

# Snell & Wilmer

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## John D. Burnside

Counsel | Phoenix

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### Main Bio

With 20 years of experience in environmental and natural resources law, John Burnside knows that insights leading to solutions come from knowledge, study, perseverance, and communication. John resolves complex environmental regulatory and water resource issues and disputes for mining, industrial, and other clients using his deep understanding of the law, environmental science and hydrology, water resource management, and his clients' legal, business, and financial objectives.

John's experience includes Superfund cost recovery and defense, water resources adjudication, water quality permitting and enforcement, environmental forensics, toxic tort defense, and contractual allocation of environmental liabilities.

John regularly appears before the Special Water Master to defend our clients' water rights in Arizona's general stream adjudications. John has counseled clients, and regularly appears for them in court, regarding some of the most complex and important water resource issues facing Arizona water users today. John has participated in the presentation, argument, and resolution of those issues through settlement and litigation.

In other areas, he has represented clients on corporate transactions involving extensive due diligence and has ushered the transacting parties through the transfer of environmental permits and authorizations, securing required approvals from regulatory authorities.

John understands the importance of maintaining a steady focus on his clients' legal and business objectives when collaborating with technical consultants in water resources, environmental regulatory, and litigation matters. Working alongside scientists and engineers, John has counseled clients in regulatory strategies for environmental remediation and closure projects and has addressed a variety of permitting and compliance challenges as well as litigation. In his water resources practice, John regularly works with experts to develop the technical basis for protecting the rights of clients who rely on groundwater pumped from wells. In both areas, he has overseen the development of persuasive expert testimony and is adept at managing the generation, storage, and discovery of technical data and communications to preserve applicable privileges for the benefit of his clients' information security.

Prior to private practice, John served as a law clerk with the Arizona Supreme Court and the Arizona Court of Appeals. While attending law school, he was an articles editor for the Arizona State Law Journal and graduated *magna cum laude*, ranking second in his class. He was recognized by the State Bar of Arizona for placing among the top three highest scores on the July 1997 bar exam.

### Representative Experience

- Ushered the buyer and seller of a large open-pit copper mine through the complex regulatory process for transfer of environmental permits and authorizations
- Developed persuasive expert testimony, managed discovery, prepared briefs and motions, and presented our clients' case in multiple trials before the Special Water Master in the Gila Adjudication on issues affecting the rights of well owners to continue pumping groundwater from their wells
- Developed persuasive expert testimony, managed discovery, prepared briefs and motions, and participated in negotiation and drafting of settlement in multi-party litigation involving cost recovery at one of the largest environmental sites in Arizona
- Managed discovery, prepared briefs and motions, and negotiated over a dozen settlements for a client in complex insurance coverage litigation involving environmental remediation liability
- Prepared defense for a client against a multi-million dollar claim under Arizona fee-shifting statute, including development of expert testimony documenting unreasonableness of opposing parties' attorneys' fees
- Counseled mining industry client through planning and implementation of a voluntary remediation project involving cleanup of contaminated soil located in a residential area of a former mining town in cooperation with environmental consultants

## Education

- Arizona State University, Sandra Day O'Connor College of Law (J.D., *magna cum laude*)
  - Order of the Coif
  - Articles Editor, Arizona State Law Journal
- Ohio Wesleyan University (B.A., *summa cum laude*)
  - Phi Beta Kappa

## Professional Memberships & Activities

- State Bar of Arizona
  - Environmental and Natural Resources Law Section
    - Executive Council Member (2013-2021)
    - Chair (2019)
    - Chair-Elect (2018)
    - Secretary (2017)
    - Treasurer (2016)
- Maricopa County Bar Association
  - Environmental Law Section
    - Executive Board Member (2003-2011)
    - Chair (2009)
    - Chair-Elect (2008)
    - Secretary (2007)
    - Treasurer (2006)

## Representative Presentations & Publications

- "Arizona Groundwater Policy," Co-Author, The Water Report: Water Rights, Water Quality & Water Solutions in the West (August 2023)
- "Water Law in the Southwest: Overview of Water Law in the Southwest," Presenter, Snell & Wilmer Virtual CLE Series (June 27, 2023)
- "Groundwater in Arizona: What Does the New Phoenix Active Management Area Model Mean for Future Growth?," Presenter, Webinar (June 28, 2023)
- "[Breaking News: Phoenix AMA Has an Abundance of Groundwater for the Next 100 Years and Beyond](#)," Co-Author, Snell & Wilmer Legal Alert (June 14, 2023)
- "[The Importance of Reusing Water in Arizona is Growing as Other Resources Become More Scarce](#)," Co-Author, Snell & Wilmer Legal Alert (June 6, 2023)
- "[Long-Term Storage Credits: Securing Arizona's Water Future](#)," Co-Author, Snell & Wilmer Legal Alert (June 1, 2023)
- "[The Law of the Colorado River: An Opportunity for Change](#)," Co-Author, Snell & Wilmer Legal Alert (May 23, 2023)
- "[Arizona's In-State Surface Water Resources: Appropriable Water Fosters Economic Development](#)," Co-Author, Snell & Wilmer Legal Alert (May 16, 2023)
- "[Arizona Groundwater Supplies: More Than a Drop in the Bucket, Problems and Solutions for Policymakers](#)," Co-Author, Snell & Wilmer Legal Alert (May 9, 2023)
- "[As an Excellent Winter Transitions to an Uncertain Spring, How Secure Are Arizona's Water Supplies?](#)" Co-Author, Snell & Wilmer Legal Alert (May 1, 2023)
- "Risk Management Strategies for Known Environmental Liabilities," Association of Corporate Counsel, Arizona Chapter, Phoenix, Arizona (May 2011)
- "The 'Tailoring Rule,'" Environmental Professionals of Arizona (October 2010)
- "The Most Commonly Asked Questions in Environmental Law," MCBA Environmental and Natural Resources Law Section, Editorial Board (2005)
- "So You Screwed Up: Now What? Handling An Investigative Interview," Arizona Association of Industries Environmental Summit, Prescott, Arizona (August 2004)
- "When the Ethical Duties of Attorney and Consultant Collide," Arizona Water Law Conference, CLE International, Scottsdale, Arizona (August 2004)
- "Ethics Considerations for the Environmental Practitioner," Colorado River Law Conference, CLE International, Las Vegas, Nevada (May 2004)
- "AZPDES and EPA: The Federal Side of the New State Program," ENRLS Update, Volume XV, Issue 3 (October 2003)
- "AZPDES Permit Appeals Process," ENRLS Update, Volume XV, Issue 2 (July 2003)
- "Claiming on Policies When Documents Have Gone," Insurance Day, Issue 1.311 (March 2003)
- "Pre-Acquisition Coverage for Environmental Liabilities: An Analysis of the Ongoing Dispute," Environmental Law Reporter, 10618 (May 2002)
- "Toxic Tort Litigation," Arizona Environmental Law, Volume 2, Chapter 4.4 (2002)
- "The Most Commonly Asked Questions in Environmental Law : Insurance Issues," MCBA Environmental and Natural Resources Law Section, Chapters 24-25 (2002)

## Professional Recognition & Awards

- The Best Lawyers in America<sup>®</sup>, Environmental Law (2024)

## **Community Involvement**

- Desert Botanical Garden
  - Board of Trustees
  - Executive Committee
  - Strategic Planning Committee
  - Research and Horticulture Committee
- Volunteer Center of Maricopa County
  - Board of Directors (2005-2007)
  - Treasurer (2005-2006)
- High School Mock Trial
  - Regional Coordinator (2005)
- Volunteer Lawyers Program

## **Previous Professional Experience**

- Polsinelli PC, Shareholder
- Arizona Supreme Court and Court of Appeals, Law Clerk for the Hon. Ruth V. McGregor

## **Bar Admissions**

- Arizona

## **Court Admissions**

- Supreme Court of Arizona