

LAWSON E. FITE

Schwabe, Williamson & Wyatt, P.C., Portland, Ore.

Shareholder, Environment & Natural Resources, 2023–Present

Shareholder with regional firm focused on natural resources and energy industries. Practice focused on regulatory work, compliance, permitting, and litigation.

Representative engagements/experience

- Advocacy for coalition of port and navigation interests in major litigation involving Columbia River dams.
- Represent major dairy products company in litigation involving wastewater processing in Eastern Oregon.
- Successfully sought writ of mandamus on behalf of developer to require local jurisdiction to approve final subdivision plat.
- Advise clients regarding compliance with Extended Producer Responsibility statutes and EU Deforestation Regulation.
- Handled appeal of forest practices determination on behalf of Washington timberland owner.
- Represent owner of coal mines in challenge to federal management plan threatening coal supply.
- Represent irrigation district in disputes with member relating to mutual easements.
- Pro bono brief on behalf of 47 U.S. Senators and House members relating to transboundary air pollution regulations.
- Represent landowners adversely affected by massive bridge replacement project.
- Pursuing claim for damage to forestlands caused by adjoining landowner's negligence.
- Provide legal counsel to numerous forestry trade associations.
- Represent residents in challenge to NEPA analysis for housing project.
- Provide environmental support for transactions relating to energy and energy storage.
- Represent gravel quarry in permitting process before Oregon state agencies.
- Represented logging contractors in Montana & Arizona regarding claims against US Forest Service.

Marten Law LLP, Portland, Ore.

Partner, 2021–2023

Practice with boutique firm focused on environment, energy, and resource issues. Focus of practice includes public and private forestry, endangered species, public lands, and appeals.

Representative engagements/experience

- On behalf of Oregon logging company, defeated request for temporary restraining order in antitrust suit relating to government timber contracts (D. Or.)
- On behalf of coalition of agricultural groups, successfully appealed denial of intervention in three related challenges to the decision to de-list the gray wolf under the ESA. Ninth Circuit reversed, holding district court had abused its discretion.
- Negotiated lease for green hydrogen project on behalf of major renewable energy developer (first such project in Washington).
- Represent community associations in Florida regarding proposed major construction project in sensitive area.

- Assist timberland owner with comments on proposed exclusion of property from critical habitat designation and amendments to Habitat Conservation Plan (HCP).
- Represented major Idaho landowner in federal challenge to land exchange vital to operation of fertilizer manufacturing facility.
- Assisted national solar industry trade group with end-of-life regulation issues for solar panels.
- Represented City of Ephrata in cleanup of contaminated municipal landfill.
- Represented dairies in Washington in litigation under Resource Conservation & Recovery Act (RCRA).

American Forest Resource Council, Portland, Ore.

General Counsel, 2017–21; Staff Attorney, 2015–16

Directed legal program at trade group for lumber manufacturers in Oregon with active litigation docket. Managed six-figure legal budget and complex, multi-jurisdictional litigation. Substantial appellate work including 10 arguments in 9th Cir. Significant experience with trade association governance/litigation issues. Supreme Court work including amicus brief for 17 forestry associations.

Markowitz Herbold P.C., Portland, Ore.

Attorney, 2011–15

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

First-chair trial and appellate experience

- Represented Port of Vancouver USA in environmental litigation regarding Vancouver Energy Terminal proposal (Clark County, Wash. Court of Appeals, Wash. Supreme Ct.)
- Bench trial of conversion claim regarding restaurant equipment. Obtained five-figure judgment in favor of client. (Clark County, Wash.)

Additional representative engagements

- Obtained insurance reimbursement of environmental defense costs for manufacturer under CERCLA (D. Or.).
- Led firm's representation of major food company in employment class action resulting in mediated settlement (King County, Wash.).
- Defeated consumer claims against national medical billing company (D. Or.).
- Obtained settlement on behalf of purchaser of delivery franchise after franchise was revoked (Prefiling- Clackamas County, Ore.).
- Second chair in groundbreaking probate trial, reopened estate to bring an elder abuse claim against former personal representative, the decedent's nephew (Multnomah County, Ore.).
- Member of trial team in 3-week class action jury trial regarding consumer protection laws (King County, Wash.).

United States Department of Justice, Washington, D.C.*Honors Program Trial Attorney, Wildlife & Marine Resources Section, 2006–11*

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

Representative matters

- Successfully represented U.S. Coast Guard in ESA litigation regarding the *Deepwater Horizon* oil spill response (E.D. La.).
- Received Special Achievement Award for successful defense of timber salvage project in Daniel Boone National Forest (E.D. Ky.).
- Represented FEMA in two simultaneous statewide challenges to the administration of the National Flood Insurance Program (D. Ariz., D.N.M.).
- Brokered over 20 settlements with citizen environmental groups.

American Express Company, New York, N.Y.*Manager/Analyst, Advanced Payments Enterprise Development, 2000–02*

Executed business development and project management for AmEx “smart card” initiatives. Managed back-end implementation for launch of new credit card in Canadian market, partnering with major Canadian bank, including dealing with impact of 9/11 attacks on project.

Managed multi-national project teams and multiple vendor relationships.

CLERKSHIP**Alaska Supreme Court, Juneau, Alaska**

Law clerk to Justice Walter L. (Bud) Carpeneti, 2005–06

EDUCATION**Harvard Law School, J.D., June 2005**

- Research Assistant to Prof. John Leshy. 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. Subject: Legislative and judicial history of Wild Free-Roaming Horses and Burros Act.
- *Harvard Journal on Legislation*: Supervising Editor, Technical Editor.
- Summer law clerkships at Stoel Rives (Portland, Ore.) and The Nature Conservancy (Arlington, Va.).

Harvard College, A.B. cum laude in Environmental Science & Public Policy, June 2000SELECTED PUBLICATIONS/PRESENTATIONS

Seminar Chair, Wildfire Mitigation & Response in Oregon, Portland, Ore., Sept. 12, 2025.

The Law of Forest Management and Wildfire, Wildfire Mitigation & Response Conference, Helena, Mont., Oct. 1, 2024.

- Regulatory Trends Affecting Private Timberlands in the USA, International Forest Business Conference, Sopot (Gdansk), Poland, May 21, 2024.
- Session Chair, “Biodiversity and Community Resilience,” ABA Conference on Disaster Recovery, San Juan, Puerto Rico, February 2024.
- The Changing Landscape of the National Environmental Policy Act (NEPA), Mapping the Course Conference, Western Association of Conservation Foresters, Jan. 16, 2024.
- Biodiversity Conservation and the Problem of Extraterritoriality, 38(2) *Nat. Res. & Envt.* 44 (2023).
- Session Chair, “Groundwater permitting post-*Maui*,” American Agricultural Lawyers’ Association, Annual Symposium, Charlotte, N.C., Nov. 10, 2023.
- Public Forests, Public Nuisance? 37(2) *Nat. Res. & Envt.* 26 (2022).
- Wildlife Law Update, Zoological Association of America Annual Meeting, Mesa, Ariz., December 1, 2022.
- Session Chair, “Coming to a Courthouse Near You? ESG Disclosure Requirements, Risks, and Strategies Throughout the Supply Chain,” Federal Bar Association Annual Convention, Charleston, S.C., Sept. 15, 2022.
- Regulatory Trends Across Private Timberlands in the USA, International Forest Business Conference, Sopot (Gdansk), Poland, May 24, 2022.
- Panelist on “The Truth About ESG,” (Environmental, Social, and Governance issues), American Bar Association, Litigation Section, Corporate Counsel Seminar, Orlando, Florida, February 2022.
- Offshore Wind Permitting in Washington, Washington State Bar, Environmental & Land Use Law Section webinar, December 2021.
- Fire Liability Imbalances—An Issue Worth Revisiting? 35(3) *Nat. Res. & Envt.* 50 (2021).
- Conflicts Between Pipelines and Forest Plans—An Unforeseen Complication.* ABA SEER Fall Conference, Oct. 19, 2020: Pipe Dream to Transmission Machine: The Regulatory Life of an Interstate Pipeline.
- Enjoining Nationwide Development: *Northern Plains v. Army Corps* and the Weaponization of Environmental Permit Challenges. Washington Legal Foundation webinar, Sept. 30, 2020.
- Cowpasture* decision upholds integrity of the National Forest System, *Trends*, ABA Section on Environment, Energy, & Resources, Vol. 52 No. 1 (Sept./Oct. 2020).
- Candidate Conservation Agreements With Assurances Are the Next Great Tool for Win-Win Conservation, 35(1) *Nat. Res. & Envt.* 32 (2020), with Greg Corbin and Galen Schuler.
- A Different Kind of “Regulatory Taking”: When Does Nonfederal Regulatory Action Cause Take of Listed Species? *Endangered Species and Other Wildlife* 5-1 (Rocky Mt. Min. L. Fdn. 2019).
- The missing piece: Presidential action on monuments highlights congressional abdication of responsibility, *Trends*, ABA Section on Environment, Energy, & Resources, Vol. 49 No. 4 (Mar./Apr. 2018).
- Using Post-Fire Timber Salvage to Restore Spotted Owl Habitat, 31(1) *Nat. Res. & Envt.* 23 (2016).
- Effectively Resolving Disputes with Citizen Groups, ABA Section on Environment, Energy, & Resources, *In-House Counsel Committee Newsletter*, August 2014.
- “Out of the Wild: From Wildlife Lawyer to Commercial Litigator,” WSBA Litigation News, Summer 2013.

CONGRESSIONAL TESTIMONY

- House Committee on Oversight and Government Reform, Subcommittee on Interior, Energy, and Environment, Hearing on “Restoring Balance to Environmental Litigation,” September 27, 2018.
- Senate Committee on Environment and Public Works, Hearing on “Forest Management to Mitigate Wildfires: Legislative Solutions,” September 27, 2017.
- House Committee on Natural Resources, Subcommittee on Investigations and Oversight, Hearing on “Exploring Solutions to Reduce Risks of Catastrophic Wildfire and Improve Resiliency of National Forests,” September 27, 2017.
- House Committee on Natural Resources, Subcommittee on Federal Lands, Oversight Hearing, “Burdensome Litigation and Federal Bureaucratic Roadblocks to Manage Our Nation’s Overgrown, Fire-Prone National Forests,” June 8, 2017.

EXPERT TESTIMONY ON ATTORNEY FEES

- *Oregon Natural Desert Ass’n v. Rose*, No. 3:09-cv-00369-JR (D. Or. 2020).
- *League of Wilderness Defenders v. Turner*, No. 2:16-cv-01648-MO, 305 F.Supp.3d 1156 (D. Or. 2018).
- *Native Fish Soc’y v. NMFS*, No. 3:12-cv-00431-HA (D. Or. 2014), with David Markowitz.

MEMBERSHIPS/POSITIONS

Federal Bar Association

Corporate & Association Counsel Division Chair, 2022–24.

Vice Chair, 2021–22.

Vice Chair-Programs, Corporate and Association Counsel Committee, 2018–21.

Section programs received 2020 National Award from FBA.

American Bar Association, Section on Environment, Energy & Resources

Co-Chair, Endangered Species/Wildlife Committee (2022–24). Received Committee of the Year Award from ABA.

Vice Chair-Programs, 2021–22.

Oregon State Bar Environment & Natural Resources Section

Section Chair, 2018; Executive Committee, 2011–19.

BAR/COURT ADMISSIONS

- ❖ United States Supreme Court (2017)
- ❖ United States Courts of Appeals
 - Ninth Circuit (2014)
 - District of Columbia Circuit (2019)
 - Tenth Circuit (2019)
 - Fourth Circuit (2021)
 - Federal Circuit (2021)
 - Second Circuit (2022)
 - First Circuit (2023)
- ❖ United States District Courts
 - District of Oregon (2011)

Western District of Washington (2012)

Eastern District of Washington (2016)

District of Columbia (2017)

District of Montana (2021)

❖ U.S. Court of Federal Claims (2023)

❖ State Bars of Oregon (2005), Washington (2012), Montana (2021)

OTHER

Speak proficient Spanish and basic German.

Winner of 1992 National Geography Bee.

Pro bono counsel to Oregon Repertory Singers, Cottonwood School of Civics & Science.

Active pro bono immigration work.