

Zachary C. Schauf

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Areas of Focus

Appellate and Supreme Court

Energy

Government Controversies and Public Policy Litigation

Native American Law

Post-*Chevron* Task Force



Overview

A strategic counselor and litigator, Zach Schauf leverages his experience as a senior official at the US Department of Justice’s (DOJ) Office of Legal Counsel and as an acclaimed advocate—equally adept before the Supreme Court, trial courts, and administrative agencies—to help clients navigate their most complex legal challenges, especially in highly regulated areas. Whether the challenge calls for charting a path through a thicket of legal constraints, reimagining regulatory frameworks, or hard-fought litigation, Zach works with clients to identify and deploy the best tools for achieving their business objectives. Zach’s experience is especially deep in the energy sector, administrative and constitutional law, government-facing controversies of all stripes, and Native American law.

In the energy sector, Zach has achieved industry-defining outcomes. His successes include the defense of state programs supporting zero-emissions nuclear power plants and high-stakes litigation involving the Federal Power Act, Administrative Procedure Act, preemption, and the dormant commerce clause. Clients regularly seek his counsel to advance their objectives within existing regulatory frameworks while adapting to the industry's evolution. His work encompasses market design, carbon regulation, and transmission policy before key regulatory bodies including the Federal Energy Regulatory Commission, US Environmental Protection Agency, and state public utility commissions.

A seasoned appellate advocate, Zach has argued before the Supreme Court, where he has served as counsel of record in 50 cases, the *en banc* DC Circuit, and numerous federal and state courts nationwide. He led the successful briefing teams in *McGirt v. Oklahoma* and *Brackeen v. Haaland*, two landmark cases in Native American law. His work on *Oklahoma v. Castro-Huerta* earned him the firm's Albert E. Jenner Pro Bono Award for defending

tribal sovereignty. The American Lawyer recognized him as a Trailblazer in 2022 for his representation in *Moore v. Harper*, where he served as first-chair trial counsel in litigation concerning fair electoral maps and partisan gerrymandering.

Zach's litigation successes have spanned a wide variety of industries and substantive areas. He has represented Native American tribes on many critical issues, including gaming, taxation, tribal recognition, land-into-trust, treaty rights, mineral rights, leadership, federal preemption, and sovereign immunity. On behalf of government contractors, he has won dismissal of False Claims Act suits seeking nearly a billion dollars in liability. In the hospitality industry, he has defeated many putative class actions via dispositive motions or class certification, and he has prevailed in disputes with management companies and developers in every type of forum—in arbitrations, trial courts, and on appeal. In financial services, he has obtained multiple dispositive rulings that wiped out close to a billion dollars in contract liability and successfully litigated the scope of the SEC's remedial authority in the Supreme Court.

As Deputy Assistant Attorney General at the DOJ's Office of Legal Counsel, Zach advised the President, the Attorney General, and nearly every cabinet agency on many of the nation's most pressing legal problems, helping lead a team of 20 attorneys on matters spanning constitutional law, administrative law, fiscal law, civil litigation, government contracts, immigration, civil rights, foreign affairs, and ethics. He was a member of the Department's Reproductive Rights Task Force, led the Office's work reviewing the constitutionality of proposed legislation, and advised on the Supreme Court's recent pathbreaking decisions in administrative law.

A graduate of Harvard Law School, Zach graduated first in his class, received recognition in the Ames Moot Court Competition, and served as president of the Harvard Law Review. He completed clerkships with Supreme Court Justice Elena Kagan and then-Judge Merrick B. Garland, under whom he subsequently served at the Department of Justice.

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- Appellate and Supreme Court
- Energy
- Government Controversies and Public Policy Litigation
- Native American Law
- Post-*Chevron* Task Force
- Real Estate and Hospitality
- Transitions in Energy and Climate Solutions
- Data Centers
- Education

Credentials

Admissions

- District of Columbia, 2014

Education

- Harvard Law School, JD, *summa cum laude*; Fay Diploma; Winning team and best brief, Ames Moot Court Competition., 2011
- University of Oxford, MA, 2006
- Stanford University, BAS, *cum laude* and with distinction, 2004

Court Admissions

- US Court of Appeals, Ninth Circuit, 2021

Clerkships

- Hon. Elena Kagan, US Supreme Court, 2012-2013
- Hon. Merrick B. Garland, US Court of Appeals, District of Columbia Circuit, 2011-2012

Service / Recognition

Awards

- Capitol Pro Bono High Honor Roll, 2025
- *The American Lawyer*, Litigator of the Week, Runner-Up, 2025