

Emily Toler Scott

Senior Counsel

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📍 [Washington, DC](#)



Emily Toler Scott is a Senior Counsel in Conn Maciel Carey LLP's Washington, DC office. Emily helps mine operators navigate the complex world of mine safety and health law. She is a successful litigator who has won dozens of high profile cases, and she has extensive experience navigating agency policymaking and rulemaking both in and outside workplace safety and health.

Mine Safety and Health

Emily advises and represents mine operators and contractors at mines across the country. Her clients extract and process coal, metal, sand and gravel, aggregates, and other minerals.

Before joining Conn Maciel Carey, Emily spent a decade as an attorney for MSHA. She litigated Mine Act cases at trial and on appeal, and she advised MSHA headquarters and district offices about a huge range of regulatory and enforcement policies. She uses her special insight into agency decisionmaking to advise and advocate for her clients.

- Accident and fatality investigations
- Section 110(c) investigations and litigation
- Section 105(c) retaliation/discrimination investigations and litigation
- Defenses against MSHA enforcement action, including informal conferences with MSHA and formal contests with the Federal Mine Safety and Health Review Commission
- MSHA/OSHA jurisdictional disputes
- Compliance with MSHA's new silica rule

Appellate Litigation

Emily is a successful and experienced appellate litigator, having litigated more than 100 appellate cases before state and federal administrative agencies, federal courts, and the United States Supreme Court.

For several years before joining Conn Maciel Carey, Emily directed all MSHA appellate litigation nationwide. Notable wins include defending MSHA's decision not to impose a costly COVID-19 emergency standard and negotiating a consent order that served as the basis for a new MSHA standard expanding mine operators'

flexibility to use electronic surveying equipment underground.

- Representing employers in retaliation, discrimination, and other employment matters before state and federal agencies and in court
- Representing employers in workplace safety and health matters before state and federal agencies, including the Occupational Safety and Health and Federal Mine Safety and Health Review Commissions, and in court
- Filing amicus briefs on behalf of employers and trade associations in cases that may affect them or their members
- Challenging agency regulations in state and federal court

Regulatory Advocacy and Litigation

Emily brings her clients over a decade of experience advising Department of Labor agencies on rulemaking and regulatory issues, and litigating challenges to agency regulations.

- Advocating on behalf of employers and trade associations before federal and state agencies for regulatory changes
- Representing employers and trade associations before agencies during rulemakings
- Challenging agency regulations in state and federal court

Outside the Office

Emily was born and raised in West Virginia, where she lives with her husband, son, and three beagles.

Speaking Engagements

- Emily frequently presents on a variety of topics for the firm's [MSHA Webinar Series](#), [OSHA Webinar Series](#), and [Labor & Employment Webinar Series](#).

Affiliations

- American Bar Association – Workplace and Occupational Safety and Health Law Committee

Education

- J.D., University of Washington School of Law, *with high honors*, 2014
- M.A., University of Washington, 2009
- B.A., Denison University, *summa cum laude*, 2008

Admissions

- DC Bar Admission Pending
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit

- West Virginia