

LAWSON E. FITE – CURRICULUM VITAE

EXPERIENCE

AMERICAN FOREST RESOURCE COUNCIL, Portland, OR

General Counsel, 2017-

Staff Attorney, 2015-2016

I direct AFRC's in-house and outside counsel in supporting the goal of sustainable timber harvest from public lands throughout the five states where our members operate. The legal program works to defend projects in court by intervening in litigation on behalf of member companies. We work to build positive precedent that supports active management and sustained timber harvest. Particularly in this era of climate change and unprecedented fires, active management is key to maintaining forest health as well as the stability of our rural communities. AFRC also strategically undertakes regulatory challenges when the government fails to live up to legal requirements.

In addition to AFRC and its membership, I have represented collaborative groups and local governments in support of needed forest management projects.

Notable decisions in cases I have litigated include:

- *Alliance for the Wild Rockies v. Peña*, 865 F.3d 1211 (9th Cir. 2017) (upholding restorative forestry project);
- *Center for Biological Diversity v. Ilano*, --- F.Supp.3d ----, 2017 WL 3503396 (E.D. Cal. Aug. 16, 2017) (upholding use of categorical exclusion to address insect and disease outbreak);
- *Alliance for the Wild Rockies v. Savage*, 209 F.Supp.3d 1181 (D. Mont. 2016) (upholding collaborative forestry project);
- *Center for Biological Diversity v. Gould*, 150 F.Supp.3d 1170 (E.D. Cal. 2015) (largely approving post-fire timber salvage);
- *Alliance for the Wild Rockies v. U.S. Forest Service*, No. 1:15-CV-00193-EJL, 2016 WL 4581404 (D. Idaho Aug. 31, 2016) (upholding landscape-scale project);
- *Alliance for Wild Rockies v. Farnsworth*, No. 2:16-CV-433-BLW, 2017 WL 1591840 (D. Idaho May 1, 2017) (denying preliminary injunction).

MARKOWITZ HERBOLD P.C., Portland, OR

Attorney, 2011-2015

Practice focused on complex litigation with an emphasis on environmental and business disputes. Business disputes practice included patent litigation, partnership disputes, consumer law, insurance coverage, and class actions.

I gained first-chair trial and appellate experience, successfully representing the Port of Vancouver USA in environmental litigation regarding the Vancouver Energy Terminal proposal, arguing and winning the case in summer 2015 before the Washington Court of Appeals.

On behalf of an individual client, I first-chaired a trial on a conversion claim after the client sold a restaurant and the buyers stopped paying and kept the assets. I obtained a five-figure judgment in favor of the client.

Additional representative engagements:

- Attorney fee expert for federal government in litigation regarding Sandy River salmon hatchery;
- Obtaining reimbursement of environmental defense costs for manufacturer;
- Led firm's representation of major food company in employment class action resulting in mediated settlement;
- Defeated consumer claims against national medical billing company;
- Obtained settlement on behalf of purchaser of delivery franchise after franchise was revoked;
- Second chair in groundbreaking probate trial which reopened an estate to bring an elder abuse claim against former personal representative, the decedent's nephew;
- Represented helicopter company in successful attempt to obtain contractual indemnity from corporate customer.

UNITED STATES DEPARTMENT OF JUSTICE, Washington, DC

Honors Program Trial Attorney, Wildlife & Marine Resources Section, 2006-2011

Litigation under the Endangered Species Act (ESA) and other environmental statutes, including the Magnuson-Stevens Fishery Management and Conservation Act and the Marine Mammal Protection Act.

- Successfully represented U.S. Coast Guard in ESA litigation regarding the *Deepwater Horizon* oil spill response;
- Received Special Achievement Award for successful defense of multi-statutory challenge to timber salvage project in Daniel Boone National Forest;
- First chair in one of the first ESA listing cases involving a species, the ribbon seal, affected by climate change, obtaining favorable summary-judgment decision;
- Represented FEMA in two simultaneous statewide challenges to the administration of the National Flood Insurance Program;
- Concurrently represented NMFS and Army Corps in long-running litigation involving competing priorities of fish conservation and dam maintenance;
- Brokered over 20 settlements between government agencies and citizen environmental groups.

Notable decisions include:

- *Heartwood v. Agpaoa*, 611 F.Supp.2d 675 (E.D. Ky. 2009) (upholding Forest Service salvage project following ice storm);
- *WildEarth Guardians v. Salazar*, 834 F.Supp.2d 1220 (D. Colo. 2011) (granting motion to dismiss for lack of standing);
- *Center for Biological Diversity v. Lubchenco*, 758 F.Supp.2d 945 (N.D. Cal. 2010) (upholding ribbon seal listing determination);

- *Fisheries Survival Fund v. Locke*, 628 F.Supp.2d 65 (D.D.C. 2009) (granting motion to dismiss);
- *Palouse Prairie Found. v. Salazar*, No. 08-CV-00032-FVS, 2009 WL 415596 (E.D. Wash. Feb 12, 2009), *aff'd*, 383 Fed. Appx. 669 (9th Cir. 2010) (upholding petition finding re: giant Palouse earthworm);
- *Otter v. Salazar*, 718 F. Supp. 2d 62 (D.D.C. 2010) (granting transfer motion re: slickspot peppergrass plant);
- *Defenders of Conewango Creek v. Echo Developers, LLC.*, 2007 WL 3023927 (W.D. Pa. Oct. 12, 2007) (denying motion for preliminary injunction and granting cross-motion to dismiss in challenge to shopping center construction in rural Pennsylvania);
- *Strahan v. Roughead*, 2010 WL 4827880 (D. Mass. Nov. 22, 2010) (denying motion for preliminary injunction aimed at Naval operations throughout the entire Atlantic seaboard);
- *Habitat for Horses v. Salazar*, 745 F.Supp.2d 438 (S.D.N.Y. 2010) (denying request to enjoin gather of wild horses in western Colorado);
- *Moden v. U.S. Fish & Wildlife Serv.*, 2008 WL 4763025 (D. Or. Oct. 27, 2008) (dismissing case relating to listing status of Klamath basin sucker fish).
- *South Yuba R. Citizens League v. NMFS*, 804 F.Supp.2d 1045 (E.D. Cal. 2011) (establishing rigorous standards for injunctive relief under ESA).

STOEL RIVES LLP, Portland, OR

Summer Associate- Resources, Development & Environment, 2003, 2004

Prepared memoranda in various environmental matters, including preemption of local regulations by state land-use procedures in wind energy site adjudication, offshore wind power regulations and applicability of Clean Water Act to irrigation practices.

THE NATURE CONSERVANCY, Arlington, VA

Summer Law Clerk, Office of the General Counsel, 2004

Advised Maryland & Virginia program offices on legal framework regarding alien oyster introduction into Chesapeake Bay. Researched severance & transfer provisions of Arizona water law.

AMERICAN EXPRESS COMPANY, New York, NY

Manager/Analyst, Advanced Payments Enterprise Development, 2000-2002

Executed business development and project management for AmEx “smart card” initiatives. Managed back-end implementation for launch of new credit card in Canadian market. Managed multi-national project teams and multiple vendor relationships.

REP. BRIAN BAIRD, Washington, DC (WA- 3rd District)

Intern, Summer 1999

BAR ADMISSIONS

Oregon (2005)

Washington (2012)

Ninth Circuit Court of Appeals (2014)
United States Supreme Court (2017)

MEMBERSHIPS

Chair-Elect, Executive Board, Oregon State Bar Environment & Natural Resources Section

Clark County (WA) Bar Association

American Bar Association, Section on Environment, Energy, and Resources

PUBLICATIONS/PRESENTATIONS/TESTIMONY

Witness, House Committee on Natural Resources, Subcommittee on Federal Lands, Oversight Hearing, “Burdenome Litigation and Federal Bureaucratic Roadblocks to Manage Our Nation’s Overgrown, Fire-Prone National Forests,” June 8, 2017.

“Using Post-Fire Timber Salvage to Restore Spotted Owl Habitat,” 31 *Natural Resources & Environment* 23 (2016).

“Defending Your Collaborative Project,” Idaho Forest Restoration Partnership conference, Boise, Idaho, March 2017.

“Effectively Resolving Disputes with Citizen Groups,” *ABA Section on Environment, Energy, & Resources, In-House Counsel Committee*, August 2014.

“Article III Standing: An Update,” May 2014, *OSB Environment & Natural Resources Brown Bag Series*.

“Case Summary: U.S. FWS Proposes De-Listing of Oregon Chub,” *OSB Environment & Natural Resources Case Notes*, April 2014.

“Out of the Wild: From Wildlife Lawyer to Commercial Litigator,” *WSBA Litigation News*, Summer 2013.

“Oregon Marine Reserves and Protected Areas,” *OSB Environment & Natural Resources E-Outlook*, March 2013.

“The Endangered Species Act and Climate Change,” *OSB Environment & Natural Resources Annual CLE*, October 2012.

“Case Summary: The Polar Bear and Regulating Greenhouse Gases,” *OSB Environment & Natural Resources Case Notes*, February 2012.

EDUCATION

Clerkship: Justice Walter Carpeneti, Alaska Supreme Court, Juneau, AK, 2005-06

**Harvard Law School, Cambridge, MA,
J.D., June 2005**

Research Assistant to Prof. John Leshy (water law, public lands law)

Researched and edited Prof. Leshy’s article on the common law of the Property Clause (75 U. Colo. L. Rev. 1101). Prepared revisions to public lands law casebook.

Written work advisor: Prof. Jody Freeman. Paper topic: Legislative and judicial history of the Wild Free-Roaming Horses and Burros Act.

Harvard Journal on Legislation: Supervising Editor, Technical Editor

Harvard College, Cambridge, MA,

A.B. *cum laude* in Environmental Science and Public Policy, June 2000

Harvard College Scholarship for academic excellence;
Citation in Spanish for advanced study

OTHER

Speak proficient Spanish and basic German.
Winner of 1992 National Geography Bee.
Pro bono counsel to Oregon Repertory Singers.