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New Gibbons Environmental Partners Discuss Regional Practice Expansion

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GIBBONS P.C.

As the economy continues to recover, albeit slowly, law firms are again investing in practice expansion to meet clients' evolving needs. Firms are studying the economic landscape and industry trends, as well as their own cultures, market positions, geographic reach, and fiscal situations to determine whether practice expansion is warranted, feasible, and likely to be effective, whether through lateral hiring, merger, or addition of services.

One of the areas Gibbons P.C. positioned for targeted growth in 2012 is its Environmental Team, an integral group within its broader Real Property & Environmental Department. This summer, the firm added three directors (partners) and two associates to the team, in both its Newark and New York offices: **William (Bill) S. Hatfield** and **Camille V. Otero** joined the Newark office as directors, and **Harry H. Clayton, IV**, and **Adam C. Arnold** as associates, all from Day Pitney LLP. **David J. Freeman**, formerly of Paul Hastings LLP, joined the firm's New York office.

Following is a discussion with the three new directors – Mr. Hatfield, Ms. Otero, and Mr. Freeman – about the firm's reasons for expanding and diversifying its practice in the environmental arena, as well as how this decision complements the firm's broader growth and client service strategies.



**William S.
Hatfield**



**Camille V.
Otero**



**David J.
Freeman**

The decision to expand its Environmental Team was a tactical move by Gibbons within the framework of a specific, firm-wide business strategy. Talk about that strategy.

Overall, the firm's business model is focused on offering high-quality, cost-effective middle-market legal services to Fortune 500 clients and middle-market businesses; that is, we handle major transactions and litigation for mid-market companies (with annual revenues of \$100 million to \$2.5 billion) and mid-market transactions and litigation for major companies, notably in the Mid-Atlantic region.

Within the context of the environmental practice, this strategy plays out through the representation of local, national, and international corporations, as well as public entities, with a particular focus on litigation, regulatory matters, and business and real property transactions throughout our broad geographic region. With roughly a dozen attorneys admitted in both New Jersey and New York, including former environmental scientists and engineers, the Gibbons Environmental Team rivals or exceeds in scope, reach, and talent the Mid-Atlantic's top-tier environmental practices.

Why is the environmental law market poised for growth, particularly regional growth?

Clients' needs are becoming more regional. There are at least five reasons the environmental law

market is poised for growth in the tri-state region:

The market for real estate and corporate transactions is improving. Companies are expanding, and properties are being developed. These transactions, particularly in built-up urban areas, almost always require the input of environmental counsel to assist in the drafting of environmental terms in transaction documents and in environmental due diligence with respect to acquired properties and business. Moreover, as companies expand throughout the region, adding locations in various states, they need environmental counsel that understands the laws and regulations of numerous jurisdictions.

As the price of real estate increases, there are greater opportunities for developing more environmentally challenged properties (i.e., "brownfields"). Brownfield transactions are more challenging than typical real estate transactions and often require significant involvement of environmental lawyers.

The United States Environmental Protection Agency is becoming more aggressive in tackling larger, more complicated Superfund sites such as the Passaic River, Newark Bay, and Berry's Creek in New Jersey and the Gowanus Canal and Newtown Creek in New York. These sites

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involve literally hundreds of potentially responsible parties, each of whom needs competent counsel to assist with the factually and legally challenging issues presented by the cleanups proposed for these sites.

In New Jersey, the Licensed Site Remediation Professional (LSRP) program is now implemented and the New Jersey Department of Environmental Protection (NJDEP) has transferred oversight for a majority of contaminated sites to the private sector for cleanup. Now free from oversight of these sites, NJDEP may increase its enforcement of environmental regulations – which we are monitoring for our clients.

In New York State, new policies of the Department of Environmental Conservation have once again made the State's Brownfield Cleanup Program, with its tax credits for both cleanup and development expenses, an attractive option for those wishing to redevelop contaminated properties. And New York City has initiated the first municipal brownfield program in the country, with nearly 100 sites participating or in the process of being enrolled.

Why did you join Gibbons?

We chose Gibbons because it is a well-respected, well-run firm. The firm's dynamic leadership has resulted in its steady growth over the last six years despite a downturn in the economy and legal marketplace, and it is well positioned to continue its growth into the future. In addition, its already active Environmental Team had exceptional credentials that we found highly attractive; on top of an impressive client base and top rankings and accolades in the industry's most prestigious league tables, the Team just in the past year could boast such achievements as authorship of key chapters in preeminent treatises; important leadership positions in bar and professional associations; editorial board positions with leading industry publications; and recognition by LexisNexis in 2011 for its *RPE Law Alert* as a "Top 50 Environmental Law & Climate Change" blog.

Moreover, we were highly impressed with the diversity and depth of the backgrounds of the Gibbons Environmental Team; the attorneys possess key

experience that informs the firm's current environmental practice. One of our new partners previously served as a Deputy Attorney General for the State of New Jersey, where he represented and advised the New Jersey Department of Environmental Protection (NJDEP) and the New Jersey Board of Public Utilities in connection with solid waste, telecommunications, cable, energy, and water matters.

The Team's rising stars are similarly accomplished. One associate spent nearly ten years as an environmental scientist and environmental policy specialist, including work for the NJDEP, where he managed and conducted research on coastal pollution and resource contamination, performed risk assessments, and provided technical support for natural resource damage claims related to several large oil spills. Another was an environmental engineer for Metcalf & Eddy, Inc. (AECOM) and was involved in the design and construction management of upgrades to water and wastewater treatment facilities servicing the City of New York.

Most important to our decision to join Gibbons, however, was the fact that so many of the firm's wide-ranging practice areas complement our practices; we believe we can add a dimension to its ability to serve its existing clients. That is, when needed, we can provide the environmental component to the firm's real estate, land use, corporate, government affairs, and related transactions and litigation. Many of the firm's clients in other practice areas, including intellectual property and products liability, for example, often face environmental issues with which we can assist. Similarly, Gibbons is an exceptional match overall for our clients' needs and could potentially provide services to them in a range of areas. The net result will be the ability to offer better, more full-spectrum service to both the firm's and our current clients, as well as to develop new business opportunities for the firm.

What does each of you bring to the Gibbons environmental practice? Describe how your practice (what you're doing, where and how you're doing it) both reinforces the skill set and services of the firm's existing envi-

ronmental team but also brings new, distinct skills and focus.

Gibbons has a robust real estate practice as well as a well-respected environmental practice. Both are principally centered in New Jersey.

David brings more than 30 years of New York-based environmental experience to the firm, which will facilitate New Jersey-based clients, to a much greater extent than in the past, using Gibbons for New York-based real property and corporate transactions, and cleanup litigation, involving environmental issues. His representations include such high-profile matters as the redevelopment of Willets Point in Queens, NY, and the remediation of the Gowanus Canal in Brooklyn. His national Superfund experience – he has served as counsel at more than 100 Superfund sites – complements and brings greater depth to the firm's existing experience in this area.

Bill and Camille also expand the firm's regional capabilities. They both have extensive experience in federal and state environmental litigation, Bill for over 20 years and Camille for over 14 years. Bill also counsels clients on various types of matters in New Jersey and New York related to the oversight of environmental investigations, cleanup, natural resource damages, permitting, and enforcement issues. Camille further assists clients in remediation activities, compliance, and environmental due diligence, also in both New Jersey and New York. They are very active in New Jersey's largest sediment cleanup and litigation matters involving the Passaic River and Newark Bay Complex, expanding the firm's already significant experience and proficiency in this area of environmental law.

Finally, we believe that our reputations fit the kind of profile and recognition that Gibbons has earned in recent years. For example, we three partners are ranked in the most recent edition of the *Chambers USA Guide to America's Leading Lawyers for Business*; as a result of our joining the Gibbons Environmental Team, five of its six directors have achieved this distinction – an unusually high percentage and an achievement to be proud of, which persuades us even more that our decision to join the firm was the right one.