

## **ERNEST B. ABBOTT**

Baker Donelson, Bearman, Caldwell & Berkowitz, PC  
Suite 900  
920 Massachusetts Ave. NW,  
Washington, D.C. 20001

Phone (202) 508-3425  
Fax (202) 220-2225  
E-mail: [eabbott@bakerdonelson.com](mailto:eabbott@bakerdonelson.com)  
Web Address: [www.bakerdonelson.com](http://www.bakerdonelson.com)

**BAKER DONELSON, BEARMAN, CALDWELL, & BERKOWITZ, PC** November 2013 – Present. **Of Counsel.**

**FEMA LAW ASSOCIATES, PLLC** 2001- October 2013. Prince

- Legal Practice specializing in federal Emergency Management and Disaster Law for clients across the United States (more than 30 states to date)
- Emergency management legal practice focuses on laws, regulations, policies and procedures relating to eligibility for federal disaster and mitigation assistance, the coordination of federal, state, local, non-profit, and private sector responders in catastrophic events, and all elements of the National Flood Insurance Program, including insurance, floodplain mapping, and floodplain management.
- Clients include local governments, public authorities and non-profit organizations eligible for FEMA assistance and their trade associations, Write-Your-Own Insurance Companies and individual flood insurance policy holders, land owners and land developers, law firms and contractors providing services to the emergency management community, and employees of emergency management agencies.
- Specialist in appeals and arbitrations from decisions in FEMA's Public Assistance Program, including those originating from audits by the Department of Homeland Security's Office of the Inspector General.
- Subject Matter Legal Expert for Centers for Disease Control contract to create Public Health Emergency Law Training Course (both the 1<sup>st</sup> and 2<sup>nd</sup> Editions)

**GEORGE WASHINGTON UNIVERSITY LAW SCHOOL**, Washington D.C.

- Professorial Lecturer in Law (Course 6880, Disaster Law) – 2011-2013

**FEDERAL EMERGENCY MANAGEMENT AGENCY**, Washington, D.C., July 1997-January, 2001. **General Counsel.**

- General Counsel of Federal Emergency Management Agency (then \$4 billion in annual expenditures). Chief legal officer for a member of the Cabinet of the United States. Managed all FEMA regulatory development and coordinated the legislative program for all FEMA agencies.
- Directed review of legal issues raised by FEMA's disaster and flood programs. Personally drafted decisions on appeals involving repetitive loss structures, interrelationship between insurance and disaster relief, and scope of authority to fund structural improvements as part of restoration of damaged structures.
- Decided all appeals from FEMA initial decisions refusing to produce information requested under the Freedom of Information Act, and led development of new "routine use" of information in the agency's files that would allow FEMA to use this information to assist in mitigation of flood hazards.
- Led expedited development of regulations to implement the Cerro Grande Fire Assistance Act, which created a new \$500 million FEMA compensation program. Interim regulations were published and effective 45 days after enactment (rather than 'normal' year or more).
- Developed and implemented integrated litigation and regulatory program to protect National Flood Insurance Program from punitive damage awards.
- Created FEMA Office of Dispute Resolution in Office of General Counsel; FEMA's Office received special mention in Justice Department report to President on Dispute Resolution. Personally mediated dispute involving personnel and national security matters.

**TENNECO ENERGY**, Houston, TX, 1985-1996: **Director and Vice-President, International** (1994-1996). **Principal Deputy General Counsel and Managing Attorney** (1990-1994; previously Associate General Counsel).

- Managing Deputy General Counsel of a \$3 billion diversified natural gas company operating in 27 states. Legal Department size: 25 staff lawyers; outside counsel expenditures of over \$20 million.
- Directed all contract and regulatory work for over \$500 million in successful Company expansion projects. Lead negotiator on a 275 billion cubic foot international natural gas purchase contract and on gas processing and liquids transportation aspects of \$500 million sale of gas liquids business. Member of 13 partner Management Committee of \$700 million international pipeline project. Led natural gas industry response to new restrictions on affiliate relationships.
- Managed environmental legal function. Supervised state and federal negotiations for a \$300+ million PCB remediation project. Successfully directed related toxic tort litigation and settlements. Developed environmental corporate compliance program.
- Developed new litigation/budget control system for \$20 million outside counsel expenses, improving cost control and settlement strategy and allowing transfer of accountability for managing costs to staff attorneys. Developed innovative outside counsel fee arrangements.
- Developed management and information process to track and review corporate contingent liabilities with chief financial officer and outside auditors.
- Conducted and managed internal investigations with potential exposure in both civil and criminal contexts.
- As manager of Tenneco Energy's Political Action Committee, increased employee participation by 300% and contributions by 100%. Managed 'advance work' for significant public events.

**U.S. ENVIRONMENTAL PROTECTION AGENCY**, Washington, D.C., 1983-1985. **Special Assistant for Legislative Development**, Assistant Administrator of Office of Policy, Planning And Evaluation.

- Directed "statutory review" project of Administrator William Ruckelshaus to achieve greater consistency in enforcement across the environmental media (air, water, solid waste, toxic substances, Superfund). Built Agency consensus on cross-media legislative proposal.

**INTERSTATE COMMERCE COMMISSION**, Washington, D.C., 1979-1983. **Attorney-Advisor** to Commissioners Alexis and Simmons, **Rail Merger Coordinator, Senior Appellate Trial Attorney**.

- Principal drafter of merger, abandonment, and new construction decisions interpreting new legislation reforming regulation of railroad and trucking industries.
- Directed staff decisions on all rail consolidations over three-year period, integrating economic, legal and engineering factors. Successfully achieved Commission consensus on approval of major rail consolidations involving \$5 billion in shareholders' equity.
- Appellate defense of major Commission decisions.

**HOGAN & HARTSON**, Washington, D.C., 1976-1979. Associate attorney with principal assignments in antitrust and energy law.

**COMMONWEALTH EDISON COMPANY**, Chicago, Ill. 1974, 1975 (Summers only)  
Staff to Vice Chairman and to General Counsel on electric utility rate and rate structure issues.

**EDUCATION:**

**HARVARD UNIVERSITY LAW SCHOOL**, Cambridge, MA, J.D. *magna cum laude* 1976.  
Elective courses concentrated in economic and environmental regulation and Administrative Law.

**KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY**, Cambridge, MA, M.P.P. 1976. Member of the Energy and Environmental Policy Center.

**SWARTHMORE COLLEGE**, Swarthmore, PA, B.A. *high honors* 1972, Phi Beta Kappa. Major in Political Science with a Minor in Economics.

## **PUBLICATIONS:**

E. Abbott and J. Luk, "*Legislative Authorities and Regulatory Issues*", (1st Edition), Disaster Medicine Book. Forthcoming 2013.

Review of "*Disaster Law*", in the Journal of Homeland Security and Emergency Management (BEPress 2011).

E. Abbott and O. Hetzel, (Ed.), "HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR STATE AND LOCAL GOVERNMENTS: A LEGAL GUIDE (2<sup>ND</sup> EDITION)" ABA Press 2010; 1<sup>ST</sup> edition 2005). Co-author (with O. Hetzel and A. Cohn) of Chapter One: "Catastrophic Events, the Law, and Federalism," and of the Appendix (with O. Hetzel and Lai Sun Yee, " Legal Checklist for Actions in Disasters and Emergencies from All Hazards for State and Local Government Attorneys and Officials;" author of Chapter Fifteen: "Representing Local Governments in Catastrophic Events: FEMA Response and Recovery Issues,"

Ernest B. Abbott, "Law, Emergencies, and the Constitution: A Review of *Outside the Law: Emergency and Executive Power*," Journal of Homeland Security and Emergency Management (Vol. 7 [2010], No. 1, Article 17)

Ernest B. Abbott and Douglas Brosnan, "Legislative Authorities and Regulatory Issues", in K. Koenig and C. Schultz (ed.), "DISASTER MEDICINE," (Cambridge Univ. Press 2009)  
*THE LAW AND CATASTROPHIC DISASTERS: LEGAL ISSUES IN THE AFTERMATH*, " 3 day legal exercise and Report Produced by the Institute for Public Safety and Justice of the University of the District of Columbia, 2009. (Program Coordinator, Report Author)

Ernest B. Abbott, *Floods, Flood Insurance, Litigation, Politics – and Catastrophe: the National Flood Insurance Program*, U. Miss. Sea Grant L. & Pol'y J. (Summer 2008).

Ernest B. Abbott, *Law, Federalism, the Constitution, and Control of Pandemic Flu*, Asian-Pac. L. & Pol'y J., (Summer 2008).

Gene W. Matthews, Ernest B. Abbott, Richard E. Hoffman, and Martin S. Cetron, "Public Health Emergency Law," in R. Goodman, M Rothstein, R. Hoffman, W. Lopez, and G. Matthews, *PUBLIC HEALTH LAW IN PUBLIC HEALTH PRACTICE*, 2<sup>ND</sup> Ed. (Oxford Press 2006).

"FEMA GUIDEBOOK FOR PUBLIC POWER MANAGERS," published by the American Public Power Association, 2006.

*ARE YOU READY? WHAT LAWYERS NEED TO KNOW ABOUT EMERGENCY PREPAREDNESS AND DISASTER RECOVERY*, 70 minute Video Produced by ABA Center of Continuing Legal Education and ABA Section of State and local Government law, 2005. (Announcer, Moderator, and Content Director).

"Representing Local Governments in Catastrophic Events: FEMA Response and Recovery Issues," 37 *URBAN LAWYER* 467 (2005).

"A Checklist for State and Local Government Attorneys to Prepare for Possible Disasters," 37 *URBAN LAWYER* 489 (2005).

Review of "Disaster: Hurricane Katrina and the Failure of Homeland Security", in the Journal of Homeland Security and Emergency Management (BEPress 2007)

- Co-Author, Hurricane Katrina Task Force Report [on legal authority in catastrophic events], American Bar Association White Paper, February 2006.
- “Homeland Security in the 21<sup>st</sup> Century: New Inroads on the State Police Power,” 36 URBAN LAWYER 837 (Fall 2004).
- Abbott, E.B. (2004): “Availability of Disaster Assistance from FEMA: Health Care Emergencies,” in K. J. McGlown (Ed.) TERRORISM AND DISASTER MANAGEMENT: PREPARING HEALTHCARE LEADERS FOR THE NEW REALITY. Chicago, IL: Health Administration Press.
- Book Review of "Terrorism, Freedom, and Security: Winning Without War", in the Journal of Homeland Security and Emergency Management (BEPress 2004).
- “Final Report on Legal Issues”: Appendix A of Study prepared for the Federal Emergency Management Agency on “Evaluation of Alternatives in Obtaining Structural Elevation Data” (July 2003).
- “An Electric Cooperative’s Introduction to FEMA,” Published by The National Rural Electric Cooperative Association, March 2003

### **SELECTED PRESENTATIONS**

- “Preparing for Disaster-Related Liabilities” and “Communicating Legal Protections to the Healthcare System”, at CDC Hospital Executives and Disasters : A Stakeholder Meeting, Atlanta, GA, November 2013”.
- “FEMA and the Flood Insurance Program”, at HarrisMartin’s Super Storm Sandy Insurance Coverage Litigation Conference, Atlantic City, NJ, June 2013.
- “Funding Sources for Redevelopment After Sandy: Insurance, Disaster Assistance, Special Mitigation Funds”, at Hofstra University School of Law’s Recovery and Rebuilding After Superstorm Sandy Legal Perspectives: What We Know and Where We Go, April 4, 2013.
- “Emergency Sheltering and Americans with Disabilities Act”, at National Lieutenant Governors Association Annual Meeting, Puerto Rico, July 2011.
- “Water Law and The National Flood Insurance Program”, at American Bar Association Water Law Conference, San Diego, February 2011
- Guest Lecturer on Public Health Emergency Law (for Course in Public Health Law), University of Tennessee-Knoxville Law School, Fall 2010.
- Keynote Speaker at Symposium on Public Health Emergencies and California Law, University of the Pacific, McGeorge School of Law, May 2009.
- Co-Chair, “The Law and Catastrophic Disasters: Legal Issues in the Aftermath”, a Legal Preparedness Table Top Exercise sponsored by the National Legal Preparedness Training Program of the University of District of Columbia, the Center for American and International Law, and the National Emergency Management Association, March 2009.
- “Constitutional and Legal Tensions in Disaster Law”, St. Louis University Law School (November 2008).
- “Contracting Following a Disaster”, Presentation to Public Contract Lawyers on legal issues in disaster contracting, sponsored by the ABA Public Contract Law Section (October 2008).
- “Floods, Flood Insurance, Litigation, Politics and Catastrophe: The National Flood Insurance Program,” The Sea Grant Law and Policy Inaugural Symposium, The University of Mississippi School of Law, Oxford, MS, March 2008.
- “Why Care About Law – and Lawyers –in Public Health Emergencies?”, keynote address on Public Health Emergency Law Training Program, Connecticut Department of Health (Hartford, May 2007).
- “Legal Trends in Emergency Management – and FEMA Appeals,” Presentation to International Association of Emergency Managers, Orlando, FL, November 2006.
- “Lawyers, Disasters, and Federalism,” the Edwin L. Crawford Lecture on Municipal Law, Albany Law School, November, 2006
- “A Short History of the Development and Operations of FEMA” A Presentation to the Rural Electric Statewide Managers Association. Phoenix, Arizona. November 2005.

“Limiting Liability When Warning About Risks,” October 23, 2001, to Seismic Risk Communication Conference of Western States Seismic Council.

“Laws and Lawyers: Enabling Coordination”, presentation to NATO Partnership for Peace Seminar on Legal issues in International Emergency Management (Stockholm, September, 2000).

## **ORGANIZATIONS AND ACTIVITIES**

Journal of Homeland Security and Emergency Management (JHSEM), Editorial Board Member, November 2008 – present.

American Bar Association, 1977-present. Member or Special Advisor, Special Committee on Disaster Response and Recovery, 2006-present. Chair, Committee on Emergency Management and Homeland Security, 2002-2009; Vice-Chair 2009-2010. Council Member, Section of State and Local Government Law 2003-2007; Chair, Multi-Section Task Force on Homeland Security, 2005-2007. Member, ABA Hurricane Katrina Task Force, 2005-2006.

National Emergency Management Association, Associate Member and Private Sector Liaison to the Legal Committee.

Member of District of Columbia, Massachusetts, and Texas Bars.

Referee (1989-2013) and Associate Referee Instructor (2003-13), United States Soccer Federation

Cathedral Choral Society (Second Bass) (2002-present); Member, Board of Trustees, and chair of its Music and Program Committee, 2012-present; Vice President, 2013.

Treasurer, Great Falls United Methodist Church, 2002-06. Chair of Personnel Committee, 1997-2001.

Trustee and Audio-Visual Coordinator, Arlington Temple United Methodist Church, 2007-2013.