D.S. PENSLEY

Widener University Commonwealth Law School
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EDUCATION

Cornell University, Department of City & Regional Planning (Ithaca, New York)
M.A., Historic Preservation Planning

- Thesis: *Existence, Persistence, Resistance: Preserving Subsistence in the Copper River Delta*

Cornell Law School (Ithaca, New York)
J.D., *cum laude*

- Editor, *Cornell Law Review*; David J. Marcus Memorial Prize
- Managing Editor, *Cornell Journal of Law and Public Policy*
- CALI Awards in Theories of Property and Federal Indian Law
- Research Assistant to Professor Gregory S. Alexander

Princeton University (Princeton, New Jersey)
A.B., Woodrow Wilson School of Public Policy and International Affairs, *cum laude*

- Thesis: *The Socialist City? Urban Planning in Berlin, Capital of the German Democratic Republic*

LEGAL & OTHER PROFESSIONAL EXPERIENCE

Widener University Commonwealth Law School (Harrisburg, Pennsylvania)
Assistant Professor of Law, 2025 – present

- Teach Property I & II, Land Use & Sustainable Development, Animal Law, Environmental Law, Natural Resources Law.
- Co-direct the Environmental Law & Sustainability Center.

Jill Grant & Associates (Washington, D.C.)
Of Counsel, 2021 – 2023

- Drafted comments, testimony, and other advocacy regarding, *inter alia*, uranium legacy cleanup on the Navajo Nation, baseline water quality standards under the federal Clean Water Act, and hemp cultivation on reservations.
- Prepared "Treatment as State" jurisdictional statements, including land title research in the context of dependent Indian communities; negotiated with the U.S. Environmental Protection Agency for approval of tribal public water regulations.

- Provided *pro bono* litigation assistance to the Chesapeake Legal Alliance, drafted comments to the U.S. Forest Service on behalf of the Sitka Trails Association, and rewrote the City and Borough of Sitka's Historic Preservation Plan.

Sitka Tribe of Alaska (Sitka, Alaska)
Family Law Attorney, 2020 – 2021

- Represented Native and non-Native victims of domestic violence, sexual assault, and stalking; litigated emergency and long-term protective order hearings, custody and divorce filings, landlord-tenant disputes, and conservatorship proceedings.
- Collaborated with the tribal administration and finance department to manage a Legal Assistance to Victims grant and to prepare budget and progress reports for the U.S. Department of Justice – Office of Violence Against Women.
- Trained lay advocates to appear in tribal court and strengthened the tribal partnership with the local women's shelter.

City of Fairbanks (Fairbanks, Alaska)
Deputy City Attorney, 2017 – 2019

- Advised municipal departments on day-to-day issues such as code enforcement, risk management, and collections.
- Worked with the City Attorney, the engineering department, and outside counsel to shape the city's response to groundwater contamination, ultimately resulting in the lawsuit of *City of Fairbanks v. 3M Company, Tyco Fire Products LP, and John Doe Defendants 1-49*, consolidated and now settled through multi-district litigation.

Tanana Chiefs Conference (Fairbanks, Alaska)
Tribal Government Specialist, 2016 – 2017

- Drafted and revised constitutions, codes, and ordinances for Alaska Native tribes throughout Interior Alaska; advised tribal councils on waivers of sovereign immunity, land use issues, and election procedures; prepared resolutions at the direction of tribal councils and program staff.
- Guided tribal court judges on procedural matters and reviewed draft orders; presented at conferences and workshops on due process and appellate procedure in tribal court.
- Undertook extensive village travel in Interior Alaska and elsewhere in the state.

State of Alaska, Department of Law, Civil Division (Fairbanks, Alaska)
Assistant Attorney General, 2013 – 2015

- Provided aid-to-agency to the Alaska Department of Environmental Conservation and the Alaska Department of Natural Resources regarding environmental violations, compliance

orders, and settlement agreements; reviewed proposed disposal decisions, including leases and material sales; assisted agency staff to draft air quality regulations.

- Represented the state in all aspects of administrative appeals in state superior court; supported cost recovery efforts against potentially responsible parties.

Nordhaus Law Firm (Washington, D.C. and Santa Fe, New Mexico)
Associate, 2009 – 2013

- Drafted, reviewed, and defended tribal statutes and regulations on solid waste disposal, open burning, coal mine remediation, and cleanup standards; assisted in preparing "Treatment as State" applications and jurisdictional statements under the federal Clean Air Act and Clean Water Act.
- Educated tribal program staff to ensure transparent and responsive notice-and-comment rulemaking; examined treaties and title records to determine the ownership of parcels within reservation boundaries.
- Submitted an amicus brief to tribal court analyzing the Navajo Fundamental Law against insurance coverage for soil contamination on leased trust land and the validity of a pollution exclusion.

The Honorable Victor J. Wolski, U.S. Court of Federal Claims (Washington, D.C.)
Law Clerk, 2007 – 2009

BAR MEMBERSHIPS & ADMISSIONS TO PRACTICE

- Sitka Tribe of Alaska Tribal Court, 2020
- Alaska (since 2014 — now inactive); District of Columbia (2010 – 2026)
- New York (since 2008 — now inactive)
- District of Alaska, 2017; U.S. Court of Federal Claims, 2008

VOLUNTEER SERVICE

- City and Borough of Sitka, Alaska, Historic Preservation Commission, 2021 – 2024
- Light of the North Jewish Congregation of Fairbanks, Alaska, lay leader, 2017 – 2019
- Echoing Green Foundation, Selection Committee, Annual Reader, 1999 – 2010
- Housing Hope of Everett, Washington, Volunteer in Service to America, 1993 – 1995

RECOGNITION

- Widener Commonwealth University Law School Faculty Summer Research Grant, 2025
- American Council on Germany, Urban Sustainability Fellow, 2018 – 2019
- Alexander von Humboldt Foundation, German Chancellor Fellow, 2001 – 2002
- Echoing Green Foundation, Public Service Fellow, 1997 – 2001
- Profiled in *Self Magazine*, article by Elisabeth Egan, "The Young and the Selfless: Eight Women Prove You Can Change the World — Before You Turn 40," December 1998

- Graham Foundation, Special Initiative, Research Award, "Architecture of a Political Place: Replanning *Neubaugebiet* Hellersdorf," 1998
- Drucker Foundation Non-Profit Management, Community Innovation Fellow, 1997 – 1998
- Washington State Housing Finance Commission, Friend of Housing Award, 1995

PUBLICATIONS

"A Story of Risk and Resilience: Multilevel Regulation of Forever Chemicals in the U.S. Arctic and Subarctic," a paper in progress.

"Subsistence as Resistance: Reconceptualizing Progressive Property," 50 *William & Mary Environmental Law and Policy Review* 99 – 142 (2025).

"Existence and Persistence: Preserving Subsistence in the Copper River Delta of Southcentral Alaska," 42 *Environmental Law Reporter* 10366 – 10382 (2012).

"The Legalities of Stream Interventions: Accretive Changes to New York State Doctrine Ahead?" 25 *Pace Environmental Law Review* 105 – 146 (2008). Cited in *Waters and Water Rights, Part II — Riparianism* (Robert E. Beck & Amy K. Kelley eds., 3d ed. 2009). Honorable Mention, Smith-Babcock-Williams Writing Competition (American Planning Association) (2006).

"Real Cities, Ideal Cities: Proposing a Test of Intrinsic Fairness for Contested Development Exactions," 91 *Cornell Law Review* 699 – 732 (2006). First Prize, Program for Judicial Awareness Writing Competition (Pacific Legal Foundation) (2005).

"The Native American Graves Protection and Repatriation Act (1990): Where the Native Voice Is Missing," 20 *Wicazo Sa Review* 37 – 64 (2005).

"The Socialist City? A Critical Analysis of *Neubaugebiet* Hellersdorf," 24 *Journal of Urban History* 563 – 602 (1998).

"City Planning and State Policy in the German Democratic Republic: The Example of *Neubaugebiet* Hellersdorf," 19 *International Journal of Urban and Regional Planning* 549 – 575 (1995).

PRESENTATIONS

"Territoriality and the Plenary Power," New Scholars Workshop, Annual Meeting of the Southeastern Association of Law Schools, Amelia Island, Florida, July 27, 2026.

"Multilevel Regulation of Forever Chemicals in the U.S. Arctic and Subarctic," 18th Polar Law Symposium, Nuuk, Greenland, October 24, 2025.