It's been satisfying because of the way the organization has gone about it," says Barnett. "They're not obstructionists, just trying to tie people up in legal knots so that they can't use their own land. Instead, they've gone out, raised money, and purchased interests in land—either acquiring land directly or acquiring conservation restrictions. They've made it worthwhile for people to give their property to the Walden Woods Project instead of doing something else with it."

The organization has also received many donations, in the form of property and conservation restrictions. Conservation restrictions, which are vested, perpetual property rights, prohibit development and keep land in its natural state. In Massachusetts, conservation restrictions require review and approval at both the local community level and the state level, and the firm has assisted the Walden Woods Project with these processes.

Besides helping the organization acquire conservation restrictions, WilmerHale has handled the legal aspects of acquiring acres of property, often assisting in the legal structuring necessary to put together the financing as well.

In addition, the firm helped the Walden Woods Project set up the Thoreau Institute, which maintains the most complete research collection on Henry David Thoreau in the world, including manuscripts and other materials produced by or about Thoreau. WilmerHale has assisted the organization in making arrangements to obtain private collections to be housed in the institute, where they can be accessed by scholars and the public. The Walden Woods Project also offers a variety of education programs at the Thoreau Institute that are designed for students, teachers and the general public.

For those attorneys who have worked with the Walden Woods Project over the years, there has been no greater pleasure than seeing the fruits of their labor through the protection of this beautiful area of New England.

“One of the things that appeals to me about doing real estate work is that there is a tangible result,” says Barnett. “I take great pride in seeing the tangible results of my work, whether it's a retail development, an office building, a hotel or some other type of project. But certainly preserving such a historic area in perpetuity is something that has tremendous significance. And I think the firm has generously supported these efforts because it sees the value in that, as well.”