



Frances Bishop Morris

Special Counsel

fmorris@kelleydrye.com

Washington, DC
(202) 342-8892

About

At home in the courtroom and with a distinguished career forged at the intersection of the law and the environment, Frances Morris brings her well-honed advocacy skills and diverse experience to a wide range of disputes involving natural resources, land use, environmental issues, and related matters.

A member of Kelley Drye's Environmental practice group, Frances is a seasoned litigator who amassed an impressive record of success working in the U.S. Department of Justice's (DOJ) Environment and Natural Resources Division (ENRD). As a trial attorney and senior trial attorney, she handled a substantial caseload of technically complex, high-dollar lawsuits against the United States involving environmental, resource, land use, and other property issues, and led teams of lawyers and experts through all phases of litigation. Her cases often involved significant financial exposure to the United States with novel land use questions under the Fifth Amendment of the United States Constitution, including the sprawling litigation arising from the Army Corps of Engineers' management of flood-control reservoirs near Houston during Hurricane Harvey, in which she served as co-lead counsel.

Frances' work at the DOJ also extended to many other consequential environmental matters, including defending federal agencies in litigation arising under the Administrative Procedure Act (APA) and handling claims relating to the adequacy of environmental review under the National Environmental Policy Act (NEPA) and compliance with other environmental, natural resources, and land management statutes. Her cases often involved defending federal decision-making in large-scale transportation infrastructure projects as well as the management of federal land, including national parks, refuges, monuments, and the resources within them.

During her tenure at DOJ, Frances represented ENRD on the White House Environmental Justice Interagency Council and advised her peers on cases raising environmental justice issues. Frances was recognized for her professional excellence at DOJ with numerous awards from ENRD's Assistant Attorney General for both individual and team-based work, and she was nominated by ENRD for the DOJ's John Marshall Award for excellence in litigation. Believing that strong teams are key to litigation success, Frances frequently mentors junior attorneys and is particularly committed to supporting attorneys navigating a litigation career with young children.

A key driver of Frances' effectiveness as an advocate is her adeptness at working with experts whose

insights, opinions, and testimony can often be outcome-determinative. Her talent for turning dense technical and scientific concepts into engaging, persuasive narratives, complemented by a formidable yet personable courtroom presence, facilitated her ability to consistently obtain favorable outcomes for the government. Throughout her career, Frances has earned the respect of judges, clients, and colleagues for exhibiting “the highest ideals of ethics, integrity, and professionalism throughout trial and all pretrial proceedings.” Prior to her tenure at the DOJ, Frances laid the foundation for her ongoing litigation success in private practice, where she handled a broad spectrum of environmental and energy matters for a diverse client base, including defending all aspects of necessary federal approvals and permits for large-scale infrastructure and development projects.

Experience

Environmental Litigation/Natural Resources Damages

Representing the State of North Carolina in litigation against DuPont and its spin-off The Chemours Company for widespread contamination across a broad swath of the Cape Fear River and coastal North Carolina, resulting from decades of releases of “Gen X” and many other PFAS from the Fayetteville Works Plant in Fayetteville, North Carolina.

Representing the State of Maryland in litigation against W.L. Gore & Associates, Inc. over the company’s decades-long discharges of a perfluorinated chemical (PFOA) from several manufacturing facilities in Cecil County, Maryland. The State asserts common law claims as well as claims pursuant to state statutes, CERCLA, and RCRA, and seeks to recover past and future costs to investigate, remediate, and restore the State’s natural resources, as well as damages, restitution, and other equitable relief.

Representing the States of Maryland and North Carolina in statewide litigation arising from PFAS contamination, including from AFFF industrial facilities, and consumer products.

U.S. Department of Justice, Environment and Natural Resources Division

Defended United States and the Army Corps of Engineers in multi-part, multi-phase litigation against claims by several thousand plaintiffs stemming from flooding brought by Hurricane Harvey and the Corps’ operation of the Addicks and Barker Dams and Reservoirs. Served as co-counsel in 2022 trial on damages and 2024 trial on liability issues, and co-lead counsel for portion of claims on appeal. Participated in all aspects of pre-trial, trial, and post-trial matters across multiple phases of the case, including briefing complex issues, deposition and trial examination of numerous fact and expert witnesses, and opening and closing arguments.

Defended United States and Surface Transportation Board in case alleging taking of high-dollar commercial properties in St. Petersburg, Florida under National Trails Act. Served as lead counsel for all aspects of fact and expert discovery, pre-trial matters, and a two-week trial in 2024. Handled complex summary judgment briefing, numerous pre-trial motions relating to expert testimony, deposition and trial examination of fact and expert witnesses, and arguments to the court, with a final judgment of nearly \$9 million less than the amount sought by plaintiffs.

Defended United States and Army Corps of Engineers in consolidated case of over 600 claims relating to flood control operations on the Mississippi River. Handled and assisted in expert

depositions relating to hydrology and hydraulics and sedimentation, and worked with team drafting summary judgment briefing addressing cause of flooding, resulting in finding for the United States.

Defended United States against claims of takings of land and associated mining claims in Bristol Bay, Alaska's Pebble Deposit in suits seeking more than \$700 billion in compensation.

Represented numerous federal agencies in litigation arising under the Administrative Procedure Act, including claims relating to the adequacy of environmental reviews under the National Environmental Policy Act, the Endangered Species Act, and compliance with myriad other environmental and land management statutes, including drafting motions to dismiss, motions for summary judgment, and oral arguments before various federal district courts.

Previous Private Practice

Assisted clients with complex issues involving a variety of environmental and energy laws, including the National Environmental Policy Act, the Endangered Species Act, and the Natural Gas Act. Provided day-to-day regulatory compliance assistance as well as representation in government investigations, administrative and civil litigation, and internal audits.

Represented clients developing large-scale energy infrastructure in defense of challenges to required environmental permits before federal agencies and federal district courts and courts of appeal.

Assisted clients conducting internal investigations to identify compliance risks under the Clean Air Act and provided guidance on business risks associated with climate change.

Honors

ENRD Assistant Attorney General's award for top trial team exhibiting excellence in pre-trial litigation, 2022.

ENRD Assistant Attorney General's award for excellence in litigation, 2023-2024.

Nominated by ENRD for Department of Justice's John Marshall Award for excellence in litigation, 2023.

Related Services

Environmental
Environmental Litigation
Litigation
Natural Resource Damages
PFAS and Emerging Contaminants
Public Sector and Government Entities
Rail
Condemnation and Eminent Domain

Education

The Catholic University of America Columbus School of Law, J.D.

- magna cum laude
- Catholic University Law Review, note and comment editor

James Madison University, B.A.

Admissions

District of Columbia

Virginia

Courts

U.S. Court of Appeals–District of Columbia

U.S. Court of Appeals–Fourth Circuit

U.S. District Court–District of Columbia

U.S. District Court–Eastern District of Virginia

U.S. Court of Federal Claims

U.S. Court of Appeals–Federal Circuit