

JAMES L. OLMSTED

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PROFILE

Nationally recognized conservation easement attorney representing land trusts and landowners in large-scale fee title and conservation easement acquisitions. Extensive land use experience including spearheading permitting and environmental compliance processes for major multi-million dollar luxury golf and ski resort developments in Lake Tahoe region of California. Extensive early career experience litigating high profile land use cases for public interest groups. Widely published. Frequent speaker on conservation easements and related climate change topics. Invited speaker at Land Trust Alliance National Rally. Symposium Editor of Duke Journal of Law & Contemporary Problems. Co-editor, with Professor Nancy A. McLaughlin, of "Protected Lands Law & Policy eJournal" (Social Sciences Research Network). Adjunct Law Faculty at University of Oregon School of Law Environmental and Natural Resources Department (nationally ranked top-10 environmental law program). Conservator, Frederick Law Olmsted Parks and Olmsted Parks Conservancy.

EDUCATION

University of California, Davis School of Law
Davis, California
J.D., 1987

University of Nevada, Reno
Reno, Nevada
M.A. in Psychology and Law, 1990
B.A. in Psychology, with Distinction, 1982

STATE AND FEDERAL BAR ADMISSIONS

California, 2001 (#214821); **Nevada**, 1987 (#2997); **Oregon**, 1990 (#90158); **Washington**, 1989 (#18577), **U.S. District Court of Nevada**, 1987; **U.S. District Court of Oregon**, 2011, **U.S. Court of Appeals** (9th Circuit), 2011

PROFESSIONAL HISTORY

University of Oregon School of Law, Eugene, OR
Adjunct Faculty, Present

Teach "Land Trust and Conservation Law" and other land conservation-related courses. Affiliated with Environmental and Natural Resources Department, interdisciplinary Conservation Trust Project.

OlmstedLAW (formerly Conservation & Preservation Counsel, L.L.C.), Eugene, OR
Founder, Owner, and CEO, 2003–Present

Represent land trusts and landowners in all aspects of fee title and conservation easement acquisitions, including drafting conservation easements and all real estate matters. Also advise land trusts on institutional matters, including document review and LTA accreditation. Clients include Truckee Donner Land Trust, Feather River Land Trust, Shasta Land Trust, Tuolumne River Preservation Trust, Blue Mountain Land Trust, Wild Rivers Coast Alliance, Tri-State Steelheaders, Nevada Land Trust, Sierra Business Council, Genasci Ranch and the Land Trust Alliance.

Porter Simon, P.C., Truckee, CA
Associate Attorney, 2000–2003

Practiced land use, zoning, and environmental law to obtain entitlements for luxury golf and ski resort developments. Drafted and negotiated development agreement for \$300 million luxury golf subdivision, the largest development project ever approved in the history of the Town of Truckee, California. Successfully defended subdivision approval against referendum effort and participated in win-win settlement between client and development opponents. Supervised the record building process for a consortium of all major developers in a community plan in the Truckee-Tahoe area which would allow development on a scale of billions of dollars. Clients included East West Partners, Booth Creek Ski Holdings, Trimont Land Co., Northstar Ski Resort, Corum Real Estate, Pritzker Realty Group.

Supreme Court of the State of Nevada, Carson City, NV
Staff Attorney, Office of the Clerk, 1999-2000

Reviewed procedural motions and drafted orders for signature by the justices. Assisted in court administration and attorney discipline.

Olmsted Law Offices, Vancouver, WA

Founder and Owner, 1991–1999

Practiced land use, zoning and environmental law. Successful appearances before Washington Shorelines Hearings Board, Washington Growth Management Hearings Board, Washington Superior Court, and Washington Court of Appeals.

JUDICIAL CLERKSHIPS AND INTERNSHIPS

Supreme Court of the State of Nevada

Judicial Clerk, 1987–1989

Justice Charles E. Springer

Federal District Court, District of Nevada

Judicial Intern, 1986

Judge Edward C. Reed

SCHOLARSHIP

“Foreword: Conservation Easements: New Perspectives in an Evolving World,” Symposium Special Editor and Author, 74 LAW & CONTEMPORARY PROBLEMS 51, 2011 (Duke University Law School)

“The Invisible Forest: Conservation Easement Databases and the End of the Clandestine Conservation of Natural Lands,” 74 LAW & CONTEMPORARY PROBLEMS 51, 2011 (Duke University Law School)

“The Butterfly Effect: Conservation Easements, Climate Change, and Invasive Species,” 38(1) BOSTON COLLEGE ENVIRONMENTAL AFFAIRS LAW REVIEW 41, 2010 (Boston College Law School)

“Perpetuity, Latent Ancillary Rights and Carbon Offsets in Global Warming Era Conservation Easements,” 39 ENVIRONMENTAL LAW REPORTER 10842, 2009 (Environmental Law Institute, Washington, DC.)

“Carbon Dieting: Latent Ancillary Rights to Carbon Offsets in Conservation Easements,” 29(1) JOURNAL OF LAND, RESOURCES, & ENVIRONMENTAL LAW 121, 2009 (University of Utah S.J. Quinney College of Law)

“Paradoxical Conservation and the Tragedy of Multiple Commons,” 22(1) TULANE ENVIRONMENTAL LAW JOURNAL 103, 2008 (Tulane University School of Law)

“Representing Non-Concurrent Generations: The Problem of Now,” 23(2) JOURNAL OF ENVIRONMENTAL LAW AND LITIGATION 451, 2008 (University of Oregon School of Law)

“The Global Warming Crisis: An Analytical Framework to Regional Responses,” 23(1) JOURNAL OF ENVIRONMENTAL LAW AND LITIGATION 125, 2008 (University of Oregon School of Law)

“Climate Surfing: A Conceptual Guide to Drafting Conservation Easements in the Age of Global Warming,” 23(3) ST. JOHN'S JOURNAL OF LEGAL COMMENTARY 765, 2008 (St. John's University School of Law, New York Campus)

“Capturing the Value of Appreciated Development Rights on Conservation Easement Termination,” 30(1) ENVIRONMENTAL LAW AND POLICY JOURNAL 39, 2006 (University of California at Davis School of Law)

“Handling the Land Use Case: A User's Manual for the Public Interest Attorney,” 19(1) JOURNAL OF ENVIRONMENTAL LAW AND LITIGATION 23, 2004 (University of Oregon School of Law)

PRESENTATIONS

“Changing Climate and Natural Change: Writing Easements for Perpetuity,” 9th Annual Pennsylvania Land Conservation Conference, Harrisburg, Pennsylvania, May 19-21, 2011 (co-panelist: Charles E. Schwarz (Northcentral Pennsylvania Conservancy))

“Using the New Online Protected Area, Species, and Habitat Databases,” University of Oregon School of Law Environmental Law Conference, March 2011 (co-panelists: James R. Strittholt, Ph.D. (Conservation Biology Institute), Gina La Rocco (Defenders of Wildlife))

- “Keeping Up With Climate Change in Conservation Easements,”* Land Trust Alliance National Rally, Hartford, Connecticut, October 2010 (co-panelists: Ann Schwing, Prof. Jessica Owley-Lippmann, Ph.D, Karin Marchetti Ponte)
- “Amending Conservation Easements: A Panel Discussion,”* Land Trust Alliance Northwest Regional Conference, Walla Walla, Washington, May 2010 (co-panelists: Konrad Liegel, Thomas Haensly, Sylvia Bates)
- “Conservation Easements: Addressing Climate Change,”* Maine Land Conservation Conference, New Brunswick, Maine, May 2010 (co-panelist: Karin Marchetti Ponte)
- “Conservation Easements and Climate Change,”* University of Oregon School of Law Environmental Law Conference, February 2010 (co-panelists: Prof. Nancy A. McLaughlin, Prof. Jessica Owley-Lippmann, Ph.D, Prof. Adena Rissman, Ph.D.)
- “Conservation Biology in Managing Perpetually Preserved Lands,”* University of Oregon School of Law Environmental Law Conference, February 2010 (co-panelists: Prof. Reed F. Noss, Ph.D., Prof. Jessica Green, Ph.D., Prof. John Chapman, Ph.D.)
- “Conservation Easements: Policy, Practice and Ethics,”* Lane County Bar Association & University of Oregon School of Law Environmental & Natural Resources Department, February 2010
- “Cultural Conservation Easements,”* University of Oregon School of Law Environmental Law Conference, February 2009 (co-panelists: Chuck Sams, Kurt Russo, Theresa Carmody, Hawk Rosales, Trina Cunningham)
- “Building a Better Atmosphere: Legislative & Agency Responses to Global Warming,”* University of Oregon School of Law Environmental Law Conference, March 2008 (co-panelists: Sen. Brad Avakian, Rep., Jackie Dingfelder, Prof. Mary C. Wood)
- “Natural Capital: Preparing for Adaptation to Global Warming,”* University of Oregon School of Law Environmental Law Conference, March 2008 (co-panelists: Rebecca Shaw (The Nature Conservancy), Betony Jones (Sierra Business Council), Steve Frisch (Sierra Business Council))
- “Legal Elements of Approaches to Climate Change,”* University of Oregon School of Law Symposium on Combating Climate Change on the Regional Level: West Coast Policy and Litigation, October 2007
- “Conservation Easements and Land Preservation in the Age of Global Warming,”* University of Oregon School of Law Environmental Law Conference, March 2007 (co-panelists: Prof. Patrick J. Bartlien, Ph.D., Prof. Bitty Roy, Ph.D.)
- “Steering a New Course: Protecting Water Resources with Conservation Easements,”* University of Oregon School of Law Environmental Law Conference, March 2007 (organized panel)
- “Emerging Issues in Conservation Easement Law and Practice,”* University of Oregon School of Law Environmental Law Conference, March 2007 (co-panelists: Prof. Mary C. Wood, Rebecca Hardesty)
- “Emerging Conservation Easement Issues & Working with Legal Counsel to Address Them,”* Sierra Cascade Land Trust Council, September 14, 15, 2006
- “When to Talk and When to Walk: Negotiating Conservation Easements,”* Land Trust Alliance Northwest Land Trust Conference, Bend, Oregon, April 2006
- “Drafting Workable Conservation Easements: The Devil in the Details,”* University of Oregon School of Law Environmental Law Conference, March 2006 (co-panelists: Ann Schwing, Rebecca Hardesty)
- “Conservation Easements: What's Right? What's Wrong”* University of Oregon School of Law Environmental Law Conference, March 2006 (co-panelists: Prof. Nancy A. McLaughlin, Jeff Pidot, Darla Guenzler, Ph.D., Andrew C. Dana)

“*Land Trust Mechanisms: A New Era in Property Law*,” University of Oregon School of Law Environmental Law Conference, March 2004 (co-panelists: Prof. Mary C. Wood, Cary Smith (Greenbelt Land Trust))

PEER REVIEWER

“*Comparative Review of Legal Mechanisms for Climate Adaptation (working title)*,” John Costenbader, Elisa Morgera, Elsa Tsioumani for the International Union for the Conservation of Nature (IUCN) Environmental Law Centre.

OTHER PRESENTATIONS AND PUBLICATIONS

“*Conservation Easement Law and Practice*,” Law Seminars International (attorney seminar), Portland, Oregon, September 2012; “*The Future of Perpetuity: Conservation Easement Concerns in the 21st Century*,” THE LONG VIEW (Oregon State Bar Sustainable Futures Section), October 2011; “*Conservation Easements: Policy, Practice & Ethics*,” Lane County Bar Association (attorney seminar), Eugene, Oregon, February 2010; “*Zoning, Subdivision and Land Use Law*,” Lorman Education Services (attorney seminar), Eugene, Oregon, January 2009; “*Practice and Ethics of Computer Office Technology*,” Lane County Bar Association (attorney seminar), Eugene, Oregon, November 2009; “*Law of Easements: Legal Issues and Practical Considerations in Oregon*,” Lorman Education Services (attorney seminar), Eugene, Oregon, December 2007; “*Zoning, Subdivision and Land Development Law*,” Lorman Education Services (attorney seminar), Eugene, Oregon, January 2007; “*Law of Easements: Legal Issues and Practical Considerations in Oregon*,” Lorman Education Services (attorney seminar), Eugene, Oregon, July 2006; “*Saving Spaces: The Land Trust*,” MOONSHINE INK, March 2003; “*Buying Mountains for Kids*,” MOONSHINE INK, January 2003; “*Across the Line*,” THE WRIT: OFFICIAL PUBLICATION OF THE WASHOE COUNTY BAR ASSOCIATION, February 2002; “*Lawyers On Line*,” University of Oregon School of Law, September 1997; “*Computers and the Public Interest Law Practice*,” University of Oregon School of Law, March 1996; “*Researching Legislative History in Nevada*,” JOURNAL OF THE STATE BAR OF NEVADA, July/August 1989, Vol. 54, No. 4 (co-authored with Susan Southwick, Nevada Supreme Court Head Librarian); “*Trial Consulting Services: The Winning Edge*,” JOURNAL OF THE STATE BAR OF NEVADA, March/April, 1988, Vol. 53, No. 2 (co-authored with Dr. Deborah Davis, Ph.D.)

PRO BONO POSITIONS AND DIRECTORSHIPS

Chair, Environmental and Land Use Section & Chair, Computer Office Technology Section, 2008-2010, Lane County Bar Association (provided continuing legal education for local attorneys); *President of Board of Directors & Chair of Lands Committee, 2001-2003*, Truckee Donner Land Trust (achieved the largest land and conservation easement acquisitions of environmentally sensitive, historic, and scenic lands in TDLT’s history); *Board of Directors, 1992-1995*, Friends of the Columbia Gorge (monitored land use applications and coordinated enforcement of the Columbia River Gorge Scenic Area Act); *Vice-President of Board of Directors, 1990-1995*, Friends of the Evergreen Highway (improved recreational opportunities and enhanced natural areas in the Columbia River Corridor); *Board of Directors & Chair of Publications Committee, 1990-199*, Heritage Trust of Clark County (nominated properties to local, state, and national registers of historic places and reviewed development permits pursuant to the Washington State Environmental Policy Act)

PUBLIC INTEREST LAND USE LITIGATION

Kiewitt Construction Group, Inc. v. Clark County, Washington Court of Appeals No. 18867-2-II (lead attorney in successful legal challenge to siting of asphalt batch plant near the Columbia River); *Vanport v. Washington State Shorelines Hearings Board*, Washington Court of Appeals No. 21081-9-II (lead attorney in successful legal challenge to development of lakeshore environmental buffer); *RCCPA v. Clark County*, Growth Management Appeals Board No. 95-2-0013 (lead attorney in successful legal challenge to Clark County’s failure to adopt environmental regulations mandated by state law)