

Amanda Shafer Berman

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Areas of Focus

Energy

Environmental and
Workplace Health and
Safety

Appellate and Supreme
Court

Business Litigation

Education



Overview

Amanda Shafer Berman is a leading advisor and litigator sought after by companies and trade associations navigating federal regulatory processes, defending major infrastructure projects, and seeking to obtain or defend permits or other agency actions critical to their goals.

Amanda's clients turn to her to advise on and litigate disputes arising under the Clean Air Act, the Clean Water Act, the National Environmental Policy Act, the Endangered Species Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and the Administrative Procedure Act. Many of her cases are decided by the federal courts of appeals, before which Amanda has argued more than 30 cases. Amanda's ability to anticipate how a rulemaking challenge or permitting dispute will unfold in litigation allows her clients to meet their business goals.

Amanda's practice draws on nearly a decade of defending the federal government's most significant environmental and energy regulations as a senior attorney in the Department of Justice's (DOJ) Environment and Natural Resources Division. Her government experience includes the defense of the first-ever greenhouse gas regulations for industrial sources and the Clean Power Plan, which she defended before the en banc DC Circuit.

Following her time at DOJ, Amanda spent six years at an AmLaw 100 firm, where she co-led the Appellate Practice and built a robust environmental, energy and climate regulatory docket. Amanda is increasingly called on to guide clients through the wave of litigation arising from the expansion of energy infrastructure as well as the many challenges to climate, energy, air, water and other environmental regulations.

Amanda's litigation and regulatory experience also includes an active higher education practice. Amanda litigates for and advises universities on compliance with federal and state anti-discrimination laws and evolving regulatory

guidance. A former adjunct professor at Howard University School of Law, Amanda brings the same government-facing litigation depth to the complex regulatory challenges confronting higher education institutions today.

Amanda has been recognized in *Chambers USA* for five consecutive years, is a five-time recipient of the Department of Justice's Assistant Attorney General's Award for Excellence and served for six years on the DC Circuit's Advisory Committee on Procedures.

Areas of Focus

- Energy
- Environmental and Workplace Health and Safety
- Appellate and Supreme Court
- Business Litigation
- Education
- Data Centers
- Critical and Emerging Technologies

Representative Matters

- Defended a municipal water utility's dam and reservoir expansion project against environmental and procedural challenges, litigating the matter through two trips to the Tenth Circuit.*
- Represented an aircraft manufacturer in a DC Circuit challenge to the EPA's inaugural greenhouse gas emissions standards for commercial planes.*
- Successfully defended multiple pesticide registration decisions issued to chemical company clients before the Ninth and DC Circuits.*
- Represented both industry and government clients in several rounds of litigation challenging and defending EPA climate regulations governing utilities, motor vehicles, and stationary sources.*
- Represented a renewable energy infrastructure developer in litigation before the Court of International Trade and the Federal Circuit, successfully challenging tariffs imposed on imported solar panel components.*
- Successfully argued an important statutory interpretation question on behalf of terrorism victims in the D.C. Circuit, thereby ensuring that millions in funds recovered by the government through enforcement actions are available to terrorism victims.*
- Successfully challenged the government's imposition of high tariffs on medical foods prescribed to treat severely ill and disabled children.*
- Represented a foreign government-owned commercial space entity challenging enforcement of a foreign arbitral award, twice arguing precedential due process and jurisdictional issues before the Ninth Circuit.*
- Secured a precedent-setting Fourth Circuit ruling for an asylum-seeker on significant questions of immigration law.*

**Matter handled prior to joining Jenner & Block LLP*

Credentials

Admissions

- District of Columbia
- New York

Education

- Georgetown University Law Center, JD, *cum laude*, 2004
- Johns Hopkins University, BA, *cum laude*, Phi Beta Kappa, 2001

Court Admissions

- US Supreme Court
- US Court of Appeals, Third Circuit
- US Court of Appeals, Fifth Circuit
- US Court of Appeals, Seventh Circuit
- US Court of Appeals, Ninth Circuit
- US Court of Appeals, Tenth Circuit

Service / Recognition

Awards

- Assistant Attorney General's Award for Excellence, five-time recipient

Community

- DC Circuit Advisory Committee on Procedures, appointed 2017-2023
- Adjunct Professor, Howard University School of Law, 2007-2013