

Crowell & Moring Adds Longtime DOJ Enviro Litigator

By Michael Phillis

Law360 (February 12, 2019, 6:22 PM EST) -- Crowell & Moring LLP has hired a former U.S. Department of Justice attorney who helped defend significant environmental regulations including challenges to the Clean Power Plan before the D.C. Circuit.

Amanda Shafer Berman joined the firm's Washington, D.C., office as counsel, according to the firm's announcement earlier this month. Berman previously spent a decade in the DOJ's Environment & Natural Resources section, working on some of the highest-profile litigation on environmental matters during the Obama administration, including defending challenges to the U.S. Environmental Protection Agency's power to regulate mercury and greenhouse gas emissions, the firm said.



Amanda Shafer Berman

"I'm hoping to bring that appellate expertise, that [administrative] law expertise, to benefit both the environment group at Crowell, which actually does a lot of work that is similar to what we did in the environmental defense section at DOJ — sometimes on the other side of things, of course, but sometime on the same side. I'm also hoping to bring it to bear more broadly on the general litigation practice at Crowell," Berman told Law360.

She said at Crowell & Moring, she has an opportunity to expand her work beyond the environmental space and broaden her appellate work.

"I'm particular comfortable, maybe more than some people, with scientific or technical issues. That is one way in which I can practice more broadly, because those come up in health care" and technical cases, she said.

She said another benefit of Crowell was its pro bono work, adding that she will have an opportunity to work on an immigration case before the Third Circuit.

During her DOJ tenure, Berman defended mercury emissions standards for power plants and early efforts by the EPA to regulate greenhouse gases. She said her work on the Clean Power Plan, which was the Obama administration's push to regulate greenhouse gas emissions from power plants, was the highlight of her career.

The litigation culminated in en banc arguments before the D.C. Circuit in September 2017, which involved an extra level of preparation and a packed courtroom.

“It was a really interesting process preparing for that en banc argument,” she said. “It was such a diverse range of issues, from the constitutional question that I argued in court to the statutory interpretation question to some very technical issues that were dealt with later in the day.”

She said preparation was “intense but a lot of fun,” involving work with a wider range of attorneys than in a typical appellate case. The case was argued, but the EPA has proposed a replacement and it is unclear if a decision will ever be issued.

Prior to joining the EPA, Berman was at Shearman & Sterling LLP as an associate, where her work included cases involving Guantanamo Bay detainees, she said. The partner she worked with was one of the first to pursue the litigation and bring habeas corpus petitions on behalf of those being detained, Berman said.

“It was one of the more exciting things I did early in my career,” Berman said.

Berman graduated from Georgetown University Law Center.

“Amanda has an impressive track record of successfully defending the Environmental Protection Agency in a number of complex matters,” Elliott Laws, chair of Crowell & Moring's Environment & Natural Resources Group said in a statement. “Her extensive background in environmental and appellate litigation makes her an incredible asset to clients served by both our ENR and litigation groups, and we are very proud to welcome her to the firm.”

--Editing by Bruce Goldman.