



Neal McAiley

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Overview

Neal McAiley has practiced environmental law and litigation for more than 25 years. He focuses primarily on federal matters and advises clients on environmental issues related to energy production, permitting, real estate transactions, wetland jurisdiction, environmental issues associated with public infrastructure projects, and administrative, civil, and criminal enforcement. He has significant experience in litigation involving federal agencies under NEPA, the Endangered Species Act, the Clean Water Act, the Lacey Act, and related federal environmental statutes.

Neal has handled regulatory and litigation matters for clients in multiple industries. Over his career, Neal has represented businesses in the energy industry (including electric utilities, renewable energy, and oil and gas companies), mining industry, aviation industry (including airlines and airports), seafood industry, agriculture industry, and clean tech businesses. Neal has extensive experience in environmental regulation and litigation related to public infrastructure projects of all types, including regional water projects, power facilities, airports, seaports, and rail systems. He also has represented companies in enforcement matters under multiple environmental and non-environmental statutes, including administrative, civil, criminal, forfeiture, and contract debarment proceedings.

Neal began his career as a trial attorney with the Department of Justice, prosecuting environmental crimes and representing federal agencies in civil environmental litigation. His cases included litigation related to restoration of the Florida Everglades; endangered species conflicts related to water management; realignment of an Air Force base; and prosecutions of companies for ocean dumping, illegal disposal of hazardous waste, and illegal importation of threatened and endangered species.

In the business realm, Neal counsels clients on a range of general civil and criminal litigation, general commercial litigation, and white collar criminal defense matters, from conducting internal investigations for multinational companies to commercial litigation and class action defense.

Experience

- Represented Burnett Oil Co. Inc. against a lawsuit challenging federal agency approvals for a seismic survey in the Big Cypress National Preserve. The court rejected the plaintiffs' environmental claims, clearing the way for the survey to proceed.
- Represented the city of Dania Beach, a Florida municipality concerned with the effect of the major expansion of the Fort Lauderdale-Hollywood International Airport on city residents. Through engagement in the administrative process and several legal proceedings over the course of a decade, the city succeeded in delaying the project and obtained a mitigation package worth tens of millions of dollars for city residents. In addition to his work for Dania Beach, Neal has represented parties in environmental disputes related to three other airports.
- Represented New Hope Power Co., a Florida renewable energy company, in a challenge to the U.S. Army Corps of Engineers' assertion of regulatory jurisdiction over farmland under the Clean Water Act. The court ruled that the agency had improperly expanded the scope of its regulatory jurisdiction without undergoing normal rulemaking procedures, which resulted in New Hope avoiding the need for a federal permit to construct a renewable energy facility.
- Represented multiple seafood companies since 2004 in administrative, civil, and criminal enforcement proceedings related to the importation of seafood into the United States. In these matters, he defended clients against criminal indictment for alleged violations of environmental laws, achieved civil resolutions of other matters in which criminal charges were threatened, and persuaded government agencies not to pursue licensing proceedings or debar companies from government contracts.
- Represented government agencies and companies in multiple matters related to solar energy and energy-efficient home renovations, including three matters in the Florida Supreme Court.
- Represented companies operating in the limestone and hardrock mining sectors in Florida and elsewhere in the United States regarding the environmental permitting of new mine facilities. He has advised the companies on obtaining required government approvals, defended against third-party permit challenges, and represented the companies in government permit enforcement proceedings.
- Represented companies in environmental disputes related to real estate transactions in Florida and elsewhere in the United States.

- Represented companies in the aviation, banking, and commodities sectors regarding government investigations of cross-border activities. These investigations have related to environmental, financial, and antitrust matters in multiple countries in Latin America and Europe. He has investigated allegations of misconduct both to defend against governmental proceedings and to facilitate corporate oversight of company activities.

Areas of Focus

Practices

- Litigation and Trials
- Environmental Regulation & Litigation
- Real Estate
- Mass Tort and Product Liability
- Government Law & Consulting
- Technology
- White Collar Crime & Government Investigations
- Development
- Environmental, Land Use & Development Approvals and Litigation
- Energy and Utilities
- Aviation
- Internal Investigations

Industries

- Real Estate
- Technology

Insights

05.14.2024

How Sackett v. EPA Likely Marks the Start of a New Era of Clean Water Act Regulation

Westlaw Today

News

01.01.2024

Neal McAliley Quoted in Law360: “Biggest Environmental Cases to Watch in 2024”

08.03.2023

Neal McAliley Quoted in Bloomberg Law: “Supreme Court Wetlands Ruling Imperils Waters on Public Lands”

07.27.2023

Who’s Who Legal Names Carlton Fields Attorneys to 2023 Lists

01.03.2023

Neal McAliley Quoted in Law360: “Biden Administration Beats Justice To Punch With CWA Rule”

10.18.2022

Clean Water Act Marks 50 Years as Lawyers Say Improvement Needed

08.18.2022

Nine Carlton Fields Attorneys Named 2023 "Lawyers of the Year"

01.24.2022

High Court Drops ‘Earthquake’ on Federal Water Protections (1)

08.31.2021

Litigation, Confusion to Follow Overturning of Trump Water Rule

06.14.2021

South Carolina Town’s Growth Seeks to Outpace EPA Waters Rule

05.21.2021

Carlton Fields Ranks Among Best in Chambers USA 2021 Guide

01.29.2021

Biden Swings Waters Pendulum With Final Resolution Still Elusive

09.10.2020

Companies Eager to “Lock In” Trump-Era Water Rule Exemptions

08.20.2020

11 Carlton Fields Attorneys Named 2021 “Lawyers of the Year”

05.11.2020

Farmers, Ranchers Dispute Legal Limits of Revamped Water Rule

04.24.2020

Environmentalists Eye Power Plants After Supreme Court Ruling

04.23.2020

Carlton Fields Ranks Among Best in Chambers USA 2020 Guide

04.06.2020

Carlton Fields Shareholder Neal McAliley Quoted in Law360 Article About Federal Import Rules

03.19.2020

Carlton Fields’ Neal McAliley Quoted in Media About Coronavirus’ Impact on Environmental Enforcement

05.03.2019

Carlton Fields Ranks Among Best in Chambers USA 2019 Guide

09.25.2018

Carlton Fields Environmental Lawyer Quoted in Articles on Federal Regulations

09.10.2018

“Waters of the United States”: Practical Advice on Determining Jurisdiction

08.15.2018

Seven Carlton Fields Attorneys Named 2019 “Lawyers of the Year”

08.15.2018

Beyond Soundbites: Navigating Complex Permitting Challenges

07.12.2018

Carlton Fields Shareholder Offers Insights Into Environmental Law Developments

07.09.2018

Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida “Super Lawyers” and “Rising Stars”

06.27.2018

No Clarity in Sight for “Waters of the United States”

05.04.2018

Carlton Fields Ranks Among Best in 2018 Chambers USA Guide

09.29.2017

Neil McAliley Authors Article in P3 Bulletin on Environmental Law in Infrastructure Project Approval

08.21.2017

Neal McAliley Publishes Article in Bloomberg BNA: Defending Environmental Criminal Cases

08.15.2017

78 Carlton Fields Attorneys Named “Best Lawyers in America”

07.21.2017

Proposed Rewrite of Wetlands Rule Expected by December, EPA Says

06.08.2017

Carlton Fields Ranks Among Best in 2017 Chambers USA Guide

04.25.2017

Enviros Lose Bid to Block Oil Exploration in Big Cypress

04.24.2017

Enviros Can't Sink Oil Project in Fla. National Preserve

03.08.2017

Companies Learn Lesson About Meeting Water Permit Conditions

02.28.2017

Repealing Waters Rule Would Take a While, Maintain Uncertainty

02.22.2017

Challenges to Corps Waters Findings Still a Trickle After Ruling

02.22.2017

Clean Water Act Challenges and Grain Council Trade Woes

02.22.2017

Rolling Back Water Rule Won't Answer Court Venue Question

02.15.2017

More Wetlands Litigation May Be Coming To A Court Near You

02.13.2017

Delegating CWA Permit Powers Could Aid Weakening Of Jurisdiction Rule

02.02.2017

Carlton Fields Snags Experienced Florida Enviro Lawyer

01.30.2017

Neal McAliley Joins Carlton Fields

10.11.2011

Carlton Fields Miami Shareholder Neal McAliley was quoted in two Bloomberg BNA Environment

Recognition

- *The Best Lawyers in America*
 - Commercial Litigation, Energy Regulatory Law, Environmental Law, Litigation – Environmental (2008–2024)
 - Miami "Lawyer of the Year," Environmental Law, Litigation – Environmental (2017, 2019, 2021, 2023)
- Florida Super Lawyers, *Super Lawyers Magazine* (2018–2022)
- *Chambers USA* (2009–2023)
- *Who's Who Legal: Environment* (2023)
- Who's Who Legal Award (2015)
- Finalist, Most Effective Lawyers Award, *Daily Business Review* (2014)
- "Highly Commended" in *FT Innovative Lawyer North America Report* (2014)
- Top Rated Lawyer in Energy, Environmental, and Natural Resources, *The American Lawyer and Corporate Counsel*

Speaking Engagements

- "The Clean Water Act: Latest Developments Regarding Water Quality, Water Resources, and Wetlands," ALI-CLE Environmental Law Conference (February 2018)
- "Federal Wetland Regulation in the New Administration," ALI-CLE Environmental Law Conference (February 2017)
- "U.S. Rules for Naming Seafood Products," North American Seafood Expo, Boston, MA (2014)
- "Development in Environmentally Sensitive Areas" and "Wetland Regulatory Jurisdiction Over Farmlands," 27th Annual Environmental Permitting Summer School, Marco Island, FL (2013–2014)
- "New Guidance on the Regulation of Wetlands," ALI-CLE Environmental Law Conference, Washington, D.C. (2013)
- "Local Land Use: Recent Developments in Federal Laws, Regulations, and Programs," Webinar (2012)
- "New Guidance on the Regulation of Wetlands," ALI-CLE Environmental Law Conference, Washington, D.C. (2012)
- "Greenhouse Gas Regulation and Litigation – Impact on Business in Florida" and "Carbon and Renewable Markets: Opportunities to Challenges," 25th Annual Environmental Permitting Summer School, Marco Island, FL (2011)

- "Greenhouse Gas Regulation: The Big Picture," 27th Annual Growth Management Conference, Orlando, FL (2011)
- "Regulation of Former Wetlands Under the Clean Water Act," ALI-ABA Environmental Law Conference, Washington, D.C. (2011)
- "Defending Environmental Investigations and Litigation: Nuts and Bolts for Clients, Consultants, and Lawyers" and "Carbon and Renewable Markets: Opportunities to Challenges," 24th Annual Environmental Permitting Summer School, Marco Island, FL (2010)

Credentials

Education

- University of California, Berkeley, School of Law (J.D., 1991)
- Harvard University (A.B., 1987)

Bar Admissions

- Florida

Court Admissions

- U.S. Court of Appeals, D.C. Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Northern District of California
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida