

LANE MCFADDEN

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

ACADEMIC APPOINTMENTS

Indiana University Maurer School of Law
Lecturer of Law

Bloomington, IN
2021–Present

Courses: Legal Research and Writing
Appellate Advocacy
Appellate Advocacy: External Moot Court Competitions
Appellate Advocacy: Advanced Appellate Brief-Writing
Introduction to U.S. Law

Indiana University O’Neill School of Public & Env’t Affairs
Adjunct Professor

Bloomington, IN
2018 – 2023

Courses: Environmental Law and Regulation
Law and Public Affairs

Indiana University Maurer School of Law
Adjunct Professor

Bloomington, IN
2018–2021

Courses: Appellate Advocacy: External Moot Court Competitions

Washington College of Law, American University
Adjunct Professor

Washington, DC
2008-2009

Courses: Legal Research and Writing

PROFESSIONAL RECOGNITION

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

Dean Frank Motley Outstanding Faculty & Staff Award: Nominee, 2023 & 2024

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

United States Department of Justice John Marshall Award: Nominee, 2017 (as member of the Environment & Natural Resource Division’s Clean Energy Team); 2018 (for Excellence in Alternative Dispute Resolution).

EDUCATION

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

New York, NY
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)

LANE MCFADDEN

211 South Indiana Avenue, Bloomington, IN 47405

812.856.1221 – lanemcfa@iu.edu

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
BA, Speech and Communications, magna cum laude

Columbia, SC
1998

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

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.

Hon. Loren A. Smith, United States Court of Federal Claims
Judicial Law Clerk

Washington, DC
2003-2004

Hon. Andrew J. Kleinfeld, Ninth Circuit Court of Appeals
Judicial Law Clerk

Fairbanks, AK
2002-2003

LANE MCFADDEN

211 South Indiana Avenue, Bloomington, IN 47405

812.856.1221 – lanemcfa@iu.edu

NATIONAL COMMITTEE MEMBERSHIPS

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

National Association of Legal Advocacy Educators, 2022-present

LAW SCHOOL COMMITTEE MEMBERSHIPS

Indiana University Maurer School of Law Faculty Affairs Committee, 2021-2024

Indiana University Maurer School of Law JD Curriculum Innovation Committee, 2023-2024

PRESENTATIONS AND WORKSHOPS

“Plagiarism in the Law and in Legal Education: What does it include and what should we do about it?”

- Legal Writing Institute Biennial Conference, Indianapolis, IN, 2024

“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

BOOK CHAPTERS EDITED

Legal Writing Institute, et al., The Moot Court Advisor’s Handbook 2d ed. (Carolina Academic Press 2023)

BAR MEMBERSHIPS

New York (Member # 4160511)

Indiana (Member # 38467-53)

Admitted to bar of United States Supreme Court and most federal appellate courts.

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.

Sierra Club v. Bureau of Land Management, 786 F.3d 1219 (9th Cir. 2015). Successfully defended environmental review and permits for road construction project on federal land connecting to large wind project on private land. The Fish and Wildlife Service

LANE MCFADDEN

211 South Indiana Avenue, Bloomington, IN 47405

812.856.1221 – lanemcfa@iu.edu

later amended its regulatory definition of “indirect effects” requiring interagency consultation under the Endangered Species Act to reflect the Ninth Circuit’s conclusions in this opinion.

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.