



Adam N. Tabor

Associate

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OVERVIEW

Adam Tabor is an associate at the firm's Seattle office. He is a member of the environment, land, and natural resources practice group. Adam's practice focuses on natural resource, federal Indian law, energy, environmental, and transportation issues. He counsels public and private clients on the requirements of federal and state environmental laws and regulations, federal and state natural resource laws and regulations, and federal and state transportation laws and regulations.

Adam also provides litigation and pre-litigation strategic advice to clients, including multi-party litigation approaches and *amicus curiae* involvement in cases of particular importance for clients. Adam's litigation work often implicates public policy issues and, as a result, one of Adam's secondary practice groups at K&L Gates is the public law and policy group.

Adam also maintains an active pro bono practice, including counseling a tribal entity on the federal recognition process, pursuing immigration relief for indigent individuals through litigation and federal regulatory processes, and advising non-profit entities on special federal and state tax matters. Adam also advocates for greater awareness and de-stigmatization of mental health issues within the legal profession.

PROFESSIONAL BACKGROUND

Before joining the firm, Adam served as in-house counsel for a Class I railroad and, before that, as a senior associate at an international law firm where he focused his practice on litigation and public policy projects.

Adam also clerked for two federal judges - the Honorable Ronald M. Gould, circuit judge for the United States Court of Appeals for the Ninth Circuit (2014-2015) and the Honorable David A. Faber, district judge for the United States District Court for the Southern District of West Virginia (2012-2013).

OTHER INFORMATION

- *Stereotypes and Stigma Threaten Bar Admission*, National Law Journal (May 2016)
- *At a Crossroads: Promises and Puzzles for Tribal-State Relations after VAWA 2013* in *Emerging Issues in Tribal-State Relations* (2014 ed.), 2014 WL 2326370 (Aspatore Press)

EDUCATION

- J.D., Duke University School of Law, 2012 (*managing editor, Duke Environmental Law and Policy Forum*)
- M.P.A., John F. Kennedy School of Government at Harvard University, 2012
- B.A., University of Pennsylvania, 2008 (*summa cum laude, phi beta kappa*)

ADMISSIONS

- Bar of District of Columbia
- Bar of North Carolina
- Bar of Washington
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina
- United States District Court for the Western District of North Carolina
- United States District Court for the Western District of Washington

THOUGHT LEADERSHIP POWERED BY HUB

- 17 July 2020, Indian Land Then, Remains Indian Land Now: The Supreme Court Confirms That a Significant Portion of Eastern Oklahoma Is a Native American Reservation (*Alerts/Updates*)
- 9 June 2020, No More Delay?: EPA Rulemaking Clarifies Timelines and Scope of State Authority in the Clean Water Act Section 401 Certification Process (*Alerts/Updates*)
- 27 April 2020, U.S. Supreme Court Requires EPA Approval of State Law Remedy for Extra Cleanup at ARCO's Anaconda Smelter CERCLA Superfund Site (*Alerts/Updates*)
- 24 April 2020, COVID-19: Tribal Business FAQ for CARES Act Paycheck Protection Program (*Alerts/Updates*)
- 16 April 2020, COVID-19: A Survey of Sports Betting Activity during the Pandemic and Legal Considerations for Stakeholders (*Alerts/Updates*)
- 25 March 2020, COVID-19: Businesses Face Supply Chain Challenges as Pandemic Triggers State 'Stay at Home' and Business Curtailment Orders (*Alerts/Updates*)

AREAS OF FOCUS

- Environment, Land, and Natural Resources
- Appellate Litigation
- Complex Commercial Litigation and Disputes
- Indian Law
- Public Policy and Law

REPRESENTATIVE EXPERIENCE

Renewable Energy

- Advise electric power company regarding hydroelectric licensing issues.
- Advise wind energy company on federal Endangered Species Act issues regarding threatened bat species habitat and behavior in Ohio state permitting process.
- Advise wind energy company on Nationwide Permit issues with the United States Army Corps of Engineers and Michigan field office.
- Advise wind energy company on issues related to National Historic Preservation Act compliance in Oklahoma.

Natural Resources

- Advise medical research company on federal wildlife export laws.
- Advise timber company on endangered species conservation planning.
- Represent fishing industry group in appeal regarding foreign crewmembers' eligibility for Hawaii commercial fishing licenses.
- Represent industry advisory council in litigation involving Hawaii state agency oversight of aquarium fish collection.

Transportation

- Advise Class I railroad on Washington State shoreline permitting issues.
- Represent Class I railroad in federal litigation over federal preemption of state action.
- Advise logistics infrastructure company on litigation regarding leasing state-owned land in Washington State.
- Advise logistics infrastructure company on litigation regarding shoreline permitting in Washington State.
- Advised a Class I railroad's marketing units on transportation contract negotiation and drafting.
- Represented a Class I railroad in a federal lawsuit involving Washington State officials' denials of permits to build an export terminal.

- Counseled a Class I railroad's marketing, finance, and legal departments on regulatory developments at the Surface Transportation Board.

Tribal Affairs

- Advise tribal entity on obtaining federal recognition.
- Represented federally recognized tribe in defense of constitutionality of Indian Child Welfare Act.
- Counseled federally recognized tribes on tribal gaming compact interpretation issues.
- Counseled federally recognized tribes on status of gaming devices under federal law.
- Counseled Alaskan tribal corporation regarding Convention on Law of the Sea.
- Represented federally recognized tribe before Bureau of Indian Affairs over constitutional concerns with land into trust application.
- Represented federally recognized tribe as amicus curiae in state supreme court case implicating tribal, state, and federal criminal jurisdiction in Indian country.
- Represented federally recognized tribe as intervenor in defense of Bureau of Indian Affairs' decision to take land into trust for the tribe's benefit.

Public Law and Policy

- Represented sign manufacturer in bid protest following Washington State Lottery's selection of another bidder in government contracting matter.
- Represented state as an intervenor in ratemaking proceeding before the Washington Utilities and Transportation Commission.
- Defended county's board of commissioners in lawsuit by county's superior court over county budget matters.
- Represented state sheriffs' association in advocacy before Washington State Attorney General's Office ahead of attorney general opinion release on county budget matters.
- Represented group of concerned citizens in challenge to city income tax ordinance.
- Represented three international adoption agencies in challenge to the State Department's refusal to renew international adoption accreditations.
- Represented group of non-profit charter schools in defense of Washington State's charter school law.
- Advise medical research company on federal and state public records disclosure issues.
- Advise national beverage company on federal trade practices appeal.
- Represent industry trade group in formal complaint proceeding against national airlines over research animal transportation practices.

Crisis Response (COVID-19)

- Advise critical infrastructure manufacturers, distributors, and suppliers on continued operations under state and local “shelter-in-place” orders.
- Advise health insurance company headquartered in the Pacific Northwest on tribal sovereign immunity and government contracting issues under the Indian Self Determination and Education Assistance Act.