JEFFREY A. THALER

University of Maine 246 Deering Avenue Portland, Maine 04102-2837

Telephone: (207) 228-8539 (office) (207) 831-8185 (cell)

Internet: jeffrey.thaler@maine.edu; http://umaine.edu/soe/faculty-and-staff/thaler/

PRESENT OCCUPATION

Visiting Professor, Energy Policy, Law & Ethics at the University of Maine School of Law and the University of Maine; Assistant University Counsel

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 North Adams, MA; Waycross, GA; Topmost, KY; Eagle Grove, IA; and Detroit, MI.

PROFESSIONAL EXPERIENCE

Visiting Professor of Energy Policy, Law and Ethics, and Associate University Counsel, University of Maine and Maine School of Law, 2011- present

Responsible for developing and implementing a University-wide curriculum focusing on renewable energy technologies and issues, across campuses and disciplines. Courses include Renewable Energy, Energy Economics and Policy, and Climate Change and Legal Issues. Also provide legal representation to the University on environmental, energy and sustainability initiatives.

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-present

Design and Direct Experiential Winter Study Project, "Resettling Refugees: The Refugee Experience in Maine", with home stays and service learning requirements.

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. Also handled all development and 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.

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

Founder and Charter Member, Board of Regent, Program Committee Chair and Website Committee, American College of Environmental Lawyers, 2007-present; President-Elect, 2008-09; President, 2009-10; Immediate Past-President, 2010-11. One of 23 environmental lawyers nationwide originally selected as recognized leaders in their field, who will set and promote high standards for the quality of environmental practice. Currently 124 lawyers as members.

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.

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.

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, Environmental and Energy Technology Council of Maine, 2002 – present; Co-Chair, 2008-present

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

Review and rewrite 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 AT CONFERENCES

"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 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

"Fiddling as the World Burns: How Climate Change Urgently Requires a Paradigm Shift in the Permitting of Renewable Energy Projects"

Forthcoming Fall 2012, Environmental Law Journal

"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)

"Pollution Coverage for Businesses"

Business Profile (May 2000)

"Are Schools Protecting Children from Harassment"

35 <u>Trial</u> 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)

"Economics vs. The Environment: Finding the Balance"

March 1993 Profile Magazine

"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

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

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.