

Daniel F.E. Smith

Associate



CONTACT INFO

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OFFICE

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Dan Smith focuses his law practice on matters involving environmental, commercial, education, and state constitutional law. A former educator and environmental scientist, Dan represents businesses, boards of education, and individuals in state, federal, administrative, and appellate courts.



PRACTICE AREAS

Education
Environmental
Litigation
› Appellate
› Complex Business Litigation
› Federal Litigation
› North Carolina Business Court

INDUSTRIES

Banking, Investment & Financial Services
Construction & Development
Education
Manufacturing
Technology
Utilities

EDUCATION

University of North Carolina School of Law
J.D., 2010, With highest honors, Order of the Coif, Editor in Chief, *North Carolina Law Review*, 2009-2010
Duke University
M.A., 2003
Duke University
B.S., 2002, summa cum laude

CLERKSHIP

Law Clerk to the Honorable Mark D. Martin, Supreme Court of North Carolina, 2010-2011

BAR & COURT ADMISSIONS

North Carolina
US Court of Appeals
4th Circuit
US District Court - North Carolina
Western District
Middle District
Eastern District

MY PRACTICE

ENVIRONMENTAL LAW AND REGULATION

Dan uses his scientific training and background to help clients solve complex problems related to environmental laws, frequently working as part of a larger Brooks Pierce team. Dan has represented and advised a variety of industries to help them obtain necessary permits and comply with environmental regulations. He has advised clients on matters involving CERCLA, RCRA, the Endangered Species Act, the Clean Air Act, asbestos, combustible dust, underground and aboveground storage tanks, private nuisance claims, and groundwater and soil contamination.

BUSINESS LITIGATION

Dan is a frequent member of teams that handle large, complex business litigation. Dan also represents small companies and startups and helps them navigate the issues and challenges that can arise in the normal course of doing business.

SCHOOL LITIGATION

A former science teacher, Dan represents boards of education, administrators, and teachers in a wide variety of litigation in state and federal courts and before administrative tribunals. He has advised and represented clients on a broad range of issues including special needs education and disabilities, bullying, personal injuries on school property, disputes with former employees, environmental health, and education-related provisions of the North Carolina Constitution and United States Constitution. Representative matters include:

Obtaining trial court dismissal of employment-related claims brought by a former teacher against a board of education and its superintendent and persuading the North Carolina Court of Appeals to dismiss an attempted appeal from the trial court's judgment.

Persuading a federal district court to dismiss IDEA and attempted tort claims asserted by a student and his parents against a board of education and special education teacher.

APPELLATE PRACTICE

A former North Carolina Supreme Court law clerk, Dan brings a unique insight to his clients. He advises within the firm on the handling of appeals and petitions and is often consulted on the finer points of appellate procedure. Dan has represented clients in the Supreme Court of North Carolina and the North Carolina Court of Appeals in matters arising from business disputes, school employment, and state and federal constitutional questions.

HONORS

Recognized in *North Carolina Super Lawyers* as a "Rising Star" in Environmental Law (2016-2017)

COMMUNITY INVOLVEMENT

Adjunct Law Professor, Environmental Law, [Elon University School of Law](#), 2017-present

Member, North Carolina Council on Developmental Disabilities, 2017-present

Sustainability Committee Co-chair, Environment, Energy, & Natural Resources Section, [North Carolina Bar Association](#), 2014-2017

Member, Board of Directors, [Greensboro Beautiful](#), 2014-present

Member, Appellate Practice Section Council, [North Carolina Bar Association](#) (term beginning July 1, 2016 and ending June 30, 2019)

PUBLICATIONS & MEDIA

Panelist, "Breaking Chains: Women, Employment & Reentry," Greensboro, NC, May 20, 2017

Presenter, State and Federal Case Law Update, North Carolina Bar Association Environment, Energy & Natural Resources Section Annual Meeting, May 6-7, 2016

Presenter, State and Federal Case Law Update, North Carolina Bar Association Environment, Energy & Natural Resources Section Annual Meeting, April 26-27, 2013

Alexander Elkan and Daniel F.E. Smith, [North Carolina Mineral Rights/Access to Shale Gas](#), 2012

Mark D. Martin & Daniel F.E. Smith, [Recent Experience with Intermediate Scrutiny Under the North Carolina Constitution: Blankenship v. Bartlett and King v. Beaufort County Board of Education](#), 59 U. Kan. L. Rev. 761 (2011)

Daniel F.E. Smith, Refusing to Expand Asylum Law: An Appropriate Response by the Fourth Circuit in *Niang v. Gonzales*, 87 N.C. L. Rev. 1279 (2009)

Brooks Pierce Attorney Appointed to North Carolina Council on Developmental Disabilities, August 16, 2017

Brooks Pierce Files Potential Class Action Suit Regarding the Constitutionality of the Doctrine of Necessaries, February 8, 2017

North Carolina Business Court Ruling Regarding Fees May Impact Class Action Claims, September 23, 2016

Brooks Pierce Successfully Defends Bank in Class Action Lawsuit, June 11, 2015

2013 North Carolina Environmental Legislation Summary, August 1, 2013

Court of Appeals Affirms Client's Holdings in Texas Company, May 13, 2013

North Carolina Mineral Rights / Access to Shale Gas, October 18, 2012

SPEAKING ENGAGEMENTS

Dan Smith to Speak at Greensboro Commission on the Status of Women Event, May 8, 2017