

JEFFREY A. THALER

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PRESENT OCCUPATION

Visiting Associate Professor, University of Maine School of Law

Visiting Professor, University of Maine

Associate University Counsel, University of Maine System

Admitted in: Maine, New Hampshire (inactive), New York, District of Columbia (inactive)

EDUCATION

Yale Law School, J. D., 1977

Including Five–Month Program at the Yale Child Study Center of child psychology, family counseling, pediatrics course and clinical work, and teaching.

Williams College, B.A., *magna cum laude* with Highest Honors, 1974

Including Nine–Month Program, Williams–at–Home, of intensive experiential education work and study in Waycross, GA; Topmost, KY; Eagle Grove, IA; and Detroit, MI.

PROFESSIONAL EXPERIENCE

Visiting Professor of Energy Policy, Law and Ethics, University of Maine and Maine School of Law, 2011-16

Associate University Counsel, 2011- present

Visiting Associate Professor, Maine School of Law, 2016-present

Responsible for developing and implementing a University-wide curriculum focusing on renewable energy technologies and issues, across campuses and disciplines. Courses have included Renewable Energy, Energy Economics and Policy, Climate Change Policy and Legal Issues, Toxic Torts Law, upper-level Administrative Law, Legislative and Administrative Law (to all students), and new Administrative Law and Land Use Law Practicums. Also teach several sessions in the summer 2016 and 2017 of Maine Law’s Pre-Law Undergraduate Scholars Program. Developing new Regulatory Law and Compliance course for business people. Faculty Advisor for the Environmental and Energy Law Society and for the Ocean and Coastal Law Journal. Also provide legal representation to the University on environmental, energy, Maine Public Utility Commission and sustainability initiatives, including all offshore-wind projects (such as the only permitted and deployed floating offshore wind turbine in the Americas).

Attorney and Partner, 1997 – 2011

Bernstein, Shur, Sawyer & Nelson, Portland

As Co-Chair of the Environmental Practice Group, was responsible for representing private and public clients in complex environmental, land use and energy matters at all regulatory levels, in federal and state courts. Involved with project siting and permitting

on land and off-shore; also toxic tort, contaminated property and related litigation. As a senior member of the Litigation Practice Group, handled a wide variety of commercial, professional liability, personal injury, and insurance lawsuits, including trials and appeals in state and federal courts.

Adjunct Instructor, Williams College, January 2008-15

Adjunct Instructor, Colby College, January 2016-present

Design and direct experiential Winter Study/January Plan Project, “Resettling Refugees and Immigrants in Maine”, with home stays and school/health center placements in Portland and Westbrook.

TEDx Presentation: http://www.youtube.com/watch?v=2WzWxVA_3o4

Colby College Video Profile: <http://www.colby.edu/magazine/dipping-into-the-melting-pot/>

Adjunct Instructor, Waynflete School, May 2016-present

Design and direct experiential Senior Project, “Resettling Refugees and Immigrants in Maine”, with home stay and school placement in Westbrook and Portland.

Adjunct Professor, University of Southern Maine, 2009

Political Science 380, “The Refugee Experience: From There to Here”

Adjunct Professor, University of Maine School of Law, January 2000–January 2001

Environmental Law 637 – Introduction to Environmental Law (2 semesters)

Attorney and Partner, 1986–1997

Berman & Simmons, P.A., Lewiston

Responsible for significant complex litigation and regulatory matters at the federal, state and local levels in areas including environmental, toxic tort, employment discrimination, commercial, banking, criminal, and insurance matters.

Staff Attorney and Director of Advocacy, 1984–86

Maine Audubon Society, Falmouth

Directed all environmental and land use litigation, legislative and regulatory work at local, state and federal levels, and all fundraising work for Maine Conservation Lobby. Major projects included hydroelectric development (Big A, Bangor Dam), coastal development (Great Diamond Island), and health effects of wood stove emissions.

Attorney, 1980–84

Richardson, Tyler & Troubh, Portland

Handled a broad range of civil and criminal litigation and trials.

Judicial Clerk, 1979–80

Maine Supreme Judicial Court, Portland

Swing clerk for Chief Justice Vincent L. McKusick and Senior Associate Justice Sidney

W. Wernick.

Attorney, 1977–79

Criminal Appeals Bureau, Legal Aid Society New York City

Responsible for writing over 35 briefs and orally arguing approximately 15 appeals.

PUBLIC AND PROFESSIONAL OFFICES

Fulbright Specialist Program, 2017-2020 (International site to be determined)

<http://mainelaw.maine.edu/news/professor-jeff-thaler-selected-fulbright-specialist/>

Founder and Charter Member, Board of Regents, Past Program Committee Chair and Website Committee, American College of Environmental Lawyers, 2007-on;

President-Elect, 2008-09; President, 2009-10; Immediate Past-President, 2010-11.

One of 23 recognized leading environmental lawyers nationwide recognized leaders who established ACOEL, and was its third President.

Chair-Elect, Lex Mundi Environmental Practice Group, 2010; Regional Chair, North Atlantic Region, 2008-10

Lex Mundi is a global association of more than 21,000 lawyers in 160 member firms; there is one firm per State in the U.S., and one firm per country other than Canada.

Organized and presented at a number of conferences on environmental and energy issues.

Member, Advisory Committee, Roadmap for Multi-State Cooperation on Offshore Wind Development, 2016-present

Joint project of Maine, Massachusetts, Rhode Island, New York State Energy Research and Development Authority, and the Clean Energy States Alliance

Member, Steering Committee, Maine Energy Planning Roadmap Project, 2016-

Selected by the Governor's Energy Office

Public Member, Land for Maine's Future Board, 2004-2012

Appointed and re-appointed by Governor Baldacci, confirmed by Maine Legislature. Board oversees millions of dollars of land appraisal and acquisition by multiple agencies and groups.

Board of Directors, Environmental and Energy Technology Council of Maine,

2002 – present; Co-Chair, 2008-2012

Board of Directors, Northeast Clean Energy Council Institute, Boston

2014-17

Founding Board of Directors, Arctic Futures Institute, Portland, ME, 2017-present

University of New England, Institutional Animal Care and Use Committee, Non-Affiliated Member 2015-2017

Member, Trial Lawyers Care, 2003-2005

As part of the largest national pro bono effort in legal history, represented 3 daughters in the Victims Compensation Fund process for the death of their father when Tower 1 collapsed at the World Trade Center on 9/11/01.

Member, Transition Advisory Council for Governor-Elect John Baldacci,
2002 – 2003

Board of Directors, NECEC (New England Clean Energy Council) Institute,
2014-present

Chair, Maine Supreme Judicial Court Advisory Committee on Professional Responsibility, Member, 1989–2000; Chair, 1996–2000

Rewrote provisions of rules governing ethical conduct of all Maine attorneys.

Chair, Environmental and Natural Resources Section, Maine State Bar Association,
1997–1999

HONORS AND AWARDS

Chambers USA—America’s Leading Lawyers for Business, 2005-2011
(Environmental Law, Commercial Litigation)

Best Lawyers in America, 1988–2011
(Environmental, Natural Resources, Business and Personal Injury Litigation)

New England Super Lawyers, 2008-present
(Energy and Natural Resources)

Martindale–Hubbell, AV (Very High to Preeminent) rating (by peers),
1992–present

2007 Louis Scolnik Award, from the Maine Civil Liberties Union
For outstanding commitment to the protection of our civil liberties

Williams College

Magna cum Laude with Highest Honors in Political Science

Arthur B. Graves Essay Prize (Best Senior Thesis)

Phi Beta Kappa

REPRESENTATIVE SPEAKING ENGAGEMENTS AND PRESENTATIONS

“Climate Disruptions and World Disorder: Risks and Opportunities”

November 28, 2017 Camden Conference Community Event, Scarborough, Maine

“Legislative and Administrative Issues for Compliance Professionals”

November 3-4, 2017—Maine Law School, Portland, Maine, Certificate in Regulatory Compliance Program

“Maine’s Economic, Energy and Environmental Challenges & Opportunities in a Changing World”

April 27, 2017—State and Federal Judicial Council of Maine, Augusta, Maine

“Experiential Educating in the Law School Classroom: An Administrative Law Practicum Meeting Bar and Student Needs”

May 4, 2016—National Webinar for the American Bar Association Section of Legal Education and Admissions to the Bar”

“Threats to the American Eel—An Overview”

October 23-25, 2015—Presentation to the International American Eel Symposium: Future Directions for Science, Law and Policy, Portland, ME; also Moderated a Panel

“Twain Returns to Spokane: Crafting a Cross-Disciplinary Practicum”

June 13, 2015—Workshop Presentation to the Institute for Law Teaching and Learning’s Conference “Experiential Learning Across the Curriculum”, Spokane, WA

“Why Climate Change—A Socratic Exercise”

June 3, 2015—Presentation to Midcoast Seniors College, Brunswick, ME

“Renewable Energy Incentives in Maine and New England: What and Why?”

March 25, 2015—Presentation at the Environmental and Energy Council of Maine Forum, Augusta, ME

http://www.e2tech.org/Resources/Documents/Thaler_UMaine_E2Tech_Renewable_3-25-15.pdf

“Law, What Is It Good For...Absolutely Everything! Life, Law and Parenting Lessons”

March 10, 2015—Presentation at Maine Law School, Portland, ME

“Times Are a-Changin’: Energy Use, Climate Change and Getting Paid for Your Cornell Education”

October 2, 2014—Presentation at Cornell Law School, Ithaca, NY

“Dirigo—A 3-Way Rx to Make Maine A Welcoming Home for All to Succeed”

March 1, 2014—Presentation to the Maine-Africa Connection: A Conference and Community Dialogue at University of New England, Portland, ME

“So You Want to Be an “Environmental Lawyer” aka Rock ‘n’ Roll Star?”

November 6, 2013—Presentation to the Maine Environmental Law Society, Portland, ME

“America’s Environmental Laws: Obsolete in a Climate Changed World?”

May 30, 2013—Presentation at the ABA’s Natural Resources Law Teachers Institute, Flagstaff, AZ <http://www.rmmlf.org/confrnce/NRLT13news.pdf>

“Are Our Environmental Laws Obsolete or Unhelpful in a Carbon Stressed World?”

April 24, 2013—Presentation at Univ. of Minnesota Conference on Legal & Policy Pathways for Energy Innovation, Minneapolis, MN

<http://www.lawvalue.umn.edu/newsevents/conferences/lppei/agenda/home.html>

“Neither Here Nor There in a Changing America: Perspectives on Immigration from the Williams Community and Maine”

April 11, 2013—Presentation at Williams College, Williamstown, MA

“How to Slow Climate Change, and Protect Local Ecosystems and Communities Without Conflict”

March 2, 2013—Presentation at Yale’s New Directions in Environmental Law Conference, New Haven, CT,

http://ylsqtss.law.yale.edu:8080/qtmedia/events13/NDEL_Panel2_030213_s.mov

“Experiential Education Over 40 Years: Georgia, Iowa, Somalia, Cambodia”

August 10, 2012—Presentation at Conference on Experiential Education Here and Abroad, Cushing Academy, Ashburnham, MA

“U.S. Renewable Law and Policy: Catch Up or The Clock Strikes Midnight”

May 14, 2012—Presentation at the World Renewable Energy Forum, Denver, CO

“Regulation of Groundwater in Maine and the Public Trust Doctrine”

December 7, 2011—Presentation at the American Groundwater Trust Conference, MA

“In a Carbon-Stressed World, Environmental Laws Need to Change for Renewable Clean Energy Projects”

November 11, 2011—Debate and Panel at Lex Mundi Conference, NY, NY

“Permitting of the 1:3 Scale Floating Wind Turbines at the Monhegan Test Site”

June 14, 2011—Presentation at the EnergyOcean’11 Conference

“Climate Change and the Urgent Need for Clean Wind Energy Projects On and Off Shore”

April 15, 2011—Presentation to the Williams College Log Lunch Series

“Climate Change and NEPA’s Consideration of Greenhouse Gases” and “Wind

Power—A Case Study of Global On and Offshore Issues”

October 1, 2010—Presentations to the Lex Mundi Annual and North American Meetings, Vancouver, B.C.

“How NOT to Violate or Get Lost in the New Ethics Rules”

March 26, 2010 and December 11, 2009—Presentations to Maine Trial Lawyers Associations Winter and Annual Conferences

“Overview of Climate Change Litigation: Federal and State NEPA Litigation”

October 3, 2009—Presentation to the Annual Conference of the American College of Environmental Lawyers <http://www.acoel.org/articles/conferences-and-events/>

“Green Site Selection and Permitting: State Requirements”

June 25, 2009—Half Moon Seminars, LLC

“Environmental and Energy Technology Overview for Ocean Energy Projects in or Near Maine Waters”

June 19, 2009—Energy Ocean 2009 International Conference

“Climate Change and the National Environmental Policy Act”

May 29, 2009—North American Regional Conference, Lex Mundi World Association of Independent Law Firms

“Selecting a Green Site—Permitting and Cost Factors”

February and March 2009—Bernstein Shur hosted seminars

“Climate Change Issues in the 21st Century at Home and Abroad”

September 26, 2008—Presentation to the 2008 Annual Conference, American College of Environmental Lawyers

“The Development Approval Process by Maine Agencies, and the Judicial Review of Local and State Permitting Decisions”

July 16, 2008—Lorman Educational Services

“Current Issues in Storm Water Regulation in Maine”

June 24, 2008—Lorman Education Services

“Attacking and Defending a DEP Permit Decision”

May 1, 2008—Maine State Bar Association

“Maine’s Hot Inconvenient Truths: How Global Warming Will Impact Your Clients and Family”

January 26, 2007—Maine State Bar Association

“Maine Stormwater Compliance and Enforcement Issues”

June 21, 2006—Lorman Education Services

“Environmental Due Diligence & Environmental Covenants—New Developments”
January 27, 2006—Maine State Bar Association

“Issues in Lead Poisoning and Toxic Mold Litigation”
April 1, 2005 – Maine Trial Lawyers Association

Many other presentations, 1980-2005

COURT ADMISSIONS

United States Supreme Court

United States Court of Appeals for the First Circuit

United States District Courts for the Districts of Maine and New York

Maine, New Hampshire, New York and the District of Columbia

REPRESENTATIVE PUBLISHED WRITINGS

Manuscripts for All Conferences Listed Above

**Multiple Blog Articles for the American College of Environmental Lawyers,
www.acoel.org including**

<http://www.acoel.org/post/2018/03/01/If-Jimmy-Fallon-Was-an-ACOEL-Member-Here-is-What-He%E2%80%99d-Sing.aspx>

<http://www.acoel.org/post/2017/03/15/POTUS-SCOTUS-WOTUS-What-Do-They-Have-in-Common-With-Michael-Stipe-and-Jack-Black.aspx>

[http://www.acoel.org/post/2016/08/03/HOW-ACOEL-AND-THE-WHITE-HOUSE-MAKE-\(SOME\)-HISTORY.aspx](http://www.acoel.org/post/2016/08/03/HOW-ACOEL-AND-THE-WHITE-HOUSE-MAKE-(SOME)-HISTORY.aspx)

[http://www.acoel.org/post/2016/06/14/ACOEL-%E2%80%9CLawyers-Without-Borders%E2%80%9D-Group-in-Port-au-Prince-Pati-De-\(Part-2\).aspx](http://www.acoel.org/post/2016/06/14/ACOEL-%E2%80%9CLawyers-Without-Borders%E2%80%9D-Group-in-Port-au-Prince-Pati-De-(Part-2).aspx)

<http://www.acoel.org/post/2016/03/08/GAME-OF-DRONES-THE-FUTURE-OF-ENVIRONMENTAL-ENFORCEMENT-AND-MONITORING-IS-OVERHEAD.aspx>

<http://www.acoel.org/post/2015/07/16/Tenth-Circuit-Rejects-Commerce-Clause-Challenge-to-Colorado%E2%80%99s-RPS.aspx>

Multiple Blog Articles for Maine Law School:

<http://mainelaw.maine.edu/faculty/research/>

<http://mainelaw.maine.edu/faculty/lawyers-without-borders/>

<http://mainelaw.maine.edu/news/thaler-conference/>

<http://mainelaw.maine.edu/news/maine-law-hosts-american-eel-symposium/>

“Uncomfortable Learning” (2016), <https://mainelaw.maine.edu/faculty/wp-content/uploads/sites/4/thaler-waynflete.pdf>

“Experiential Educating in the Classroom: An Administrative Law Practicum Meeting Student and Bar Needs” (Chapter 12 in *Experiential Education in the Law School Curriculum* (Carolina Academic Press 2017)) <http://www.cap-press.com/books/isbn/9781611636901/Experiential-Education-in-the-Law-School-Curriculum>

“Experiential Educating in the Classroom: Designing an Administrative Law Practicum Meeting New ABA Requirements and Student Needs”, 68 *Maine Law Review* 161 (January 2016)
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2574833

“From Immersion with Farmers and Autoworkers to Refugees and Immigrants: 40 Years of Transformational Learning”, Chapter 11 in *Putting the Local in Global Education: Transformative Learning Through Domestic Off-Campus Programs* (May 2015, Stylus Press)

“The Seas Are Changing: It’s Time to Use Ocean-Based Renewable Energy, The Public Trust Doctrine, And a Green Thumb to Protect Seas From Our Changing Climate”, 19 *Ocean and Coastal Law Journal* 241-96 (2014)

“Hubris Games: Analyzing Success and Failure of Large-scale Energy Projects”, Book review Spring 2014 in *Energy Research and Social Science* (Issue 1), at <http://www.sciencedirect.com/science/article/pii/S2214629614000061>

“In the Public Trust: Climate Changed Sea Levels and Ocean Wind Power”, 31 *Delaware Lawyer* 20 (No. 4 Winter 2014)
<http://www.delawarebarfoundation.org/delaware-lawyer-publication/>

“Roadmap for Permitting and Leasing for Maine Offshore Wind Energy Projects” and “Roadmap for Permitting and Leasing For Maine Marine Hydrokinetic (MHK) Power Projects”
E2Tech and Maine Ocean and Wind Industry Initiative (2013)
<http://www.e2tech.org/projects/wind-energy>

“Fiddling as the World Burns: How Climate Change Urgently Requires a Paradigm Shift in the Permitting of Renewable Energy Projects”
42 *Lewis & Clark Environmental Law Review* 1101-1156 (December 2012); reprinted in full in 24 *Environmental Law & Management* 277-303 (Issue 6 2012)
<http://law.lclark.edu/live/files/13156-thalerready-for-websitepdf>

“Greenhouse Gas Litigation: A Split in the Courts”
American Bar Association Trends (May 2012)

“Treatment of Greenhouse Gases Under the National Environmental Policy Act”

Lexis-Nexis Treatise, Global Climate Change Series (October 2010)

“Maine’s Anti-SLAPP Law—Special Protection Against Improper Lawsuits Targeting Free Speech and Petitioning”
23 Maine Bar Journal 32 (Winter 2008)

“An Attorney’s Professional Responsibility for Non-Lawyer Staff”
18 Maine Bar Journal 106 (Spring 2002)

“The Maine Environmental Law Handbook (2d ed.)”
ABS Consulting Government Institutes (February 2002)

“Are Schools Protecting Children from Harassment”
35 Trial 32 (August 1999)

“The Rights of Women Subjected to Sexual Harassment”
1994 9 to 5 Journal

“To Protect a Child’s Health: A Call for Teamwork in Maine”
1994 Maine Family Practitioners Newsletter

“A Salute to Chief Justice Vincent L. McKusick”
8 Maine Bar Journal 322 (Sept. 1993)

“Assessing a Toxic Tort Case”
27 Trial 43 (Sept. 1991)

“On Becoming an Advocate”
1989 Habitat Journal

“Punishing the Innocent—The Need for Due Process and the Presumption of Innocence Prior to Trial”
1978 Wisconsin Law Review 441 (1978)

REPRESENTATIVE COMMUNITY ACTIVITIES

Mentor, The Telling Room’s Young Writers and Leaders Program (mentoring high school students from Jordan, Somalia, and Burundi), 2016-present

Advisory Board, Ladder to the Moon Foundation, 2015-present

Co-Founder, Chair and Member, Board of Trustees, Robert L. Gaudino Fund, 1975-96; 2010-2015.

Co-Founder and Board Member, Friends of Portland Adult Education, 2012-14

Volunteer Teacher, Level 1 English, Portland Adult Education, 2013-14, 2018

Board of Directors, Douglas Schair Memorial Lecture on Genocide and Human Rights, 2010-15

Alumni Administrator (Elected), Tyng Scholarship Board, Williams College, 2009-2012.

Yarmouth Conservation Commission, 2006-2007.

Group Facilitator (2001-2012), Team Coordinator (2005-09), Center for Grieving Children.

Big Brother to an 11-year old boy, Portland Big-Brother Big-Sisters Program, 2005-2007.

Mentor to a Portland High School student from Sudan, 2005-2007.

Member, Executive Committee and Board of Directors, KIDS Consortium, 1996-2005.

Executive Committee, Alumni Society of Williams College, 1995-1998.

Class President 2004-2009; Co-President, 1989-1993; and Class Secretary, 1974-1979, for Williams College, Class of 1974; also Reunion Co-Chairman, 1984, 1999, and 2009.

LANGUAGE PROFICIENCY

Eight years study of French