

JESSICA K. FERRELL
PARTNER, TRIAL &
APPELLATE LIT



CONTACT

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AREAS OF FOCUS

Agency Enforcement, Congressional Oversight, and State AG Investigations
Cleanup and Insurance Recovery
Climate
Fisheries
Natural Resources and Endangered Species
Permitting and Environmental Review
Recycling and Waste Management
Agribusiness

EDUCATION & CLERKSHIP

J.D., Lewis and Clark Law School, with honors (2005)
B.A., with honors, Cornell University, History (1998)

ADMISSIONS & MEMBERSHIPS

Ninth Circuit Court of Appeals
U.S. District Courts, Eastern and Western Districts of Washington
State Bar of Washington

RECOGNITION & ACTIVITIES

Northwest Immigrant Rights Project, Pro Bono Attorney representing refugees seeking political asylum (2007-present)
Editorial Board, Washington State Bar Association Environmental & Land Use Law Section (2006-present)
Washington State Bar Association Pro Bono Service Commendation (2007-2017)
"Rising Star®," Super Lawyers (2010-2015)
"Rising Star®," Washington Law & Politics magazine (2007-2009)
Environmental and Natural Resources Law Certificate, Law Review Editorial Board

A litigator with 14 years of courtroom experience and a deep background in energy and environmental law and policy, Jess brings a proven track record of taking on and achieving successful results in a wide array of complex challenges, with emphasis on disputes arising under the Endangered Species Act, NEPA, the Clean Water Act, CERCLA, and state analogues.

In her environmental and natural resource litigation practice, Ms. Ferrell represents public and private clients under a multitude of federal and state laws. She has successfully argued and tried cases in the Ninth Circuit Court of Appeals; the U.S. District Courts for the Districts of Alaska, Colorado, District of Columbia, New Mexico, Nevada, Oregon, Texas, and the Western and Eastern Districts of Washington; superior courts across Washington State; and the Washington State Environmental and Land Use Hearings Boards. In addition to myriad complex federal cost recovery actions, Ms. Ferrell has defended renewable energy project permits, commercial developments, water diversion operations, commercial fishing, and other actions against ESA, MMPA, APA, and NEPA challenges. She has also participated in rulemaking proceedings and pursued regulatory challenges on behalf of commercial fishing operations under the Magnuson-Stevens Act. Outside the courtroom, she has negotiated settlements in complex multi-party cases and regularly advises clients on regulatory compliance, environmental liabilities in property transactions, water rights, and a variety of natural resource and wildlife permitting matters.

REPRESENTATIVE MATTERS

- Represents The Seattle Times in environmental cost recovery litigation in U.S. District Court for the W.D. Washington and the Ninth Circuit.
- Represents New Mexico local governments in action against the U.S. Department of Defense, EPA, and other PRPs for recovery of costs to remediate municipal water supplies contaminated by Superfund Site.
- Represents local governments in Washington State in actions against U.S. Department of Defense for contamination of water systems by perfluorinated compounds.
- Represented irrigation districts in southern Oregon in multi-year ESA Section 7 consultation on large Bureau of Reclamation project, culminating in "no jeopardy" biological opinion.
- Defended renewable energy project permits in the Southwest against ESA, BGEPA and NEPA lawsuits.
- Represented fishing and processing companies in challenges to National Marine Fisheries Service allocations, fishery management regulations, and associated ESA and NEPA decisions for Bering Sea and Aleutian Islands Pacific Cod and Atka mackerel fisheries, in U.S. District Court for the W.D. Washington and the Ninth Circuit.
- Represented owner of several ranches in Oregon in contested cases on claims of USBIA and Klamath Tribes for tribal instream water rights in the Klamath Basin Adjudication.
- Advised developers on Habitat Conservation Plan preparation and additional means for ESA compliance in Washington.
- Represented Washington municipality in CERCLA and MTCA cost recovery and contribution action to recover remediation costs at a former military base. Prosecuted claims against the military and its defense contractors, obtaining insurance coverage to cover cleanup costs and an order requiring the federal government to allow local governments to help structure remedial action. 416 F.Supp.2d 1015 (E.D. Wash. 2005).
- Tried environmental insurance claims against twelve insurance companies on behalf of former large-scale gasoline distributor in multi-phase litigation covering over 225 contaminated sites.