

KELLY HART

ATTORNEYS AT LAW

BRENDA L. CLAYTON Partner

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Austin



BIOGRAPHY

Brenda L. Clayton practices environmental, energy, and appellate law. Her environmental practice includes regulatory matters involving waste and water such as those arising under the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the Texas Water Code, the Texas Solid Waste Disposal Act (TSWDA), and other statutes. She handles the defense or prosecution of private environmental litigation such as private suits under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the TSWDA; citizen suits under RCRA and the CWA; and common law tort actions. She also handles water utility and groundwater district matters. Her energy practice involves regulatory matters and litigation arising from the exploration and production of oil, gas, and other minerals. Ms. Clayton also regularly represents private third parties before the Attorney General in Public Information Act proceedings to protect trade secret or other confidential information.

AFFILIATIONS AND HONORS

AFFILIATIONS

- Texas Bar Foundation, Fellow
- Austin Bar Association Foundation, Founding Fellow
- State Bar of Texas
 - Administrative and Public Law Section
 - Appellate Law Section
 - Environmental and Natural Resources Section
 - Oil, Gas and Energy Resources Law Section
 - Civil Appellate Section, Pro Bono Committee, Co-Chair, 2008-2010
- Austin Bar Association
 - Oil, Gas and Mineral Law Section, Chair, 2006-2007
 - Environmental, Natural Resources and Water Law Section
 - Administrative Law Section
 - Civil Appellate Section Chair, 2007-2008
 - Board Member, 2006-2008
- Third Court of Appeals Pilot Pro Bono Program, Screening Committee, Chair, 2007-2010

HONORS

- Listed in *The Best Lawyers in America*®, 2012-2020
- Texas Super Lawyer, Thomson Reuters, 2016-2019

EDUCATION

- The University of Texas School of Law, J.D., with honors 1992
- The University of Texas, B.A., with honors, 1980

ADMISSIONS

- State Bar of Texas, 1992

SPEECHES & PUBLICATIONS

- Speaker, "Hydraulic Fracturing, Close to Home," State Bar of Texas, Suing and Defending Governmental Entities CLE Course, July 31-August 1, 2014. Austin, Texas.
- Co-author, 45 TEXAS PRACTICE SERIES, ENVIRONMENTAL LAW, Chapter 8 (Oil and Hazardous Substance Spill Reporting and Response) and Chapter 13 (Brownfields and Texas Risk Reduction Programs) (2013-2014 Edition).
- The Regulation of Hydraulic Fracturing, Oil, Gas & Energy Resources Law Section Report, State Bar of Texas, Vol.37, No.1, Fall 2012
- The Future of Regulation in Hydraulic Fracturing, State Bar of Texas, Advanced Real Estate Law Course, San Antonio, July 12-14, 2012
- Frac Water Regulation of Quantity and Quality, and Reporting by Texas Groundwater Conservation Districts, co-authored with Robert C. Grable and Chad M. Smith, 13th Annual Changing Face of Water Rights Course, February 23-24, 2012
- The Future of Regulation in Hydraulic Fracturing, 7th Annual Texas Energy Symposium, February 10, 2012
- Regulation of Fracking, 29th Annual Advanced Oil, Gas and Energy Resources Law Course, October 6-7, 2011
- EPA's Renovation, Repair, and Painting Program Rule: Getting the Lead Out!, Zephyr Currents, a quarterly publication of Zephyr Environmental Corporation, October 2010
- Summary Judgments in Texas, co-authored with David Sahl, 24th Advanced Civil Appellate Practice Course, September 1, 2010
- Environmental Case Law Update, Texas Environmental Law Superconference, August 7-8, 2008
- The Third Court of Appeals' Pilot Pro Bono Project, Presentation to the San Antonio Bar Association Civil Appellate Section, March 13, 2008
- A Brave New World: CERCLA Construction Actions After Cooper v. Aviall, Zephyr Currents, a quarterly publication of Zephyr Environmental Corporation, April 2005
- Protecting Trade Secret and Confidential Information, co-authored with Russell D. Cawyer, Advanced Oil, Gas & Energy Resources Law Course, September 30-October 1, 2004
- Agency Data in the Information Age, co-authored with Jeffrey A. Saitas, Texas Environmental Law Superconference, August 5-6, 2004
- Access to Water in the ETJ -- City and Developer Perspectives, co-authored with Susan G. Zachos, 5th Annual Conference on Land Use Planning Law, University of Texas School of Law, Austin, Texas, February 22-23, 2001
- Procedural Challenges to Agency Rules -- From Invalidation to Voidability, co-authored with John J. Vay, 11th Annual Advanced Administrative Law Course, Austin, Texas, September 23-24, 1999
- Current Environmental and Regulatory Issues Affecting Oil and Gas Operations, co-authored with Susan G. Zachos, Houston Bar Association, Oil, Gas & Mineral Law Section, Houston, Texas March 23, 1999
- The Constitution and the Relative Roles of the Legislature, the Agency, and the Courts, co-authored and co-presented with Judge J. Woodfin Jones, 10th Annual Advanced Administrative Law Course, Austin, Texas, September 24-25, 1998

RECOMMENDATIONS

Brenda L. Clayton