



email: folk@smwlaw.com

ELLISON FOLK

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Ms. Folk joined Shute, Mihaly & Weinberger in 1990 and is a partner with the firm. Ms. Folk represents public agencies and environmental organizations on a wide range of environmental and land use issues, including CEQA, the California Coastal Act, Proposition 65, the Clean Water Act, the Endangered Species Act, and general plan and zoning law. Ms. Folk also advises and defends public agencies in litigation raising takings and related constitutional challenges to land use and environmental regulations.

Ms. Folk has considerable litigation experience in state and federal courts on behalf of environmental organizations and public entities. Most recently, Ms. Folk represented the City of Oxnard before the California Public Utilities Commission and the California Energy Commission its successful effort to oppose the location of a natural gas fired power plant on the beach in Oxnard. Ms. Folk also represented the City of East Palo Alto in negotiating a ground breaking settlement with Facebook that resulted in the establishment of a \$20 million fund for affordable housing and requirements for job training and other opportunities for residents of East Palo Alto.

Ms. Folk also defended the Bay Area Air Quality Management District in litigation that resulted in upholding the vast majority of CEQA thresholds of significance adopted by the Air District. *California Building Industry Assn. v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.

Ms. Folk also successfully defended the City of Morgan Hill in *Arcadia v. City of Morgan Hill* (2011) 197 Cal.App.4th 1526 – an action brought by a developer claiming that the City's land use restrictions violated its right to equal protection.

Ms. Folk also successfully defended the Mid-Peninsula Regional Open Space District in *Citizens for Responsible Open Space v. San Mateo Local Agency Formation Commission* (2008) 159 Cal.App.4th 717 .

Ms. Folk served as co-counsel representing the Tahoe Regional Planning Agency (TRPA) in defeating a challenge to the agency's comprehensive plan for protection of Lake Tahoe. *Tahoe-Sierra Preservation Council v. TRPA* (2002) 122 S.Ct. 1465. The case resulted in a precedent-setting ruling from the United States Supreme Court that reasonable delays in land use planning do not result in a taking of property.

Ms. Folk has been named as a Northern California Super Lawyer for 2012 through 2018, and is the lead author for several publications regarding takings law, including Chapter 65: Takings and Other Constitutional Controls in California Environmental Law and Land Use Practice (Matthew Bender), and articles for the California Environmental Law Reporter. She regularly speaks at conferences

regarding land use and environmental issues.

Ms. Folk served on the Board of Directors of Creative Arts Charter School from 2009 to 2013 and was president on the Board from 2011 to 2013. Ms. Folk also served on the Board of Directors for Save San Francisco Bay Association from 1998 through 2003. She received her law degree from Berkeley Law School, and she also holds a Masters in City and Regional Planning from the University of California Berkeley. Ms. Folk graduated *magna cum laude* from Princeton University in 1984.

Ms. Folk is a member of the Bars of the State of California, the U.S. Supreme Court, U.S. Circuit Court of Appeals for the Ninth Circuit, the U.S. Federal Circuit Court of Appeals, and U.S. District Courts for the Northern, Eastern and Central Districts of California.



email: YZakai@smwlaw.com

YOCHANAN "YOCHI" ZAKAI

Mr. Zakai joined Shute, Mihaly & Weinberger in 2018 and is an associate. He practices administrative and energy law with a focus on utility regulation.

Prior to joining the firm, Mr. Zakai was a Senior Power Analyst at Seattle City Light, the electric utility run by the City of Seattle. There, Mr. Zakai represented the utility in rate and tariff proceedings before the California Independent System Operator and Bonneville Power Administration. He led the development of policies regarding market power mitigation, resource adequacy, frequency response, day-ahead market design, interjurisdictional allocation methodologies, and carbon pricing. He advised the utility on the regionalization of the California Independent System Operator and the expansion of the Energy Imbalance Market.

Mr. Zakai advised clients on renewable energy and carbon pricing policies. He analyzed proposed energy legislation and drafted language for renewable portfolio standard (RPS) statutes and administrative rules. He evaluated changes to the Western Renewable Energy Generation Information System's Operating Rules and voluntary green power program standards.

Mr. Zakai's transactional practice included drafting contracts for wholesale sales of energy, transmission, frequency response, operating reserves, and renewable energy credits. He supported Seattle City Light's RPS and voluntary green power program audits.

Earlier, Mr. Zakai was a Policy Advisor to the Washington State Utilities and Transportation Commission where he authored regulatory orders and policy statements. In that role he advised the Commissioners on energy policy issues including rate cases; electric vehicle incentives; energy storage; the evaluation, measurement, and verification of conservation programs; cybersecurity; distributed generation; decoupling; smart grid; and renewable energy tariffs. He analyzed Integrated Resource Plans (IRP), recommended modeling improvements, attended IRP stakeholder meetings, and summarized technical details in plain English.

Mr. Zakai led the Commission's investigation into distributed generation cost shifts and rate design, revision of rules regarding RPS and energy efficiency resource standards (WAC 480-109) and the interconnection of distributed generation facilities (WAC 480-108).

Mr. Zakai graduated from the University of Oregon School of Law, where he was selected as a Bowerman Energy Law Fellow. During law school, he was awarded Best Brief for Appellee at the National Environmental Law Moot Court Competition. Mr. Zakai clerked for the Department of Energy's Bonneville Power Administration, Citizens'

Utility Board of Oregon, Vestas American Wind Technology, and Hawaii Public Utilities Commission.

Prior to attending law school, Mr. Zakai worked for the Sierra Club and Green Business Network. He graduated from the University of Michigan in Ann Arbor with a bachelor's degree in environmental science.

Mr. Zakai is a member of the Oregon State Bar.



email: LTarpey@smwlaw.com

LAUREN TARPEY

Ms. Tarpey joined the firm in 2018 as an environmental law fellow. Prior to joining the firm, she served as a law clerk for the Honorable R. Brooke Jackson on the United States District Court for the District of Colorado.

In 2017 Ms. Tarpey graduated from Stanford Law School, having also earned a Joint Master of Science degree in Environment and Resources with a focus on energy from the Stanford Emmett Interdisciplinary Program in Environment and Resources. While at Stanford, Ms. Tarpey served as Co-Editor in Chief of the Stanford Environmental Law Journal, and she was a leader of the Environmental Law Pro Bono Project and the Environmental Law Society. Ms. Tarpey also participated in the Stanford Environmental Law Clinic for two quarters, during which time she worked on a team challenging agricultural pollution discharges into waterways. During law school Ms. Tarpey worked at Shute, Mihalý and Weinberger as a summer law clerk and a fall extern in 2016, and she interned with the Sierra Club Environmental Law Program during the summer of 2015.

Prior to attending law school, Ms. Tarpey worked for two years as a legal assistant at a law firm in Chicago. She graduated Phi Beta Kappa from the University of Chicago in 2012 with a B.A. in Environmental Studies and Public Policy.

Ms. Tarpey is a member of the State Bar of California.