



## **MICHAEL A. GERSHON**

### **Shareholder**

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Mike Gershon represents water utilities, groundwater conservation districts, municipalities, special districts, landowners, and various business interests on matters involving water resource development, management and transactions, water rights, water quality, service area disputes, rates, litigation, and board governance.



### **AREAS OF PRACTICE**

- Water and water/wastewater utility law
- Environmental and administrative/regulatory law
- Litigation

### **REPRESENTATIVE EXPERIENCE**

- Represents landowners and developers on all aspects of water and wastewater issues
- Provides strategic counsel concerning water resource management and development, and negotiates and drafts wholesale and retail water supply agreements and water rights leases and transfers
- Prepares and evaluates applications for drilling and production permit applications on behalf of applicants and as general counsel to several groundwater conservation districts
- Handles all aspects of water and sewer service area (CCN) issues, including certification and decertification proceedings at TCEQ, litigation at SOAH, § 1926(b) litigation in federal and state court, and resolution of disputes through negotiated settlements
- Offers compliance counsel on TCEQ regulations governing utility standards and Edwards Aquifer Protection Program
- Provides counsel on retail and wholesale water utility ratemaking and rate appeals
- Provides strategic and general counsel to several groundwater conservation districts in support of developing rules, management plans, desired future conditions, and all aspects of regulatory programs and board governance
- Handles litigation and appellate work in state court and SOAH, including disputes involving water rights, water reuse, service area, water quality, easement/real property, groundwater permitting
- Represents municipal and investor-owned utilities on TPDES permitting and sourcewater protection initiatives

### **PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS**

- Chairman (2009-2010), State Bar of Texas Environmental and Natural Resources Law Section
- Former Board Member and Chairman, San Antonio Bar Association Environmental Law Section
- Member, American Water Works Association
- Member, Texas Water Conservation Association
- Member, Texas Alliance of Groundwater Districts
- Fellow, Texas Bar Foundation
- Fellow, San Antonio Bar Foundation
- Member, State Bar of Texas Litigation and Environmental and Natural Resources Law Sections
- Member, Austin Bar Association Administrative Law and Environmental, Natural Resources & Water Law Sections
- Member, Board of Advisors, University of Texas School of Law Environmental Law Clinic (2006-current)
- Certified Master Naturalist, Texas Parks and Wildlife Department and Texas AgriLife Extension Service

## PROFESSIONAL LICENSES AND EDUCATION

- Admitted to State Bar of Texas
- Admitted to College of the State Bar of Texas
- J.D., St. Mary's University School of Law
- B.B.A. in Accounting, University of Texas at Austin

Prior to law school, Mike worked as a litigation consultant and financial analyst. During law school, he served as a law clerk with the Environmental Protection Agency (Region VI), the Natural Resources Division of the Office of the Attorney General, and the Lower Colorado River Authority.

## PUBLICATIONS AND PRESENTATIONS

- Author and Speaker with I. Hansen and G. Jolley, "Opportunities and Challenges in Securing Water for Development," presented at the 33<sup>rd</sup> Annual Advanced Real Estate Law Conference (2011)
- Speaker with K. Petersen and M. Jones, "Challenging Desired Future Conditions: Appeal to the Texas Water Development Board and Initiating an Inquiry by the Texas Commission on Environmental Quality," presented at the Texas Water Law Institute (2010)
- Author and Speaker, "Water Supply for Land Development: A Focus on Retail Water Utility Service," presented at the Changing Face of Water Rights in Texas, sponsored by State Bar of Texas (2010)
- Editor and Peer Reviewer, "Chapter 36 Groundwater Conservation Districts and Subsidence Districts," Essentials of Texas Water Resources, Ch. 13 (2009)
- Author and Speaker, "Water Utility Regulation" presented at Texas Water Laws and Regulations (2009)
- Co-Author with D. Klein, "Fire Flow Service: A Barrier to Development?" The Lone Star Current (2009)
- Author and Speaker, "Water and Sewer Utility Regulation" presented at Texas Water Laws and Regulations (2008)
- Author and Speaker with E. McCarthy and L. Sherman, "What To Do When a Groundwater Client Calls: An Examination of Stakeholders' Priorities and Texas Groundwater Law," presented at the Changing Face of Water Rights in Texas, sponsored by State Bar of Texas (2008)
- Co-Author with J. Hill, "Evidence and Preserving Error in Environmental Cases at SOAH, Anatomy of an Administrative Hearing," Austin Bar Administrative Law Section (2008)
- Author and Speaker with R. Williams, "Groundwater Availability—A Discussion of Desired Future Conditions, Managed Available Groundwater, and GMA Planning Pursuant to House Bill 1763," presented at the Water Rights, Sales and Transfers in Texas, Lorman Seminar (2007)
- Course Co-Director, Changing Face of Water Rights in Texas, sponsored by State Bar of Texas (2005, 2006)
- Author and Speaker with B. Wilson, "Equity and Process in the Regulation of Groundwater: Should Local Defer to State?" presented at the TRWA/TWCA Law Seminar—Texas Water Law: The Debate Continues (2005)
- Guest Lecturer, "Resolution of Disputes Involving Aquatic Resources," Texas State University Graduate Level Program in Water Resources Management (2004)
- Speaker with panelists L. Dean, R. Gilbert, M. Hess, and D. Conoly on "Hypothetical Water Deal Involving Groundwater District, Rancher, Developer, and Municipality (as Groundwater District's General Counsel)," presented at the Changing Face of Water Rights in Texas, sponsored by State Bar of Texas (2004)
- Speaker with panelists C. Barron Bradsky and K. Kramer, "Rule of Capture Celebrates a Stormy Century," presented at the Fifth Annual Environmental Forum, sponsored by Baylor University School of Law (2003)
- Speaker, "Legal and Practical Considerations for Water Marketing," presented at the Austin Area Research Organization (2003)
- Speaker and Co-Author with B. Sledge, "Permitting Rules and the Need for Rules Early after District Confirmation," presented at the Groundwater Conservation District Seminar Series: Programs, Plans, and Rules for your Groundwater Conservation District, Texas Water Resource Institute (2003)
- Author, "The Recent Evolution of Texas Water Policy and Law," Southwest Hydrology (2003)
- Speaker and Author, Protecting Groundwater Rights Inside and Outside a District, presented at the Changing Face of Water Rights in Texas, sponsored by State Bar of Texas (2003)
- Speaker with panelists T. Chenoweth and M. Kelly, "Environmental and Water Quality Concerns Facing Texas Water: Instream Uses," presented at the Water Law 2002, Texas Water Law Institute (2002)
- National Public Radio interviews concerning water resource management (2002)
- Speaker and Author, "New Laws Affecting Water Issues Enacted During the 77<sup>th</sup> Legislative Session," and with panelists R. Jolley, D. Conoly, G. Ellis, and G. Jarvis on "Hypothetical Water Deal Involving Groundwater District, Rancher, Developer, and Municipality (as City Attorney)," presented at the Changing Face of Water Rights in Texas, sponsored by State Bar of Texas (2002)

## **PUBLICATIONS AND PRESENTATIONS, CONTINUED**

- Speaker, "Transferring Conservation and Converted Base Irrigation Rights: Analysis of Legal Implications of Edwards Aquifer Authority's Rules and Enabling Act," Presented at the Regional Clean Air & Water Seminar (2001)
- Author and Speaker, "Groundwater Law: Rule of Capture and Property Rights Issues," and Author and Panel
- Participant with R. Melvin, D. Conoly, and D. Becker on "Hypothetical Water Deal Involving Groundwater District, Rancher, Developer, and Municipality (as Groundwater District's General Counsel)," presented at the Changing Face of Water Rights in Texas 2001, sponsored by State Bar of Texas
- Speaker and Co-Author with E. McCarthy, "Water Resource Development: Reuse Water as a Viable Option (A Discussion of the Legal Framework Governing Reuse Projects)," presented at the Water for Texas 2000 and Beyond, Texas Water Resources Institute Conference (2000), and published in hardbound edition, "Water for Texas" (2005)
- Speaker, "Legislative Update on 76th Legislature," presented at the S.A. Bar Association Environmental Law Section (1999)
- Speaker, "Analysis of Texas Supreme Court's Ozarka Decision," presented at the S.A. Bar Association Environmental Law Section (1999)

## **PERSONAL**

- Born in Fort Sill, Oklahoma
  - Volunteer, American Cancer Society, including service as Board Member and as Chairman, Cattle Baron's Ball
  - Volunteer, service/outreach programs of the State Bar of Texas Environmental & Natural Resources Law Section
  - Mike's free time is spent with his wife Mary Kathryn, son, and daughter in the outdoors hiking, canoeing/kayaking, camping, mountain biking, fishing, and playing competitive tennis
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