

(b) (6)

EXPERIENCE

DEMOCRACY FORWARD FOUNDATION, WASHINGTON, DC

March 2018 – present

Managing Senior Counsel

Develop and prosecute affirmative environmental litigation at organization founded in 2017 to provide *pro bono* legal services in lawsuits against the federal executive, with a focus on highlighting corruption and responding to novel violations of law.

- **Government ethics and transparency:** Successfully challenged the Department of Interior's compliance with the Federal Advisory Committee Act when chartering advisory bodies related to fossil fuel extraction and international trophy hunting, including by obtaining a permanent injunction against dozens of policy recommendations for increased oil and gas development on public lands. *See, e.g., W. Org. of Res. Councils v. Bernhardt*, 412 F. Supp. 3d 1227 (D. Mont. 2019). Persuaded agency Inspectors General and scientific integrity bodies to investigate potential conflicts of interest and other alleged wrongdoing. Robust FOIA practice, including participation in related rulemaking.
- **Strategic litigation:** Work with conservation community to craft lawsuits addressing unorthodox violations of the APA and other federal laws. Representative examples include:
 - Challenge to the Department of Justice's rule forbidding supplemental environmental projects when the agency settles civil enforcement actions under statutes administered by the EPA. *Conservation Law Found. v. Barr*, 20-cv-11827 (D. Mass.).
 - Challenge to the Department of the Interior's rule trimming protections for barrier islands and associated habitat under the Coastal Barrier Resources Act. *Nat'l Audubon Soc'y v. Bernhardt*, 20-cv-05065 (S.D.N.Y.).
 - Challenge to the Department of the Interior's unwritten policy deregulating the type of blowout preventers responsible for the Deepwater Horizon disaster. *Healthy Gulf v. Bernhardt*, 1:19-cv-02894 (D.D.C.).
- **Challenges to complex rulemaking:** Sole counsel to Union of Concerned Scientists in coalition challenges to EPA and NHTSA's rollback of federal emissions and fuel economy standards for light duty vehicles, and to the agencies' revocation of California's waiver to set state standards. Extensive experience working with experts to present technical arguments during rulemaking and litigation.
- **Case management:** Consult with junior attorneys during development and maintenance of non-environmental litigation, including cases implicating veteran's affairs, immigration, vacancies, and LGBTQ rights. Work with communications team to craft press releases and national and local media coverage, including by providing radio and print interviews.

UNITED STATES DEPARTMENT OF JUSTICE, WASHINGTON, DC

Sept. 2012 – March 2018

Trial Attorney | Environment and Natural Resources Division

Counsel for the United States and its agencies and officers in cases implicating environmental, constitutional, and administrative law, with particular expertise in federally protected wildlife and challenges to federal infrastructure.

- **Federal programs:** Participated in over 75 individual cases, typically as sole counsel, arising under statutes including the APA, BGEPA, CWA, ESA, FIFRA, FPA, MSA, MBTA, NEPA, and NFMA. Advised clients through all stages of litigation, including pre-litigation compliance, emergency relief, pleadings, discovery and record disputes, dispositive motions, remand and other remedies, negotiations and settlement, evidentiary hearings, and appeal. Argued over 20 motions in both district courts and the D.C. Circuit. Notable matters include:

- Advised the Department of the Interior in its decision allowing state-recognized Indian Tribes access to eagle feathers for religious purposes following *Burwell v. Hobby Lobby Stores*, 134 S. Ct. 2751 (2014). See *McAllen Grace Brethren Church v. Jewell*, 7:07-cv-0060 (S.D. Tex.).
 - Oral argument in *Ctr. for Biological Diversity v. EPA*, 861 F.3d 174 (D.C. Cir. 2017), considering jurisdictional and substantive interplay of the ESA and FIFRA.
 - Cross-examination of five witnesses, including three surprise witnesses, when successfully defending a motion for emergency relief related to wild horse gathers in Nevada. *Kohleriter v. Jewell*, No. 3:13-CV-00495-MMD, 2013 WL 5718963 (D. Nev. Oct. 18, 2013).
- **Renewable energy:** Represented agencies in litigation challenging federal permits for wind and hydropower projects. Coordinated response among five defendant agencies in suits against the Federal Columbia River Power System and other Pacific Northwest hydroelectric facilities. Defended market-based mechanisms for conservation, including cap-and-trade systems.
 - **Civil enforcement:** Investigated and prepared actions under the ESA and other statutes.
 - **Recognition:** Division Award for Overall Outstanding Performance, 2015 & 2017. Attorney General's Honors Program.

GEORGETOWN UNIVERSITY LAW CENTER, WASHINGTON, DC Sept. 2015 – Nov. 2017
Adjunct Professor of Law | United States Legal Research, Analysis, and Writing

PEKING UNIVERSITY, SHENZHEN, PEOPLE'S REPUBLIC OF CHINA Sept. 2010 – June 2011
C.V. Starr Lecturer in Law | School of Transnational Law

- Developed and taught J.D. curriculum at first foreign law school to seek ABA accreditation.

CLERKSHIP

The Hon. Mary Ellen Coster Williams Sept. 2011 – Aug. 2012
 United States Court of Federal Claims

EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW J.D. received (b) (6)
Columbia Journal of Environmental Law, Administrative Editor
Human Rights Law Review: A Jailhouse Lawyer's Manual, Articles Editor
 Honors: Harlan Fiske Stone Scholar
 Alfred S. Forsyth Prize in Environmental Law
 Alexander Hamilton Fellow

UNIVERSITY OF MICHIGAN, ANN ARBOR B.A. received (b) (6)
 Film Studies and Political Science, with high distinction.

ADDITIONAL INFORMATION

BAR LICENSES: New York, District of Columbia (admitted in D.C. Circuit & D.D.C.).

INTERESTS: (b) (6)