

## SAM HIRSCH, Partner

*Sam Hirsch is a partner in the firm's Environmental and Workplace Health and Safety Law, Energy, Government Controversies and Public Policy Litigation, and Election Law and Redistricting Practices, as well as leading the firm's work involving Indian law. Prior to rejoining the firm in 2017, Mr. Hirsch served as the acting Assistant Attorney General and principal deputy at the US Department of Justice's Environment and Natural Resources Division (ENRD).*

Mr. Hirsch has significant experience in environmental litigation, having led ENRD—considered the US's largest environmental "law firm." He has worked on cases that cover nearly the entire range of federal environmental and natural resources statutes, including the Clean Air Act, the Clean Water Act, NEPA, CERCLA, the Oil Pollution Act, RCRA, the Safe Drinking Water Act, the Endangered Species Act, the Migratory Bird Treaty Act, the Marine Mammal Protection Act and the Lacey Act.

Mr. Hirsch was involved in all phases of the Deepwater Horizon litigation, including helping structure the global settlement that directed more than \$8.1 billion toward restoring damaged natural resources in the Gulf of Mexico. He also drafted portions of BP's and Transocean's 2013 criminal plea agreements that created the National Academy of Sciences' \$500 million Gulf Research Program, which funds and conducts studies and projects to enhance oil-system safety, human health and environmental resources in the Gulf of Mexico and other US outer-continental-shelf regions that support oil and gas production.

Mr. Hirsch has an active energy practice and counsels large electric and gas utilities on a range of matters, including issues related to hydroelectric power.

As the ENRD Indian Resources Section's supervisor, he oversaw all litigation in which the US sought to protect tribal lands, resources, jurisdiction and treaty rights. Mr. Hirsch led the Department of Justice's ground-breaking efforts in working with Native Americans. In particular, his work to craft and get enacted into law provisions that protect Native American women from domestic violence has earned him wide-ranging praise from women's groups and tribal governments.

Mr. Hirsch also served as deputy associate attorney general at the Department of Justice from 2009 to 2014. During that time, he supervised ENRD, the Civil Rights Division, the Office of Tribal Justice and the Access to Justice Initiative on all high-profile matters.

Mr. Hirsch began his legal career at Jenner & Block and was instrumental in creating the Election Law and Redistricting Practice. He gained a national reputation as one of the leading lawyers in the field, having litigated voting-rights and redistricting cases in nearly 20 states, including cases under Sections 2 and 5 of the Voting Rights Act of 1965 and the Help America Vote Act of 2002, as well as cases raising constitutional claims under the First, Fourteenth and Fifteenth Amendments, and Article I's Elections Clause.

He is a sought-after speaker and author who has lectured and written on redistricting and election law for audiences at Harvard University, New York



## SAM HIRSCH Partner

### WASHINGTON, DC

Office: 202 637-6335

Email: shirsch@jenner.com

### PRACTICE GROUPS

Election Law and Redistricting

Energy

Environmental and Workplace Health & Safety Law

Environmental Litigation

Government Controversies and Public Policy Litigation

Native American Law

State Enforcement and Regulation

### EDUCATION

Harvard Law School, JD, 1993; Treasurer, *Harvard Law Review*

Rice University, BA, 1984

### ADMISSIONS

District of Columbia

Maryland

### JUDICIAL CLERKSHIPS

Hon. Francis D. Murnaghan, Jr., US Court of Appeals, Fourth Circuit, 1993 - 1994

The Netherlands, The Iran-United States Claims Tribunal, The Hague, 1997 - 1999

University, the University of Pennsylvania, Georgetown University, the London School of Economics, the Brookings Institution, the National Conference of State Legislatures, the American Mathematical Society and more.

As acting assistant attorney general and principal deputy assistant attorney general in the US Department of Justice's Environment and Natural Resources Division (ENRD):

- Led the nation's largest environmental "law firm," with 640 employees. The division had the primary responsibility for litigation and policy work relating to the prevention and clean-up of pollution, environmental challenges to federal programs, stewardship of public lands and natural resources, property acquisition, wildlife protection and Indian rights and claims.
- Supervised litigation resulting in a favourable outcome in 94.7 percent of all cases.
- Launched a broad set of management reforms to promote excellence, transparency and inclusion, and oversaw a 23 percent increase in ENRD's attorneys of color.
- Reviewed and edited more than 200 appellate briefs, including more than 40 US Supreme Court cert-stage, merits and amicus briefs, as well as more than 150 appeal-recommendation memos to the solicitor general.
- As the ENRD Indian Resources Section's supervisor, oversaw all litigation in which the United States sought to protect tribal lands, resources, jurisdiction and treaty rights.
- Involved in all phases of the Deepwater Horizon litigation, including helping to structure the global settlement.
- Participated in strategy sessions on the Clean Power Plan, EPA's historic Clean Air Act rules setting carbon-dioxide emission standards for new and existing coal- and natural-gas-fired power plants.
- Successfully argued *Big Lagoon Rancheria v. California* before the Ninth Circuit, sitting en banc.
- Led the effort, partnering with the Department of the Interior, to promulgate a federal regulation creating an administrative pathway for the Native Hawaiian community to re-establish a government-to-government relationship with the United States.

## Awards

- *Chambers USA*  
Native American Law (Nationwide), 2020
- *Legal 500 US*  
Industry Focus - Environment - Litigation, 2018
- Attorney General's 2013 Award for Exceptional Service in Indian Country
- Attorney General's 2012 Award for Distinguished Service
- Thomas J. Watson Fellow, 1984
- Harry S. Truman Scholar, 1982
- US Presidential Scholar, 1980
- Jenner & Block Mentorship Award - 2020

## Industry

- American Constitution Society  
Co-Chair, Democracy and Voting Issue Group (2006-2009)
- *Election Law Journal*  
Associate Editor (2003-2009)

## Publications

- “Federal Preemption of State Taxes Burdening Indian Lands,” *Tax Notes State*, February 15, 2021
- Co-Author, “The Case of the Disappearing Votes: Lessons from the *Jennings v. Buchanan* Congressional Election Contest,” 17 *William & Mary Bill of Rights Journal* 1, 2008
- Co-Author, “For Election Reform, a Heartening Defeat,” *New York Times* (op-ed page), November 11, 2005
- “The United States House of Unrepresentatives: What Went Wrong in the Latest Round of Congressional Redistricting,” 2 *Election Law Journal*, 179, 2003
- “Unpacking *Page v. Bartels*: A Fresh Redistricting Paradigm Emerges in New Jersey,” 1 *Election Law Journal* 7, 2002
- Co-Author, “The Realists’ Guide to Redistricting: Avoiding the Legal Pitfalls,” American Bar Association, 2000

## Speaking Engagements

- Sam Hirsch Presents at NCSL’s Online Redistricting Seminar, January 06, 2021
- Co-Presenter, “Native American Law in the Biden-Harris Administration,” Transition Time, Jenner & Block Webinar Series, November 20, 2020
- Panelist, “Protecting the Vote: Election Security and Voting Rights in 2020,” American Constitution Society DC Chapter, October 07, 2020
- Panelist, Redistricting and Elections Business Meeting/The Changing Legal Landscape, 2019 National Conference of State Legislatures Capitol Forum, December 11, 2019
- Panelist, “Indian Country, the Supreme Court and the Long Conference,” NCAI Webinar, September 25, 2017