



### *Creation and Conceptual Development*

Incorporated and started up the nation's first nonprofit environmental legal services incubator for low- to middle-income clients in the tri-state region of Pennsylvania, Ohio, and West Virginia. Recruited a diverse 9-member Board of Directors. Fair Shake employs 8 full-time staffers. Salaried resident attorneys spend 2-years in residence representing clients within the Appalachian Basin region while training in business planning to create their own model for similar legal services.

Conceptual development of the incubator yielded purposes that include environmental justice, social entrepreneurship training and education in business planning, and filling gaps in the provision of legal services. Throughout its lifetime, Fair Shake will catalyze the establishment of a new business model allowing small, private environmental law firms to systemically serve modest means clients.

### *The Model*

- Representation Model: a client-centered, problem-solving model to provide comprehensive legal and technical will be utilized to empower individuals and communities to make informed decisions about the future of their personal and environmental health.
- Staffing Model: Two supervising attorneys supervise and manage 4 resident attorneys ("residents"), who are given a modest salary for 2-year residencies. After the residency, attorneys start-up their own firms to serve modest means clients.
- Entrepreneurship Incubator: Resident attorneys are regularly taught business skills and involved in management decisions, needs assessments, case acceptance, start-up funding, and billing decisions.

### *Practice*

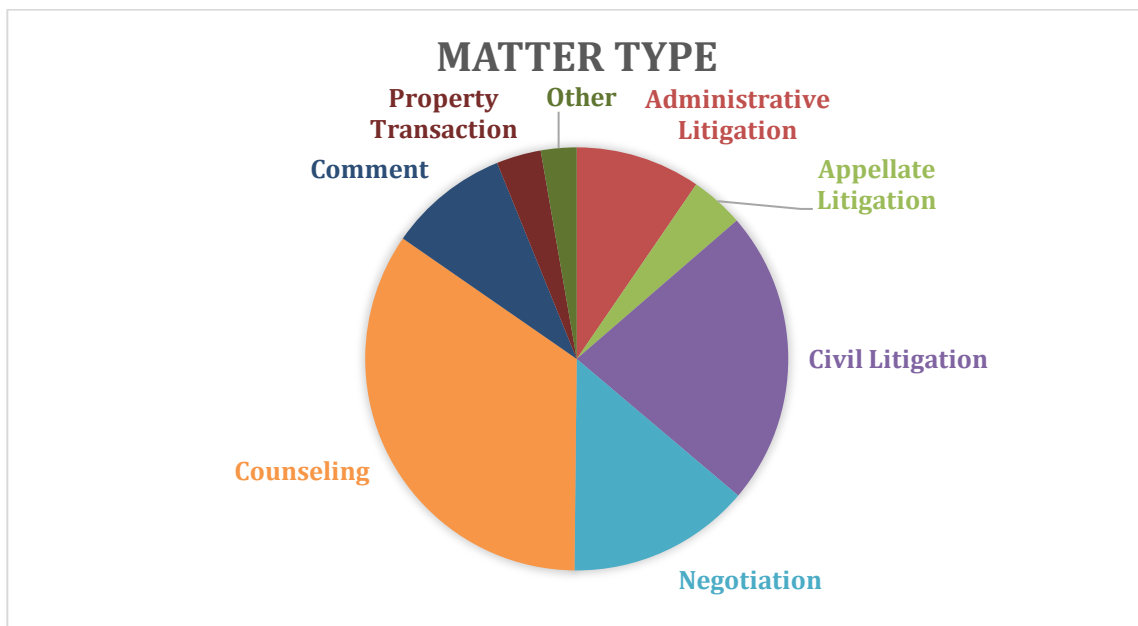
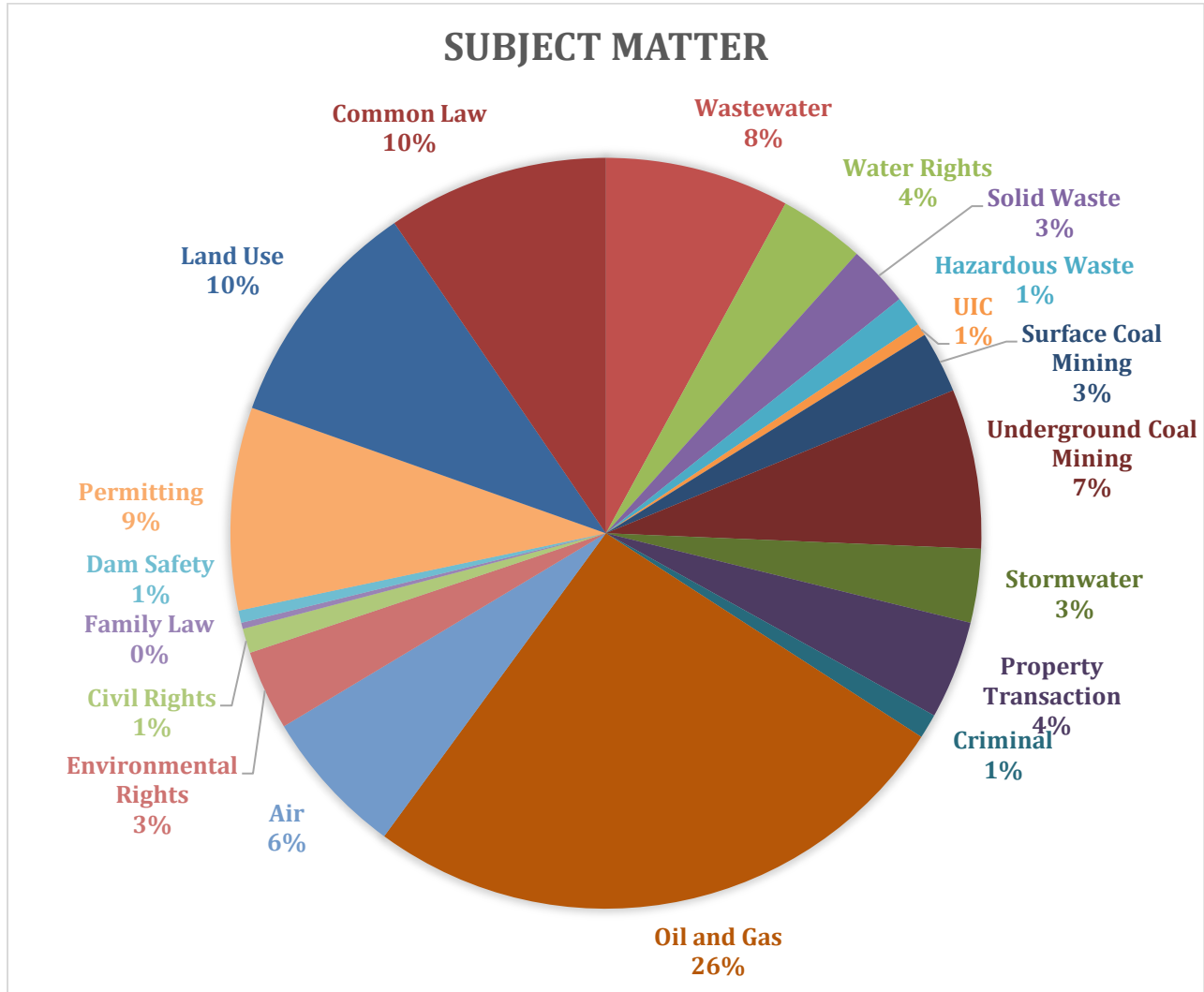
Worked with regional funders to build catalytic support (over 3 million dollars) for the first five years of operation. Fair Shake's sliding scale services are self-funded and approximately 33% of the docket; *pro bono* matters make up 34% of the docket, and public interest litigation currently makes up 33% of the docket. I manage the entire practice.

The annual budget for the organization is approximately \$780,000. I oversee the administration, operation and execution of the mission of the organization.

Since start-up, I have overseen the following accomplishments at the firm:

- maintained a yearly docket of 100-120 cases between our two offices;
- provided 15,630 attorney hours of *pro bono* services, a value of \$2.5 million;
- generated client-based revenue on a sliding scale of \$586,072;
- met client objectives and achieved successful results in both public interest litigation and individual representation; and
- incubated 6 attorneys into private and public interest practices furthering access to justice goals.

I oversee a docket among our Pittsburgh, PA and Akron, OH offices that includes the following caseload:



UNIVERSITY OF PITTSBURGH DIETRICH SCHOOL OF ARTS & SCIENCES, Geology Department,  
Pittsburgh, PA

Instructor, January 2015 – present

I teach an undergraduate capstone course in environmental ethics that emphasizes law & policy, science, and ethics as methods of environmental decision-making.

UNIVERSITY OF PITTSBURGH SCHOOL OF LAW, Environmental Law Clinic, Pittsburgh, PA

Clinical Associate Professor and Supervising Attorney, July 2013 – May 2014

Clinical Assistant Professor and Supervising Attorney, June 2008 – June 2013

#### *Clinic Creation and Development*

Upon my appointment, I broadened the scope of the services provided by the University of Pittsburgh's Environmental Law Clinic to include technical support for cases in all environmental media and any level of government. The Clinic, as re-envisioned, had a mission of developing students' knowledge, skill, and professionalism in environmental law practice; teaching students to work effectively in interdisciplinary teams; and fulfilling a need in the community for legal and technical assistance for environmental and community health issues. We provided our clients with comprehensive counseling and problem-solving services. The Clinic was funded by an endowment from the Howard and Vira I. Heinz Endowments and grants that I secured from the Heinz Endowments. The grants covered the employment of two staff members, a staff scientist and a staff attorney, and outside expert assistance for cases.

Since beginning my directorship of the Clinic in 2008, I secured \$475,000 in grant funds to support Clinic operations; managed a budget from a \$2 million dollar endowment and a half million in grant support; supervised case development and execution in over 75 cases for over 50 clients and over 60 students; developed curricula in client interviewing and counseling, depositions and trial advocacy, and a foundational environmental law course.

Every semester, I supervised 8-14 law students admitted to practice under applicable student practice rules in Pennsylvania and in the U.S. District Court for the Western District of Pennsylvania. The Clinic maintained an average docket of 24 cases covering all environmental media throughout the year.

#### *Clinic Successes*

We developed expert resources that were vast and deep. Clinic students worked with technical experts in petroleum engineering, hydrogeology and geochemistry related to oil & gas development, hydrogeology and geochemistry related to underground and surface mining, stream ecosystem biology and entomology, water chemistry, water quality, contaminant fate and transport, methane migration, underground injection mechanics and reservoir modeling.

Our client base was diverse in kind and geographically. In a single year, we represented 15 clients in 29 matters. Those clients included 8 individuals, a community water supplier, and 6 nonprofit organizations.

Based on client demand, many of our cases related to surface water quality and groundwater contamination in the areas of oil and gas development and coal mining. We also handled cases on waste disposal, underground injection control, and air quality. We worked on client matters in the form of permit challenges, enforcement appeals, federal citizen suit enforcement, legislative drafting, state court civil suits, rulemaking petitions and comments, and comments on draft permits.

### *Teaching*

I taught two seminar classes every semester: one in client interviewing and counseling; one in expert depositions and administrative trial advocacy. I also taught a doctrinal course called “Environmental Law & Practice.” As a writing intensive course, it was Pitt Law’s foundational environmental law course. The course focused on a single statute, the Clean Water Act, to teach the fundamentals of statutory interpretation and administrative practice. Considering clinical supervision, clinic seminars, and my doctrinal class, I taught 22 credits every year.

My teaching interests include: Administrative Law, Environmental Law (Permitting and Compliance & Enforcement – Regulatory and Litigation), Oil and Gas Law, Scientific Evidence, Factual Investigation, and Client Counseling.

### *Scholarship*

My research interests included:

- Social entrepreneurship models of delivery of legal services to modest means clients
- Feedbacks between hydrology and law
- Effectiveness of environmental permitting
- Clean Water Act antidegradation implementation approaches
- Public participation in environmental decisionmaking
- Client counseling methodologies

### *Service*

Faculty committee work included: Dean Search, Appointments, Academic Petitions, Assessing Student Learning Outcomes, Legal Education Initiatives, Clinical, and Pro Bono Committees.

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, Office of Public Interest Counsel, Austin, TX**  
Assistant Public Interest Counsel, March 2005 – May 2008

Represented the Office of Public Interest Counsel (OPIC) before the Texas Commission on Environmental Quality (TCEQ) Commissioners and at the State Office of Administrative Hearings (SOAH) in matters covering all environmental media. Lead counsel in over 100 administrative litigation matters.

### *Representative Experience:*

- Lead counsel in the contested case hearing challenging the application of ASARCO, Incorporated, for a permit to renew a mothballed copper smelter in El Paso, Texas.

- Co-counsel in the contested case hearing on the applications of TXU Generation Company, LP for new state air quality and PSD permits for six coal-fired power plants in Texas.
- Lead counsel in the contested case hearing challenging the application of Sandy Creek Energy Associates, L.P. for a TPDES permit from a new coal-fired power plant.
- Lead counsel in the contested case hearing held on the application of TexCom Gulf Disposal, LLC, for Underground Injection Control Permits and for an Industrial Solid Waste Permit to manage and dispose of industrial wastewater.
- Served on TCEQ rulemaking teams and provided formal comments on various TCEQ rules as well as TMDL proposals and implementation plans.
- Served on the TCEQ's Texas Risk Reduction Program Steering Committee.
- Publicly advised the Commission and drafted responses to requests for standing to challenge permitting actions involving wastewater discharges, wastewater irrigation, water appropriation, industrial solid waste, air quality, hazardous waste processing, municipal solid waste, concentrated animal feeding operations, and low-level radioactive byproduct waste.
- Presented information at public meetings on procedural rights in TCEQ matters.
- Advised Commission staff on OPIC's position on procedural rights in permitting and enforcement actions.
- Served as lead counsel in innumerable contested case hearings and motion hearings regarding TPDES permits, wastewater irrigation permits, water appropriation permits, state air quality permits, concentrated animal feeding operation permits and registrations, grease trap waste and septage composting permits, municipal solid waste permits, qualification of pollution control equipment for state tax incentives, and wastewater rates.

## LEGAL CLERKSHIPS AND INTERNSHIPS

PACE ENVIRONMENTAL LITIGATION CLINIC, INC., White Plains, NY  
Legal Intern, September 2003 – January 2004

Represented public interest environmental groups, predominantly the Hudson Riverkeeper, in citizen enforcement actions on various environmental and land use issues in state and federal court under a student practice order issued by the New York State Court of Appeals.

- Drafted a Reply Memorandum of Law that resulted in an order for injunctive relief against a county vector control program.
- Trained in case planning, client counseling, negotiation, and pre-trial and appellate advocacy.

**PROFESSOR DAVID CASSUTO**, Pace Law School, White Plains, NY  
Research Assistant, September 2003 – May 2004

Researched and assisted in drafting a law review article concerning corporate criminal liability. Also researched and recommended substantive material for a new Animal Law course at Pace.

**PRISON REFORM REVISITED: THE UNFINISHED AGENDA**, White Plains, NY  
Conference Organizer, September 2003 – November 2003

Assisted Professor Michael Mushlin in hosting and organizing this prison reform conference that brought together over one hundred experts in the field of Prisoner's Rights to discuss the state of the law and strategies for reform.

**CONSERVATION LAW FOUNDATION**, Boston, MA  
Legal Associate, Summer 2003

Researched and drafted memoranda, petitioned federal environmental agencies, and drafted comments to state agencies on various complex environmental issues. Developed and participated in community outreach for the Natural Resources Project, the Climate Change Project, and CLF Ventures.

**TEXAS RURAL LEGAL AID, INC.**, Weslaco, TX  
Law Clerk, Summer 2002

Competitively selected for a funded fellowship by faculty and directors of the University of Wisconsin's Land Tenure Center. Conducted legal research, wrote memoranda of law, and investigated cases for the *Colonias Project*, which helped residents of unincorporated, substandard subdivisions attain title to their land and basic public services, such as running water, sewer, electricity, and road access.

#### **BAR ADMISSIONS AND PROFESSIONAL DEVELOPMENT**

Ohio Bar, June 2015

Pennsylvania Bar, October 2008

Texas Bar, November 2004 (inactive)

U.S. Court of Appeals for the Third Circuit, June 2015

U.S. District Court for the Western District of Pennsylvania, November 2008

U.S. District Court for the Northern District of Ohio, November 2014

40 hours of Basic Mediation Training, Dispute Resolution Center of Travis County, March 2006

#### **PUBLICATIONS**

Emily A. Collins, *Permitting Shale Gas Development*: 29 J. LAND USE & ENVTL. L. 117 (2013).

Emily A. Collins, *New Withdrawals, New Impairments As Pennsylvania Develops the Marcellus Shale*, American Bar Association, Section of Environment, Energy, and Resources, 2010 Eastern Water Resources Conference, May 20-21, 2010.

David Frederick, Tracy Franklin, and Emily Collins, *The "Public Interest" Factor in Waste Disposal Well Permitting*, 38 TEX. ENVTL. L. J. 229 (2008).

## PEER REVIEW

- Provided written peer review of the law & policy technical report of the University of Michigan Graham Sustainability Institute's integrated assessment titled "Hydraulic Fracturing in Michigan." The technical reports served as the basis for the Institute's policy analysis, which was intended to allow decisionmakers to minimize negative impacts encountered in other states.
- Reviewed Chapters 4 and 5 of an issue paper entitled "*In Fracking's Wake: New Rules Are Needed to Protect Our Health and Environment From Contaminated Wastewater*" drafted for Natural Resources Defense Council by Rebecca Hammer, NRDC, and Prof. Jeanne VanBriesen, Ph.D., P.E., that analyzed "technical and regulatory issues concerning wastewater generated during the hydraulic fracturing process of producing natural gas" in April 2012, *available at* <http://www.nrdc.org/energy/files/Fracking-Wastewater-FullReport.pdf>.
- Provided peer review for the journal ENVIRONMENTAL SCIENCE & TECHNOLOGY of a policy analysis manuscript entitled *Economic and Legal Disincentives for Safe Shale Gas Well Closure in Pennsylvania*, Austin Mitchell and Elizabeth Casman, Ph.D., Carnegie Mellon University in August 2011.

## PRESENTATIONS

- Invited Witness, U.S. House Committee on Natural Resources Subcommittee on Energy and Mineral Resources, Hearing on Impacts of Oil & Gas Development on Water Resources, May 2019.
- We Can Be podcast by The Heinz Endowments, Featured Interview, May 2019, *available at* <https://www.podbean.com/media/share/pb-yuiky-afb69f>.
- PechaKucha Akron, Invited Speaker on Environmental Justice, March 2019.
- Invited Speaker on NGO Litigation at the Pennsylvania Environmental Law Forum, April 2018.
- Invited Speaker on Ohio Groundwater Law at the Ohio Land Use Law and Groundwater Protection Conference, June 3, 2016.
- Invited Speaker on NGO Litigation at the Pennsylvania Environmental Law Forum, April 2016.
- Invited Speaker on "The New Normal in Law Firms" at the Supreme Court of Ohio Commission on Professionalism Student to Lawyer Symposium, November 14, 2014.
- Invited Speaker on "Access to Environmental Justice: A Business Model" at the Enhancing Social Justice Through Incubators and Residency Programs, February 27-28, 2014.
- Co-presenter on "Underground Injection Control: a method of shale gas wastewater disposal" at the Public Interest Environmental Law Conference, 2014.



- Invited speaker on “Regulatory Structures for Reuse & Disposal of Shale Gas Wastewater” at Duquesne University’s Research on Shale Gas Extraction Symposium, Pittsburgh, Pennsylvania, November 25-26, 2013.
- Invited speaker on the tools used to address the Chesapeake Bay’s nutrient loading at the University of Toledo College of Law, Legal Institute of the Great Lakes’ 13<sup>th</sup> Annual Great Lakes Water Conference entitled “Algae: A Blooming Problem in the Great Lakes and Beyond,” November 8, 2013.
- Invited speaker on “Reuse and Disposal Issues with Chloride, Bromide and Radionuclides” at HalfMoon Seminars’ Environmental Issues in Natural Gas Production, Fort Washington, Pennsylvania, July 18, 2013.
- Panelist on “Looking Back to the Future: Why Traditional Environmental Law Is Still Relevant” at the 31<sup>st</sup> Annual Public Interest Environmental Law Conference entitled “Earth: Too Big to Fail” in Eugene, Oregon on February 28-March 3, 2013.
- Invited speaker at Florida State University College of Law’s Spring 2013 Environmental Forum on “Effectively Governing Shale Gas Development,” Tallahassee, Florida, February 1, 2013.
- Moderator of a panel of judges on hydraulic fracturing at the American Bar Association Section of Environment, Energy and Resources’ 41<sup>st</sup> Annual Conference on Environmental Law, Salt Lake City, Utah, March 23, 2012.
- Invited speaker on “Single Source Determinations” at the 2012 Pennsylvania Bar Institute’s Environmental Law Forum, Harrisburg, Pennsylvania, March 7, 2012.
- Invited speaker on “Special Issues with Salts, Carcinogens, and Radioactive Elements” at HalfMoon Seminars’ Environmental Issues in Natural Gas Production, Pittsburgh, Pennsylvania, February 29, 2012.
- Co-presented a talk entitled “Course Design for Practice-Ready Assignments: Developing Environmental Law & Practice” at the New England Consortium of Legal Writing Teachers’ “Creating Practice Ready Assignments and Exercises Legal Writing Conference at the University of New Hampshire School of Law, Concord, New Hampshire, December 16, 2011.
- Provided invited written testimony to the New York Senate Standing Committee on Environmental Conservation on December 12, 2011 related to shale gas development wastewater management and disposal.
- Provided a “Know Your Rights” presentation to rural landowners, including several Amish landowners, about shale gas development in Ohio on April 30, 2011.
- Invited panelist at the Allegheny County Bar Association’s Practicing Green CLE Program to discuss water law and legislation related to shale gas drilling on April 21, 2011.

- Invited speaker at Perrin’s Legal Webinar Series: Hydrofracking in the Marcellus Shale: The Liability and Insurance Coverage Implications on April 20, 2011.
- Invited speaker at PennFuture’s annual Watershed Workshop on April 16, 2011 on citizen enforcement.
- Panelist at Pitt Law’s symposium “Developing the Law of the Marcellus Shale” on April 5, 2011.
- Invited speaker at the Murrysville City Council meeting to address the City of Pittsburgh’s drilling ban on January 19, 2011.
- Invited speaker at St. Vincent College on Marcellus Shale gas development issues, November 29, 2010.
- City of Pittsburgh Post-Agenda meeting on Monday, October 18, 2010 to “educate the public and members [of City Council] about issues relevant to Marcellus Shale drilling.”
- Panelist in a “Tele-Town Hall Meeting” hosted by State Senator Jim Ferlo on September 9, 2010, on shale gas drilling in Pennsylvania.
- Invited speaker on energy development and the impact on water quality and quantity at the 2010 Eastern Water Resources Conference, ABA Section of Environment, Energy, and Resources, May 20-21, 2010.

#### PROFESSIONAL AFFILIATIONS

American Bar Association, Section of Environment, Energy, and Resources Member  
 State Bar of Texas Member (inactive)  
 Commonwealth of Pennsylvania Bar Association Member  
 Ohio State Bar Association

#### COMMUNITY ACTIVITIES

*Current:*

Construction Junction Board of Directors and Member of the Executive Committee  
 Haymaker Farmer’s Market Board of Directors  
 Portage Parks District Foundation  
 Pennsylvania Department of Environmental Protection’s Office of Environmental Justice  
 Environmental Justice Advisory Board

*Former:*

Center for Creative Reuse Board of Directors  
 Allegheny County Health Department Air Toxics Guidelines Advisory Committee  
 The Sprout Fund Seed Award Advisory Committee  
 The Sprout Fund Seed Award Advisory Committee – Fayette/Greene Counties  
 BikePGH Bike Friendly Employer Advisory Committee