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## **EXPERIENCE**

**Tarrant, Gillies & Shems, LLP**, 2019-present. Attorney and partner in an innovative Montpelier law firm that represents regulated industries, businesses, municipalities, non-profits, cooperatives and individuals in energy, land use, environmental, governance, public and civil rights, and appellate law before state and federal courts and tribunals.

**Diamond & Robinson, P.C.**, 2015-2019. Attorney in Montpelier law firm that advises and represents businesses, individuals, government, and non-profit organizations in a broad range of areas including environmental, energy, land use, public and civil rights, and governance before federal and state trial and appellate courts, federal and state agencies, and municipalities.

**Chair, Vermont Natural Resources Board**, 2011-2015. Responsible for administration of Act 250, Vermont's land use permitting law, and the agency that implements the Act. Duties include support and oversight of nine District Commissions who make permitting decisions through quasi-judicial hearings, chairing the NRB's quasi-judicial review of Act 250 jurisdictional determinations, formulating land use policies, rulemaking, appearing before the Legislature regarding Act 250 and related issues, enforcement, coordinating Act 250 issues with agency partners and other stakeholders, recruiting and recommending potential Commissioners and Board members to the Governor, staff and Commissioner training, public outreach and education, and supervision of and coordination with 95 staff, Commissioners and Board members.

**Supervising and Consulting Attorney**, Vermont Law School Land Use Clinic. 2010-2011. Supervise student legal work and provide instruction, assist in developing student projects, lead Clinic seminars.

**Shems Dunkiel Kassel & Saunders PLLC**, 2001-2011. Founding Partner in law firm dedicated to providing business, non-profit, and governmental clients with high-quality counsel and litigation services. Concentration in environmental and energy law.

**Assistant Attorney General**, Vermont Attorney General's Office. 1985-2001. Duties include: enforcement and litigation of environmental laws; managing significant cross-divisional legal issues; provide counsel to and representation of the Vermont Agency of Natural Resources, Public Service Board, and other state agencies; represent the State of Vermont before state and federal trial, appellate and bankruptcy courts, and federal administrative tribunals; legislative drafting and testimony; provide guidance on environmental policy decisions; coordinate environmental policy with the National Association of Attorneys General, other States, and other national organizations; hire, supervise and train attorneys and interns; determining whether to join national litigation regarding environmental or states' rights matters, and coordinating press coverage.

**Accomplishments and skills include:****Litigation of significant cases including:**

- *In re: Morrisville Hydroelectric Project Water Quality*, 2019 VT 84, 224 A.3d 473 (Vt. 2019) -- Successfully represented American Whitewater in appeal before the Vermont Supreme Court regarding flows from hydroelectric dam necessary to maintain habitat and recreation.
- *In re: Derby GLC Solar, LLC*, 2019 VT 77, 221 A.3d 777 (Vt. 2019) – Successfully represented Washington Electric Cooperative, Inc. in upholding the VT Public Utility Commission decision denying a generation project because of transmission constraints.
- *Washington Elec. Coop., Inc.'s, Tariff Filing for Rate Design Changes & A Change in Rate Schedules to Be Effective on Servs. Rendered Beginning June 17, 2019*, No. 19-1270-TF, 2019 WL 7461354, at \*1 (Dec. 19, 2019) – Successfully represented Washington Electric Cooperative before the VT Public Utility Commission in rate design proceeding contested by the Vermont Department of Public Service.
- *UMB Bank, N.A. v. City of Winooski*, Vermont, No. 2:17-CV-00231, 2018 WL 4080384, at \*1 (D. Vt. Aug. 27, 2018) – Successfully represented UMB Bank, N.A. in claim that the City of Winooski illegally took parking from building financed by UMB Bank.
- *In re: UPC Vermont Wind, LLC (First Wind)*, 2009 VT 19, 185 Vt. 296 (2009), lead counsel for First Wind before the Vermont Supreme and Environmental Courts.
- *S.D. Warren v. Maine*, 547 U.S. 715 (2006) member of intervenor/respondent American Rivers' legal team before the U.S. Supreme Court in unanimous decision that hydroelectric dams must comply with the Clean Water Act.
- *Friends of the Earth et al. v. Watson*, No. 02-4106(JSW) (N.D. Ca.) and No. 03-72620 (9<sup>th</sup> Cir. 2003) representing Friends of the Earth, Greenpeace and the Cities of Boulder, CO, Arcata, CA, Oakland, CA, and Santa Monica, CA in claim that federal export credit agencies must consider their projects' contributions to climate change. First case to hold that climate change provides Art. III standing.
- *Forest Watch v. United States Forest Serv.* 401 F.3d 115 (2d Cir. 2005) enjoining and vacating Forest Service timber sale in pristine area of Green Mountain National Forest.
- *Semville v. Peters*, 327 F. Supp. 2d 335 (D. Vt. 2004) blocking construction of circumferential highway around Burlington, VT.
- *Alabama Rivers Alliance v. FERC*, 325 F.3d 290 (D.C. Cir. 2003) reversing Federal Energy Regulatory Commission's decision that a hydroelectric dam was not subject to Clean Water Act compliance.
- *Sierra Club, Inc. v. Tyson Foods, Inc.*, 299 F. Supp. 2d 693 (W.D. Ky. 2003) determining that hazardous materials laws govern ammonia emissions from chicken farms.

- *Pharm. Research & Mfrs. of Am. v. Thompson*, 251 F.3d 219 (D.C. Cir. 2001) defending challenge to Vermont's pharmaceutical benefit program.
- *Nat'l Electrical Manufacturers Ass'n v. Sorrell*, 272 F.3d 104 (2d Cir. 2001) reversing District Court decision to enjoin enforcement of Vermont's mercury labeling law;
- *In re: OMYA, Inc.*, 171 Vt. 532 (2000) upheld Act 250 permit condition limiting the amount of trucks a development can route through an historic Vermont village center;
- *Vermont Agency of Natural Resources v. United States ex rel. Stevens*, 529 U.S. 765 (2000) states are not "persons" liable under the False Claims Act;
- *United States ex rel. Long v. SCS Business Institute*, 173 F.3d 870 (D.C. Cir. 1999) opinion supplemented by 173 F.3d 890 (D.C. Cir. 1999) states are not "persons" liable under the False Claims Act;
- *Gasoline Marketers v. Ripley*, 169 Vt. 504, 739 A.2d 1230 (Vt. 1999) promulgation of gasoline pump vapor control requirement complied with APA;
- *American Rivers and State of Vermont v. FERC*, 129 F.3d 99 (2d Cir. 1997) -- FERC cannot review or supersede state water quality requirements;
- *Brigham v. State*, 166 Vt. 246 (1997) defended suit in which right to equal educational opportunities was recognized;
- *In Re Wal\*Mart Stores, Inc.*, 167 Vt. 75 (1997) upheld denial of Act 250 permit for Wal\*Mart store because of impact on Downtown St. Albans;
- *North Carolina v. FERC*, 112 F.3d 1175 (D.C. Cir. 1997) wrote amicus brief on behalf of numerous states supporting North Carolina's appeal;
- *OMYA, Inc v. FERC*, 111 F.3d 179 (D.C. Cir. 1997) conditions of license and water quality certification do not amount to unconstitutional taking;
- *Rapid Rubbish Removal v. Ripley*, 988 F. Supp. 414 (D.Vt 1997) clean up of solid waste facility consistent with federal constitution and laws.
- *Killington, Ltd. v. State*, 164 Vt. 253 (1995) preservation of habitat under Act 250 is not unconstitutional taking of property;
- *Georgia Pacific Corp. v. Dept. of Environmental Conservation*, 159 Vt. 639 (1992) companion case to *P.U.D. No. 1 v. Washington Department of Ecology*; 511 U.S. 700 (1994) – Clean Water Act authorizes States to set minimum flow requirements for federally-licensed hydroelectric facilities;
- *Southview v. Bongartz*, 980 F.2d 84 (2d Cir. 1992) preservation of habitat under Act 250 is not unconstitutional taking of property;
- *In re Denio*, 158 Vt. 230 (1992) affirming principles critical to Act 250's administration.

**Team leadership and project management:** Lead counsel responsible for managing complex litigation and legal matters. Responsibilities include coordination of legal positions with clients,

hiring of local counsel and experts, developing and working within budgets, working with stakeholders, and managing attorneys, clerks and administrative staff. Examples include:

- Implementation of new Act 250 mandate to limit strip development;
- Coordination of proposed changes to Act 250 with agency partners and stakeholders, and shepherding the changes through the Legislature;
- Lead counsel for U.S. and Canadian citizens and business owners opposing development of three liquefied natural gas terminals and pipeline on Passamaquoddy Bay, Maine;
- Lead counsel for NGOs and four cities in landmark climate change litigation;
- Founding and growth of the Burlington, VT law firm, Shems Dunkiel Kassel & Saunders;
- Coordination of State of Vermont’s legal positions relating to HydroQuebec and electric utility restructuring, and preparation of Vermont’s legal response in the event of utility bankruptcy;
- New England representative on National Association of Attorneys General (“NAAG”) environmental steering committee;
- Member of FACA committee reviewing changes to FERC licensing rules.
- Assist in development of Vermont Attorney General’s Office environmental policy and responsible for coordinating policy directly with other States and NAAG;
- Coordination of litigation closing Vermont’s unlined landfills;
- Member of Vermont Attorney General’s Office tobacco litigation team; and
- Coordinating educational mock trial program with local high school students.
- Lead counsel responsible for management of most of above-mentioned cases;

**Negotiation and mediation** to resolve matters in, or prior to litigation; formulate legal response on behalf of diverse interests; and build coalitions. Examples include: negotiation of national and state hydroelectric issues and settlement of *CLF v. Ripley* (conservation group and Vt. Ski Area Association challenge to snow-making rules).

## AWARDS

**Best Brief Award** in recognition of excellence in brief writing in the United States Supreme Court (1999 Term). Awarded by the National Association of Attorneys General for the merits brief authored in *Vermont Agency of Natural Resources v. United States ex rel. Stevens*, No. 98-1828.

**Marvin Award** for outstanding leadership, expertise and achievement in advancing the goals of the National Association of Attorneys General. June, 2000. Recognized work done to raise awareness and build coalitions of States to further the States' ability to protect water quality and the environment.

## OTHER EXPERIENCE

**Justice of the Peace/Member of Board of Civil Authority**, Moretown, VT, 1998-2008, 2015-present.

**Member of Moretown School Board**, December 2014-2017.

**Member of Vermont Energy Action Network Board of Directors**, 2013-present. EAN is a community of high-level stakeholders – business, government and non-profit leaders who are committed to collaborating as a network to achieve the goal of meeting 90% of Vermont’s energy needs through renewable energy and increased efficiency by 2050.

**Mad River Glen Co-op Trustee**, April, 2015-June, 2021. Member of the Mad River Glen Cooperative Board overseeing skier-owned mountain.

## EDUCATION

**Vermont Law School**, South Royalton, VT

Juris Doctor, 1985

Master of Studies in Law, Environmental Law Center at Vermont Law School, 1985

**Clark University**, Worcester, MA

B.A., 1981, Majors: Science, Technology, and Society with a concentration in Biology; French.

Course work completed for Masters in Environmental Affairs; 1982.

## BAR ADMISSIONS

State of Vermont

State of Maine

United States District Court for the District of Vermont

United States Courts of Appeals for the 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 9<sup>th</sup> and D.C. Circuits

United States Supreme Court

## PERSONAL

Bilingual in English and French; skiing; biking; travel.