



Traci Cunningham

Associate

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As a former trial attorney with the U.S. Department of Justice's Environment and Natural Resources Division, Traci helps clients navigate complex regulatory compliance issues.

PRACTICES

Environmental
Environmental Litigation
Site Remediation
Federal Affairs

INDUSTRIES

Energy and Resources

EDUCATION

University of Alabama, J.D., 2018
Alabama Law Review, Senior Editor
George Peach Taylor Trial Ad Award
Winner
John A. Campbell Moot Court
Competition

Hendrix College, B.A., 2012

BAR ADMISSIONS

Missouri
Nevada

Traci counsels on proactive and defensive strategies in environmental litigation and enforcement actions, with a particular focus on Clean Air Act, Clean Water Act, RCRA, and CERCLA compliance. She brings valuable insight into how the federal government approaches and litigates injunctive relief, civil penalties, natural resources damages, and how the federal government resolves cases through Consent Decrees. From working closely with federal agencies and other technical experts, she brings deep understanding of the scientific data analysis that informs both enforcement priorities and compliance benchmarks.

Traci also guides clients through the complexities of Nevada's evolving utility regulatory landscape on regulatory proceedings and disputes before the Public Utilities Commission of Nevada (PUCN). Her clients include energy providers, developers, consumer advocacy groups, and businesses seeking to understand and comply with PUCN regulations.

Before joining the DOJ, Traci served as an Honors Program Attorney and Assistant District Counsel with the US Army Corps of Engineers and as a judicial law clerk to Magistrate Judge T. Michael Putnam of the United States District Court for the Northern District of Alabama.

EXPERIENCE

Traci advises clients on a range of environmental matters, including:

- Environmental site assessment and remediation
- Administrative order negotiations and consent decrees
- Defense against government investigations and enforcement actions
- Agency information requests and investigations
- Environmental due diligence
- Environmental permitting and compliance counseling

CLIENT RESULTS

Environmental Enforcement and Defense

Advised client facing a cease-and-desist letter from the Nevada Division of

Environmental Protection related to a water pollution control permit and assisted in obtaining a temporary permit to allow continued operation while a permit application was pending.

Advised client on reporting obligations to state and federal authorities relating to a potential release of hazardous substances.

Served as lead DOJ attorney for CERCLA claims in high-profile environmental enforcement case involving significant contamination. Successfully drafted a motion to strike affirmative defenses that was granted in part by the court. After securing favorable rulings, represented the government at a settlement press event alongside the EPA Administrator, Associate Attorney General, and Assistant Attorney General.

Advised clients on environmental aspects of real estate transactions including reviewing Phase I Environmental Site Assessments and advising on additional site investigations.

On behalf of the EPA, successfully opposed a motion to dismiss in a precedent-setting Clean Air Act case against a Canadian manufacturer that sold defeat devices in the United States. Crafted persuasive arguments establishing that the Clean Air Act's reach extends to foreign entities whose products are sold and used domestically, preserving the government's enforcement authority in cross-border pollution cases. The ruling strengthened EPA's ability to address violations involving international commerce.

RECOGNITION

- Department of Justice Environment and Natural Resources Division, Assistant Attorney General's Award for Excellence
- US Army Corps of Engineers, E. Manning Seltzer Award