

Curriculum Vitae

Deborah A. Ferguson

Ferguson Durham, PLLC
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Professional Experience:

Partner, Ferguson Durham, PLLC, Boise, Idaho 2012-Present

- Served as lead counsel in constitutional challenge to Idaho's same sex marriage ban in the U.S. District Court of Idaho and the Ninth Circuit Court of Appeals.
- Advocate in wide array of civil litigation matters as highlighted in the attached synopsis of significant cases.
- Selected by counsel to serve as mediator in litigated disputes, such as employment disputes, contracts, personal injuries and other civil actions.
- Appointed as Special Master by federal and state courts to provide findings in complex discovery disputes.

Assistant United States Attorney, District of Idaho, Civil Division, Boise, Idaho 1995-2012

- Represented the United States as lead trial counsel in over 300 federal civil cases, including landmark environmental challenges, complex torts and constitutional litigation, as well as numerous appeals before the Ninth Circuit Court of Appeals. Selected for the Department of Justice's Evaluation and Review Team, to evaluate the performance of various United States Attorney Offices throughout the nation.

Assistant United States Attorney, Northern District of Illinois, Chicago, Illinois 1991-1994

- Represented the United States as lead trial counsel in federal civil litigation, including medical malpractice, employment discrimination, asset forfeitures, and appeals before the United States Seventh Circuit Court of Appeals.

Associate, Katten Muchin & Zavis, Litigation Department, Chicago, Illinois 1987-1991

- Litigated civil commercial cases in federal and state courts.

Bar Admissions and Mediation Certifications

United States Supreme Court

United States Court of Appeals for the Ninth and Seventh Circuit

United States District Court for the District of Idaho and Illinois

Idaho State Bar

Mediator Roster, Idaho Supreme Court and United States District Court of Idaho

Legal Education and Mediation Training

Loyola University Chicago School of Law, Juris Doctor, Law Review 1986

U.S. Department of Justice National Advocacy Center 1995-2011

Center for International Legal Studies, Professor Orientation, Salzburg, Austria 2014

Straus Institute for Dispute Resolution, Pepperdine University School of Law 2012

Civil Mediation Certification Northwest Institute for Dispute Resolution 2012

National Institute of Trial Advocacy 1989

Professional Service and Affiliations

Idaho State Bar President	2011
Idaho Academy of Leadership for Lawyers, Founding Chair	2011- 2015
Idaho State Bar Commissioner	2008- 2011
American Bar Association, Idaho State Bar Delegate	2013- 2017
American Bar Association, Emerging Member Benefits Group	2016-2017
American Bar Association, Legal Access Job Corps Task Force	2014- 2015
American Bar Association, Committee on Resolution and Impact Review	2013-2014
American Bar Association Law Days, Washington D.C	2010- 2012
American Bar Foundation, Fellow, State Co-chair	2010- 2016
Federal Bar Association, Idaho Chapter, Member	2006- 2017
American Inns of Court, Inn No. 130, Bencher	2005- 2017
Idaho District Court ADR Working Group	2013- 2016
Idaho Women Lawyers, Board of Directors	2000- 2012
Idaho Supreme Court Judicial Recruitment Committee	2010

Professional Awards

Outstanding Service Award, Idaho State Bar	2016
Idaho Community Catalyst Award, Fund for Idaho	2015
Kate Feltham Award, Idaho Women Lawyers' highest recognition	2015
Tribute to Women in Industry Award, Women's & Children's Alliance	2015
Dave Judy Civil Rights Service Award, ACLU of Idaho	2015
Exemplary Lawyer Service Award, Idaho Federal Bar Association	2013
Women of the Year, Idaho Business Review	2008

Selected Publications and Presentations

Litigation and Collaboration with the Government, Idaho State Bar	2016
Women under Title VII and the Civil Rights Act of 1964, Idaho State Bar	2015
Idaho Women Lawyers Gala, Keynote Speaker	2015
Science in Litigation: Working with Experts, Idaho State Bar	2015
Same Sex Marriage and the Constitution, University of Idaho College of Law	2014
Marriage and the Fourteenth Amendment, FBA Tri-State Conference	2014
Using ADR in Employment Matters, National Business Institute	2014
"Participating in a Mediation- A Guide for Attorneys," The Advocate	2013
"Eight Benefits of Mediation," The Advocate	2012
"Preparing Your Client for Mediation," The Advocate	2012
The University of Idaho College of Law, Professionalism Speaker Series	2012
Idaho State Bar, swearing in new attorneys, Guest Speaker	2011
Monthly State Bar President's Column, The Advocate	2011
"Last Place is No Place to Be – Women in the Idaho Judiciary," The Advocate	2011
"The Long and Winding Road- Restoration of Sherlock Creek," The Advocate	2008
Environmental Litigation in District of Idaho, Federal Bar Association	2007
Electronic Discovery under New Federal Civil Rules, Inns of Court	2007

Synopsis of some significant cases:

- Challenged Idaho's constitutional ban on same sex marriage in *Latta v. Otter*. Prevailing before the Idaho District Court and Ninth Circuit Court of Appeals, this historic case also struck down other similar marriage bans in the Ninth Circuit.
- Obtained a writ of mandamus from the Idaho Supreme Court on behalf of the Coeur d'Alene Tribe. This case of first impression successfully challenged the constitutionality of a gubernatorial veto, requiring the Idaho Secretary of State to recognize a duly enacted law.
- Represented the United States Department of Energy in a challenge to the continued operation of the nuclear Advanced Test Reactor at the Idaho National Laboratory. The claims under the National Environmental Policy Act were successfully defeated.
- Defended the United States Department of Transportation in an environmental challenge to a major highway construction project. The favorable decision was upheld after an expedited appeal before the Ninth Circuit Court of Appeals.
- Represented a federal supervisor accused of violating the constitutional rights of an employee who died in a work related accident on a national forest. The Ninth Circuit Court of Appeals upheld the defense judgment.
- Civilly prosecuted to stop an illegal mining operation on remote national forest lands that impaired the habitat of endangered and threatened species. The mining operation was permanently shut down, and the area restored to its pristine condition.
- Represented six federal agents in their individual capacities, accused of executing an illegal search warrant in an Idaho home. The case was dismissed against the federal agents.
- Defended an environmental challenge to grazing on over a million acres of public lands in southeast Idaho. After a ten day evidentiary hearing, the federal district court found in favor of the Bureau of Land Management in five of the six causes of action.
- Represented the United States in a contested land exchange in the Yellowstone ecosystem in exchange for the base property of a major ski resort. After defending two appeals to the Ninth Circuit Court of Appeals, the federal land transfer was upheld.
- Represented a federal agent accused of violating the constitutional rights of an individual who was accidentally shot and killed during an arrest. The court found in favor of the agent, at the conclusion of a trial.
- Defended the United States Forest Service in the seminal *Lands Council v. McNair* litigation, which challenged a forest restoration project. The Ninth Circuit Court of Appeals granted an en banc review and then reversed and vacated its prior decision.