

PAUL J. BEARD II

FisherBroyles LLP

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EMPLOYMENT

FisherBroyles LLP

Partner (Nov. 2019 – present)

- Litigate takings, land-use, and environmental actions in California state and federal courts.
- Counsel permit applicants in California under a variety of land-use and environmental laws, including the Coastal Act, CEQA, the Endangered Species Act, and the Clean Water Act, as well as under the Takings Clause.
- Represent nonprofit associations in range of industries as “friends of the court” in precedent-setting takings and environmental cases in federal appellate courts and in the United States Supreme Court.

Alston & Bird LLP

Partner (Jan. 2018 – Nov. 2019), *Counsel* (Jan. 2015 – Dec. 2017)

- Co-chaired the Coastal Land Use Group, leading the Firm’s land-use permit and litigation practice in California’s coastal jurisdictions.
- Litigated and counseled permit applicants on takings, land-use, and environmental issues in California.

Pacific Legal Foundation, Sacramento, CA

Principal Attorney (Oct. 2007 – Dec. 2014); *Staff Attorney* (Oct. 2003 – Sept. 2007)

- Chaired the Coastal Land Rights Project, heading the Foundation’s litigation against abusive land-use laws and actions affecting coastal landowners.
- Supervised and litigated dozens of trial-level and appellate cases against government entities in state and federal courts across the country, including under the Takings Clause, and a variety of federal, state, and local laws and regulations.
- Successfully briefed and argued *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013), in the United States Supreme Court, establishing that monetary exactions as the condition of land use and development trigger heightened scrutiny under the Takings Clause.

Hennigan, Bennett & Dorman, Los Angeles, CA
Litigation Associate (Nov. 2001 – Oct. 2003)

Latham & Watkins, Los Angeles, CA
Litigation Associate (Aug. 2000 – Oct. 2001)

ADMISSIONS California Bar; Texas Bar (inactive); United States Supreme Court; United States Court of Appeals for the Fifth, Ninth, Tenth, D.C., and Federal Circuits; United States District Court for all Districts in California; D.C. District Court

MEMBERSHIPS Federalist Society

EDUCATION **Cornell University**, Ithaca, NY
Degree: J.D., May 2000
Honors: John M. Olin Foundation Student Scholar in Law and Economics, 1998-2000; CALI Award for Highest Grade in Law & Economics Seminar
Activities: Cornell Law Review, Managing Editor
Latino Law Students Association
Federalist Society

University of California, Los Angeles
Degree: B.A., *cum laude*, Economics & English Literature (double major), June 1997
Honors: Economics Departmental Honors; English Departmental Honors; UCLA College Honors (Letters & Science); Dean's List; Economics International Honor Society; Sigma Tau Delta English Honor Society

Università Commerciale Luigi Bocconi, Milan, Italy
Visiting Student in Economics, 1995-1996

PUBLICATIONS “Is a Broad Clean Water Act really necessary (or relevant) to protect water quality? The Lake Champlain Basin as a case study” (in progress, with co-author, Damien Schiff) [Paper presentation in progress], *The Clean Water Act and Lake Champlain Basin: Origins, Implementation, Impact Workshop* at State University of New York College at Plattsburgh (Nov. 3-5, 2022)

“Supreme Court Ruling Could Dramatically Change the Playing Field for Takings Claims, JD Supra, June 27, 2019 (with co-author, Matthew Wickersham)

“California Issues Expansive ‘Wetland’ Regulations as Federal Agencies Work to Narrow Clean Water Act Jurisdiction,” JD Supra, April 24, 2019 (with co-author, Gina Angiolillo)

“Property owners have the right to a fair hearing first,” Daily Journal, April 10, 2019 (with co-author Damien Schiff) (discussing their constitutional challenge to a California law giving the California Coastal Commission unilateral power to impose penalties on landowners)

“Preemption at Midfield: Why the Current Generation of State-Law-Based Climate Change Litigation Violates the Supremacy Clause,” 49 Env'tl. L. 853 (2019) (with co-author, Damien M. Schiff)

“EPA, Army Corps Continue Drive To Increase Leverage and Power over Landowners,” Growing Georgia, March 17, 2016 (with co-author, Nowell D. Berreth)

“Utility Air Regulatory Group v. EPA: A Foreshadowing of Things to Come?,” Engage, Vol. 16, Issue 3 (2015) (with co-author)

“Real Reform Means Amending the Clean Water Act Itself,” Daily Journal, December 23, 2015

“Reading Rehnquist and Roberts Courts on Property Rights,” Law360, August 28, 2015

“BNA Insights: Interpreting ‘Water of the United States,’ An Analysis of the New Clean Water Act Regulations,” Bloomberg BNA: Water Law & Policy Monitor, August 14, 2015 (with co-author, Damien Schiff)

“Raisins Reveal High Court’s Pro-Property Rights Position,” Law360, July 6, 2015

“Calif. Case Could Shape Enviro Permit Challenge Rights,” Law360, February 18, 2015

“District Court Holds Utah Prairie Dog Protection Unconstitutional,”
American Bar Association, February 18, 2015 (with co-author, Damien
Schiff)

Koontz v. St. Johns River Water Management District: Monetary Exactions
in the Land-Use Permit Process, American Bar Association, Trends, Vol.
45, No. 6

LANGUAGES

Spanish (native), Italian (fluent), French (fluent), Portuguese
(conversational and reading fluency).