

Nicholas M. Clabbers

Nick Clabbers' practice encompasses a wide range of airport matters. Nick is heavily involved in the Firm's administrative, regulatory, and litigation practices. He has represented numerous airport sponsors in proceedings before the Federal Aviation Administration and courts on matters of grant compliance, environmental reviews, and airport development. He also has experience drafting and negotiating use and lease agreements and airport development agreements on behalf of airport sponsors. Nick also counsels public and private entities on compliance with local, state, and federal environmental law. Previously, Nick served in two different legal positions at the United States Environmental Protection Agency, where he worked on several different matters concerning the Clean Air Act and renewable fuel standards.

Representative Experience

Outside Counsel to Airport Sponsors

Representing several airport sponsors in Part 13 and Part 16 Federal Aviation Administration proceedings involving issues of use restrictions, permissible development, unjust economic discrimination, exclusive rights, and Indian law; providing advice on a wide variety of regulatory and transactional matters, including the transfer of federal grant obligations, negotiations of airline use and lease agreements, real estate and land use issues, negotiations with Customs and Border Protection, and compliance with required federal contracting provisions

Rental Car Bankruptcy Consortia

Representing consortia of over twenty airport sponsors in ongoing Hertz Corporation and Advantage Rent-A-Car bankruptcy proceedings

Telluride Regional Airport Authority

Serving as outside general counsel to the Authority, advising on contractual matters, utility easements, compliance with grant obligations, and corporate governance

City of Chicago, Illinois

Represented the City of Chicago in federal and state inverse condemnation litigation surrounding the expansion and development of O'Hare International Airport

City and County of Denver, Colorado

Assisting with the representation of the City and County of Denver in litigation related to the intergovernmental agreement that led to the creation of the Denver International Airport

City of Albuquerque, New Mexico

Successfully represented the City in federal district court and the



Associate

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Areas of Practice

Airport Concessions
Airport Litigation
Airports
Environment, Public Lands, and Conservation
Financial Matters
Grant Assurance and Compliance and Part 16
Noise
Planning and Development
Rules and Regulations and Minimum Standards
Safety and Security
Unmanned Aircraft Systems / Drones
Use and Lease Agreements

Education

J.D., University of Colorado School of Law, 2015
B.S., *magna cum laude*, Pennsylvania State University, 2010
B.A., *cum laude*, Pennsylvania State University, 2010; Schreyer Honors Scholar (University Honors Program)

Bar and Court Admissions

Colorado
District of Columbia
United States Court of Appeals for the Ninth Circuit
United States Court of Appeals for the Tenth Circuit



KAPLAN KIRSCH ROCKWELL

U.S. Court of Appeals for the Tenth Circuit in a case involving the City's planned construction of a new bus rapid transit system following Route 66

U.S. District Court for the District of Columbia

Monterey Bay Aquarium

Provided *pro bono* representation to the Monterey Bay Aquarium in filing an *amicus curiae* brief in the U.S. District Court for the District of Columbia in support of a federal regulation requiring monitoring and recordkeeping for imported seafood, which was later upheld

Summit County, Colorado

Assisted two clients in the transfer and consolidation of several conservation easements to streamline the legal protections and benefits for the property

Professional and Civic Activities / Awards

- Head Ride Ambassador and Board Member, Boulder Cycling Club (2015–2018)
- Rocky Mountain Mineral Law Foundation Scholar (2014–2015)
- Energy and Mineral Law Foundation Scholar (2014–2015)
- Founder and Co-Chair, Orientation Leadership Program (2013)
- University of Colorado School of Law Client Counseling Competition Winner (2012)

Publications

Airport Law Alerts and Semi-annual Airport Law Digests
2015–Present

Airport Law Desk Reference (annual editions)
2015–Present

Airport Law Alert: Airport Law in the Time of COVID-19
05.06.20

States Continue to Dominate PFAS Regulation, Despite Some Federal Efforts
12.19.19

NON-AERONAUTICAL REAL ESTATE DEVELOPMENT:
Practical Considerations and Pitfalls
07.30.19

ACRP Legal Research Digest 36: Legal Issues Related to Implementation and Operation of SMS for Airports
November 2018

The View from the Ground: Airport and Community Perspectives on ATC Reform



KAPLAN KIRSCH ROCKWELL

August 2017

Aviation Fuel Tax Obligations for Local Governments
10.01.15

News

FAA Releases Guidance on Section 163 and Limited Federal
Control Over Airport Property
12.15.20

Illinois Appeals Court Affirms Dismissal Of Takings Claims
Against O'Hare International Airport
06.11.20

Environmental Defense Fund Sues Federal Agencies for Failure
to Release Public Records about Trump Administration Attacks
on Climate Science
10.31.19

D.C. Circuit Affirms Decision on Airport Revenue
04.23.19

Chicago Court Dismisses Takings Claims Against O'Hare
International Airport
12.21.18

Kaplan Kirsch & Rockwell Hosts 34th Annual Airport Law
Workshop
10.28.18

Nick Clabbers Addresses Alma Mater After Student-led Trips Are
Banned
The Daily Collegian
05.06.18

Kaplan Kirsch & Rockwell Hosts 33rd Annual Airport Law
Workshop
10.17.17

National Western Center Framework Agreement Headed for
Final Approval
08.31.17

Court of Appeals Rejects Challenge to City of Albuquerque's
ART Bus Rapid Transit Project
12.13.16

Kaplan Kirsch & Rockwell Hosts 32nd Annual Airport Law
Workshop
11.15.16

Latest News on FAA Reauthorization
07.14.16



KAPLAN KIRSCH ROCKWELL

NM Biz Groups Fight to Curb Route 66 Rapid Transit Plan
Law360
06.15.16

Kaplan Kirsch & Rockwell Welcomes New Associates Heather
Haney, Nate Hunt, and Nick Clabbers
Summer 2015

Presentations

UAS Operation After Recent State and Federal Litigation

Airport Law 101
10.08.20

Introduction and Overview of Managing Environmental Regulator
Aspects of Airport Projects
10.29.19

Legal Issues Unique to General Aviation Airports
10.14.19

Introduction to Airport Law
10.13.19

Safety, Security, and Tort Liability
10.30.18

Research Tools in Airport Law
10.28.18

Airport Safety Management Systems
09.18.18

Airport Contracts: Federal Compliance
09.17.18

ACRP 11-01/8-01: Legal Issues Related to the Implementation
and Operation of SMS for Airports
08.08.18

Safety, Security, and Tort Liability
10.17.17

Research Tools in Airport Law
10.15.17

Legal Issues and Considerations in SMS
08.09.17

Brown Bag Lunch CLE - The Basics of Challenging and
Defending Federal Agency Natural Resource Decisions
09.29.16

