

PATRICIA S. BANGERT

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WORK EXPERIENCE: ACADEMIC

**JOB TITLE: VISITING PROFESSOR/ADJUNCT PROFESSOR
UNIVERSITY OF DENVER COLLEGE OF LAW**

Dates: June, 1992 - May, 2005

Duties and accomplishments:

As a Visiting Professor, I taught Torts, Administrative Law, and Animal Rights at the University Of Denver College Of Law. As an Adjunct Professor, I taught Administrative Law, Civil Rights Law, Environmental Law and Animal Rights.

I received consistently high evaluations from my students throughout my tenure at the University. The first year I taught, I received the highest evaluations of any first year professor, according to the Registrar. My classes reached highs of 125 students, sometimes requiring two sections. I have been nominated for professor of the year at the University.

I created and taught a course in the civil rights area entitled "Animal Rights." Several years later, faculty voted to make the course a permanent part of the curriculum, joining only a handful of elite schools, including Harvard and Rutgers, to have a animal rights course as a permanent class in the curriculum. My Animal Rights course involves (I) an exploration of the allocation of rights throughout the history of the United States, including cases concerning slaves, women, and others, who at one time did not enjoy the status of "persons" under the law; (ii) an exploration of the evolution of our attitudes and beliefs concerning animals, including Biblical passages, dualism theories of Descartes and other western philosophers, and modern animal rights theorists; and (iii) a search for a rational theory for provision of rights.

I have taught Administrative Law for over twelve years. The course includes an exploration of all aspects of government, beginning with the constitutional concepts of "balance of power" and "non delegation," continuing through executive authority, and its limitations, and ending with judicial oversight and the processes, and limitations involved in suing the government and holding it accountable for its actions.

Employer's name and address, supervisor's name and phone number, hours and salary:

University of Denver College of Law
2255 East Evans Avenue
Denver, Colorado 80208
Supervisor: Jay Brown, Associate Dean, 303-871-6000
Hours per week: 40 (as Visiting Professor); 10-20 (as Adjunct Professor)
Salary: \$50,000 (as Visiting Professor); \$2800 per course (as Adjunct Professor)

JOB TITLE: VISITING PROFESSOR, UNIVERSITY OF COLORADO

Dates: 2001-2002

Duties and accomplishments:

As a Visiting Professor, I taught Administrative Law to second and third-year students at the University Of Colorado School Of Law.

Employer's name and address, supervisor's name and phone number, hours and salary:

University of Colorado School of Law
Boulder, Colorado 80309
Supervisor: Interim Dean
Hours per week: 10-20
Salary: \$13,000

JOB TITLE: VISITING PROFESSOR, UNIVERSITY OF COLORADO AT DENVER

Dates: 1998 Winter semester

Duties and accomplishments:

As a Visiting Professor, I created and taught a "Law and Public Policy" course to graduate students in the School of Public Policy.

Employer's name and address, supervisor's name and phone number, hours and salary:

University of Colorado at Denver
Denver, Colorado 80217
Supervisor: Unknown
Hours per week: 10-20
Salary: \$3,000

WORK EXPERIENCE: LEGAL

JOB TITLE: LITIGATOR, PRIVATE PRACTICE

Duties and Accomplishments:

I have worked for the past eight (8) years as a trial attorney, representing clients, primarily in the areas of civil rights, constitutional law, and administrative law. During that time, I have tried cases from the filing of complaints, through discovery, to federal jury verdicts. Those cases involved claims under the Americans with Disabilities Act and Title VII of the Civil Rights Act of 1964, as well as a criminal case involving the issue of free speech under the First Amendment to the Constitution.

I am presently litigating or have litigated numerous other cases in federal court. Those cases involved claims under the federal and state discrimination laws, including Title IX of the Education Amendments of 1972, claims made under 42 U.S.C. §§1983 and 1985, constitutional claims (for example, claims under First Amendment freedom of speech and freedom of religion clauses, Fourth Amendment, Fifth Amendment, Eighth Amendment, and Fourteenth Amendment) and claims brought under whistle blower laws.

I have brought or defended and argued numerous cases in the Tenth Circuit Court of Appeals, cases involving statutory civil rights, constitutional issues, and, in one case, criminal provisions of the wildlife laws. Presently, I am representing a client in the Eighth Circuit on the issue of the effect of arbitration clauses in employment contracts when the employee is an intervener in a case brought by the Equal Employment Opportunity Commission (“EEOC”).

I have also litigated cases in the State courts, presently representing a group of clients in a complex case alleging due process and equal protection violations. I have also brought other cases involving claims of wrongful termination, veterinary malpractice, legal malpractice, and malicious prosecution.

Recently, I shared lead responsibility for the largest class action harassment suit ever brought against the federal government, a suit instituted on behalf of women working at the U.S. Mint in Denver, Colorado. The suit, alleging discrimination in the forms of hostile work environment, disparate treatment and retaliation, was before an Administrative Judge at the EEOC when it was settled.

Over the past eight years, I have tried numerous cases before administrative judges, involving varied administrative agencies and regulatory schemes, including the federal Department of Transportation and the Department of Agriculture, the United States Post Office, and the Department of Justice, as well as state entities, including the University of Colorado, Metropolitan State College, and the State Department of Natural Resources.

Employers' names and addresses, supervisors' names and phone numbers, starting and ending dates, hours and salaries:

Patricia S. Bangert
Attorney at Law, L.L.C.
3773 Cherry Creek Drive North, Suite 575
Denver, Colorado 80209
Supervisor: None
Hours per week: 60-70
Salary: Variable

Shareholder/Director
Powers Phillips, P.C.
700 17th Street, Suite 1600
Denver, Colorado 80202
Supervisor: None
Dates: February, 1999 to March, 2004
Hours per week: 60-80
Salary: Variable

**JOB TITLES: DIRECTOR OF LEGAL POLICY / SENIOR DEPUTY SOLICITOR GENERAL
OFFICE OF THE ATTORNEY GENERAL, STATE OF COLORADO**

Duties and Accomplishments:

As the first Director of Legal Policy and, earlier, as the Senior Deputy Solicitor General, I identified and responded to major policy issues, including constitutional issues, environmental and natural resources issues, and issues of government organization and function. I also instituted programs to assist attorneys in the Department of Law in developing better writing skills and to create and present internal CLE programs.

Another responsibility of my position was to act as lead counsel on major cases. These cases included the defense of Amendment 16, the constitutional amendment that restructured the State Land Board and the manner in which State Trust Lands supported public schools, and the prosecution of the polluter at the Summitville mine. In that case, a Canadian company established a cyanide heap-leaching gold mining operation, caused major pollution, and, then, abandoned the site. Prosecution of the company involved complex international issues, as well as massive civil litigation.

I was frequently called upon to testify before committees of the U.S. Congress and the State General Assembly on major policy issues of concern to the State. For example, I worked successfully with special interests and State legislators to implement constitutional enactments concerning wild and pest animals. On a perennially basis, I worked with the General Assembly to secure funding for environmental programs. I also worked to resolve troublesome issues

involving state water rights. I frequently testified before Congressional committees on behalf of the Attorney General and the Governor regarding issues of importance to the State, including State environmental self-audit laws.

I also served as the Ethics Officer for the Department of Law, working with several committees to review and suggest changes to ethical obligations of State employees and elected officials.

Employer's name and address, supervisor's name and phone number, starting and ending dates, hours and salary:

Director of Legal Policy (1997-1999)/
Senior Deputy Solicitor General (1995-1997)
Office of the Attorney General, State of Colorado
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
Supervisor: Gale Norton, Attorney General
Dates: July, 1997 – January, 1999
Hours per week: 40-50
Salary: \$60,000

**JOB TITLE: DEPUTY ATTORNEY GENERAL FOR NATURAL RESOURCES,
OFFICE OF THE ATTORNEY GENERAL, STATE OF COLORADO**

Duties and Accomplishments:

As Deputy Attorney General, I managed the Natural Resources Section of the Department of Law. In that capacity, I supervised and managed an office of sixty-five (65) attorneys and support staff. The Natural Resources Section provided comprehensive legal services to the Departments of Natural Resources, Public Health and the Environment, and Transportation on environmental and natural resource issues, including those arising under state and federal clean air, clean water, hazardous waste, wildlife, mineral, oil and gas, and water statutes. Under a unique statute providing the Attorney General's Office with responsibility for directing the cleanup of "Superfund" sites in Colorado, my staff and I were responsible for cleaning up most of those sites, including the majority of the cleanup of Rocky Mountain Arsenal and Rocky Flats. According to some, our record of environmental cleanup and enforcement was excellent.

As part of my job as Deputy Attorney General for Natural Resources, I also provided counsel to the Attorney General and client agencies on policy matters related to the protection of the State's natural resources, including the formulation and implementation of policy initiatives and public outreach programs on both the state and national levels. I was frequently called upon to represent the Attorney General and the State before the U.S. Congress concerning issues of importance to the State. For example, Attorney General Norton and I worked extensively to secure legislation allowing states to prosecute federal agencies for violations of RCRA. In

addition, I was the State's representative and spokesperson for the State's innovative environmental self-audit law.

In addition, my staff and I assisted the Attorney General in ground-breaking litigation that resulted in a determination that states have the right to impose and enforce certain hazardous waste statutory provisions on federal polluters.

I did extensive public speaking on a variety of issues on behalf of the Attorney General and in my capacity as Deputy Attorney General.

Drawing on my expertise in the area of the First Amendment's right to free speech, I successfully argued for the institution of a permit system for demonstrations on the Capitol grounds. After great difficulties involving KKK demonstrations on Martin Luther King's Birthday, I was allowed to create and put into regulations a permit system that effectively eliminated earlier problems. Throughout my tenure at the Attorney General's Office, I continued to advise the Attorney General, client agencies and outside entities, such as the Denver Police, on First Amendment issues.

Employer's name and address, supervisor's name and phone number, starting and ending dates, hours and salary:

Office of the Attorney General, State of Colorado
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
Supervisor: Gale Norton, Attorney General (may contact)
Dates: June, 1991 – July, 1997
Hours per week: 50-60
Salary: \$60,000

**JOB TITLE: ASSISTANT SOLICITOR, BRANCH OF WATER AND POWER,
DIVISION OF ENERGY AND RESOURCES,
DEPARTMENT OF THE INTERIOR**

Duties and Accomplishments:

As the Assistant Solicitor, I was the Chief Attorney for the Bureau of Reclamation nationwide. In that capacity, I provided advice to the Solicitor and client agencies on policy matters related to water use and allocation. Providing advice at that time was particularly challenging because the Bureau was redefining many policies on water usage and development in the West. In addition, it was a time when water users had to integrate other environmental statutes, such as the Endangered Species Act and the Clean Water Act, into their programs and usage patterns.

With the assistance of a staff of nine attorneys and support staff, the Branch provided excellent advice to the Bureau of Reclamation, the Assistant Secretary for Water and Science, and the Office of the Secretary on a wide range of issues arising from the operation and maintenance of federal water projects and the creation and exercise of state and federal water rights, including advice in the areas of water, wildlife, hazardous waste, Indian and administrative law. In fact, I had to rebuild the office from the ground up when I took over because it had been decimated by prior poor management. The result was a highly cohesive and effective office of very talented men and women.

My staff and I assisted the Bureau and the Department in implementing major water initiatives, including new reporting programs to identify water use by small entities. We also assisted the Department of Justice in preparing complex water litigation involving competing and often irreconcilable interests, for example farmers, Native Americans, cities and recreational businesses. I personally served as one of the four members of a special team appointed to negotiate water rights between the Wind River Tribes and the State of Wyoming.

During this period, I was asked to join the SES training program. In that capacity, I took numerous management courses. I left the training program before I completed it because I was asked by the new Attorney General of Colorado to join her office, an invitation I was proud to accept.

Employer's name and address, supervisor's name and phone number, starting and ending dates, hours and salary:

Department of the Interior
Washington, D.C. 20240
Supervisor: Ralph Tarr, Solicitor, current number unknown
Dates: 1988-1991
Hours per week: 50-60
Salary: \$70,000 (GM-905-15)
Eligible for Reinstatement

**JOB TITLE: SENIOR ATTORNEY ADVISER TO THE SOLICITOR,
DEPARTMENT OF THE INTERIOR**

Duties and Accomplishments:

As the Senior Attorney Adviser to the Solicitor, I counseled the Solicitor and the Deputy Solicitor on the appropriate resolution of complex legal issues that could not be resolved in the Agencies. These issues included: the proper scope and effect of Indian reserved water rights (those rights that were implicitly reserved for the Tribes in the lower forty-eight states when reservations were created); the extent of wilderness water rights on federal property; the ownership of large portions of land outside of Albuquerque, New Mexico; and the proper application of federal legislation concerning the wilderness areas and

compensation to Native Bands in Alaska. The issues I addressed as Senior Attorney Adviser to the Solicitor spanned all of the work done by the different Interior agencies.

I also represented the Solicitor, when requested, in meetings and conferences.

Employer's name and address, supervisor's name and phone number, starting and ending dates, hours and salary:

Department of the Interior
Washington, D.C. 20240
Supervisor: Ralph Tarr, Solicitor, current number unknown
Dates: 1987-1988
Hours per week: 50-60
Salary: \$70,000 (GM-905-15)

**JOB TITLE: ATTORNEY ADVISER, BRANCH OF NATIONAL CAPITAL PARKS,
DIVISION OF CONSERVATION AND WILDLIFE,
DEPARTMENT OF THE INTERIOR**

Duties and accomplishments:

In this position, I served as the attorney for the National Capital Region of the National Park Service on all constitutional, employment, and criminal issues. My primary duty was to provide legal representation to the Region on First Amendment issues, the Region including parks such as the White House, the Ellipse, and Lafayette Park. Those duties included: (i) drafting new regulations concerning demonstration activities around the White House, in Lafayette Park across from the White House, and at the Vietnam Veterans Memorial; (ii) negotiating with demonstration organizers in order to plan, to the extent possible, the conduct of demonstrations; (iii) riding with and providing advice to the U.S. Park Police during demonstrations; and (iv) instructing the Park Police on legal issues related to the First and Fourth Amendments.

In addition, I worked closely with the U.S. Attorney's Office in Washington on civil and criminal cases involving the National Park Service. Under applicable statutes, violations of Park Service regulations, including demonstration regulations, were criminal misdemeanor offenses. Because the U.S. Attorney's Office was hesitant to expend great resources on difficult misdemeanors involving First Amendment law, the Office asked me to do the great bulk of the work on the criminal cases. In addition, I worked closely with the U.S. Attorney's Office in preparing and conducting major First Amendment cases in federal courts. Most notably, I prepared all of the pleadings for the District Court in *CCNV v. Clark*, a major free speech case, and assisted, to the extent allowed, with the briefing and oral argument in the case in the Supreme Court.

Because the employment lawyers in the Department of the Interior did not wish to handle employment issues involving the U.S. Park Police (police being held to a different standard than other government employees), I represented the Park Service in personnel hearings before the Merit Systems Protection Board and Interior's Office of Hearings and Appeals.

Employer's name and address, supervisor's name and phone number, starting and ending dates, hours and salary:

Department of the Interior
Washington, D.C. 20240
Supervisor: Gale Norton, 202-208-5218 (may contact)
Dates: 1982-1987
Hours per week: 50-60
Salary: \$65,000

**JOB TITLE: ATTORNEY ADVISER, BRANCH OF FISH AND WILDLIFE,
DIVISION OF CONSERVATION AND WILDLIFE,
DEPARTMENT OF THE INTERIOR**

Duties and accomplishments:

In this position, I provided advice to the Fish and Wildlife Service on all aspects of wildlife law. I exercised primary responsibility for advising the Service on issues arising from the implementation and administration of the Endangered Species Act. I also exercised primary responsibility for law enforcement programs under domestic wildlife laws and international agreements. Further, I assisted the Department of Justice in preparing major litigation in the area of wildlife law.

Employer's name and address, supervisor's name and phone number, starting and ending dates, hours and salary:

Department of the Interior
Washington, D.C. 20240
Supervisor: currently unknown
Dates: 1980-1982
Hours per week: 50-60
Salary: \$60,000

**JOB TITLE: ATTORNEY, BUREAU OF COMPETITION,
FEDERAL TRADE COMMISSION**

Duties and accomplishments:

In this position, I supervised and conducted formal and informal antitrust investigations of particular market segments of retail and healthcare industries, including the investigation of unfair trade practices in the pacemaker industry, predatory pricing in the brewing industry in Upstate New York, and anti-competitive merger activity in the frozen pizza market, under the Federal Trade Commission Act and the Clayton Act. As part of those duties, I assisted in preparing and conducting antitrust trials before administrative law judges. In addition, I prepared complex legal memoranda, memoranda to the Commission, consent orders and rulemaking documents involving major domestic industries.

Employer's name and address, supervisor's name and phone number, starting and ending dates, hours and salary:

Federal Trade Commission
Washington, D.C. 20580
Supervisor: currently unknown
Dates: 1976-1980
Hours per week: 50-60
Salary: \$40,000

EDUCATION

Graduate Work

University of Colorado
Boulder, Colorado 80309
Masters Program in Philosophy (6 credits)

Georgetown University
Washington, D.C.
PhD Program in Philosophy (24 credits)

Law School

George Washington University
Washington, D.C.
Juris Doctor – June, 1976

Evidence of superior law student work or activities:

Graduated with high honors in top ten percent of class.

Elected to Order of the Coif.

Worked as intern with Federal Trade Commission at least 20 hours per week.

College

University of Maryland

College Park, Maryland

Bachelor of Arts (Philosophy) – August, 1972

Evidence of Superior law student work or activities:

Graduated with high honors.

Also attended:

Johns Hopkins University

Baltimore, Maryland

Washington College

Chestertown, Maryland 80309

PUBLICATIONS

“Federal-State Enforcement of Environmental Laws: A Story of Beauty and the Beast,” ABA Natural Resources & Environment, Spring, 1994 (co-author).

“Street Demonstrations: Instituting a Permit System,” The Colorado Lawyer, May, 1999.

BAR ADMISSIONS

State of Colorado

Federal Bar

District of Columbia (inactive)

State of Maryland (inactive)