

Daniel F.E. Smith

Partner



CONTACT INFO

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OFFICE

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Dan Smith focuses his law practice on matters involving environmental, commercial, education, and state constitutional law. A former educator and environmental scientist, Dan represents businesses, boards of education, and individuals in state, federal, administrative, and appellate courts.

MY PRACTICE

ENVIRONMENTAL LAW AND REGULATION

Dan uses his scientific training and background to help clients solve complex problems related to environmental laws, frequently working as part of a larger Brooks Pierce team. Dan has represented and advised a variety of industries to help them obtain necessary permits and comply with environmental regulations. He has advised clients on matters involving CERCLA, RCRA, the Endangered Species Act, the Clean Air Act, asbestos, combustible dust, underground and aboveground storage tanks, private nuisance claims, and groundwater and soil contamination.

BUSINESS LITIGATION

PRACTICE AREAS

Education
Environmental
Litigation
› Federal Litigation
› North Carolina Business Court
› Complex Business Litigation
› Appellate

INDUSTRIES

Banking, Investment & Financial Services
Construction & Development
Education
Manufacturing
Technology
Utilities

EDUCATION

University of North Carolina School of Law
J.D., 2010, with highest honors; Order of the Coif; Editor in Chief, *North Carolina Law Review*, 2009-2010
Duke University
M.A., 2003
Duke University
B.S., 2002, *summa cum laude*

CLERKSHIP

Law Clerk to the Honorable Mark D. Martin, Supreme Court of North Carolina, 2010-2011

BAR & COURT ADMISSIONS

North Carolina
US Court of Appeals
4th Circuit
US District Court - North Carolina
Western District
Middle District
Eastern District

Dan is a frequent member of teams that handle large, complex business litigation.

Dan also represents small companies and startups and helps them navigate the issues and challenges that can arise in the normal course of doing business.

SCHOOL LITIGATION

A former science teacher, Dan represents boards of education, administrators, and teachers in a wide variety of litigation in state and federal courts and before administrative tribunals. He has advised and represented clients on a broad range of issues including special needs education and disabilities, bullying, personal injuries on school property, disputes with former employees, environmental health, and education-related provisions of the North Carolina Constitution and United States Constitution. Representative matters include:

Obtaining trial court dismissal of employment-related claims brought by a former teacher against a board of education and its superintendent and persuading the North Carolina Court of Appeals to dismiss an attempted appeal from the trial court's judgment.

Persuading a federal district court to dismiss IDEA and attempted tort claims asserted by a student and his parents against a board of education and special education teacher.

APPELLATE PRACTICE

A former North Carolina Supreme Court law clerk, Dan brings a unique insight to his clients. He advises within the firm on the handling of appeals and petitions and is often consulted on the finer points of appellate procedure. Dan has represented clients in the Supreme Court of North Carolina and the North Carolina Court of Appeals in matters arising from business disputes, school employment, and state and federal constitutional questions.

HONORS

Recognized in [*North Carolina Super Lawyers*](#) as a "Rising Star" in Environmental Law (2016-2018); Civil Litigation: Defense (2019)

COMMUNITY INVOLVEMENT

Adjunct Law Professor, Environmental Law, Administrative Law, [Elon University School of Law](#) (Fall 2017-present)

Member, North Carolina Council on Developmental Disabilities (2017-present)

Sustainability Committee Co-chair, Environment, Energy, & Natural Resources Section, [North Carolina Bar Association](#) (2014-2017)

Chair (August 2018-July 2020), Vice-Chair (September 2017-July 2018), Member (2014-present), Board of Directors, [Greensboro Beautiful](#)

Member, Appellate Practice Section Council, [North Carolina Bar Association](#) (term beginning July 1, 2016 and ending June 30, 2019)

PUBLICATIONS & MEDIA

- Panelist, "Careers in Sustainability," 2019 Mid-year Appalachian Energy Summit, Greensboro, NC, February 28, 2019
- Panelist, "Breaking Chains: Women, Employment & Reentry," Greensboro, NC, May 20, 2017
- Presenter, State and Federal Case Law Update, North Carolina Bar Association Environment, Energy & Natural Resources Section Annual Meeting, May 6-7, 2016
- Presenter, State and Federal Case Law Update, North Carolina Bar Association Environment, Energy & Natural Resources Section Annual Meeting, April 26-27, 2013
- Alexander Elkan and Daniel F.E. Smith, [North Carolina Mineral Rights/Access to Shale Gas](#), 2012
- Mark D. Martin & Daniel F.E. Smith, [Recent Experience with Intermediate Scrutiny Under the North Carolina Constitution: Blankenship v. Bartlett and King v. Beaufort County Board of Education](#), 59 U. Kan. L. Rev. 761 (2011)
- Brooks Pierce Helps Secure Recovery for Taxpayers and Whistleblower in Key False Claims Act Case, March 27, 2019
- Dan Smith talks with Legal Aid North Carolina about criminal record expunctions, October 23, 2018
- Brooks Pierce Announces Three New Partners , September 18, 2018
- Brooks Pierce Attorney Appointed to North Carolina Council on Developmental Disabilities, August 16, 2017
- Brooks Pierce Files Potential Class Action Suit Regarding the Constitutionality of the Doctrine of Necessaries, February 8, 2017
- North Carolina Business Court Ruling Regarding Fees May Impact Class Action Claims, September 23, 2016
- Brooks Pierce Successfully Defends Bank in Class Action Lawsuit, June 11, 2015
- 2013 North Carolina Environmental Legislation Summary, August 1, 2013
- Court of Appeals Affirms Client's Holdings in Texas Company, May 13, 2013
- North Carolina Mineral Rights / Access to Shale Gas, October 18, 2012

SPEAKING ENGAGEMENTS

- Daniel Smith Serves as Panelist for Appalachian Energy Summit, March 8, 2019
- Dan Smith to Speak at Greensboro Commission on the Status of Women Event, May 8, 2017