

MELISSA A. HORNBEIN

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WORK EXPERIENCE

Senior Attorney, *Western Environmental Law Center, Helena, MT* 1/2020 – Present

Litigate cases in federal court addressing fossil fuel production, energy, and climate change issues on federal lands under the National Environmental Policy Act, Federal Land Policy and Management Act, Mineral Leasing Act, and others. Litigate cases in state court involving constitutional and statutory issues relating to fossil-fuel production and climate change. Engage in policy surrounding energy development at state, federal, and regulatory utility levels of federal and state government.

Attorney, *Montana Dept. of Natural Resources & Conservation, Helena, MT* 4/2019 – 12/2019

Litigate natural resources and public lands cases including quiet title actions, riverbed ownership disputes, and water resource permitting issues. Negotiate, draft, and review contracts for proposed solar and wind energy developments on state school trust lands. Provide legal oversight of implementation and federal ratification for water rights compacts previously negotiated by the Montana Reserved Water Rights Compact Commission.

Assistant United States Attorney, *United States Dept. of Justice, Helena, MT* 6/2015 – 3/2019

Independently managed a diverse civil caseload in areas including environmental and public lands law, defensive tort claims, medical malpractice, and employment discrimination. Responsible for case management during all phases of litigation, including pretrial motions and discovery, hiring of expert witnesses, and participation in motions hearings, trials, and settlement conferences. Left to return to Montana DNRC.

Attorney, *Montana Dept. of Natural Resources and Conservation, Helena, MT* 9/2010 – 4/2015

Dual position as staff attorney for the Montana Reserved Water Rights Compact Commission and Montana Department of Natural Resources and Conservation (DNRC). Negotiated water rights settlements with the Confederated Salish and Kootenai Tribes (CSKT) and two federal agencies on behalf of the Commission for the resolution of tribal and federal reserved water rights claims for the Flathead Indian Reservation and a federal wildlife refuge and national monument. Position required legal expertise in the areas of state, federal, and tribal water rights. Worked closely and collaboratively with technical staff in the negotiation of complex water rights settlements. Position entailed extensive public speaking and engagement with the Montana Legislature, the CSKT tribal government, federal agencies, NGO's, and Montana ag/ranching communities. Also served as staff attorney for DNRC, representing the agency in litigation and administrative proceedings involving use and management of state lands in the areas of forestry, easements and rights of way, and minerals management. Left to take position with US Attorney's Office after legislative ratification of the CSKT Water Compact.

Law Clerk, *Montana Supreme Court, Helena, MT* 9/2009 – 9/2010

For the Honorable Brian Morris of the Montana Supreme Court. Did legal research, drafted memoranda and legal opinions.

Legal Intern/Contract Attorney, *Native Ecosystems Council, Three Forks, MT* 2007 – 2009

Conducted legal research and drafted complaints and briefs under the Administrative Procedure Act, National Environmental Policy and National Forest Management Acts for challenges to resource management actions on National Forest lands and associated impacts on wildlife and natural resources. Part-time paid and volunteer work during law school.

Research Assistant, *Ferguson Law Office, PLLC, Missoula, MT* 2007 – 2008

Conducted legal research on issues of state and local water and land use law. Drafted memoranda and pleadings. Part-time position during law school.

Contract Botanist, *United States Geological Survey, West Glacier, MT* 2004, 2009, 2012

Collected taxonomic and physical data for studies on climate change impacts on alpine plant communities. Conducted field work, entered data and wrote reports. Worked three seasonal periods: June-August of 2004, June-August of 2009, and periodically during July-August of 2012. Initially left to attend law school, returned for seasonal work during breaks from law school, and worked periodically on selected projects following graduation.

Biological Science Technician, *National Park Service, West Glacier, MT* 2005, 2006, 2007

Conducted plant identification and monitoring in Glacier National Park for vegetation mapping and rare plant monitoring studies. Entered data and wrote reports. Worked three

seasons: May-November of 2005, May-August of 2006, and June-August of 2007. During 2007 season worked part time while also working as a legal intern in Missoula, MT.

- Biological Science Technician, *Snohomish County, Everett, WA*** 9/2003 – 4/2004
 Managed native plant nursery, directed volunteer and public education programs, assisted with salmon habitat restoration projects, maintained databases, drafted reports.
- Research Technician, *University of Washington, Seattle, WA*** 2003
 Collected tree ring and fuels data for climate change and fire ecology studies in Washington, Montana, and Oregon. Seasonal position.
- Field Botanist, *Colorado Natural Heritage Program, Fort Collins, CO*** 2002
 Collected data for US Geological Survey/National Park Service vegetation mapping program. Seasonal position.
- Biological Technician, *Massachusetts National Guard, Cape Cod, MA*** 2001
 Conducted plant and mammal surveys for Massachusetts National Guard and United States Environmental Protection Agency. Seasonal position.

EDUCATION, TRAININGS, LICENSES, AND AWARDS

- Civil Advocacy Award, United States Attorney's Office, District of Montana** 2016, 2018
- Civil Trial Advocacy Course, *National Advocacy Center, Columbia, SC*** March 2016
 Ten-day trial advocacy course by United States Department of Justice attorney training program at the National Advocacy Center, included direct and cross-examination, opening and closing arguments, and courtroom motions practice with one-on-one critique by senior DOJ trial attorneys. Culminated with a mock trial.
- Director's Award, Montana Department of Natural Resources and Conservation** 2013
- State Bar of Montana, Admitted** May 8, 2009
- University of Montana, Masters in Environmental Studies, *Missoula, MT*** M.S., 2009
- University of California, Hastings College of the Law, *San Francisco, CA*** J.D, 2008
 Visiting Student: University of Montana School of Law, 2007 – 2008
 Editorial Staff, *Hastings West-Northwest Journal of Environmental Law*, 2006 – 2007
 Hastings Public Interest Law Foundation, 2004 – 2005
 Hastings Environmental Law Foundation, 2004 – 2006
 Honorable Mention, Moot Court Oral Argument, 2005
- University of Washington, *Seattle, WA***
 Bachelor of Science, Botany 2001
 Bachelor of Arts, Anthropology 2001
- School for International Training, *Brattleboro, VT***
 Semester overseas, Ecology and Wildlife Conservation, Arusha Tanzania Fall 1997

ENVIRONMENTAL VOLUNTEER ACTIVITIES

- Sierra Club Montana Chapter Board Member** 12/2019 - Present
- Montana Board of Environmental Review, *Helena, MT*** 4/2019 – 1/2020
 The BER is a quasi-judicial, quasi-administrative board that engages in rulemaking and provides administrative review of Montana Department of Environmental Quality decisions. Appointed by the Governor Steve Bullock to serve a four-year term.
- Oceans Initiative Board of Directors, *Seattle, WA*** 10/2015 – present
 Nonprofit marine mammal science and advocacy organization based in Seattle, WA.
- Mom's Clean Air Force Power Summit, *Emigrant, MT*** 5/24 – 5/26 2019
 Mom's Clean Air Force is a national climate and air quality advocacy group that emphasizes children's health and social and racial justice issues. The summit was a training for aspiring activists that focused on addressing entrenched racism in the realms of climate and environmental activism.

- Volunteer/Legal Intern, *The Montana Water Trust, Missoula, MT*** 2007
Conducted legal research and drafted memoranda on Montana water law. Participated in stakeholder meetings. Part-time unpaid internship.
- Volunteer/Intern, *Center for Environmental Law and Policy, Seattle, WA*** 2003
Catalogued legal journal and newspaper articles for online database. Assisted with member outreach, fundraising, and donor retention efforts.