

# Alice B. Mitinger

## Shareholder



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Pittsburgh

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## Overview

Alice brings nearly 30 years of practical legal experience in land use and zoning law, trial and appellate advocacy, and regulatory and administrative law to her work, helping clients overcome obstacles to the successful completion of their development projects. She also counsels and represents clients in election law issues, Right-to-Know law challenges, and tax assessment appeals.

Alice has advised clients across a variety of industries, including real estate development, landfill and waste management, energy and wireless telecommunications. She helps clients to identify and address zoning, land use, and regulatory challenges with creative and practical solutions. She advocates on their behalf before municipal governing bodies and zoning hearing boards, and guides them in understanding and overcoming often-contentious local community and political opposition.

A skilled and accomplished courtroom advocate, Alice's appellate practice includes appeals before federal courts, including the U.S. Supreme Court and the U.S. Court of Appeals for the Third Circuit, as well as the Pennsylvania Supreme, Superior and Commonwealth Courts. Her work involves significant issues of zoning and land use, Right-to-Know law, election law and balloting, and the scope of the state's authority over the financial recovery of distressed municipalities.

Appointed by Pittsburgh Mayor Bill Peduto, Alice serves as Chair of the Zoning Board of Adjustment for the City of Pittsburgh, a three-member panel that meets weekly to adjudicate zoning applications under the Pittsburgh Zoning Code. As chair — and as a board member for a previous term — she has authored significant decisions on zoning that have shaped the growth and development of Pittsburgh's urban landscape.

Committed to civic leadership, Alice has also served in a number of roles, including as vice-chair and a member of the Executive Committee for the Board of Trustees of the Carnegie Library of Pittsburgh; chair of the Audit Committee and a member of the Board of Trustees of the Carnegie Museums of Pittsburgh; and formerly as president and a member of the Board of Trustees of Pittsburgh Arts & Lectures.

## Experience

- As a member of the Zoning Board of Adjustment, authored a number of significant decisions involving

developments throughout the City of Pittsburgh

- Represented wireless communications providers and related site acquisition companies in more than 300 zoning proceedings and related litigation throughout Western Pennsylvania to develop comprehensive communications networks
- Represented third-party clients in Right-to-Know law matters before the Pennsylvania Office of Open Records and Commonwealth Court
- Represented owner of tires-to-energy power plant in obtaining land use approvals to operate
- Involved appeal before the Pennsylvania Supreme Court establishing scope of statewide preemption associated with local regulation of gas and drilling operations under the Pennsylvania Oil & Gas Act
- Successfully challenged several municipal exclusions of telecommunications facilities and obtained site-specific relief to allow proposed facilities, through litigation before the U.S. District Court for the Western District of Pennsylvania, the U.S. Court of Appeals for the Third Circuit, and the Pennsylvania Common Pleas Court and Commonwealth Court
- Prevailed in overcoming spot zoning challenge to a significant municipal sanitary landfill expansion in litigation before the municipality, Common Pleas Court and Commonwealth Court
- Involved in a two-month hearing before municipal council and subsequent appeals related to exclusionary zoning and conditional use applications, ultimately establishing the right of a landfill to undergo major expansion
- Represented the Pennsylvania Department of Community and Economic Development in matters involving the Municipalities Financial Recovery Act (Act 47) and the fiscal recovery plan for the city of Scranton
- Involved in various election law proceedings, including challenge to absentee ballot provision of the Pennsylvania Election Code in litigation before the Allegheny County Board of Elections, the Common Pleas Court, the Commonwealth Court, Pennsylvania Supreme Court, and the U.S. District Court for the Western District of Pennsylvania
- Represented independent electric power producers in litigation against electric utilities under the Public Utility Regulatory Policies Act, before the Pennsylvania Public Utility Commission, the Commonwealth Court, the Pennsylvania Supreme Court, the Federal Energy Regulatory Commission, and the U.S. Supreme Court

## Activities and Affiliations

### Memberships

- Chair, Zoning Board of Adjustment for the City of Pittsburgh, 2014-present
- Member, Zoning Board of Adjustment for the City of Pittsburgh, 2005-2009
- Member, Board of Trustees, Carnegie Library of Pittsburgh, 2004-present
- Life Trustee, Carnegie Museums of Pittsburgh
- Member, Board of Trustees, Carnegie Museums of Pittsburgh, 2004-present
- Chair of the Audit Committee, Carnegie Museums of Pittsburgh, 2011-present
- Co-Director, Alumni Schools Committee, Yale Club of Pittsburgh
- Trustee, Kennedy T. Friend Education Fund, 2012-present
- Past President and Member, Board of Trustees, Pittsburgh Arts & Lectures, 2004-2015

- Member and Secretary, Board of Trustees, The Ellis School, 2002-2010

## Areas of focus

### Practices

- Appellate Advocacy
- Real Estate
- Litigation and Dispute Resolution

### Industry sectors

- Construction
- Energy

## Education

- University of Pittsburgh School of Law, JD
- Yale University, B.A. (History)

## Admissions and qualifications

- Pennsylvania
- US District Court for the Western District of Pennsylvania