

Peter Prows



Law Practice

Peter Prows counsels public agencies, private clients, and sovereigns on all manner of water, land use, and environmental issues, from neighbor disputes and development-permit issues to national-profile bet-the-company federal litigation. He is experienced in California's water rights and quality laws, the Clean Water Act and wetlands regulation, the Coastal Act, CEQA and NEPA, the public trust doctrine, real property, and the law of the sea. He litigates in state and federal trial and appellate courts, including the California and U.S. Supreme Courts, while also counseling clients on compliance matters to avoid disputes and help projects proceed. Mr. Prows also defends clients in environmental enforcement matters, whether administrative, civil, or criminal.

Contact

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Education

LL.M., New York University School of Law 2006; Institute for International Law and Justice scholar

J.D., New York University School of Law 2005

B.A., Oberlin College, High Honors in Politics

Admissions

State Bar of California

State Bar of New York (inactive)

United States District Court for the Northern and Eastern Districts of California

United States Court of Appeals for the Ninth Circuit

Supreme Court of the United States

Experience

Law Clerk, The Hon. Charles N. Brower in his private international arbitration practice, 20 Essex Street Chambers, London, (2007-2008); Law Clerk, The Hon. Abdul G. Koroma of Sierra Leone, at the International Court of Justice in The Hague (2006-2007); Summer Associate, White & Case LLP, New York (2005); Research Associate (international law), Professor Thomas M. Franck (deceased), New York (2004-2005); Term-Time Associate, Legal Action Center, New York (2003-2004); Research associate (constitutional law, state and local government debt financing), Professor M. David Gelfand (deceased), New Orleans (2003-2005); Intern (public benefits and employment law), New Orleans Legal Assistance, New Orleans (2003).

Representative Cases

Drakes Bay Oyster Company v. Jewell. Won an injunction from the Ninth Circuit keeping historic family oyster farm, which the federal and state governments wanted shut down, in business for an extra nearly 2 1/2 years. Organized amicus and other material litigation support from a national coalition of sustainable food advocates, environmentalists, scientists, historians, community members, and affected employees.

Duarte Nursery, Inc. v. United States. With some 600 jobs at risk, settled high-profile federal Clean Water Act enforcement action against wheat farmer for tiny fraction of government's demand. Organized national coalition of farming interests to support defense. Discussed prosecution with federal elected representatives and staffs; opposition to prosecution became a talking point for federal officials interested in regulatory reform.

American Farm Bureau and California Farm Bureau (various matters). Filed U.S. Supreme Court amicus briefs, at both certiorari and merits stages, on Due Process concerns with the Clean Water Act. Those concerns were picked up by Justice Kennedy in his concurrence in one of these cases, *Hawkes v. United States*.

The Republic of Palau. Represented Palau in United Nations negotiations over destructive fishing practices in the high seas, the security and resource implications of climate change, and the extended continental shelf.

Bay Island Club v. California Coastal Commission. Complete win in Court of Appeal for client challenging a public-access condition in a coastal development permit.

Mark Pasternak d/b/a Devil's Gulch Ranch (various matters). Successfully tried, through judgment, neighbor dispute over client's historic farm road. Successfully challenged Marin County decision to restrict client's use permit for agriculturally related activities on property. Successfully co-defended client in misdemeanor Fish & Game Code charge, resulting in complete dismissal of charge on the day of trial.

Selected Publications

"The Role of Islands in the Generation of Boundaries at Sea," in *The Limits of Maritime Jurisdiction* (2014) (co-authored with John Briscoe)

"Mauritius Brings UNCLOS Arbitration Against The United Kingdom Over The Chagos Archipelago," *American Society Of International Law Insights* (Vol. 15, Issue 8, April 2011)

"California's New Water Legislation: A Bucket Of Reform Or But A Drop?" *ABA Natural Resources & Environment* (Fall 2010)

"Judge Wanger Upholds NMFS Steelhead Hatchery Listing Decisions," 11:1 *Endangered Species Committee Newsletter* 9 (2009)

"The U.N. Convention on the Law of the Sea Turns 27, and American Ratification Is Not in Sight – Still," 1 *Berkeley Journal of International Law Publicist* 18 (2009) (co-authored with John Briscoe)

"Nobody Is Responsible—So We All Are," interview on plastic pollution and the law of the sea in *Plastic Soup* by Jesse Goossens (2009)

The CMS Saga: Res Judicata, Precedent, and the Legitimacy of ICSID Arbitration, in International Investment Law for the 21st Century: Essays in Honour of Christoph Schreuer (Oxford University Press 2009) (co-authored with the Hon. Charles N. Brower & Michael Ottolenghi)

"Res Judicata and the ICJ's Genocide Case: Implications for Other Courts and Tribunals?" 21 *Pace International Law Review* 37 (2009) (co-authored with Michael Ottolenghi)

"A Mouse Can Roar: Small Island States, the United Nations, and the End of Free-For-All Fishing on the High Seas," 19 *Colorado Journal of International Environmental Law & Policy* 1 (2008)

"Tough Love: The Dramatic Birth and Looming Demise of UNCLOS Property Law (and What Is To Be Done About It)," 42 *Texas International Law Journal* 241 (2007)

“Palau’s Marine Protected Areas: Past, Present, and Future,” 16
International Journal of Island Affairs (2007)

“The Role of Presumptions in International Tribunals,” 4 *The Law & Practice of International Courts & Tribunals* 197 (2005) (co-authored with Professor Thomas M. Franck)

“Public Participation and Political Community in New Orleans: A Pragmatic Way Forward,” in *Report to Mayor Nagin’s Bring New Orleans Back Commission: An Alternative Vision for Rebuilding, Redevelopment & Reconstruction* 54 (2005)