



Michael H. Zischke
Partner

425 Market Street
San Francisco
California 94105

415.268.6718
mzischke@mfo.com

MICHAEL H. ZISCHKE

Michael H. Zischke is a partner with Morrison & Foerster's Land Use and Environmental Law Group, where he serves as Co-Chair of that practice group. His practice focuses on the California Environmental Quality Act ("CEQA") and land use litigation and compliance. Mr. Zischke is the co-author of the leading treatise on CEQA practice for attorneys, *Practice Under the California Environmental Quality Act*, published in two volumes by Continuing Education of the Bar in 1993, and updated annually. He is also a co-author of the text, *Land Use Initiatives and Referenda in California* (Solano Press, 1990). Mr. Zischke has been ranked as one of California's top environmental lawyers by *The Recorder* legal newspaper, as one of Northern California's 2004 Super Lawyers for Environmental Law by the *San Francisco Magazine*, and as one of the state's top attorneys in both land use and environmental law by Chambers & Partners in their 2004-2005 listing of "America's Best Business Lawyers." He practices out of the firm's San Francisco, Walnut Creek, Sacramento, and Los Angeles offices.

Mr. Zischke's practice covers a broad range of environmental impact and land use litigation and compliance issues, including use permits and entitlements, ballot measures, general plan issues, zoning, land use compliance, land use due diligence investigations, and extending and modifying existing development plans and permits. His work on environmental impact requirements covers both state reviews under CEQA and federal reviews under the National Environmental Policy Act. He litigates CEQA cases in trial and appellate courts throughout California, including almost all of the appellate districts and the California Supreme Court. Mr. Zischke has litigated over 90 CEQA cases. Prior to joining Morrison & Foerster in 2000, Mr. Zischke was a partner at Landels Ripley & Diamond LLP, where he served as Chair of the CEQA and Land Use Practice Group.

Mr. Zischke advises, counsels, and litigates on behalf of public agencies, businesses, industry developers, and lenders and investors. He represents clients in litigation, compliance and permitting for a wide variety of facilities, including energy siting and transmission, industrial and residential planned developments, port and airport facilities, water and hydroelectric facilities, mining and agricultural projects, and the adoption and amendment of local general and specific plans. In environmental impact litigation and counseling, he regularly advises clients on issues relating to the evaluation and mitigation of impacts on air, water, transportation and habitat resources, as well as issues relating to solid and hazardous wastes, risk of accident, and environmental justice claims.

Mr. Zischke is frequently asked to speak on land use law and CEQA issues for the State Bar, business, public agency, and planning organizations. Mr. Zischke has lectured on land use, environmental impact, and related issues at U.C. Berkeley, U.C. Davis' King Hall School of Law, Hastings College of Law, the USC Law Center, the Golden Gate University Law School, and several University of California extension programs. He regularly presents programs on the California Environmental Quality Act to groups such as the County Counsels Association and to the Select Committee on Industry Litigation sponsored by the California Building Industry Association.

Mr. Zischke received his J.D. degree from Boalt Hall School of Law in 1982, and his B.A. degree, *magna cum laude*, from Dartmouth College in 1977. He is admitted to practice in the state of California, and is affiliated with many professional associations, including the Association of Environmental Professionals, California Building Industry Association, California Business Properties Association, and the Construction Materials Association of California. Mr. Zischke was on the Executive Committee of the Environmental Law Section of the California State Bar from 1996 until 1999, and currently serves as an Advisor to the Section and organizer and has chaired several of the Section's annual roundtable on land use and CEQA issues. Mr. Zischke has served on the boards of a number of non-profit organizations, and is currently on the board of the Child Care Law Center.

Experience

- Morrison & Foerster LLP, Partner (2000-present); Co-Chair, Land Use and Environmental Law Group (2003-present)
- Landels, Ripley & Diamond, LLP, Partner and Chair, CEQA and Land Use Practice Group, 1993-2000
- McCutchen, Doyle, Brown & Enersen, Associate, 1987-1991; Counsel, 1991-1993
- Miller, Starr & Regalia, Associate, 1982-1987
- Legislative Assistant, Energy & Environmental Affairs, Rep. Bob Carr (D-Michigan), 1977-1979

Education

- Boalt Hall School of Law, J.D., 1982
- Dartmouth College, B.A., *magna cum laude*, 1977

Boards, Associations, and Honors

- Listed in The Best Lawyers in America (2006) as a leader in the field of Environmental law.
- Listed as one of California's leading land use and environmental lawyers, Chambers & Partners, Chambers USA: America's Leading Business Lawyers, 2003 2004 and 2004-2005
- Listed as a top environmental attorney in the 2006 edition of the Best Lawyers in America
- Listed in 2005 editions of Marquis' Who's Who in the West, Marquis' Who's Who in American Law, and Marquis' Who's Who in the World

- Named as one of the San Francisco Bay Area's top environmental lawyers, The Recorder newspaper, 2003
- Admitted to Lambda Alpha International (honorary, land economics society), 2004
- San Francisco Lawyers' Club, Board of Directors, 2001-2003
- Child Care Law Center, Board of Directors, 1999-present
- Boys & Girls Clubs of Oakland, Director, 1986-1996; Board of Advisors, 1997-present
- California Business Properties Association, Legislative Committee, 1996-present
- State Bar of California, Environmental Law Section (Executive Committee Member, 1996-1999, Executive Committee Advisor, 1999-2004, Legislation Committee 1996-1997)
- Bay Area Economic Forum, CEQA Task Force, CEQA Guideline Subcommittee, 1995-1996
- State Bar of California Section on Real Property Law (Co Chair, Subsection on Zoning, 1994-1996)
- California Against Red Tape, CEQA Task Force, 1993
- California Senate Housing Committee, Ad Hoc Task Force on CEQA Reform, 1993
- Construction Materials Association of California (and previously Central Valley Rock, Sand & Gravel Association) Legislative and Environment Committee, 1992-present
- California Building Industry Association, Select Committee on Industry Litigation, 1991-present
- Home Builders Association of Northern California

Lectures

- Alameda County Counsel
- American Bar Association, "Little NEPA" Conference
- ABA Section on Environmental, Energy & Resources
- American Planning Association, California Chapter
- Association of Bay Area Governments
- Association of California Water Agencies
- Association of Environmental Professionals
- Bar Association of San Francisco, Environmental Law Section
- Building Owners and Managers Association
- California Building Industry Association, Select Committee On Industry Litigation
- California Business Properties Association
- California Continuing Education of the Bar
- California County Counsels Association

- California Energy Commission Staff
- California State Bar Environmental Law Section, Environmental Law Conference at Yosemite
- California State Bar Real Property Section
- California State Bar Annual Meeting
- California State Bar Section Education Institute
- Central Valley Rock, Sand & Gravel Association and Aggregate Producers Association of Northern California
- CLE International
- Construction Materials Association of California
- Contra Costa County CEQA Conference
- Contra Costa Industrial Council
- Developers Affordable Housing Conference
- The Equity Asset Managers Association
- Federal Communications Bar Association
- Fresno County Bar Association
- Golden Gate University
- Hastings College of the Law
- League of California Cities, City Attorney Department
- Napa Valley Land Stewards
- Northern California Association of Law Libraries/Southern California Association of Law Libraries
- Santa Clara County Bar Association
- UC Berkeley, Environmental Spirit Conference
- UC Berkeley Extension
- UC Berkeley, Undergraduate Business Department
- UC Davis University Extension
- UC Davis, King Hall School of Law
- UC Irvine Extension
- UC Santa Barbara Extension
- UCLA Extension Annual Land Use Law and Policy Conference
- USC Law Center

- Wisconsin Real Estate Alumni

Books

- Co-author, *Practice Under the California Environmental Quality Act*, California Continuing Education of the Bar (two volumes, 1993, supplemented annually)
- Author, "Land Use Due Diligence," and co-author, "The California Environmental Quality Act," Chapters 2 and 6, in *Understanding Development Regulations*, Solano Press, 1994
- Co-author, *Land Use Initiatives and Referenda in California*, Solano Press (1990)
- Co-author, Annual Supplements to *California Subdivision Map Act Practice*, CEB (1987-1992)

Publications

- "Home Builder Approvals Could Be Further Complicated Under Proposed Legislation," *Builder and Developer*, July 1999
- "Proposed Law May Complicate Home Builder Approvals," *Builder and Developer*, June 1999
- "New CEQA Guideline on Environmental Standards Now in Effect," *Transfer Point*, October 1998
- "New Revisions to the CEQA Guidelines," *Bay Echo*, November/December 1998
- Co-author, "Exemption from the California Environmental Quality Act for Affordable Housing Projects Is Expanded to 100 Units," *The Transfer Point*, December 1997
- Co-author, "Environmental Mitigation and Regulatory Takings Claims After *Ehrlich v. City of Culver City*," *Environmental Law News*, Volume 5, Number 4, Winter 1996
- Co-author, "Development Fees and Environmental Mitigation in California After *Ehrlich v. City of Culver City*," *California Real Property Journal*, Fall 1996
- Co-author, "The California Supreme Court's *Ehrlich* Decision and What It Means for Environmental Mitigation in California," *Environmental Monitor*, Summer 1996
- "Fish and Game CEQA Fees Are Back," *The Transfer Point*, April 1996
- "Appellate Court Upholds Use Permit and Mitigated Negative Declaration for Sand and Gravel Project," *The Transfer Point*, February 1996
- "Impact Here of Supreme Court Ruling on Endangered Species," *California Building Industry Association*, Third Quarter 1995
- Co-author, "Limited to the Record," *The Recorder* (March 1995)
- "Modest Reform but New Pitfalls," *Western City* (December 1994)
- Co-author, "In with a Roar, Out with a Meow: A Review of the Legislative and Other Developments in the California Environmental Quality Act in 1993," *California Real Property Journal*, Volume 12, No. 1 (Winter 1994)
- "CEQA Legislation & Guidelines Update," *The Bay Echo* (November 1994)

- Co-author, “The U.S. Supreme Court’s *Dolan* Decision: Implications for Development Impact Mitigation,” *MBA StateLines* (September 1994)
- “The U.S. Supreme Court’s *Dolan* Decision and What it Means for Environmental Mitigation in California,” *The Bay Echo* (August 1994)
- “Reinventing the California Environmental Quality Act,” *MBA StateLines* (August 1994)
- “Reinventing CEQA,” *Mortgage Finance* (May 1994)
- “Is a Little Reform Better than None at All?” *BLA News* (January 1994)
- “The 1993 California Environmental Quality Act Legislation,” *Shepard’s California Environmental Law & Regulation Reporter* (November 1993)
- “Repairing the Engine for the Environment,” *The Recorder* (September 17, 1993)
- “Recent Developments in Land Use,” *Contra Costa Lawyer* (May 1993)
- “CEQA Turns Twenty-One: A Summary of Current Reform Proposals,” *CEB Land Use Forum* (Spring 1993)
- Co-author, “CEQA Turns Twenty-One: A Call for Reform,” *CEB Land Use Forum* (Spring 1993)
- “Prospects for Reform of the California Environmental Quality Act in 1993,” *BNA California Environment Reporter* (March 1993)
- “The New Delta Protection Commission,” *California Land Use Law & Policy Reporter* (February 1993)
- “A Simpler Environment,” *The Recorder* (September 1992)
- “Review of 1992 California Environmental Quality Act Legislation,” *Environmental Assessor* (Winter 1992)
- Co-author, “Due Diligence, Conditions, Representations and Warranties: Land Use Matters,” Program Materials for 6th Annual Real Property Practice Institute, Acquiring & Disposing of Real Property in the 90’s: Current Issues & Emerging Trends, Continuing Education of the Bar (1989)
- Co-author, “Development Agreements: Securing Vested Rights and Projects Completion Benefits, Zoning & Planning Law Report,” *Clark Boardman* (April 1988)
- Co-author of various land use articles in the *Los Angeles Daily Journal*