

JESSICA K. FERRELL
PARTNER**CONTACT**

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AREAS OF FOCUS

Environmental Litigation
Cleanup & Cost Recovery
Climate
Fisheries
Recycling & Waste Management
Clean Water & Water Quality
Water Rights & Resources
Natural Resources & Endangered Species
Alternative Energy & Renewables
PFAS & Emerging Contaminants

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

Best Lawyers in America (Environmental Law, Environmental Litigation, and Natural Resources 2018, 2019, 2020, 2021)
Northwest Immigrant Rights Project, Pro Bono Attorney representing refugees seeking political asylum (2007-2019)
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)

A litigator with 15 years of courtroom experience and a background in 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 practice, Jess represents public and private clients under a multitude of federal and state laws. She has successfully argued before 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. Jess has prosecuted numerous cost recovery actions and defended renewable energy project permits against ESA, MMPA, APA, and NEPA challenges, and ensured regulatory compliance of developments, water diversion operations, fishing, and other natural resource-dependent activities. She also participates in rulemaking proceedings and has pursued regulatory challenges under the Magnuson-Stevens Act and other federal laws.

Outside the courtroom, Jess negotiates settlements in complex multi-party cases and regularly advises clients on regulatory compliance, environmental liabilities in property transactions, water rights, permitting, and a variety of natural resource and wildlife matters.

AREAS OF FOCUS

- Represents multiple cities and water districts in actions against U.S. Department of Defense ("DOD") and chemical manufacturers for contamination of public water systems by perfluorinated compounds ("PFAS"), including in the Aqueous Film-Forming Foams Products Liability Multi-District Litigation in the U.S. District Court for the District of South Carolina.
- Represents New Mexico local governments for recovery of costs to remediate municipal water supplies contaminated by hazardous substances used by private companies and the U.S. military. Successfully negotiated multi-year, multi-million dollar consent decree to remediate public water supply with DOD and U.S. Environmental Protection Agency.
- Represents Pulitzer Prize-winning independent news media company in environmental cost recovery litigation in U.S. District Court for the W.D. Washington and the Ninth Circuit, and in insurance coverage litigation.
- Represents partnerships between affordable housing and community advocacy groups and development companies to bring long-term affordable housing to increasingly gentrified urban areas in the Pacific Northwest.
- Represented Oregon water districts in multi-year ESA Section 7 consultation on large Bureau of Reclamation project, culminating in effective mitigation of potential adverse ecological impacts and a "no jeopardy" biological opinion.
- Ensures regulatory compliance of renewable energy projects nationwide and, if necessary, defends same against land use, ESA, BGEPA, NEPA and other challenges.
- Represented fishing companies in support of and challenges to NOAA Fisheries 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 clients in contested instream water rights claims in the Klamath Basin Adjudication.
- Represented Washington municipality in litigation over cleanup of public water supply contaminated by former large military base housing Titan ICBMs. Successfully prosecuted claims against DOD and its defense contractors, obtained insurance coverage to partially cover cleanup costs, and helped secure an order requiring the federal government to allow local governments a role in structuring remedial actions.