



## DAVID P. SMITH

Shareholder

**ADMINISTRATIVE & REGULATORY  
LITIGATION, ENVIRONMENT AND  
NATURAL RESOURCES: OIL, GAS,  
LAND & WATER, REAL ESTATE,  
WATER LAW**

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## ABOUT

Widely recognized as an authority in environmental, wildlife, and natural resources law and policy, David Smith returned to Texas – and private practice – after more than a decade in public service in both Austin and Washington, D.C. Mr. Smith has dealt with all major Texas and federal natural resources agencies as counsel, policy advisor or appointed official. As a result, Mr. Smith has a keen understanding of complex regulatory issues and agency processes, as well as strong relationships with key agency personnel. Mr. Smith served as Deputy Assistant Secretary of the Interior and Counselor for Fish and Wildlife and Parks, where he developed and oversaw implementation of policies for both the U.S. Fish and Wildlife Service and National Park Service. In this capacity, he was a member of the Secretary of the Interior’s senior management team, working with political and career leadership across the Department of the Interior, the White House, Congress and other federal agencies. As former Secretary of the Interior Gale Norton noted, “David Smith has a national reputation as a problem-solver in conservation and parks management.” He has testified before both the U.S. Senate and House of Representatives and has delivered speeches and position papers to national and international audiences on such topics as the Endangered Species Act, National Environmental Policy Act, Migratory Bird Treaty Act, Bald and Golden Eagle Act, National Wildlife Refuge System, the National Park System, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Mr. Smith went to Washington as one of the Bush administration’s first appointees to the Department of the Interior, after serving on the Bush-

Cheney Transition Team in late 2000 and early 2001. He previously served in the Appointments Office of then-Governor George W. Bush, overseeing all gubernatorial appointments in the areas of natural resources, conservation, real estate, housing, finance and water. Before devoting his career to public service, Smith was an attorney in private practice in Austin, where he concentrated on environmental and land-use issues on the federal, state and local levels. Today, Mr. Smith counsels clients in dealings before Congress, the Texas Legislature, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Environmental Protection Agency, the Texas Commission on Environmental Quality, the Texas Parks and Wildlife Department, and the Texas General Land Office, as well as other federal and state agencies.

## **PROFESSIONAL QUALIFICATIONS**

- Admitted to State Bar of Texas, 1993.
- Admitted to practice before the following courts: U.S. District Courts for the Western, Southern, and Northern Districts of Texas.
- Education: Washington and Lee University (B.A., *cum laude*) 1990; NCAA Intercollegiate Baseball Letterman 1988, 1989, 1990; Scholar-Athlete Academic Honor Roll.
- The University of Texas School of Law (J.D.) 1993; Teaching Quizmaster, 1992 – 1993.
- Barrett & Smith PLLC – Partner, 2006 – 2011.
- United States Department of the Interior
- Deputy Assistant Secretary and Counselor for Fish and Wildlife and Parks, 2002 – 2006
- Counselor to the Assistant Secretary for Fish and Wildlife and Parks, 2002
- Special Assistant to the Secretary/Counselor to the Assistant Secretary for Fish and Wildlife and Parks, 2001 – 2002
- Bush Cheney Transition Team – 2001.
- Office of Governor George W. Bush – Appointments Manager, 1997 – 2001.
- Private Law – Attorney, 1996 – 1997.
- Drenner & Stuart – Associate, 1994 – 1996.
- Thompson, Coe, Cousins & Irons – Associate, 1993 -1994.

## **PROFESSIONAL AFFILIATIONS**

- Austin Bar Association
- State Bar of Texas
- American Bar Association
- Member, The College of the State Bar of Texas
- Fellow, Texas Bar Foundation

## COMMUNITY

- LBJ Library Future Forum Board of Directors; Chairman 2013 – 2015
- Texas Foundation for Innovative Communities; Board of Directors
- Tuesday Club
- Mountain States Legal Foundation, Board of Litigation
- The Texas Lyceum, Alumni; Past Director; Past Vice President – Nominations
- The University of Texas School of Law, Past Non-Practicing Alumni Advisory Council
- Washington and Lee University Alumni Association of Central Texas, Past Board of Directors; Past Secretary/Treasurer
- Real Estate Council of Austin; Past member Development Process Committee, Past member Endangered Species Committee

## PUBLICATIONS AND PRESENTATIONS

- Endangered Species Act – Current Listing Issues Affecting Water Development (2015)
- Faculty Member and Moderator/Speaker, Texas Environmental Law Journal 2015 Annual Symposium
  - *Climate Change Brought, and New and Potential Listings: Implications for an Increasingly Thirsty State*
  - *Cities in the Wilderness: Building a Federal, State, Local Land Use Planning, and Conservation Alliance*
- Faculty Member and Author/Speaker, Texas Water Law Annual Conference (2010, 2011, 2013, 2014, and 2015)
  - *Endangered Species: An Overview (2014)*
  - *The ESA vs. Texas Water Law (2013)*
  - *Endangered Species Act: Surface Water and Other Emerging Issues in Texas (2011)*
  - *Endangered Species Act Issues: Surface Water, the Aransas Project, Guadalupe River Basin and Whooping Cranes; Is this the Tip of the Iceberg? (2010)*
- Faculty Member and Author/Speaker, CLE International Endangered Special Act Conservation and Litigation Conference (2013 and 2014)
  - *Recent Actions Under the Multi-District Litigation Settlement Agreement (2014)*
  - *Listing Decisions in Crisis Mode (2013)*

- Faculty Member and Author/Speaker, The Austin Contractors & Engineers Association Central Texas Infrastructure Design & Construction Symposium (2013 and 2014)
  - *Impact of the Salamanders on Development (Or, What Are We Supposed To Do Now That They Are Listed?) (2014)*
  - *Impact of the Four Central Texas Salamanders on Development (2013)*
- Faculty Member and Author/Speaker, CLE International Conference on Hydraulic Fracturing (2012)
  - *The Intersection of the Endangered Species Act with the Oil and Gas Industry*
- Faculty Member and Author/Speaker, Texas Utility Lawyers Annual Meeting (2012)
  - *Endangered Species and the Intersection with Utilities*
- Faculty Member and Author/Speaker, AALA Annual Agriculture Law Symposium (2011)
  - *Endangered Species Act Overview: A Gathering Storm? ESA Impacts on Water and Land Use*
- Faculty Member and Author/Speaker, Real Estate Center at Texas A&M Annual Outlook for TX Land Markets (2011)
  - *Fresh Water for Whooping Cranes – What Endangered Species Means to Landowners*
- Faculty Member and Author/Speaker, The University of Texas School of Law Texas Water Law Institute (2010)
  - *The Role of Endangered Species in Water Management – Which is More Endangered: Texas' Autonomy Over State Water Resources or the Whooping Crane?*
- Faculty Member and Author/Speaker, Texas Water Conservation Association Fall Conference (2009)
  - *Endangered Species Overview*