Holland & Hart



PRACTICES

Environmental Litigation
State Government Affairs
Federal Lands Permitting
Environmental
State and Local Tax

INDUSTRIES

Energy and Resources
Mining
Data Centers

EDUCATION

University of Colorado Law School, J.D., 2011
University of Colorado Law Review, Associate Editor, 2012

Hofstra Law School, J.D. Program, 2008-2009

Columbia University, Barnard College, B.A. , 2006
cum laude

BAR ADMISSIONS

Montana

Sarah Clerget

Of Counsel & Government Affairs Director

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Sarah leverages insider knowledge of how business is done with Montana government to help companies navigate regulatory, policy, and litigation issues.

Sarah brings a deep network of relationships and singular experience to deliver holistic litigation, government affairs, and lobbying services to clients developing projects in Montana. She is a respected connector of people, known for her emotional intelligence and solution-oriented, relatable approach.

Drawing on relationships with legislators, elected and appointed officials, government agencies and directors, private interest groups, and industry leaders, Sarah knows what issues are on the horizon and provides access to key decision makers. She helps clients anticipate legislative, policy, and political developments that may affect their business interests and proactively develop strategies ranging from up-front liaison and advocacy, engagement on regulatory initiatives and rulemakings, drafting legislation, and lobbying.

Additionally, Sarah works on tax matters in the state of Montana. She has appeared before county tax appeal boards and the Montana State Tax Appeal Board, representing clients who wish to reduce their property taxes. Sarah has lobbied for clients seeking to change the state's property tax policy. Sarah has also advised clients on potential state court litigation involving tax policy.

Clients benefit from Sarah’s extensive experience handing complex, high-profile civil litigation in all levels of state and federal courts and administrative proceedings. As Assistant Attorney General in Montana’s Department of Justice, she managed the litigation needs of 42 state agencies and presided over state agencies as a hearing examiner (ALJ). Sarah also served as agency in-house litigation counsel for the Montana Department of Environmental Quality and as Chief Legal Counsel to the Montana Department of Fish, Wildlife, and Parks. She served as a law clerk for Magistrate Judge Carolyn S. Ostby of the US District Court for the District of Montana.

EXPERIENCE

Sarah has experience litigating legal issues involving :

- National and Montana Administrative Procedure Acts (APA/MAPA)
- National and Montana Environmental Protection Acts

(NEPA/MEPA)
- Montana Constitutional Right to a Clean and Healthful Environment
- Endangered Species Act
- US and Montana Constitutional Claims (First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Eleventh, and Fourteenth Amendment claims)
- Montana's Constitutional Right to Privacy and Right to Know
- §1983 individual and official capacity
- Tort Defense
- Montana Employment law
- Agriculture and Livestock law

Montana Government Experience:

Sarah has represented a wide range of Montana government departments and agencies, including:

- Office of the Governor
- Attorney General, including:
    - Solicitor General
    - Agency Legal Services Bureau
    - Consumer Protection
    - Civil Division
    - Appellate Bureau
- Department of Environmental Quality
    - Board of Environmental Review
    - Director and Division Administrators for Air, Energy and Mining, Water, Reclamation
- Department of Fish, Wildlife, and Parks and the Fish and Wildlife Commission
- Department of Livestock and Board of Livestock
- Department of Natural Resources and Conservation
- Department of Health and Human Services
- Department of Corrections
- Department of Labor and Industry
- Department of Commerce
- Department of Revenue
- Department of Public Instruction
- Department of Labor and Industry
- Various Professional Licensing Boards
- Department of Transportation
- Department of Administration

CLIENT RESULTS

Litigation

- As counsel for Montana Department of Environmental Quality, successfully defended a MEPA and permitting challenge by environmental groups against a proposed copper mine. *Montana Trout Unlimited et. al. v. Montana Department Of Environmental Quality, And Tintina Montana Inc.,* 2024 MT 36.
- Adjudicated multiple decisions as a hearing examiner affirmed (in whole or in part) by the Montana District Courts or Montana Supreme Court on appeal on issues including:
    - Commercial truck dealership licensing: *S&P Brake Supply v. Daimler Trucks NA*, 2018 MT 25.
    - Coal mining permits: *e.g. MEIC v. DEQ and Western Energy et. al.*, 2023 MT 224.
    - Water discharge permits: *e.g. MEIC v. DEQ and Montanore Minerals Corp.*, 2020 MT 288.
    - Subdivision enforcement actions: *Copper Ridge Development Corp. et. al. v.* DEQ, DV 20-0445 (Mont. Thirteenth Jud. Dist. 2020).
- Following oral argument, the Ninth Circuit Court of Appeals reduced the scope of a preliminary injunction against the State in a high-profile ESA case involving grizzly bears and wolves. *Flathead-lolo-bitterroot v. State of Montana*, 98 F.4th 1180 (Ninth Cir. 2024).
- Following a two-day jury trial, obtained a favorable defense jury verdict in less than 30 minutes against a dentist, sued in his individual capacity. *Wallace v. Winner et. al.*, CV-17-103-H-BMM-JTJ (Dist. Mont. 2020).
- Successfully defeated preliminary injunction and temporary restraining order motions against the Montana Fish and Wildlife Commission and the State in a high-profile case involving wolf management, hunting, and trapping. *Wildearth Guardians et. al. v*. FWP, DV-2022-896 (Mont. First Jud. Dist. 2022).
- Achieved favorable summary judgment decisions in high-profile litigation involving elk management by the State of Montana. *United Property Owners of Montana v. FWP*, DV-2022-36 (Mont. Tenth Jud. Dist., 2024).
- Created important case law precedent with a novel argument that secured result on motions in line that resulted in a favorable settlement for the defense in a multi-million dollar medical malpractice suit against a doctor, sued in her individual capacity. *Marten v. Haire et. al.*, CV 17–31–H–CCL (Dist. Mont. 2018).
- Partnered with Idaho and Wyoming Governors and Attorney General's Offices in an ESA suit against the United States Fish and Wildlife Service for listing wolverines.
- At the Ninth Circuit Court of Appeals, successfully defended several appeals of favorable summary judgment verdicts for

agency clients and individually named agency directors or employees involving torts, §1983, and constitutional claims. *E.g. Winne v. Knight*, 719 Fed. Appx. 677 (Ninth Cir. 2018).

Lobbying and Governmental Affairs Results

- Wrote or re-wrote multiple chapters of Montana Administrative Rules for several different agencies on varying subjects from campaign finance to professional licensing to species management. Defended these rules against due process and constitutional challenges.
- Presented convincing testimony, resulting in favorable amendments or executive actions, on many bills in front of Montana Legislative Committees, particularly the Environmental Quality Counsel.
- Achieved client's desired results on highly controversial bill involving grizzly bear delisting and management in Montana. Involved negotiations and lobbying with legislators and a wide variety of opposed interest and industry groups and federal agencies.

PUBLICATIONS

"EPA Approves Montana's Revised Approach to Nutrient Water Quality Standards: Return to Narrative Criteria," *Water Quality Update*, October 7, 2025

"Two Pivotal Montana Supreme Court Decisions Impact Industry," *Environmental Update*, January 13, 2025

"The Montana Environmental Protection Act (MEPA) and the Upcoming 2025 Legislative Session," *Treasure State Resources Association of Montana*, October 23, 2024

"The Collateral Consequences of Juvenile Publicity: What The Montana Legislature has Overlooked in the Youth Court Act," *Montana Lawyer (State Bar of Montana)*, Winter 2011

"Collateral Consequences in the State of Montana," *ABA Criminal Justice Section, Collateral Consequences Project*, February 2012

SPEAKING ENGAGEMENTS

"House Bill 231 Aftermath," *Montana Chamber of Commerce, Business Days at the Capitol*, January 6, 2026

"What Does "Multiple Use" Mean Today? Highlighting Ag and Energy on Public Lands," *University of Montana Public Land Law Conference: The Changing Landscape of the Administrative State* , September 9, 2025

"Navigating Employment Grievances," *First Judicial Bar Association, Public Law Section CLE*, March 3, 2016

"Petitions for Judicial Review of MAPA Contested Cases," *Montana*

Judges Association Fall Conference, October 6, 2022

"MAPA Hot Topics and Practice Tips," *Montana State Bar Association Annual Meeting CLE*, September 24, 2022

"For Record's Sake (MAPA Contested Cases from the Bench)," *Montana State Bar Association Annual Meeting CLE*, September 10, 2019

"Religious Rules: The Judeo-Christian Nature of the ABA Model Rules and Montana's Rules of Professional Conduct What it Means for the Legal Profession," *First Judicial Bar CLE*, 2019

"Introduction to § 1983 Litigation," *First Judicial Bar Association CLE*, May 3, 2016

PROFESSIONAL AND CIVIC AFFILIATIONS

- Montana Governor's Energy Task Force, Member, 2025
    - Growing Demand Subcommittee, Co-Lead
- Montana First Judicial District Bar, Member
- Montana Bar Association, Member of:
    - Federal Practice Section
    - Natural Resource, Energy and Environmental Law Section
    - Public Law Section
    - Women’s Law Section