

MICHELLE CRAIG KALES

Denver, CO

EXPERIENCE

BROWNSTEIN, HYATT & FARBER, Denver, Colorado

Associate in environmental and natural resources group (2002-Present).

Practice focuses on environmental litigation and compliance, water rights and land use. Areas of experience include Clean Water Act, CERCLA, NEPA, Endangered Species Act, state water allocation and state and federal administrative procedure. Responsible for all aspects of complex federal and administrative litigation involving Clean Water Act storm water permitting requirements, CERCLA cost recovery, Endangered Species Act compliance, and NEPA and Administrative Procedures Act compliance. Additional experience includes representation of coalition of developers in lobbying to ensure sufficient state funding for cleanup of former military base and to ensure proposed legislative changes to CERCLA and RCRA did not impair private party cost recovery actions, representation of energy company in state court litigation involving preemption and state water quality issues, assisting power company with environmental and administrative issues in Federal Regulatory Commission proceeding and real estate clients with environmental due diligence associated with development of contaminated properties.

UPPER CHATTAHOOCHEE RIVERKEEPER (UCR), Atlanta, Georgia

General Counsel (1998-2002). Oversaw all aspects of legal program for UCR, a non-profit environmental advocacy organization, with a budget of \$1.2 million, dedicated to the protection and restoration of the Chattahoochee River and its watershed. Duties involved determining appropriate course of action to address threats to the Chattahoochee watershed, managing all litigation, lobbying federal state and local officials to improve environmental laws and ensuring compliance with all legal restrictions associated with 501(c)(3) non-profit status. Areas of concentration included Clean Water Act, state water rights and water allocation laws and policies, federal and state administrative procedures, and state erosion and sedimentation laws. Filed and litigated multiple administrative appeals, including the first-ever third-party appeal of a state surface water withdrawal permit in Georgia. Initiated and settled citizen suits under the Clean Water Act, including cases against a county landfill and private construction sites under the State's industrial storm water permits. Represented UCR on a stakeholder group tasked to negotiate the terms of the State's General Stormwater Permit for Construction Activities. Helped form and provide legal counsel for a 47-member coalition of non-governmental organizations in a major interstate water allocation process between Georgia, Florida and Alabama, known as the "Tristate Water Wars". Assisted in the drafting and enforcement of conservation easements for America's Watershed Landkeeper, a 509(a)(3) supporting organization to UCR.

SMITH, GAMBRELL & RUSSELL (SGR), Atlanta, Georgia

Associate in environmental practice group (1995-1998); Summer Associate (1994). Experience at SGR included all aspects of complex environmental litigation, on both plaintiff and defense sides, involving the Clean Water Act, administrative law, CERCLA, RCRA, underground storage tank issues and state air quality, nuisance, trespass and riparian rights laws. Litigation experience included conducting direct and cross examination of witnesses during civil jury trial; arguing motions before Georgia Administrative and Superior Courts; interviewing and deposing witnesses; and negotiating with clients and attorneys to resolve disputes prior to trial. Drafted and filed a Petition for Certiorari with the United States Supreme Court on behalf of a local citizen addressing a highly contested Clean Water Act issue. Handled several environmental and other pro bono matters for the firm.

EDWARDS, FRIEDEWALD & GRAYSON, Marietta, Georgia

Law Clerk (Summer 1993): Researched family law, contracts, and tort matters. Participated in hearings before the Department of Family and Children's Services. Researched and drafted summary judgment motions, simple and living wills, and real estate closing documents.

EDUCATION

EMORY UNIVERSITY LAW SCHOOL, Atlanta, Georgia

J.D. *with distinction*, May 1995 (Top 12%)

Managing Editor of the Emory Bankruptcy Developments Journal

Honors & Activities: Emory Law School Scholarship Recipient; Dean's List, 1992-1995

UNIVERSITY OF KENTUCKY, Lexington, Kentucky

Bachelor of Business Administration, May 1992

Honors & Activities: Dean's List, all semesters; Awarded scholarship for Summer Study Abroad Program on International Bank Management, Vienna, Austria, Summer 1991; Pi Beta Phi Sorority--Vice President of Scholarship.

OTHER QUALIFICATIONS

Relevant Professional Training Courses:

-U.S. Environmental Protection Agency: Water Quality Standards Academy Basic Course (February 2002)

-Safe Energy Communication Counsel media training workshop (January 2001)

Selected Publications:

-“Water Quantity Woes: Growing Concerns over Georgia’s Diminishing Surface Water Supply,” State Bar of Georgia, Environmental Law Newsletter, 2002

-“Water Use and Water Quality in Georgia, Changing Laws and Policies,” International Continuing Legal Education Water Law Seminar (course materials), April 2002

-“Judge Upholds Citizen Group’s Legal Right to Challenge the State’s Management of the Chattahoochee River,” Georgia Southeast Environmental News, 2001

-“Water--A Public Resource or a Private Commodity? Recent Aspects of the Growing Debate over Who Controls One of Georgia’s Most Valuable (and Scarce) Natural Resources,” State Bar of Georgia Environmental Law Seminar (course materials), August 2000

-Co-authored: “The General Stormwater Permit Saga,” State Bar of Georgia, Environmental Law Newsletter, 1996

-“The New Value Exception, A Plea for Modification or Elimination,” Emory Bankruptcy Developments Journal, Vol. II, 1995

Memberships and Community Activities:

Admitted to practice in Colorado and Georgia; Member of Colorado Women’s Bar Association; Member of the Advisory Board for the Emory University School of Law Turner Environmental Law Clinic (1998-2002); Member of the Board of Directors of America’s Watershed Landkeeper (2000-2002).