

ACADEMIC APPOINTMENTS

Indiana University Maurer School of Law Bloomington, IN
Lecturer of Law 2021–Present

Courses: Legal Research and Writing
 Appellate Advocacy
 Appellate Advocacy: External Moot Court Competitions

Indiana University O’Neill School of Public & Environmental Affairs Bloomington, IN
Adjunct Professor 2018 – Present

Courses: Environmental Law and Regulation
 Law and Public Affairs

Indiana University Maurer School of Law Bloomington, IN
Adjunct Professor 2018–2021

Courses: Appellate Advocacy: External Moot Court Competitions

Washington College of Law, American University Washington, DC
Adjunct Professor 2008-2009

Courses: Legal Research and Writing

EDUCATION

New York University School of Law New York, NY
J.D., cum laude 2002

Honors: Orison S. Marden Appellate Advocacy Competition, First Place (2001-2002); Dean’s Scholarship; David Friedman Memorial Award (for highest grades in Evidence and related coursework, 2002)
Activities: Research Assistant to Professor Vicki Been (2000); Lawyering Program, Teaching Assistant (2000-2001); Federalist Society, President (2000-2002); NYU Law Revue (1999-2002)

University of South Carolina Honors College Columbia, SC
BA, Speech and Communications, magna cum laude 1998

Honors: Carolina Scholar (the University’s highest academic award)
Activities: Carolina Debate (1995-1998); All-American Debate Team (1997, 1998)

LANE MCFADDEN

211 South Indiana Avenue, Bloomington, IN 47405
812.856.1221 – lanemcfa@iu.edu

PROFESSIONAL EXPERIENCE

Federal Aviation Administration

Senior Attorney, Office of the Chief Counsel

Bloomington, IN

2018–2021

- Managed all environmental litigation against the FAA related to aircraft noise and air pollution, and some litigation related to airport and transportation construction projects.
- Provided legal advice to multiple lines of business within the agency on a variety of environmental-compliance and public-engagement issues. Assisted in drafting and revising agency guidance documents and orders related to federal environmental issues.

United States Department of Justice

Appellate Attorney, Environment & Natural Resources Division

Washington, DC

2004–2018

- Represented federal executive branch agencies in cases before the United States Courts of Appeals and state supreme courts addressing a wide range of environmental, aviation, land management, nuclear regulatory, criminal, and Indian gaming issues.
- Presented over 40 oral arguments to seven different federal courts of appeals, two *en banc* panels of the Ninth Circuit, and the Supreme Court of Florida.
- Principally drafted over 50 briefs filed in the federal courts of appeals.
- Prepared the initial draft of several briefs to the United States Supreme Court on behalf of the Solicitor General.
- Frequently prepared memoranda to the Solicitor General regarding whether the United States should appeal adverse decisions, appear as *amicus*, or otherwise participate in litigation.

The Honorable Loren A. Smith, United States Court of Federal Claims

Judicial Law Clerk

Washington, DC

2003-2004

The Honorable Andrew J. Kleinfeld, Ninth Circuit Court of Appeals

Judicial Law Clerk

Fairbanks, AK

2002-2003

NATIONAL COMMITTEE MEMBERSHIPS

Legal Writing Institute, Moot Court Advisors Committee, 2022-2024

LAW SCHOOL COMMITTEE MEMBERSHIPS

Indiana University Maurer School of Law Faculty Affairs Committee, 2021-2023

LANE MCFADDEN

211 South Indiana Avenue, Bloomington, IN 47405

812.856.1221 – lanemcfa@iu.edu

PRESENTATIONS AND WORKSHOPS

“Legal Writing and Editing”

- FAA Office of the Chief Counsel, Airports & Environmental Law Branch, 2017
- FAA Air Traffic Organization, 2019
- FAA Executive Leadership Course, 2019, 2020
- FAA Office of the Chief Counsel, General Litigation Branch, 2020

“Public Speaking and Oral Advocacy”

- FAA Executive Leadership Course, 2019, 2020

RECOGNITION

Indiana University Trustees’ Teaching Award, Maurer School of Law: 2022

Special Achievement Award, U.S. Department of Justice: 2006, 2008, 2014, 2015, 2017

Nomination for United States Department of Justice John Marshall Award in 2017 as member of the Division’s Clean Energy Team and in 2018 for Excellence in Alternative Dispute Resolution.

BAR MEMBERSHIPS

New York (Member # 4160511). Admitted to bar of United States Supreme Court.

LANE MCFADDEN

211 South Indiana Avenue, Bloomington, IN 47405

812.856.1221 – lanemcfa@iu.edu

REPRESENTATIVE MATTERS

Navajo Nation v. Forest Service, 535 F.3d 1058 (9th Cir. 2008) (*en banc*); ***Save the Peaks Coalition v. Forest Service***, 669 F.3d 1025 (9th Cir. 2012). Indian tribes and environmental organizations challenged the Forest Service’s authorization of the use of reclaimed municipal wastewater for artificial snowmaking purposes at a ski resort on the San Francisco Peaks located within the Coconino National Forest. Plaintiffs alleged that the agency’s decision would desecrate a sacred area in violation of the Religious Freedom Restoration Act, as well as alleging multiple NEPA violations. An *en banc* panel of the Ninth Circuit upheld the agency’s permit in a major religious-freedom opinion.

Burlison v. United States Fish & Wildlife Service, 533 F.3d 419 (6th Cir. 2008). The Sixth Circuit held, on a matter of first impression in that circuit, that the government may impose reasonable regulations on an easement over a National Wildlife Refuge.

American Wildlands v. Kempthorne, 530 F.3d 991 (D.C. Cir. 2008). The D.C. Circuit, on a matter of first impression in any federal court of appeals, upheld the Service’s consideration of genetically introgressed specimens as members of the species or subspecies under consideration for purposes of listing a species under the Endangered Species Act.

Coeur Alaska, Inc., v. Southeast Alaska Conservation Council, 557 U.S. 261 (2009). Following an adverse Ninth Circuit decision defining “dredged or fill material” for purposes of the Clean Water Act’s division of jurisdiction over mine tailings and discharges between the EPA and the Army Corps of Engineers, assisted the Office of the Solicitor General in drafting Supreme Court filings including a petition for certiorari, merits briefing, and supplemental briefing requested by the Court following argument. The United States prevailed.

United States v. Daniel B. Lewis, 435 Fed. Appx. 486 (6th Cir. Aug. 15, 2011). Successfully defended Defendant Lewis’s conviction for conspiracy to violate the Safe Drinking Water Act and defraud the United States in falsifying EPA-required pressure tests at oil wells in Northern Kentucky and Southern Indiana.

In re Grand Jury Subpoenas, 524 Fed. Appx. 133 (5th Cir. May 13, 2013). Successfully appealed a district court ruling quashing grand jury subpoenas issued to corporations based in Greece requiring the personal appearance of their records custodians before the grand jury.

Rogers v. United States, 184 So. 3d 1087 (Fla. 2015). Successfully defended before the Florida Supreme Court a takings claim brought against the Surface Transportation Board for authorizing interim trail use on a former railroad right-of-way.

LANE MCFADDEN

211 South Indiana Avenue, Bloomington, IN 47405

812.856.1221 – lanemcfa@iu.edu

Patchak v. Jewell, 828 F.3d 995 (D.C. Cir. 2016); *Patchak v. Zinke*, 138 S. Ct. 897 (2018). After Congress enacted a statute stating that Patchak’s suit against the Secretary of the Interior “shall not be maintained,” successfully defended before the D.C. Circuit the dismissal of Patchak’s case as consistent with the Article III separation of powers, the Bill of Attainder Clause, the First Amendment Petition Clause, and the Fifth Amendment Due Process Clause. Was also primarily responsible for the initial drafts of our brief-in-opposition and our response brief on the merits to the United States Supreme Court, which affirmed on divided grounds.