

## **ROGER FLEMING**

47 MIDDLE STREET, HALLOWELL, ME 04862 · 978.846.0612 · RFLEMINGME7@GMAIL.COM

### **OCEAN LAW AND POLICY EXPERIENCE**

#### **BLUE PLANET STRATEGIES, HALLOWELL, ME 2019—PRESENT**

*CO-FOUNDER, POLICY DIRECTOR, ATTORNEY*

- Implementing National Fish and Wildlife Foundation Fishing for Energy grant to develop proto-type undersea gear tracking technology and ropeless fishing systems to reduce marine mammal entanglements and lost fishing gear.
- Providing strategy, policy, and legal advice to campaigns seeking to protect North Atlantic right whales from extinction, develop strategic communications plans for right whale conservation, and establish a world center to prevent whale ship strikes.
- Co-planned and hosted a work shop at World Marine Mammal Conference examining climate impacts on marine mammals worldwide.
- Assisting clients in building partnerships and developing strategies to address ocean resource impacts from climate change, protect the world's great whales, rebuild sustainable fisheries, and otherwise protect ocean ecosystems.

#### **EARTHJUSTICE, HALLOWELL, ME & WASHINGTON, D.C. 2007—2019**

*STAFF ATTORNEY, OCEANS PROGRAM*

- Re-established Earthjustice's Oceans Program.
- Litigated under the Magnuson-Stevens Act, National Environmental Policy Act, Endangered Species Act, Federal Administrative Procedure Act, and Clean Water Act in support of a broad coalition campaign designed to reform New England and Mid-Atlantic fisheries and restore the Northwest Atlantic ecosystem.
- Legal and policy counsel to New England and Mid-Atlantic fisheries campaigns.
- Co-managed and developed strategy for multi-organization campaign team.
- Secured foundation and major donor funding to support Oceans Program.
- Legal counsel to national campaign to improve the Magnuson-Stevens Act.

#### **UNIVERSITY OF MAINE SCHOOL OF LAW, PORTLAND, ME 2005—2010**

*ADJUNCT PROFESSOR OF LAW*

- Taught courses in Marine Resources, Coastal Law, and Oceans Litigation.

#### **CONSERVATION LAW FOUNDATION, BRUNSWICK, ME 2001-2007**

*SENIOR ATTORNEY FOR OCEAN CONSERVATION PROGRAM AND MAINE ADVOCACY CENTER*

- Litigated under state and federal laws related to ocean and coastal conservation.
- Counseled and advocated on behalf of organization on issues related to Federal and State Ocean and Coastal Law, Public Trust Doctrine, Ocean Conservation, Coastal Pollution, Ocean Planning, and Aquaculture.
- Lobbied Congress and advised leading national coalition on matters related to Federal fisheries and ocean conservation.

#### **U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 1, BOSTON, MA 1999—2001**

*HONORS ATTORNEY, OFFICE OF REGIONAL COUNSEL*

- Enforcement Counsel for all major federal environmental regulatory statutes including the Clean Water Act, Clean Air Act, and NEPA.

**ROGER FLEMING - page 2**

- Conducted consultations under the Endangered Species Act, Magnuson-Stevens Act (essential fish habitat), and National Historic Preservation Act.
- Counseled EPA staff on implementation of programs under all major federal environmental statutes and Federal Indian Environmental Law.

**U. S. DEPT OF JUSTICE, ENVIRONMENTAL ENFORCEMENT, WASHINGTON, D.C. 1998**  
*LAW CLERK*

- Drafted motions, memoranda, and participated in settlement negotiations for CWA and Equal Access to Justice Act litigation.
- Drafted subpoenas in CERCLA litigation and motions to Compel documents claimed as privileged.

**INDIAN COUNTRY ENVIRONMENTAL JUSTICE CLINIC, SOUTH ROYALTON VT 1999**  
*STUDENT ATTORNEY*

- Participated in start-up of new clinic dedicated to assisting Indian Tribes in addressing environmental and cultural resource protection issues in Indian Country.
- Counseled Tribes for legal roundtable and budget negotiations with U.S. EPA.

**VERMONT LAW SCHOOL, SOUTH ROYALTON VERMONT 1997–1999**  
*LEGAL WRITING INSTRUCTOR AND RESEARCH & TEACHING ASSISTANT:*  
*ENVIRONMENTAL TAX POLICY, TAKINGS, AND PROPERTY LAW*

- Co-taught legal writing for first-year students.
- Researched and drafted a paper on electric utility deregulation and the use of tax policy to mitigate environmental impacts.
- Researched takings issues to develop a new course on takings.

**NEW YORK STATE ASSEMBLY, COMMITTEE ON WAYS AND MEANS 1992–1996**  
*PRINCIPAL LEGISLATIVE ANALYST*

- Drafted and negotiated legislation implementing State budgets, tax policies, local government aid, and local fiscal policy.
- Advised the Speaker, Assembly members, and senior staff on legislation. Defended legislation in committee.
- Used econometric models to forecast Statewide Real Estate, Gambling and other "sin tax" revenues totaling over \$2 billion. Presented and defended forecasts and methodology to an independent Board of Economic Advisors.
- Negotiated, analyzed and monitored budgets for six agencies totaling over \$1 billion.
- Mentored and supervised new analysts.

**CORNELL UNIVERSITY LABOR RELATIONS EXTENSION DIVISION 1991–1992**  
*RESEARCH ASSOCIATE*

- Assisted in developing an organizing model of unionism for the International Brotherhood of Electrical Workers.
- Conducted nationwide survey on unionization in higher education for the National Education Association.

### **ROGER FLEMING - page 3**

**NEW YORK STATE ASSEMBLY, MAJORITY LEADER'S OFFICE 1990**

*GRADUATE SCHOLAR/LEGISLATIVE ASSOCIATE*

- Monitored, analyzed, and drafted legislation related to labor, real property taxation and local governments.
- Prepared the Majority leader for floor debate on all related legislation.

**CORNELL UNIVERSITY, SCHOOL OF INDUSTRIAL AND LABOR RELATIONS 1989 –1991**

*TEACHING ASSISTANT: LABOR LAW, DISCRIMINATION LAW, AND LABOR ECONOMICS*

- Tutored, graded exams, mentored students in legal research.
- Conducted legal research on alcoholism under the Americans With Disabilities Act and trends in State pension plans.

### **EDUCATION**

**VERMONT LAW SCHOOL, SOUTH ROYALTON, VERMONT.**

*JURIS DOCTOR, CUM LAUDE, MAY 1999.*

Dean's List Awards 1998, 1999.

Dean's Fellow. Selected to Teach Legal Research and Writing, 1998.

Vermont Law School Academic Excellence Award for Civil Procedure.

National Moot Court Team Member, 1998-99. Winner Regional Round, National

Quarterfinalist, Lewis F. Powell, Jr. Medal for Excellence in Advocacy

National Environmental Moot Court Team Member, 1997-98. Nat'l Quarterfinalist.

Debevoise Moot Court Advisory Board, 1998-99. Competition Winner.

Douglas M. Costle Environmental Moot Court, 1997-98. Competition

Winner, Selected as Best Oralist and to Competition Advisory Board.

Trial Advocacy Advisory Board, 1997-1998.

MASTER OF STUDIES IN ENVIRONMENTAL LAW. Completed course work.

**CORNELL UNIVERSITY, ITHACA, NEW YORK.**

MASTER OF INDUSTRIAL AND LABOR RELATIONS, MAY 1991.

New York State Graduate Scholar.

**ITHACA COLLEGE, ITHACA, NEW YORK.**

BACHELOR OF SCIENCE, LABOR AND INDUSTRIAL RELATIONS, MAY 1988.

Delta Mu Delta National Honor Society. Dean's List.

Ithaca College London Center. Liberal Arts, 1986.

### **BAR ADMISSIONS**

State of Maine; Commonwealth of Massachusetts; United States Court of Appeals for the First Circuit; United States Court of Appeals for the District of Columbia Circuit; Federal District Court for the District of Maine; Federal District Court for the District of Massachusetts; Federal District Court for the District of Washington, D.C.

**PROFESSIONAL AND COMMUNITY ACTIVITIES AND INTERESTS**

President, Penobscot Bay Alliance and Board Member, East Pen Bay Environmental Alliance. Executive Committee, Board of Advisers, Marine Fish Conservation Network, 2004 to 2007. Advisor to the Governor's Blue Ribbon Task Force on the Planning and Development of Aquaculture in Maine. 2004.  
Member of the Gulf of Maine Council's Aquaculture Task Force. 2003-04  
Environmental Steward, Salem Sound 2000. 1999-01.  
Assistant Coach, Seacoast United Soccer Club, 2017-19.  
Member of Board and Coach, Halldale Youth Soccer Association and Little League.  
Habitat for Humanity and Big/Little Program, South Royalton Vermont, 1997-99.

**SIGNIFICANT LEGAL PUBLICATIONS**

*From Mediocre Mountain to the Loon Mountain Ski Resort: Does U.S. Federal Law Cause Decision Makers to Take an Ecosystem-based Approach to Mountain Development on Federal Lands?* Ecology and the Law, Vol. 2 (Janet Milne et al. eds., 2008).

*Habitat Protection Under the Magnuson-Stevens Act: Can It Really Contribute to Ecosystem Health in the Northwest Atlantic?* 12 Ocean and Coastal L.J., 43-89 (2006).

*Twenty-Seven years and Counting: Can the Magnuson-Stevens Act Deliver on its Conservation Promise?* 28 Vt. L. Rev. 579 (2004).

*Does the Clean Water Act Protect Endangered Species? The Case of Maine's Wild Atlantic Salmon,* 7 Ocean and Coastal L. J., 259-327 (2002).

**SIGNIFICANT OCEAN CONSERVATION CASES**

Lead attorney in the following significant cases addressing establishment of the first Atlantic Ocean marine national monument, preventing extinction of the North Atlantic right whale, marine habitat protection, forage fish and ecosystem protection, ending overfishing, and preserving coastal fishing communities: *Conservation Law Foundation v. Evans*, 209 F.Supp.2d 1 (D.D.C. 2001); *Conservation Law Foundation v. Evans*, 360 F.3d 21 (1st Cir. 2004); *Oceana v. Evans*, No. 04-0811 (ESH), 2005 WL 555416 (D.D.C. Mar 9, 2005); *Midcoast Fishermen's Association v. Blank*, 592 F. Supp. 2d 40 (D.D.C. 2008); *Paquette v. Locke*, No. 1:09 -cv-02346 (ESH) (D.D.C. filed Dec. 10, 2009); *Taylor v. Locke*, No. 1:09-cv-02289 (HHK) (D.D.C. filed Dec. 29, 2009); *Martha's Vineyard/Duke's County Fishermen's Association v. Locke*, 811 F. Supp. 2d 303 (D.D.C. 2011); *City of New Bedford v. Locke*, No. 1:10-cv-10789, 2011 WL 2636863 (D.D.C. June 30, 2011) (amicus); *City of New Bedford v. Locke*, consolidated Nos. 11-1952, 11-1964, 11-1987, 11-2001 (1st Cir. filed 2012) (amicus); *Friends of Merrymeeting Bay v. Olsen*, 839 F.Supp.2d 366 (D. Maine 2012); *Flaherty v. Bryson*, 2012 WL 752323, 850 F. Supp. 2d 38 (D.D.C. Mar. 8, 2012); *Conservation Law Foundation v. Pritzker*, 2014 WL 1338596 (D.D.C. Apr. 4, 2014); *Conservation Law Foundation v. Pritzker*, 2014 WL 1338284 (D.D.C. Apr. 4, 2014); *Anglers Conservation Network, et al. v. Pritzker*, No. 1:13-cv-1761-GK, (D.D.C. filed Nov. 7, 2013); *Conservation Law Foundation v. Ross I*, (D.D.C. right whale habitat filed 2018); *Conservation Law Foundation v. Ross II*, (D.D.C.) right whale entanglement filed 2018); *Mass. Lobstermen's Assoc. v. Ross*, 1:17-cv-00406-JEB, (D.D.C. 2018) (Northeast Canyons and Seamounts Marine National Monument Defense); *affirmed* USCA Case #18-5353; *cert denied* U.S. Sup.Ct (March 22, 2021); *Conservation Law Foundation v. Trump*, 1:20-cv-01589 (JEB) (D.D.C. filed June 17, 2020 (Northeast Canyons and Seamounts Marine National Monument Defense)).