



## Jeffrey A. Thaler

Of Counsel

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Jeff Thaler is an attorney with Preti Flaherty's Energy & Telecommunications Practice Group in the firm's Portland, Maine, office. A skilled advocate for large-scale clean energy projects and climate-related initiatives, his practice focuses on representing private and public clients in complex energy matters at all regulatory levels, and in federal and state courts. Jeff has extensive experience counseling clients through project siting and permitting, compliance, enforcement, and litigation for on- and offshore wind projects and hydro power and wood-to-biofuel facilities, as well as many other commercial development

Jeff Thaler is a nationally recognized energy and environmental attorney, working in Preti Flaherty's Energy & Telecommunications and Environmental practice groups. A skilled advocate for large-scale clean energy projects and climate-related initiatives, his practice focuses on representing private and public clients in complex energy matters at all regulatory levels, and in federal and state courts. Jeff has broad and extensive experience counseling clients through project siting and permitting, compliance, enforcement, and litigation for on- and offshore wind projects and hydro power and wood-to-biofuel facilities, as well as many other commercial and land use development projects. He also has served as an expert witness in federal environmental litigation.

Jeff has authored numerous articles, including the oft-cited "Fiddling as the World Burns: How Climate Change Urgently Requires a Paradigm Shift in the Permitting of Renewable Energy Projects" (42 *Environmental Law Journal* 1101 [2012]), and is the lead author of *The Maine Environmental Handbook* and the LexisNexis Treatise, *Treatment of Greenhouse Gases Under the National Environmental Policy Act*. He also is co-founder of the Environmental and Energy Technology Council of Maine, and the Arctic Futures Institute.

In his litigation work, Jeff has been lead counsel on a number of CERCLA and toxic tort cases, and was trial counsel in a federal accounting case in which the jury awarded his client over \$6.6 million, one of the largest such verdicts in Maine. He also has been lead trial counsel in a number of other cases resulting in seven-figure settlements, and has successfully defended many attorneys, law firms, and businesses in state and federal courts, and served for over a decade, including as Chair, of the Maine Supreme Court's Advisory Committee on the Code of Professional Responsibility.

Most recently, Jeff served as Associate Counsel for the University of Maine System, as a

### Services

- [Energy & Telecommunications](#)
- [Environmental](#)
- [Environmental Litigation](#)
- [CERCLA Allocation & Mediation](#)
- [Cleantech & Renewable Energy](#)
- [Climate Strategy](#)
- [Land Use & Permitting](#)
- [Natural Resource Damages](#)
- [Offshore & Onshore Wind Power](#)

Professor of Practice at the University of Maine School of Law, and as an associate faculty member of the University of Maine's Climate Change Institute. His teaching has involved Energy Law, Administrative Law, and Environmental and Climate Litigation. In 2019, Jeff was placed as a Fulbright Program Specialist at Duke Kunshan University's Environmental Law and Policy Department in Kunshan, China. For Duke Kunshan, he has taught courses and presented on energy, climate litigation, environmental policy, and the U.S. Legal System.

In his previous private practice, Jeff was a partner at two of Maine's most respected law firms, where he developed a regional and statewide energy, environmental, and litigation practice. In his wide-ranging career, he has been responsible for significant complex litigation and regulatory matters at the federal, state, and local levels in areas including environmental, toxic tort, employment discrimination, professional liability, personal injury, commercial, banking, criminal, and insurance matters.

Jeff is one of the cofounders of the American College of Environmental Lawyers, which consists of the top environmental attorneys in the United States, and was elected to serve as its third President. He has been recognized by *Chambers USA*, *Best Lawyers*, and *Super Lawyers* for his work in the fields of energy and environmental law, is AV Preeminent rated by *Martindale-Hubbell*, and, in 2021, was named one of the Top 500 Environmental and Energy Lawyers in the United States by *Lawdragon*. Presently, he has been appointed by the Maine Supreme Judicial Court to serve on its Civil Rules Committee, and recently selected to rejoin the Edward T. Gignoux Inn of Court.

He is a graduate of Yale Law School and Williams College, *magna cum laude* with Highest Honors.

Jeff lives with his wife, Karen, in Yarmouth, Maine.

## Admissions

- Maine
- U.S. Court of Appeals, First Circuit
- U.S. District Court, District of Maine
- U.S. Supreme Court

## Education

- Yale Law School (J.D., 1977)
- Williams College (B.A., *magna cum laude*, with *Highest Honors*, 1974)
  - Political Science
  - Phi Beta Kappa

## Professional Activities

- American College of Environmental Lawyers, Charter Member, Cofounder and Former President
  - Board of Regents, Former Member
  - Program Committee, Former Chair
  - Education and Outreach Committees, Member
- Lex Mundi Environmental Practice Group
  - Chair-Elect, 2010
  - Regional Chair, North Atlantic Region, 2008–2010

- Arctic Futures Institute, Founding Board of Directors, 2017–present
- Environmental and Energy Technology Council of Maine, Cofounder, Board of Directors, 2002–2021
  - Co-Chair, 2008–2012
- Land for Maine's Future Board, Public Member, 2004–2012
- Northeast Clean Energy Council Institute, Boston Board of Directors, 2014–2017
- Roadmap for Multi-State Cooperation on Offshore Wind Development Advisory Committee, Member, 2016–Present
- Maine Energy Planning Roadmap Project Steering Committee, Member, 2016–2020
- Maine Bar Fellows, 2018–Present
- Maine State Bar Association, Environmental and Natural Resources Section, Chair, 1997–1999
- Maine Supreme Judicial Court, Civil Rules Committee, 2021–Present
- Maine Supreme Judicial Court Advisory Committee on Professional Responsibility
  - Member, 1989–2000
  - Chair, 1996–2000
- Trial Lawyers Care, Member, 2003–2005
- University of New England Institutional Animal Care and Use Committee, Non-Affiliated Member 2015–2017

## Civic and Charitable Activities

- Center for Grieving Children
  - Group Facilitator, 2001–2012
  - Team Coordinator, 2005–2009
- Douglas M. Schair Memorial Lecture on Genocide and Human Rights, Board of Directors, 2010–2015
- Friends of Portland Adult Education, Cofounder and Board Member, 2012–2014
- KIDS Consortium, Executive Committee and Board of Directors, Member, 1996–2005
- Ladder to the Moon Foundation, Advisory Board, 2015–Present
- Portland Adult Education, Volunteer Teacher, Level 1 English, 2013–2014
- Portland Big-Brother Big-Sisters Program, Big Brother, 2005–2007
- Portland High School, Mentor, 2005–2007
- Robert L. Gaudino Fund, Board of Trustees, Cofounder, Chair, and Member, 1975–1996; 2010–2015
- The Telling Room's Young Writers and Leaders Program, Mentor, 2016–Present
- Williams College, Tyng Scholarship Board, Alumni Administrator, 2009–2012
- Yarmouth Conservation Commission, 2006–2007

## Honors & Recognition

- *Lawdragon*, Top 500 Environmental and Energy in the United States, 2021
- *Chambers USA*, Environment Law, Commercial Litigation, 2005-2011
- Listed in *Best Lawyers in America*, 1988-2011
- Listed in *New England Super Lawyers*, 2008-Present
- *Martindale-Hubbell AV* Preeminent Peer Review Rating, 1992-Present
- Maine Civil Liberties Union Louis Scolnik Award, 2007

## News

January 10, 2022

**Preti Flaherty Welcomes Attorney Jeffrey Thaler to the Firm**

## Press Coverage

February 23, 2022

**From Maine to Kushan: Teaching the U.S. Legal System in China**

## Presentations

- "Maine and Federal Endangered Species Act Issues," HalfMoon Education's program on Energy and Electric Utility Regulation, April 22, 2021
- "What Will the Offshore Wind Industry Look Like Under the Biden Administration?" American College of Environmental Lawyers, May 20, 2021
- "Climate Change Litigation Trends and Opportunities: China, the US, and the World," Sixth Annual Sustainability Conference of American Legal Educators, May 14, 2021
- "Environmental and Climate Justice, and the Public Trust Doctrine," Waterkeepers Alliance Latin American Summit, April 14, 2021
- "What Can American Governments and Law Do In Response to the COVID-19 Pandemic?" Edward T. Gignoux Inn of Court, April 13, 2021
- "An Overview of Offshore Wind Technology and Regulatory Issues," Waterkeepers Alliance North Atlantic Training Summit, April 8, 2021
- "Comparing the Impacts of Climate Change Upon Maine and Greenland," Camden Conference Presentations, January 19 and 21, 2021
- "Law School for Legislators: Statutory Interpretation and Administrative Procedures," Maine Legislature and Legislative Staff, January 12, 2021
- "So You Want to Build an Offshore Wind Project? How Much Time Do You Have?" American College of Environmental Lawyers Annual Conference, October 31, 2020
- "Building an Offshore Wind Project? How Much Time Do We Have?" Afloat 2020 Conference, University of Maine, October 30, 2020
- "Climate Litigation in the United States: Public Trust vs. Standing vs. Who to Sue?" Duke Kunshan University's Global Climate Litigation Conference, October 24, 2020
- "What Can American Governments Lawfully Do In Response to a Pandemic?" University of Southern Maine Muskie School of Public Service, October 15, 2020
- "Hurdles, Delays, and Ways Forward for Review of Clean Energy Projects," E2Tech Forum, October 6, 2020
- "When the Next Surge Comes: What Can Governors Do to Prevent More COVID-19 Deaths and Cases This Fall and Winter?" Maine Law School, September 23, 2020
- "So You Think You Know China? Impressions A-Z from a Recent Fulbright," Maine Chinese Lunar New Year Conference, February 1, 2020
- "How to Navigate the New Adult Recreational Marijuana Regulations and Law," Maine State Bar Association, December 12, 2019
- "China, the U.S., and Maine: Opportunities and Challenges A-Z," Maine Law School & Maine State Bar Association, November 13 and 18, 2019
- "Climate Litigation in the United States: Hurdles and Evolving Theories," Duke Kunshan Univ. Climate Litigation Conference, September 18, 2019

- “Back Story: The Types of Trials, Regulatory and Environmental Matters You May See in Maine, the U.S.A. and China,” Duke Kunshan University Lunch Presentation, September 17, 2019
- “Climate Change and Energy: Legal Implications and Opportunities for Maine & New Hampshire,” Maine-N.H. Climate Change Professionals Conference, May 30, 2019
- “Is the Predicted Death of Auer Greatly Exaggerated?” American College of Environmental Lawyers National Webinar, March 26, 2019
- “Arctic Futures and Climate Change: The Role of Energy Usage,” Arctic Futures Institute, June 20, 2018
- “Climate Disruptions and World Disorder: Risks and Opportunities,” Camden Conference Community Event, November 28, 2017
- “Legislative and Administrative Issues for Compliance Professionals,” Maine Law School Certificate in Regulatory Compliance Program, November 3-4, 2017
- “Maine’s Economic, Energy and Environmental Challenges & Opportunities in a Changing World,” State and Federal Judicial Council of Maine, April 27, 2017
- “Threats to the American Eel—An Overview,” Presentation to the International American Eel Symposium: Future Directions for Science, Law and Policy, October 23-25, 2015
- “Renewable Energy Incentives in Maine and New England: What and Why?” Presentation at the E2Tech Forum, March 25, 2015
- “Times Are a-Changin’: Energy Use, Climate Change and Getting Paid for Your Cornell Education,” Presentation at Cornell Law School, October 2, 2014
- “America’s Environmental Laws: Obsolete in a Climate Changed World?” Presentation at the ABA’s Natural Resources Law Teachers Institute, May 30, 2013
- “Are Our Environmental Laws Obsolete or Unhelpful in a Carbon Stressed World?” Presentation at Univ. of Minnesota Conference on Legal & Policy Pathways for Energy Innovation, April 24, 2013
- “How to Slow Climate Change, and Protect Local Ecosystems and Communities Without Conflict,” Presentation at Yale’s New Directions in Environmental Law Conference, March 2, 2013
- “U.S. Renewable Law and Policy: Catch Up or The Clock Strikes Midnight,” Presentation at the World Renewable Energy Forum, May 14, 2012
- “Regulation of Groundwater in Maine and the Public Trust Doctrine,” Presentation at the American Groundwater Trust Conference, December 7, 2011
- “In a Carbon-Stressed World, Environmental Laws Need to Change for Renewable Clean Energy Projects,” Debate and Panel at Lex Mundi Conference, November 11, 2011
- “Permitting of the 1:3 Scale Floating Wind Turbines at the Monhegan Test Site,” Presentation at the EnergyOcean’11 Conference, June 14, 2011
- “Climate Change and NEPA’s Consideration of Greenhouse Gases” and “Wind Power—A Case Study of Global On and Offshore Issues,” Presentations to the Lex Mundi Annual and North American Meetings, October 1, 2010
- “Overview of Climate Change Litigation: Federal and State NEPA Litigation,” Presentation to the Annual Conference of the American College of Environmental Lawyers, October 3, 2009
- “Environmental and Energy Technology Overview for Ocean Energy Projects in or Near Maine Waters,” Energy Ocean 2009 International Conference, June 19, 2009
- “Climate Change and the National Environmental Policy Act,” Lex Mundi World Association of Independent Law Firms North American Regional Conference, May 29, 2009
- “Climate Change Issues in the 21st Century at Home and Abroad,” Presentation to the 2008 Annual Conference, American College of Environmental Lawyers, September 26, 2008
- “Attacking and Defending a DEP Permit Decision,” Maine State Bar Association, May 1, 2008

- “Maine’s Hot Inconvenient Truths: How Global Warming Will Impact Your Clients and Family,” Maine State Bar Association, January 26, 2007
- “Issues in Lead Poisoning and Toxic Mold Litigation,” Maine Trial Lawyers Association, April 1, 2005

## Publications

- “The Legal Case Against Japan’s Fukushima Wastewater Decision,” *The Diplomat*, May 21, 2021
- “What is Happening with NEPA Regulations?,” *Power Engineers’ Current*, April 14, 2021
- “The Next Surges Are Here: What Can American Governments Lawfully Do in Response to the Ongoing COVID-19 Pandemic?,” 42 *Mitchell Hamline Law Journal of Public Policy and Practice* 165, 2021
- “What Can a Governor Do When the 2nd COVID-19 Surge Comes?” *Northwestern University Law Review On Note*, June 2020
- “Can Governors Close Their Borders to Pandemic Risks?” *Just Security*, April 20, 2020
- “No, Donald Trump Does Not Get to Decide When States Reopen,” *Slate*, April 14, 2020
- “Novel coronavirus raises novel legal issues,” *Portland Press Herald*, April 12, 2020
- “*Kisor v Shulkin*: Perspective on Deference to Agency Interpretation of Its Own Regulations”, *ABA’s Administrative and Regulatory Law News*, Spring 2019
- “Uncomfortable Learning,” 2016
- “Experiential Educating in the Classroom: An Administrative Law Practicum Meeting Student and Bar Needs,” *Experiential Education in the Law School Curriculum*, Chapter 12, Carolina Academic Press, 2017))
- “Experiential Educating in the Classroom: Designing an Administrative Law Practicum Meeting New ABA Requirements and Student Needs,” 68 *Maine Law Review* 161, January 2016
- “From Immersion with Farmers and Autoworkers to Refugees and Immigrants: 40 Years of Transformational Learning,” *Putting the Local in Global Education: Transformative Learning Through Domestic Off-Campus Programs*, Chapter 11, Stylus Press, May 2015
- “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, *Energy Research and Social Science*, Issue 1, Spring 2014
- “In the Public Trust: Climate Changed Sea Levels and Ocean Wind Power,” 31 *Delaware Lawyer* 20, No. 4, Winter 2014)
- “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
- “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
- “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
- “The Maine Environmental Law Handbook (2d ed.),” *ABS Consulting Government Institutes*, February 2002
- “Assessing a Toxic Tort Case,” 27 *Trial* 43, Sept. 1991