

## Resume

### MARC B. MIHALY

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### Current Employment and Activities

**Professor and Dean Emeritus at Vermont Law School.** Retired in mid-2018. Teach a seminar in Land Transactions, Finance and Development.

**Vermont Land Trust:** Board member since 2012. Chaired the search committee for the new CEO. Current chair of the board.

**Stone Environmental:** Board member since 2019.

**Consultant:** Assisting Vermont clients such as the Vermont Housing and Conservation Board and the Northeast Organic Farming Association.

### Areas of Environmental Experience and Expertise

Four decades of institutional and environmental experience as an advisor and consultant to environmental consulting firms, state and local governments, environmental agencies, and environmental groups, and then as a professor and dean at Vermont Law School. Expertise in the following areas:

- Air and water pollution: regulation, control technologies, air modeling.
- Energy: resource planning, rate design, demand-side management, renewables and RECs.
- Environmental impact analysis: NEPA/CEQA document design. Close relationship with environmental consulting firms.
- Flood control: modeling, control methodologies, financing devices, federal and state law.
- Historic preservation.
- Land use and land planning: public/private development and redevelopment, development finance, all regulatory aspects, regulatory takings, specific plan, general plan and zoning design, transferable development rights, stream protection, waterfront development, large mixed-use project design and finance,

and the Public Trust doctrine.

- Low income housing design and finance.
- Military base closure and reuse.
- Hazardous material: law, remediation techniques, modeling and brownfields development.

## **Employment History**

**President and Dean of Vermont Law School, July 2012 – June 2016:** Charged with all aspects of administration of Vermont Law School, one of about a dozen independent law schools in the United States, reporting to a board of about 30.

**Professor and Associate Dean for the Environmental Program at Vermont Law School, July 2004-2016:**

*Administration:* Directed the environmental program at Vermont Law, the largest and top-rated environmental curriculum in the United States. Coordinated the curriculum, supervised the Master's programs in environmental law, energy law, and agriculture law, and the LL.M in Environmental Law. Supervised the directors of the Institute for Energy and the Environment, the Environment and Natural Resources Law Clinic, the Land Use Clinic, the Center for Agriculture and Food Systems, the China Partnership. Created and supervised the on-line version of the Master's and LL.M degrees.

*Academic Position and Courses:* Distinguished Environmental Visiting Professor (2004-5); Associate Professor (2004-2007); Professor (2007- 2016). Visiting professor in the Department of Administrative Law at the Facultad de Derecho at the University of Seville, Spain. Courses:

- *Contracts.* Includes, in addition to the usual doctrinal areas, transactional elements and skills related to drafting and negotiation.
- *Legal Writing.* An intensive problem-based program for second-semester first year students.
- *Advanced Land Use Law* emphasizes the attainment of public goods such as open space, habitat preservation, low income housing, and historic preservation through development, both by regulation and by contract in the public/private development context.
- *Energy Regulation, Markets and the Environment* focuses on the legal, economic, and environmental issues involved in the production and regulation of electricity, addressing regulatory and structural complexities connected with energy resource planning, pollution management, rate design, green markets, energy efficiency,

demand side management, renewable energy portfolios, climate change and carbon management.

- *Land Transactions, Finance and Development* is an introduction to the history, planning, contractual and financial mechanisms necessary to create our built environment, a knowledge base necessary for everyone involved in the land use endeavor, including counsel for regulators, developers, conservationists, and environmentalists.

*Publications:*

- *Living in the Past: The Kelo Court and Public-Private Economic Redevelopment*, 33 *ECOLOGY LAW QUARTERLY* 1 (2007).
- *Citizen Participation in the Making of Environmental Decisions: Evolving Obstacles and Potential Solutions through Partnership with Experts and Agents*, 27 *PACE ENVIRONMENTAL LAW REVIEW* 1 (2009)
- *Recovery of a Lost Decade (or is it Three?): Developing the Capacity in Government Necessary to Reduce Carbon Emissions and Administer Energy Markets*, 88 *OREGON LAW REVIEW* 407 (2010).

**Shute, Mihaly & Weinberger, San Francisco, California, 1980 – June 2004:**

Co-founded this firm, now at about 38 attorneys and urban planners, the largest public interest private environmental firm of its type in the United States. I served as managing partner for the first 16 years of the firm's existence. Clients are local governments, environmental agencies, and environmental and community-based groups. Practice emphasized environmental, regulatory, land use, appellate law, and complex negotiations.

**California Department of Justice, Office of the Attorney General, 1976 – 1980:**

Deputy Attorney General, Environmental Unit. Extensive experience in administrative, trial and appellate practice, and legislative work in land use regulation and environmental matters throughout California.

**San Mateo County Legal Aid Society, 1974 – 1976:**

Representation of indigent clients in connection with housing, welfare, and employment matters; extensive representation of a low-income groups on housing and land use issues.

**United States Peace Corps, 1969 – 1971:**

Served in El Salvador, living and working in an urban slum on housing and health issues.

### **Professional Associations and Memberships (Current and Past)**

- Admitted to practice 1974, State Bar of California
- California Bar, U.S. Supreme Court, U.S. Court of Appeals for the Ninth Circuit, U.S. District Courts for California.
- American Association of Law Schools, Environment and Natural Resources Sections
- Association of Environmental Professionals
- California State Bar Environment Committee
- Berkeley Environmental Law Clinic Board of Directors
- Urban Land Institute
- Congress for New Urbanism
- Lambda Alpha Real Estate Society
- Ecology Law Quarterly Alumni Advisory Board
- Ecology Law Research Institute
- Vermont Land Trust Board

### **Education**

University of California, Berkeley, Boalt Hall School of Law, J.D., 1974  
Harvard College, B.A. 1969

### **Languages**

Spanish (fluent) and French (proficient)