
BIOGRAPHIES

12th Annual Conference on Litigating Regulatory Taking Challenges to Land Use and Environmental Regulations

Lisa Bova-Hiatt is the deputy chief in charge of condemnation in the Tax & Bankruptcy Litigation Division of the New York City Law Department. The division represents the City in the acquisition of real property by eminent domain. Ms. Bova-Hiatt provides advice to New York City agencies on eminent domain matters, is responsible for coordinating and implementing acquisitions through eminent domain, and manages and counsels the attorneys and support staff who handle the proceedings in areas of procedure, valuation, and title clearance. She has guest lectured classes on eminent domain and land use issues at New York University School of Law, New York Law School, and Brooklyn Law School, and speaks extensively throughout the country on the benefits of eminent domain and the valuable projects that have shaped and revitalized the City of New York. She has also traveled to China with Yale Law School's China Law Center, and the National Committee on U.S.-China Relations, to lecture about eminent domain and the City of New York's Land Use Review Procedure. She holds a BS from Villanova University and a JD from Brooklyn Law School.

J. David Breemer is a Principal Attorney in Pacific Legal Foundation's Property Rights Practice Group. He graduated summa cum laude from the University of Hawaii Law School in 2001. Mr. Breemer obtained his undergraduate degree at the University of California, Santa Barbara and a Masters Degree in Political Science at UC Davis. He began working for Pacific Legal Foundation in 2001 and was elevated to Principal Attorney in 2006. Mr. Breemer litigates extensively on behalf of private property owners in federal and state courts across the nation, although most of his representation occurs in the federal courts of appeals. Mr. Breemer's cases typically raise issues arising under the Takings Clause of the Fifth Amendment to the United States Constitution. Mr. Breemer has also written more than a dozen law review articles analyzing the Supreme Court's property rights jurisprudence. Mr. Breemer works from his home in Mariposa, California (near Yosemite, and spends his off time surfing on the Santa Cruz and Santa Barbara coasts.

Peter Byrne is a Professor of Law at the Georgetown University Law Center, and the Faculty Director of the Georgetown Environmental Law and Policy Program. Professor Byrne teaches and writes in the areas of Property, Land Use, Constitutional Law, and Higher Education Law and Policy. He served as Associate Dean for the Georgetown JD Program from 1997 to 2000, and was John Carroll Research Professor in 1996-97. Prior to joining the Georgetown Law Center faculty in 1985, he served as a law clerk for Judge Frank Coffin of the U.S Court of Appeals for the First Circuit and for Justice Lewis Powell of the U.S. Supreme Court, and then

worked as an associate with the D.C. firm of Covington & Burling. Professor Byrne is a graduate of the University of Virginia School of Law.

Jeanne Davidson is Director of the Commercial Litigation Branch of the Civil Division of the United States Department of Justice. In that capacity, she supervises over 175 attorneys who represent the United States before the Court of Appeals for the Federal Circuit, the Court of International Trade, the Court of Federal Claims, and other international and domestic fora. In addition to numerous awards from the Department of Justice and other agencies, she has received a Presidential Rank Award for Meritorious Executive. She is currently a member of the Advisory Councils to the Court of Appeals for the Federal Circuit and the Court of Federal Claims, and a member of the Boards of Directors of the Federal Circuit and Court of International Trade Bar Associations. She is a frequent speaker and publisher of articles concerning complex commercial, international, constitutional and personnel litigation, appellate advocacy, and dispute resolution. Previously, she served as an Associate General Counsel to the United States Trade Representative. Ms. Davidson received her B.A. from the University of California at Berkeley and her J.D. from New York University, where she served as Editor-In-Chief of the Annual Survey of American Law and received the Arthur T. Vanderbilt Award.

John Echeverria is a Professor of Law at Vermont Law School. Prior to joining the faculty, Professor Echeverria served for twelve years as Executive Director of the Georgetown Environmental Law & Policy Institute at Georgetown University Law Center. Prior to that, he was General Counsel of the National Audubon Society and General Counsel and Conservation Director of American Rivers, Inc. Immediately after graduating with joint degrees from Yale Law School and the Yale School of Forestry and Environmental Studies, Professor Echeverria served as law clerk to the Honorable Gerhard Gesell of the U.S. District Court in the District of Columbia. Professor Echeverria has written extensively on takings issues and other aspects of environmental and natural resource law. He served as co-counsel for the Governor and Attorney General of Hawaii before the Supreme Court in the landmark case of *Lingle v. Chevron USA, Inc.* More recently, he filed an amicus curiae brief in the Supreme Court on behalf of the American Planning Association and the Florida Chapter of the American Planning Association in support of the State of Florida in the *Stop the Beach Renourishment* case.

Cecilia Fex has more than a decade of experience defending the property rights of individuals, associations, and businesses nationwide. With her practice dedicated to protecting private property interests, she is considered to be a leading expert on the national Trails Act, the Tucker Act, and right-of-way law, as well as in the complex body of law concerning federal railway grants. Representing thousands of landowners nationwide, she has advocated for the rights of clients before numerous Federal District Courts and Courts of Appeal, the United States Court of Federal Claims, and the Court of Appeals for the Federal Circuit. She has secured just compensation and payment of money damages in takings cases against the federal government

on behalf of clients. Additionally, if recreational trail use is being pursued outside of the parameters of the Trails Act, Cecilia Fex assists property owners in resisting the unlawful takings and trespassing on their private property.

Richard Frank is a Lecturer in Residence at the University of California at Berkeley Boalt Hall School of Law where he serves as the Executive Director of the California Center for Environmental Law & Policy. Professor Frank is an expert in environmental law, land use, energy issues, and property rights. He has written numerous takings publications, including *The Takings Issue: Constitutional Limits on Land Use Control and Environmental Regulation* (with Meltz and Merriam, 1998). Prior to teaching at Berkeley, Professor Frank served as the California Department of Justice's chief deputy attorney general for legal affairs and the Attorney General's principal liaison to state government. Professor Frank also worked as staff attorney for the U.S. Federal Energy Administration, staff counsel for the California Energy Commissions, and deputy attorney general in the Land Law section of the California Department of Justice. Professor Frank received his B.A. from the University of California at Santa Barbara in 1971 and his J.D. from the University of California at Davis in 1974.

James Gette is a senior Trial Attorney in the Environment and Natural Resources Division (ENRD) of the United States Department of Justice. Mr. Gette's practice focuses on the defense of inverse takings claims under the Fifth Amendment, challenges to federal government action under the National Environmental Policy Act, and Indian trust fund litigation. Before joining ENRD, he was part of the Civil Division's tobacco litigation trial team. This historic civil RICO case sought billions of dollars and other relief from the tobacco industry stemming from a decades-long scheme by the industry to deny the adverse health effects of smoking, to design its products intentionally to be addictive, and to attract youth smokers. Mr. Gette is a graduate of the Law School of the University of Chicago. He began his legal career in private practice with the firm that is today DLA Piper. Before joining the Department of Justice, he spent several years as an attorney and federal negotiator at the United States Department of Education, and also worked as the Director of the Office of the President at Skidmore College in Saratoga Springs, New York.

Edwin Kneedler is a Deputy Solicitor General in the Office of the Solicitor General, the office in the Department of Justice that represents the United States Government before the Supreme Court. Mr. Kneedler has supervisory responsibilities for a number of subject areas in the docket of the United States Government's cases before the Supreme Court, including constitutional and other challenges to agency programs, immigration law, federal benefits, natural resources, Native American law, and some international law issues. He also is responsible for assisting the Solicitor General in deciding whether to take appeals in the lower courts in those areas. Before joining the Solicitor General's Office, Mr. Kneedler served for four years in the Justice Department's Office of Legal Counsel, which was then headed by now-Justice Antonin Scalia.

Mr. Kneedler is a 1967 graduate of Lehigh University with a B.S. in Economics, and a 1974 graduate of the University of Virginia Law School.

John Lesly is the Harry D. Sunderland Distinguished Professor of Law at the University of California, Hastings College of the Law in San Francisco, where he teaches property, constitutional law (I), various natural resources courses, and Indian law. Previously he was Solicitor (General Counsel) of the U.S. Department of the Interior throughout the Clinton Administration, worked on a congressional committee staff, was a law professor at Arizona State University, served in the Carter Administration in the Interior Department, was with the Natural Resources Defense Council in California, and the U.S. Department of Justice in Washington, D.C. He is co-author of *Legal Control of Water Resources* (4th ed. 2006) and *Federal Public Land and Resources Law* (6th ed. 2007), and published books on the Mining Law of 1872 and the Arizona Constitution and numerous articles. He is currently Vice-Chair of the Board of the Wyss Foundation, which supports protection of large landscapes in the intermountain West, and a board member of Grand Canyon Trust. Lesly is a graduate of Harvard College and Harvard Law School, where he has thrice been a visiting professor in recent years, teaching water law and public natural resources law. He led transition teams at the Interior Department for the Clinton Administration in 1992-93 and the Obama Administration (co-chair) in 2008-09.

Robert Meltz is an attorney-adviser with the nonpartisan Congressional Research Service, where he has responsibility for advising Congress on takings issues, property rights legislation, and environmental law. He has testified before congressional committees on property right legislation and is a frequent CLE lecturer. Professor Meltz also authored several articles on takings law such as *Wetlands Regulation and the Law of Regulatory Takings*, 30 ENVTL.L.RPTR. 10468 (2000), and coauthored a book entitled *The Takings Issue: Constitutional Limits on Land Use Controls and Environmental Regulation* (1999). He has served on the steering committees of the environment sections of both the District of Columbia Bar and Federal Bar Association. Professor Meltz received a B.A. and an M.A. from the University of Pennsylvania and a J.D. degree from Georgetown University Law Center.

Thomas Merrill is a Professor of Law at Yale Law School, where he specializes in property, environmental law, administrative law, eminent domain, and the U.S. Supreme Court. Professor Merrill has published dozens of articles in the country's most prestigious law reviews, including the *Columbia Law Review*, *Harvard Law Review*, and *Yale Law Journal*. He has co-authored multiple textbooks, generally dealing with the laws of property. Before coming to Yale, Merrill was the Charles Keller Beekman Professor of Law at Columbia Law School from 2003 to 2008, and the John Paul Stevens Professor of Law at Northwestern University from 1986 to 2003. He also served as a Deputy Solicitor General from 1987 to 1990. He received a B.A. from Grinnell College in 1971 and a B.A. in politics, philosophy and economics in 1973 from Oxford University, where he was a Rhodes Scholar. He received his J.D. from the University of Chicago

Law School in 1977 and went on to clerk for Judge David L. Bazelon of the D.C. Circuit Court of Appeals, and then Supreme Court Justice Harry A. Blackmun.

Marc Mihaly is Associate Dean for the Environmental Law Program, Director of the Environmental Law Center, and a Professor of Law at Vermont Law School. Professor Mihaly received his BA degree from Harvard College and, after service in the Peace Corps, received his JD degree from Boalt Hall School of Law, University of California, Berkeley, where he was editor in chief of the Ecology Law Quarterly. He then served with the environmental unit of the California Attorney General's Office and with the San Mateo County Legal Aid Society. Professor Mihaly cofounded Shute, Mihaly and Weinberger (San Francisco) in 1980 and served as its managing partner for 17 years. His practice has included three decades of trial and appellate litigation practice on behalf of governments and community-based organizations on environmental issues. Professor Mihaly developed the firm's low-income housing practice, initiated the energy practice, and focused on all aspects of growth limitation. He has provided advice and counsel to state, regional, and local governments as well as specialized environmental agencies on all aspects of environmental law. His work has included the design of sophisticated regulatory regimes to regulate development and to secure public benefits through private development. He advises environmental regulators on government law issues relating to the form and structure of their regulatory programs.

Tara Mueller has been a Deputy Attorney General in the Land Law Section of the California Attorney General's Office in Oakland since 1999. Ms. Mueller represents the State Water Resources Control Board, California Department of Fish and Game, California Coastal Commission, Delta Stewardship Council, Department of Conservation, the State Lands Commission, California Coastal Conservancy, and other state agencies in natural resources and land use (including takings) litigation, investigations and client advice matters. She also authors and files amicus briefs in federal and state courts on behalf of client agencies or the Attorney General in his independent capacity. She has filed several amicus curiae briefs in the United States Court of Federal Claims and the Federal Circuit Court of Appeals on behalf of the State Water Board in the pending water rights takings case, *Casitas v. United States*. Before joining the Attorney General's Office, Ms. Mueller was an Associate Attorney and the Director of the Biodiversity Legal Program at the Environmental Law Foundation in Oakland, where she represented national, state and local environmental organizations in a wide variety of endangered species, state forestry, water quality, water rights and land use matters. Prior to this, she was a staff attorney at the Natural Heritage Institute in San Francisco. She also clerked for the late U.S. District Judge Milton L. Schwartz in Sacramento.

R.S. Radford is director of the Program for Judicial Awareness at Pacific Legal Foundation, a public-interest law foundation headquartered in Sacramento. He holds degrees in economics and law from the University of Southern California, and was attorney of record at the United States

Supreme Court in *Suitum v. Tahoe Regional Planning Agency*, 520 U.S. 725 (1997). Mr. Radford has published widely on property rights and regulatory takings, and has appeared as a speaker and panelist on these issues across the United States. He has been honored as California Lawyer of the Year, and is listed in *Who's Who in America*.

Joseph Sax is the James H. House and Hiram H. Hurd Professor of Environmental Regulation, Emeritus, at Boalt Hall School of Law. His major books include *Mountains without Handrails: Reflections on the National Parks* (1980); *Water Law, Planning and Policy: Cases and Materials* (1968); *Water Law: Cases and Commentary* (1965); *Defending the Environment* (1971); and, most recently, *Playing Darts with a Rembrandt: Public and Private Water Rights in Cultural Treasures* (1999). He also has written scores of articles, a number of which are widely recognized as among the most important and influential in the field of environmental law. He has been a visiting professor at Stanford University and the Universities of Utah and Paris, and was a fellow at the Center for Advanced Study in the Behavioral Sciences. He is currently a fellow of the American Academy of Arts and Sciences, and his awards and citations include the Distinguished Faculty Achievement Award from the University of Michigan, the Elizabeth Haub Environmental Prize of the Free University of Brussels, the Audubon Society's Conservationist of the Year Award, the William O. Douglas Legal Achievement Award from the Sierra Club, and the Environmental Quality Award of the U.S. Environmental Protection Agency. He has served as a consultant or board member for 19 different environmental public service organizations and was awarded an honorary doctor of laws degree by the Illinois Institute of Technology. From 1994 to 1996, Professor Sax served in the Clinton's administration as the Counselor to the Secretary of the Interior and Deputy Assistant Secretary for Policy at the U.S. Department of the Interior. He is a graduate of Harvard University and the University of Chicago School of Law.

Barton H. Thompson Jr. is the Robert E. Paradise Professor in Natural Resources Law at Stanford Law School and the Perry L. McCarty Director of the Woods Institute for the Environment at Stanford University. He is a senior fellow in both the Woods Institute and the Freeman-Spogli Institute for International Studies. He also serves as Special Master for the United States Supreme Court in *Montana v. Wyoming*. His research focuses on regulatory takings, water management, ecosystem services, private conservation, protection of biodiversity and fisheries, and constitutional protections of the environment. He is co-author of *Environmental Law and Policy* (3d ed. 2010), *Property Law: Ownership, Use, and Conservation* (2006), and *Legal Control of Water Resources* (4th ed. 2006). Professor Thompson is a member of the Science Advisory Board for the U.S. Environmental Protection Agency. He chairs the boards of the Resources Legacy Fund and the Resources Legacy Fund Foundation, serves as a California trustee for The Nature Conservancy, and is a member of the boards of the Natural Heritage Institute and the American Farmland Trust. He clerked for Justice William Rehnquist during the Supreme Court's October 1977 Term and was a partner with O'Melveny & Myers in

Los Angeles before joining the Stanford faculty. He received his A.B. (Economics and Political Science), M.B.A., and J.D. degrees from Stanford. He is a member of the California bar.

Michael von Loewenfeldt is a partner in Kerr & Wagstaffe LLP, which represents both plaintiffs and defendants in a variety of complex civil actions. His practice primarily involves consumer rights, employment litigation, and class action practice. He also has experience with takings law, municipal liability, CEQA, civil rights, and a variety of business and personal torts.

Mr. von Loewenfeldt graduated Phi Beta Kappa from San Diego State University in 1991 with a B.A. in Political Science. He received his J.D. from the University of California at Berkeley (Boalt Hall) in 1995 and was made a member of the Order of the Coif. After law school, Mr. von Loewenfeldt served as a law clerk to the Honorable Sandra B. Armstrong, United States District Court for the Northern District of California. He is admitted to practice in the United States Supreme Court and all California state and federal courts, as well as the Eastern and Southern District of Texas, the District of Colorado, and the Fifth Circuit. Since 2002, Mr. von Loewenfeldt has represented the City of San Rafael, California, in connection with a number of land use disputes including a takings challenge to San Rafael's Mobile home Rent Stabilization Ordinance which is currently pending on appeal in the Ninth Circuit after Chief Judge Vaughn Walker of the United States District Court for the Northern District of California found that the rent control ordinance was a private taking and a Penn Central taking.

Matthew D. Zinn is a partner with Shute, Mihaly & Weinberger LLP. He joined the firm in 2001 after serving as a law clerk to Chief Judge John M. Walker, Jr. of the United States Court of Appeals for the Second Circuit. His practice areas include climate change, air quality, land use, CEQA and NEPA, defense of regulation against constitutional and administrative law challenges, and development and enforcement of conservation easements and other servitudes. Mr. Zinn has participated in a number of the firm's important land use and environmental cases. For example, he was a member of the firm's winning litigation team in *San Remo Hotel v. City and County of San Francisco*, in which the United States Supreme Court unanimously held that unsuccessful state-court takings claimants are not entitled to relitigate their claims in federal court. In *Western States Petroleum Ass'n v. South Coast Air Quality Management District*, Mr. Zinn successfully defended at the trial and appellate levels air quality regulation of oil refineries. Mr. Zinn also authored an *amicus curiae* brief in the United States Supreme Court on behalf of religious groups, in support of the states' and environmental groups' victorious position in the landmark climate change case of *Massachusetts v. EPA*. He received his J.D. magna cum laude from the University of Michigan in 1999; an M.S. in environmental policy from the University of Michigan School of Natural Resources and Environment, also in 1999; and a B.A. from the University of California, Santa Cruz in 1994. Mr. Zinn is a member of the State Bar of California, the U.S. District Courts for the Northern and Eastern Districts of California, and the U.S. Courts of Appeals for the Ninth and Federal Circuits.