HOLTZMAN VOGEL

Washington, D.C. Office
202-737-8808
ptorstensen@holtzmanvogel.com

New York, NY Office
646-792-9288

Related Practice Areas

- Appellate
- Commercial Litigation
- Constitutional Law
- Election Law
- Environmental
- Faith-Based Organizations
- Government and Congressional Investigations
- Political Law
- State Attorneys General

Peter M. Torstensen, Jr.

Of Counsel

Peter M. Torstensen, Jr. is Of Counsel at Holtzman Vogel, where he focuses his practice on high-stakes appellate and constitutional litigation, including environmental and natural resources matters and matters involving state attorneys general and federal agencies. Drawing on senior roles at the U.S. Department of Justice and in a State Attorney General's Office, Peter brings extensive experience navigating complex issues related to government enforcement and constitutional advocacy.

Before joining Holtzman Vogel, Peter served as Deputy Assistant Attorney General in the U.S. Department of Justice, in the Energy and Natural Resources Division. In that role he supervised three litigating sections and advised federal agencies on litigation risk and strategy, including on challenges to federal projects and agency approvals under the National Environmental Policy Act, Endangered Species Act, Outer Continental Shelf Lands Act, and Federal Land Policy Management Act, among others.

Before joining the Department, Peter served as Deputy Solicitor General in the Montana Department of Justice, where he led dozens of multistate amicus coalitions before the Supreme Court and the federal courts of appeals, and defended Montana against constitutional challenges to its TikTok divest-or-ban law, its prohibition on discrimination based on vaccination status, and its age-verification law. He also successfully briefed and argued appeals and dispositive motions in federal court.

Before joining the Montana Department of Justice, Peter clerked for the Honorable Peter J. Phipps on the U.S. Court of Appeals for the Third Circuit, the Honorable Martha M. Pacold on the U.S. District Court for the Northern District of Illinois, and the Honorable Margaret A. Ryan on the U.S. Court of Appeals for the Armed Forces. He also served as a Constitutional Law Fellow at The Becket Fund for Religious Liberty and began his career as a litigation associate in New York.

Education

- University of Notre Dame Law School, J.D., *magna cum laude*
  - Notre Dame Law Review, Articles Editor
- University of California, Los Angeles, B.A., Economics

Bar & Court Admissions

- District of Columbia Bar
- New York Bar
- Montana Bar
- Supreme Court of the United States
- U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, and D.C. Circuits
- U.S. District Courts: District of D.C., District of Montana, District of North Dakota, Eastern District of Texas

Clerkship/Government Experience

- Deputy Assistant Attorney General, U.S. Department of Justice, Energy and Natural Resources Division (2025-2026)
- Deputy Solicitor General, Montana Department of Justice (2022-2025)
- Law Clerk, Honorable Peter J. Phipps, U.S. Court of Appeals, Third Circuit (2021-2022)
- Law Clerk, Honorable Martha M. Pacold, U.S. District Court, Northern District of Illinois (2020-2021)
- Law Clerk, Honorable Margaret A. Ryan, U.S. Court of Appeals, Armed Forces (2018-2019)
- Extern, Honorable Roger T. Benitez, U.S. District Court, Southern District of California (Summer 2014)

Representative Matters

U.S. Department of Justice

- Successfully argued and secured a unanimous D.C. Circuit panel decision denying petition for review challenging EPA's extension of compliance deadlines for certain national emissions standards for hazardous air pollutants in *Clean Air Counsel v. EPA*.
- Successfully argued and secured a published Tenth Circuit panel decision affirming district court's dismissal of a challenge to OSMRE's decision approving a revised federal coal leasing permit in *Citizens for Constitutional Integrity v. United States*.
- Assisted in formulating litigation strategy for legal challenges to high-profile agency rules, including Interior's and USDA's new National Environmental Policy Act implementing regulations and Interior' and Commerce's recission of the regulatory definition of "harm" under the Endangered Species Act.

Montana Department of Justice

- Successfully argued and secured unanimous Ninth Circuit panel decision reversing a district court's injunction reinstating a federal coal-leasing moratorium in *Citizens for Clean Energy v. Interior*.
- Successfully argued a motion for summary judgment defending an agency's approval of federal oil and gas leases in *Dakota Resource Council v. Interior*.
- Authored and served as counsel of record for a petition for writ of certiorari in *Montana v. Planned Parenthood of Montana*, which sought review of a Montana Supreme Court decision finding that a minor's state fundamental right to an abortion did not conflict with a parent's federal fundamental right to direct their minor child's medical care.
- Co-authored and served as counsel of record for a petition for writ of certiorari in *Jacobsen v. Montana Democratic Party*, which sought review of a Montana Supreme Court decision invalidating state elections laws to determine the standard to be applied to determine when a state court's decision invalidating state election laws under the Elections Clause exceeds the boundary of ordinary judicial review.
- Authored and served as counsel of record for a petition for writ of certiorari in *Montana v. Gibbons*, which sought review of a Montana Supreme Court decision reversing a conviction on the grounds that it violated the Excessive Fines Clause.
- Co-authored and served as counsel of record for a 25-state amicus coalition in *United States v. Hansen*, contributing to a 7-2 decision limiting the Ninth

Circuit's First Amendment overbreadth doctrine.

- Authored and served as counsel of record for an 18-state cert-stage amicus coalition and 24-state merits-stage amicus coalition in *NRA v. Vullo*, contributing to a 9-0 decision on First Amendment coercion.
- Co-authored and served as counsel of record for a 27-state cert-stage amicus coalition and 28-state merits-stage amicus coalition in *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, contributing to a unanimous decision finding that Mexico's lawsuit was barred under the Protection of Lawful Commerce in Arms Act.
- Authored and served as counsel of record for a 26-state cert-stage amicus coalition *Wolford v. Lopez*, which the Court granted for the OT2025 merits docket.
- Co-authored and served as counsel of record for a 21-state amicus coalition in *TikTok v. Garland*, contributing to the panel's decision denying TikTok's petition for review challenging the Protecting Americans from Foreign Adversary Controlled Applications Act.
- Authored and served as counsel of record for several multi-state amicus coalitions in the federal courts of appeal supporting parental rights and religious liberty interests.
- Defended Montana against constitutional challenges to H.B. 702, its prohibition on discrimination on the basis of vaccination status, leading to a favorable 3-0 decision from the Ninth Circuit in *Montana Medical Ass'n v. Knudsen*.

News & Insights

- Holtzman Vogel Adds Former DOJ Deputy Assistant Attorney General Peter Torstensen to Appellate and Constitutional Litigation Practice

Publications

- Recent Case, Ohio v. Clark, 91 Notre Dame L. Rev. Online 147 (2016)
- Note, *The Curious Case of* Seminole Rock*: Revisiting Judicial Deference to Agency Interpretations of Their Ambiguous Regulations*, 91 Notre Dame L. Rev. 815 (2015)

Speaking Engagements

- Panelist, TikTok v. Garland: *Intellectual Property at the Supreme Court*, American University College of Law (January 10, 2025)
- Panelist, *Supreme Court Review*, Silicon Valley Lawyers Chapter, The Federalist Society (April 9, 2024)
- Panelist, Murthy v. Missouri: *Intellectual Property at the Supreme Court*, American University College of Law (March 18, 2024)

Community Involvement

- Fellow, American Conservatism and Governing Fellowship, Manhattan Institute (2024)
- Fellow, James Wilson Institute on Natural Rights and the American Founding (2018)
- Federalist Society, Member