

# MORGAN LEWIS ENVIRONMENTAL PRACTITIONERS

**M**ore than 100 attorneys in 10 of Morgan Lewis' 12 offices work together to meet the national and international environmental law needs of our clients. The resumes that follow give brief introductions to Morgan Lewis environmental attorneys. A list of representative publications by Morgan Lewis attorneys, a list of specific practice area coordinators, and a phone list for all environmental attorneys complete this section of the *Deskbook*.

# ATTORNEY RESUMES

## WASHINGTON

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### PARTNERS

#### John Quarles

John Quarles, a partner in the Tort, Environmental and Construction (TEC) Practice, was formerly with the EPA. There, he served as its first General Counsel and Assistant Administrator for Enforcement, then for four years as Deputy Administrator and, briefly, as Acting Administrator. Mr. Quarles writes extensively on environmental issues. He is the co-author of *The NEW Clean Air Act: A Guide to the Clean Air Program as Amended in 1990* and is the author of *Cleaning Up America; Federal Regulation of New Industrial Plants*; and *Federal Regulation of Hazardous Waste: A Guide to RCRA*. He is a member of the Board of Directors of the Christian Broadcasting Network and the former chairman of the Environmental Quality Committee of the American Bar Association. He also is the founder of, and serves as counsel to, The Information Network for Superfund Settlements.

**B.A., Yale University; LL.B., Harvard University**

#### Ralph N. Albright, Jr.

For more than 20 years since graduating first in his law school class, Ralph N. Albright, Jr. a Litigation Practice partner, has concentrated on handling complex litigation, including private-party cost recovery, and has also handled one of the nation's largest natural resource damages lawsuits. In addition, Mr. Albright has represented both claimants and defendants in Superfund litigation involving joint ventures and subsidiary corporations.

**B.A., University of Pittsburgh; J.D., American University**

#### A. Elizabeth Bierman

A. Elizabeth Bierman is a partner in the FDA Practice and a member of the interdisciplinary Life Sciences Practice Group. Ms. Bierman represents corporate clients in FDA regulatory and compliance matters relating to the development, manufacture and marketing of medical devices, prescription and over-the-counter drugs, food additives and other products. She works with the Environmental Practice Group on client matters involving products that have overlapping EPA-FDA jurisdiction and has counseled trade associations in advertising matters related to environmental marketing claims. Ms. Bierman has written several articles concerning FDA regulatory issues and is a contributor to the *Regulatory Affairs Journal*, a U.K. medical device publication.

**B.A., University of Virginia; J.D., Catholic University**

## **Francis L. Casey, III**

Francis L. (Frank) Casey, III is a partner in the firm's Labor and Employment Law Practice. He has participated in enforcement proceedings before the U.S. Occupational Safety and Health Review Commission, the Federal Mine Safety and Health Review Commission, and various state OSHA enforcement tribunals. In addition, he is co-author of a chapter in the supplement to *Occupational Safety and Health Law* and wrote a book review on an OSHA law treatise for the *Transportation Law Practitioners Journal*. He served as editor of the *Georgetown Law Journal* and clerked for the U.S. Court of Appeals for the Fourth Circuit.

**A.B., Georgetown University; J.D., Georgetown University**

## **Alan F. Coffey, Jr.**

Alan F. Coffey, Jr., a partner in the Antitrust Practice, chairs the firm's Legislative Practice Group. His practice focuses on advising clients on legislation, legislative strategy, parliamentary procedure and campaign spending laws. He also advises clients on such public policy issues as matters pending before various federal departments and agencies. Prior to joining the firm in June 1997, Mr. Coffey spent more than 25 years on Capitol Hill, working on a broad array of issues, with a particular emphasis on antitrust administrative law, legal reform/product liability, bankruptcy, intellectual property and telecommunications issues, and government contracts. From 1981 to 1983, Mr. Coffey was Deputy General Counsel of the U.S. Department of Housing and Urban Development (HUD). From 1983 to 1994, he held the position of the Judiciary Committee's Chief Republican Counsel. Most recently, he served as the General Counsel and Staff Director of the House Judiciary Committee from January 1995 until March 1997.

**B.A., LeMoyne College; M.A., American University; J.D., Georgetown University Law Center**

## **Sandra J.P. Dennis**

Sandra J.P. Dennis is a partner in the FDA Practice, as well as a member of the interdisciplinary Life Sciences Practice. She concentrates in the regulatory, legislative and policy aspects of food, drug and medical device law. Ms. Dennis has more than 15 years of experience counseling clients on Food and Drug Administration product approvals, market exclusivity, compliance and enforcement matters. She also advises companies on legislative and policy matters impacting FDA-regulated entities, and provides strategic planning assistance for clients. She has worked closely with medical professional and patient advocacy groups, and has a particularly comprehensive background working in reproductive and women's health. Ms. Dennis regularly lectures on drug and medical devices issues at seminars sponsored by the Food and Drug Law Institute, the American Bar Association, the Regulatory Affairs Professionals Society and other organizations, and has written articles and textbook chapters on drug promotion and medical device regulation.

**B.A., Pennsylvania State University; J.D., University of South Carolina**

## **George L. Edgar**

George L. Edgar manages Morgan Lewis' Energy Practice and also heads the Nuclear Energy Practice Group. He began his career as a nuclear engineer on the staff of Admiral H. G. Rickover. Since 1970, he has served as lead counsel for electric utilities, nuclear reactor manufacturers and nuclear fuel cycle companies in a series of high profile nuclear and environmental controversies, including the Clinch River Breeder Reactor Plant, the Three Mile Island accident and a number of commercial nuclear plant projects before the NRC, the federal courts and various congressional oversight committees.

**A.B. and B.M.E., Dartmouth College; J.D., George Washington University**

## **Kevin P. Gallen**

Kevin P. Gallen is a partner in the firm's Energy Practice. He has participated in commercial transactions and regulatory proceedings for new power plants and other energy-related facilities before the NRC, Federal Energy Regulatory Commission, and the U.S. Securities and Exchange Commission, including the environmental reviews and approvals associated with these projects. He has also been actively involved in government contracts matters, and decommissioning and decontamination issues related to the cleanup of nuclear facilities and sites, as well as issues related to the treatment and disposal of nuclear wastes. A registered professional engineer, Mr. Gallen also regularly serves as an arbitrator and mediator for the American Arbitration Association on disputes arising under major construction contracts.

**B.A. and B.S.C.E., Villanova University; J.D., Harvard Law School**

## **William L. Gardner**

William L. Gardner is a partner in Morgan Lewis' Litigation Practice. Mr. Gardner formerly served as co-chair of the firm's Corporate Investigations and Criminal Defense Practice Group, and has represented a number of clients in environmental criminal matters. From 1971 to 1979, Mr. Gardner held several government posts, including Chief of the Criminal Civil Rights Section at the U.S. Department of Justice.

**A.B., Duke University; J.D., American University**

## **James A. Glasgow**

James A. Glasgow, a partner in the Energy Practice, began working on environmental law issues in 1970 as a charter member of the Pollution Control Section of the U.S. Department of Justice's Land and Natural Resources Division. There, he litigated various actions involving the dredging and discharge of materials into navigable waters. He has argued a number of appeals before several U.S. courts of appeals in precedent setting cases, including *International Harvester Co. v. Rudelshaus*, 478 F.2d 615 (D.C. Cir. 1973). From 1974 to 1976, he litigated environmental and other cases as a senior attorney in the Office of General Counsel of the Atomic Energy Commission and the NRC. From 1976 to 1981, he provided counsel on international environmental and other matters as a senior legal advisor and Deputy Assistant General Counsel for the Energy Research and Development Administration and the U.S. Department of Energy. Since entering private practice in 1981, Mr. Glasgow has advised clients on environmental issues arising from the export, import and transportation of nuclear materials and hazardous waste, as well as the performance of contracts with the Department of Energy and other federal agencies. Mr. Glasgow is chairman of the Board of Directors of WM Symposia, Inc., a non-profit corporation that presents annual environmental remediation

and nuclear waste management conferences. From 1969 to 1970, he was a law clerk for Chief Judge Richard Chambers of the U.S. Court of Appeals for the Ninth Circuit.

**B.A. and J.D., University of Arizona**

## **Kathryn L. Gleason**

Kathryn L. Gleason is a partner responsible for FDA-related matters and manages the FDA Practice within the firm. Ms. Gleason is also a member of the Life Sciences Practice Group. She is involved in counseling and litigation for a broad array of international clients on regulatory and legal issues involving the manufacture and marketing of medical devices and pharmaceuticals, as well as other products regulated by the FDA. She works closely with the firm's environmental attorneys on health claim, disinfectant, and other product issues involving overlapping EPA and FDA jurisdiction. Ms. Gleason has spoken at numerous U.S. and international programs concerning such issues as clinical testing of FDA-regulated products, FDA product reviews, post-market reporting, U.S. product liability, biotechnology developments, medical device compliance and related issues. She also has taught various law courses and written extensively on issues concerning the Food and Drug Administration.

**B.A., Johns Hopkins University; J.D., Georgetown University**

## **Jay M. Gutierrez**

Jay M. Gutierrez is a partner in the firm's Energy Practice. He represents utility companies in a variety of matters before the U.S. Nuclear Regulatory Commission, including inspection, investigation and enforcement issues. An active lecturer at conferences on nuclear matters, Mr. Gutierrez also published a text, *Fundamentals of Nuclear Regulation in the United States*. Mr. Gutierrez joined the U.S. Nuclear Regulatory Commission in response to an increase in litigation following the accident at Three Mile Island and served as a hearing attorney in the Office of the Executive Legal Director from 1980 to 1983. From 1983 to 1989, Mr. Gutierrez was regional counsel to the U.S. Nuclear Regulatory Commission, Region 1. In that capacity, he provided legal review of NRC inspections and investigations, as well as regional operational readiness assessments that became partial bases for numerous licensing decisions for nuclear power plants throughout the Northeast.

**B.A. and B.S., Georgetown University; J.D., Rutgers University**

## **Michael F. Healy**

Michael F. Healy, a partner in the Litigation Practice, litigates various environmental matters, including NEPA applicability and mitigation issues, ground water degradation and nuclear site decommissioning issues before the federal courts, the Federal Energy Regulatory Commission, and the NRC. Mr. Healy is a *magna cum laude* graduate of the Harvard Law School and was an editor of the *Harvard Law Review*. Upon graduation, he served as a law clerk to Judge Inzer B. Wyatt, U.S. District Court for the Southern District of New York.

**B.A., New York University; J.D., Harvard Law School**

## **William H. Lewis**

William H. Lewis, a partner in the Tort, Environmental and Construction (TEC) Practice Group, has a comprehensive background in environmental law and, particularly, on clean air issues. He represents trade association and corporate clients in numerous federal rulemakings under the 1990 Clean Air Act Amendments, challenges to such rulemakings in the D.C. Circuit, enforcement litigation, state implementation plan litigation, other trial and appellate litigation, and a broad range of other proceedings under the 1990 Amendments. He serves as counsel to the Clean Air Implementation Project, a group of more than 20 major corporations organized to address key issues of interest to a broad cross-section of industry under the 1990 Amendments. Mr. Lewis is also counsel to the Clean Air Act Information Network, an organization made up of more than 40 corporations and law firms, which provides educational and information services. He is a member of EPA's national Clean Air Act Advisory Committee and the co-chair of the Committee's subcommittee on air toxics, permitting and enforcement issues. Mr. Lewis has taught a course on the Clean Air Act at the University of Virginia Law School. His previous positions include director of the Congressionally-established National Commission on Air Quality and executive officer of the California Air Resources Board. Mr. Lewis co-authored *The NEW Clean Air Act: A Guide to The Clean Air Program As Amended in 1990* and authored *Title V Permitting Under the Clean Air Act*. He also has written numerous articles on environmental regulation and related constitutional issues.

**B.A. and J.D., University of North Carolina**

## **Stephen Paul Mahinka**

Stephen Paul Mahinka, who manages the firm's Antitrust Practice and also a member of the interdisciplinary Life Sciences Practice Group, is the author of more than 50 articles in the areas of food and drug, and antitrust and trade regulation law. He has been a member of the Editorial Advisory Board of the *Food and Drug Law Journal*. Mr. Mahinka is also a regular speaker at programs sponsored by the Food and Drug Law Institute, the Regulatory Affairs Professionals Society, and other groups in both the United States and Japan on such subjects as the development and marketing of drugs and devices in the new managed care environment, pharmaceutical industry restructuring and new marketing approaches, biotechnology regulation, OTC drug approval, and marketing strategies concerning patent term extension and marketing exclusivity, and regulation of food components and contaminants. He was executive editor of the *Harvard International Law Journal*. Following law school, he was a law clerk to the Chief Justice of the Massachusetts Appeals Court. Mr. Mahinka is a former trustee of The Johns Hopkins University.

**B.A., The Johns Hopkins University; J.D., Harvard University**

## **Floyd L. Norton IV**

Floyd L. Norton IV, a partner in the firm's Energy Practice, concentrates on electric utility issues, with an emphasis on utility responses to competition. He has practiced in the utility and energy field since receiving his law degree from the University of Virginia in 1975. A vice chairman of the Antitrust Committee of the ABA Public Utility Law Section and a former vice chairman of the Electric Power Committee of the ABA Natural Resources Law Section, Mr. Norton has extensive experience in electric utility wholesale, and transmission rates and regulation, cogeneration and independent power production, and the negotiation and drafting of power contracts. He is currently working on several utility merger and restructuring initiatives, as well as on utility responses to industrial competition. Mr. Norton has spoken at numerous conferences on issues that included utility restructuring, stranded costs, the wholesale service obligation of electric utilities, access to electric transmission and distribution lines, competition for industrial customers, and independent

power production. In addition, Mr. Norton is the author of several articles and primary author of a handbook on electric power purchasing.

**B.A. and J.D., University of Virginia**

## **Anthony C. Roth**

Anthony C. Roth, a partner in the Litigation Practice, works with Clean Water Act, Superfund, Clean Air Act, and NEPA litigation, and with environmental claim issues raised in bankruptcy proceedings. He also handled toxic tort litigation as an attorney with the U.S. Department of Justice in the Environmental and Occupational Disease Litigation Unit. Mr. Roth clerked for the Michigan Supreme Court and the U.S. Court of Appeals for the Sixth Circuit.

**B.A., Goshen College; J.D., University of Notre Dame**

## **Kenneth A. Rubin**

Kenneth A. Rubin, a partner in the Tort, Environmental and Construction (TEC) Practice, served as the principal environmental law instructor to the U.S. Army Corps of Engineers for more than a decade, emphasizing RCRA, CERCLA, the Clean Water Act, endangered species, and NEPA. Mr. Rubin served with the Office of General Counsel of the EPA, and the Appellate Section, Environment and Natural Resources Division of the U.S. Department of Justice. He has lectured in Japan, and has been a frequent guest instructor at Cornell University's Law School, Business School and College of Engineering. His books and articles include the "Safe Drinking Water Act" chapter of the *Environmental Law Practice Guide* (Matthew Bender), *Environmental Spill Reporting Handbook* (West Group), *Environmental Controls in the European Community*, *Federal Regulation of Toxic Substances*, *Superfund in the Courts*, *Federal Environmental Law Constraints on Drinking Water Supply Development*, and *What the Business Executive Needs to Know About Environmental Laws and Regulations*. His master's thesis addressed the use of activated carbon and chlorine in converting municipal sewage to drinking water. He conducts environmental audits of firm clients, using a comprehensive computer program to thoroughly assess compliance with all environmental laws. Mr. Rubin has assisted companies in resolving multi-state compliance issues using EPA's "Self-Policing Policy," which provides substantial incentives for voluntary notification of violations detected in environmental audits.

**B.S. and M.S., Environmental Eng., Cornell University; J.D., Cornell Law School**

## **Kathleen M. Sanzo**

Kathleen M. Sanzo, a partner in the FDA Practice and a member of the interdisciplinary Life Sciences Practice Group, concentrates in counseling and litigation for a broad array of U.S. and international clients on Food and Drug Administration, and related regulatory and legal issues involving the manufacture and marketing of prescription and over-the-counter drugs, biologics, novel foods, medical devices and biotechnology-derived products. Her practice has involved advising clients about pre-market review of drug and medical device products, post-market reporting, inspection/enforcement matters, marketing issues associated with product promotion and health care reimbursement and pricing, product liability issues, and representation with respect to state and multi-state investigations of FDA-regulated products. Ms. Sanzo was a Food and Drug Law Institute Fellow in 1983, and clerked in the FDA Office of General Counsel from 1983-1984. She has spoken at conferences in the U.S. and Europe on the regulation of biotechnology products and other FDA-regulated matters. She also has authored several articles concerning FDA, health

care reimbursement issues and the restructuring of the pharmaceutical industry, and biotechnology and drug product regulation in both the U.S. and Japan.

**B.A., Duke University; J.D., Emory University; LL.M., George Washington University**

## **Donald J. Silverman**

Donald J. Silverman, a partner in the Energy Practice, represents NRC materials licensees, nuclear power plant operators, DOE nuclear facility contractors, and low-level waste treatment and processing companies on the full range of licensing and regulatory issues associated with the possession of radioactive materials, and the generation, treatment, storage and disposal of low-level and mixed wastes. He has spoken extensively on such topics as the regulation of mixed wastes, the storage and disposal of low-level waste, and nuclear regulation of DOE facilities. He has represented an *amicus curiae* group in litigation before the U.S. Supreme Court regarding the 1985 Low-Level Radioactive Waste Policy Amendments Act.

**B.A. and J.D., University of Pittsburgh**

## **Grace E. Speights**

Grace E. Speights, a partner in the Labor and Employment Law Practice, focusing primarily in claims litigation and class actions. Ms. Speights also has had extensive experience in Superfund, toxic tort and products liability, and insurance coverage litigation. She teaches products liability as an adjunct professor at the Washington College of Law of American University. Ms. Speights clerked for Senior Judge Aubrey E. Robinson, Jr., U.S. District Court for the District of Columbia.

**B.A., University of Pennsylvania; J.D., George Washington University**

## **Mark A. Srere**

Mark A. Srere is a partner in the Corporate Investigations and Criminal Defense Practice. Mr. Srere has in-depth experience in handling both criminal and civil investigations from government agencies on environmental matters, including EPA, DOT, NTSB and DOJ Environmental Crimes Section investigations. In addition, he has assisted many corporations in corporate compliance issues. Mr. Srere also has extensive experience in civil litigation in areas that range from complex toxic torts to medical malpractice and commercial litigation. He served as an articles editor on the *Texas Law Review* and clerked on the United States Court of Appeals for the Fifth Circuit.

**B.A., Reed College; J.D., University of Texas School of Law**

## **Michael W. Steinberg**

Michael W. Steinberg, a partner in the Tort, Environmental and Construction (TEC) Practice, concentrates on hazardous waste litigation and counseling under RCRA and CERCLA. Among his best-known cases is *United States v. Olin*, 927 F Supp. 1502 (S.D. Ala. 1996), rev'd, 107 F.d. 1506 (11th Cir. 1997), where the trial court declared Superfund liability to be non-retroactive and struck down its application to localized contamination as violative of the Commerce Clause. Mr. Steinberg also defended a RCRA landfill permit against an environmental justice challenge before EPA's Environmental Appeals Board in the first case to interpret President Clinton's 1994 Executive Order on environmental justice. He has also served as common counsel at the BROS Superfund site in New Jersey, where he negotiated a landmark settlement under which

the U.S. Department of Defense was to pay most of the \$300 million in cleanup costs at the site. Mr. Steinberg served as lead counsel in *Shell Oil Co. v. EPA*, 950 F.2d 741 (D.C. Cir. 1991). In that case, he persuaded the D.C. Circuit to overturn EPA's "mixture" and "derived-from" rules under RCRA. Before he rejoined the firm in 1987, Mr. Steinberg was Assistant Chief of the Environmental Defense Section at the U.S. Department of Justice, where he supervised and handled litigation under all of the federal environmental statutes. His article, "Environmental Justice and RCRA Permits: Nothing Is Quite What It Seems," was published in the *BNA Environment Reporter*. From 1977 to 1979, Mr. Steinberg served as a judicial law clerk to Judge Alfred L. Luongo in the U.S. District Court for the Eastern District of Pennsylvania.

**B.A., Yale University; J.D., University of Pennsylvania**

### **Howard T. Weir III**

Howard T. Weir III, a partner in the Litigation Practice, litigates a variety of environmental matters, including a complex Superfund case entailing significant natural resource damages. Mr. Weir also handles environmental insurance claims and coverage issues. Mr. Weir served as a law clerk to Judge Walter P. Gwin, U.S. Court of Appeals for the Fifth Circuit.

**A.B., University of California, Berkeley; J.D., University of Alabama**

## **OF COUNSEL**

### **Michael A. Bauser**

Michael A. Bauser is of counsel in the Energy Practice. Mr. Bauser's work involves representation of electric utilities and other clients concerning matters related to NRC and EPA regulation. He also has substantial responsibility for the firm's representation of the electric utility industry's nuclear waste and transportation program organized under the auspices of the Nuclear Energy Institute. Mr. Bauser has written a number of articles concerning atomic energy law. These include: "Recent Decisions Concerning the Department of Energy's Commercial Radioactive Waste Disposal Program," in the *Energy Law Journal*; and "United States Nuclear Export Policy: Developing the Peaceful Atom as a Commodity in International Trade," in the *Harvard International Law Journal*. He has also presented a number of speeches and papers on topics associated with nuclear law.

**B.S., Stanford University; J.D., Georgetown University**

### **John E. Daniel**

John E. Daniel, of counsel in the Complex Commercial Litigation Practice, is a former Chief of Staff to the Administrator of the EPA, and held environmental legal positions in Alabama and Ohio. Mr. Daniel has been involved in environmental legislation, regulation, policy and contracting in the private sector, and federal and state governments for nearly all of his career. Mr. Daniel counsels environmental and engineering management firms on risk-sharing policies and legislation, government contract compliance, debarment proceedings, acquisitions, permitting requirements, bid protest proceedings and facility closures. More recently, he has counseled clients on DOE intellectual property rights issues, Brownfield cleanup options and

Superfund legislation issues. Previously, Mr. Daniel counseled a wide range of clients in all media programs conducted at the federal, state, and local government levels. Mr. Daniel co-authored the book "Trends in Contractor Liability for Hazardous Waste Cleanups."

**B.S., Civil Eng., and J.D., University of Alabama**

## **Michael A. McCord**

Michael A. McCord, of counsel in the Tort, Environmental and Construction (TEC) Practice, concentrates on counseling, rulemaking issues and litigation arising under the 1990 Clean Air Act Amendments. Prior to joining Morgan Lewis, Mr. McCord served for seven years as Assistant Chief of the Environmental Defense Section at the U.S. Department of Justice and, in that position, was responsible for supervising the litigation of all petitions for review challenging EPA's rulemaking actions, permit decisions and other reviewable actions. He has handled a broad range of litigation under all of the federal environmental statutes.

**A.B., Physics, Indiana University; J.D., Harvard Law School**

## **Thomas J. O'Brien**

Thomas J. O'Brien, of counsel in the Litigation Practice, has environmental litigation experience in toxic torts, petroleum contamination of soil and ground water, underground storage tank issues, products liability and Superfund litigation, including private cost recovery actions. His practice includes trial and appellate matters, as well as alternative dispute resolution proceedings. Mr. O'Brien has served as a faculty member for training sponsored by the National Institute of Trial Advocacy (NITA). Before practicing law, he worked for more than 10 years in federal and local government.

**A.B., College of the Holy Cross; M.R.P., University of North Carolina; J.D., George Washington University**

## **Charles H. Peterson**

Charles H. Peterson, of counsel in the Energy Practice, focuses on international nuclear issues, including liability for nuclear damage, licensing of containers and facilities, and international options for disposition of high-level and low-level radioactive waste. He has worked in Europe, Japan and Russia. Mr. Peterson played a major role representing the Russian government in the negotiations of agreements to dispose of excess nuclear materials. Mr. Peterson served as legal counsel within General Electric's Nuclear Energy Division and as Aircraft Equipment Division counsel. In 1983, he joined Cogema, the French nuclear fuel company, as the executive vice president of its U.S. subsidiary. Mr. Peterson later served as president of Nuexco during the period when Nuexco came to prominence as the leading international fuel trading company.

**B.S., U.S. Naval Academy; M.B.A. and J.D., Stanford University**

## **Joshua D. Sarnoff**

Joshua D. Sarnoff, of counsel in the Tort, Environmental and Construction (TEC) Practice and author of the article on Risk Assessment in the 1997 *Deskbook*, focuses principally on the Resource Conservation and Recovery Act, the Clean Air Act and the Superfund law. Mr. Sarnoff represents corporate and trade association clients before the EPA and state regulatory agencies, and in federal appellate and trial courts. He has more than 10 years of experience with state, federal and international environmental laws, and litigation. Before joining the firm in 1996, Mr. Sarnoff had been a professor at the University of Arizona College of Law; practiced environmental law in Washington, D.C.; served as an attorney-advisor in the U.S. EPA's Office of General Counsel; and clerked for Judge Irving L. Goldberg of the U.S. Court of Appeals for the Fifth Circuit. Mr. Sarnoff is an active contributor to a variety of publications, and has also published a number of law review articles addressing environmental law, constitutional law and legal theory. He compiled, edited and wrote an introductory guide to the 1993 American Bar Association SONREEL publication *RCRA Policy Documents: Finding Your Way Through the Maze of EPA Guidance on Solid and Hazardous Waste*. He has authored "Analysis and Perspective" articles on EPA's off-site waste MACT rule under the Clean Air Act, and the regulation of interstate and international management of hazardous waste for BNA's *Environment Reporter* and *International Environment Reporter*.

**B.S., Biochemistry, M.I.T.; J.D., Stanford Law School**

## **Kenneth D. Woodrow**

Kenneth D. Woodrow, of counsel in the Tort, Environmental and Construction (TEC) Practice, focuses his practice on advising industry clients and trade associations on compliance with state and federal environmental laws, with a special emphasis on counseling and litigation regarding the Clean Air Act and Superfund laws. Mr. Woodrow's experience advising trade association clients includes working with a major metal industry association on the development of regulations for the control of air toxics, which involved challenging an air toxics rulemaking before the U.S. Court of Appeals for the D.C. Circuit. His clean air compliance background includes defending various industries from alleged violations of new source review (NSR) and prevention of significant deterioration (PSD) regulations, and counseling on Title V permit applications and preconstruction permitting requirements under the federal and state NSR programs. Mr. Woodrow's experience under Superfund includes developing and leading a voluntary alternative dispute resolution process with a group of private potentially responsible parties at a major Superfund site and representing their interests in negotiating a favorable settlement with the municipal PRPs at the site. He has handled all aspects of the litigation of Superfund contribution claims, and has provided oversight for all aspects of site remediation projects. Mr. Woodrow also counsels clients on the environmental aspects of business and real property transactions. He has served as the president and board member of the Virginia Old Dominion Chapter of the Air and Waste Management Association, and has written several articles on Clean Air Act developments and the federal guidelines for sentencing corporations convicted of environmental crimes.

**B.A., University of Virginia; J.D. Washington & Lee University Law School**

## ASSOCIATES

### **Rachel B. Damelin**

Rachel B. Damelin is an associate in the Litigation Practice, with her practice including all phases of civil and commercial litigation, covering a broad range of substantive issues, including commercial contract disputes, patent and trademark infringement actions, acting as independent counsel in an investigation related to a large public trust, and the representation of oil pipeline operators in class action litigation arising out of oil spills.

**B.A., Tufts University; J.D., Boston College**

### **David M. Hibey**

David M. Hibey is an associate in the Litigation Practice. His practice encompasses all phases of civil, commercial and white collar criminal litigation covering a broad range of substantive issues, including patent infringement actions, insurance coverage disputes, and defense of corporations being investigated by a myriad of state and federal law enforcement agencies. Mr. Hibey's experience also includes comprehensive legal research, and the drafting of motions and pleadings involving the Oil Pollution Act and related environmental laws.

**B.A., Georgetown University; J.D., Georgetown University**

### **Timothy P. Matthews**

Timothy P. Matthews, an associate in the Energy Practice, works on a variety of environmental issues, including agency planning under NEPA, radioactive waste disposal, and nuclear facility siting and regulation. Prior to practicing law, he worked in the commercial nuclear industry and also served as a nuclear engineer in the Naval Nuclear Propulsion Program. Mr. Matthews clerked for Judge H. E. "Sparky" Gierke, U.S. Court of Military Appeals.

**B.S.M.E., U.S. Naval Academy; J.D., George Washington University**

### **Sigrid Stone McCawley**

Sigrid Stone McCawley is an associate in the Litigation Practice. Ms. McCawley's practice encompasses many phases of commercial litigation and covers a broad range of substantive issues, including commercial contract, product liability, intellectual property and environmental litigation. Ms. McCawley has represented utility companies in cases ranging from an oil spill to the shut down of a nuclear reactor. Her experience includes federal and state court practice, and she has represented clients in large class action litigation. Before joining the firm, Ms. McCawley completed a two-year federal district court clerkship with Judge Jose A. Gonzalez, Jr. in the Southern District of Florida, where she worked on both criminal and complex civil litigation matters.

**B.A. and J.D., University of Florida**

### **Allison L. Parlin**

Allison L. Parlin, an associate in the Litigation Practice, has a comprehensive background in environmental law. She has counseled a national waste transportation company regarding negotiations for the creation and licensing of transportation-related computer technology that complies with federal waste transportation regulations. Ms. Parlin's broad litigation experience includes the representation of major utility providers, and waste transportation and disposal companies in environmental actions involving both governmental authorities and private parties. Prior to joining the firm, she negotiated hundreds of settlements to resolve cost recovery and contribution claims. Ms. Parlin has also assisted in negotiations with state and federal authorities to address such issues as the nature and scope of required remedial activity and the appropriate allocation of corporate responsibility.

**B.A., Tufts University; J.D., University of Pennsylvania**

## **Alex S. Polonsky**

Alex S. Polonsky, an associate in the Energy Practice, concentrates in the fields of environmental and nuclear law. Mr. Polonsky's practice includes advising on NRC enforcement proceedings, applications for license transfers of ownership or control, decommissioning funding, employment discrimination, environmental justice, low-level waste handling and international nuclear transport, nuclear nonproliferation, CERCLA, and RCRA Orders and Consent Decrees, and environmental reports and impact statements. Prior to joining the firm, Mr. Polonsky worked for ICF Kaiser Engineers, consulting with the government and corporations on CERCLA, RCRA, TSCA, and other environmental statutes and regulations. He authored more than 30 Phase I Environmental Assessments for government, industrial and commercial properties located throughout the U.S. and Puerto Rico, and conducted more than 20 Phase II Remedial Investigations and Feasibility Studies in which he supervised geologic assessments, characterization of surface soils, and delineation of contaminant plumes in soil and groundwater.

**B.A., Wesleyan University; J.D., University of Vermont**

## **Brian M. Privor**

Brian M. Privor is an associate in the Litigation Practice, concentrating on general commercial and intellectual property litigation. Mr. Privor's experience also extends to admiralty law, having clerked for Judge Martin L.C. Feldman of the U.S. District Court for the Eastern District of Louisiana prior to joining the firm. There, he gained significant experience handling admiralty and maritime claims. He was a member of the Morgan Lewis Litigation Practice team which won a motion to dismiss and successfully defeated admiralty jurisdiction in a major electric utility class action case.

**B.A., Tulane University; J.D., Harvard University**

## **Charles Swinburn**

Charles Swinburn, an associate in the Litigation Practice's Tort, Environmental and Construction (TEC) Practice area, works primarily on environmental litigation matters and has more than six years of experience in all phases of complex litigation, including representing clients in major trials. In addition to his litigation experience, Mr. Swinburn advises clients on RCRA, CERCLA and Clean Air Act compliance matters. He has represented clients as a member of Superfund PRP committees, and in negotiating consent decrees with EPA and state regulatory agencies. He authored the article on private party cost recovery in the 1994 *Deskbook*. Prior to attending the University of Pennsylvania Law School, from which he graduated *magna cum laude*, Mr. Swinburn managed a nationwide hazardous waste remediation company, overseeing more than 2,300 private and public sector cleanups. Earlier, he had a distinguished career as a senior executive with the

U.S. Department of Transportation and, before that, he was a highly decorated pilot in the U.S. Marine Corps.

**B.A., Princeton University; M.B.A., Harvard Business School; J.D., University of Pennsylvania**

## **PHILADELPHIA**

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215.963.5000

### **PARTNERS**

#### **Denis V. Brennan**

Denis V. Brennan, a partner in Litigation's Tort, Environmental and Construction (TEC) Practice, has been extensively involved in litigating Superfund, RCRA, and related toxic tort and environmental insurance coverage cases since 1980. He has served as lead counsel for both individual companies and groups of companies in dozens of Superfund cases, including private cost recovery actions. He was also involved in a Clean Air Act case that gave rise to a major class action toxic tort suit, and has represented clients charged with environmental crimes. Mr. Brennan has litigated to completion several private-party CERCLA contribution actions and settled many others for pennies on the tens of thousands of dollars. In those cases, virtually every issue that could be raised was raised, including: the right to jury trial; whether CERCLA is retroactive; whether the release was insufficient to cause the incurrence of response costs; the nature of elements of a CERCLA contribution action; and the propriety of consent decrees.

**B.A., Lehigh University; J.D., Villanova University**

#### **Jay H. Calvert, Jr.**

Jay H. Calvert, Jr., a partner in the Complex Commercial Litigation Practice, served as the managing partner of the firm for seven years and also managed the firm's Litigation Section, consisting of more than 200 litigators. He concentrates on complex, multi-party litigation, including cases concerning the siting of hazardous waste treatment facilities and other compliance issues under RCRA.

**B.A., Amherst College; J.D., University of Virginia**

#### **Kell M. Damsgaard**

Kell M. Damsgaard is the firm's Administrative partner and formerly served as co-chair of the Tort, Environmental and Construction (TEC) Practice. Mr. Damsgaard has tried multi-million dollar toxic tort and commercial cases before juries in courts across the country. He also represented a major oil company in a substantial ground water contamination and natural resource case. Mr. Damsgaard clerked for Judge Edmund B. Spaeth, Jr. of the Superior Court of Pennsylvania.

**B.A., Yale University; J.D., University of Pennsylvania**

#### **Edward S. G. Dennis, Jr.**

Edward S. G. Dennis, Jr., a partner in the Corporate Investigations and Criminal Defense Practice, which he formerly co-chaired, joined the firm after holding the positions of Acting Deputy U.S. Attorney General, Assistant Attorney General for the Criminal Division, U.S. Attorney for the Eastern District of Pennsylvania, and Chief of the Narcotic and Dangerous Drug Section during his 15-year career with the U.S. Department of Justice. As Assistant Attorney General for the Criminal Division, Mr. Dennis was responsible for criminal prosecution policy, criminal litigation and criminal legislation on a nationwide basis. He is a member of the American College of Trial Lawyers and of the National Association of Former United States Attorneys.

**B.S., U.S. Merchant Marine Academy at Kings Point, N.Y.; J.D., University of Pennsylvania**

## **John C. Dodds**

John C. Dodds is a partner in and chairman of the firm's Corporate Investigations and Criminal Defense Practice. His practice focuses on the representation of individuals and corporations in government investigations, internal investigations, fraud and white collar crime matters. Mr. Dodds began his association with the firm in 1985. He left the firm in 1988 to accept an appointment as an Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney's Office for the Eastern District of Pennsylvania, and received the Director's Award for Superior Performance as an Assistant U.S. Attorney. In that position, Mr. Dodds handled the investigation and prosecution of a wide range of federal crimes, including environmental offenses. Mr. Dodds rejoined the firm in January 1993, when the firm undertook the representation of the Commonwealth of Pennsylvania's Office of Attorney General in connection with an investigation of alleged improprieties by members of the Pennsylvania Supreme Court.

**B.A., Yale University; J.D., Villanova Law School**

## **Kevin M. Donovan**

Kevin M. Donovan is a partner in the Tort, Environmental and Construction (TEC) Practice. His practice focuses almost exclusively on toxic tort, mass tort and products liability litigation. Mr. Donovan also has extensive experience in cases involving class actions and mass joinders, as well as in defending toxic tort/products liability cases with nontraditional claims, such as medical monitoring, stigma, racketeering and conspiracy. In addition, he has significant trial experience in both personal injury and property damage cases. Mr. Donovan also authored the Mass Torts section of the "Class Action" chapter in the ABA publication *Commercial Litigation in the Federal Courts*.

**B.A., Dartmouth College; J.D., University of Pennsylvania**

## **Brady L. Green**

Brady L. Green is a partner in Tort, Environmental and Construction (TEC) Practice. His nationwide practice focuses on product liability, toxic tort, environmental, corporate, and complex commercial and estate litigation. Mr. Green's experience has included involvement in all aspects of federal and state court litigation. He has handled the preparation and trial of a number of large product liability cases alleging personal injury and property damage from exposure to blood derivatives and construction products. A key aspect of the defense of these matters has been the significance of compliance with various regulatory schemes applicable to the products in question. Mr. Green has been involved in the defense and trial of environmental matters brought by both governmental and private plaintiffs involving soil and ground water contamination. He has represented numerous clients in matters arising from environmental enforcement

actions under Superfund and the New Jersey Spill Act. Mr. Green acts as national coordinating counsel for several companies with respect to product liability litigation, and has counseled those companies on both litigation and non-litigation issues, including insurance. Mr. Green has co-authored articles on the environment and products liability laws of the European Community, Japan and the former Soviet Union, as well as corporate governance, which have been published in *The National Law Journal* and other publications.

**B.A., University of Massachusetts; J.D., Washington & Lee University**

## **Thomas B. Kenworthy**

Thomas B. Kenworthy is a partner in the Litigation Practice, with a significant area of his practice being toxic tort litigation. He has tried civil cases in state and federal courts around the country, successfully defending clients against attempts to use CERCLA in cases involving products with hazardous substances as constituents. Mr. Kenworthy also defends civil suits claiming personal injury and environmental damages to lands adjoining manufacturing facilities.

**A.B., Dartmouth College; J.D., Dickinson School of Law**

## **Eric Kraeutler**

Eric Kraeutler, a partner in the Litigation Practice, represents corporations in commercial litigation, as well as environmental and white collar criminal defense matters. His experience includes extensive involvement with criminal environmental investigations at both the state and federal levels. From 1984 to 1987, Mr. Kraeutler served in the Criminal Division of the U.S. Attorney's Office for the Eastern District of Pennsylvania, where he investigated and prosecuted complex business crimes.

**B.A., Princeton University; J.D., University of Virginia**

## **David B. MacGregor**

David B. MacGregor is a partner in the Energy Practice, with principal areas of practice in public utility and environmental regulation. He represents and counsels electric, gas, water and oil pipeline companies on a wide variety of legal and regulatory matters, including environmental issues. He has particular experience in cases involving electromagnetic fields and the cleanup of manufactured gas plant sites. Mr. MacGregor served as a law clerk to Judge H.E. Widener, Jr., U.S. Court of Appeals for the Fourth Circuit.

**B.A., Bucknell University; J.D., Georgetown University Law Center**

## **John J. McAleese, III**

John J. McAleese, is a partner in the Tort, Environmental and Construction (TEC) Practice. A former chemical engineer, Mr. McAleese represents clients in a wide variety of matters involving air, water and hazardous waste regulation on the federal, state and local levels. He has, in addition, handled numerous Superfund matters. His practice focuses on litigation of environmental matters, counseling clients on civil and criminal enforcement actions, and representing clients in business transactions involving industrial operations.

Mr. McAleese has written numerous articles including "Using the Freedom of Information Act in Superfund Cases," published in *Environmental Compliance & Litigation Strategy*.

**B.S.C.E., Villanova University; J.D., New York University**

## **Richard F. McMEnamin**

Richard F. McMEnamin, a partner in the Tort, Environmental and Construction (TEC) Practice, regularly represents policyholders in negotiations and litigation with their carriers concerning coverage for environmental and toxic tort liabilities, particularly in Pennsylvania- and New Jersey-based matters. In recent years, he has achieved multi-million dollar settlements with a number of liability carriers in major environmental insurance litigations. He also has experience in Superfund and state environmental actions, as well as personal injury suits involving exposure to chemical substances. He is a member of the American Bar Association's Environmental Law Committee, and the Section of Tort and Insurance Law. He regularly co-chairs the Pennsylvania Bar Institute's Annual Insurance Law Institute, and he writes and speaks on insurance coverage issues in a variety of areas, including environmental, toxic tort, employment discrimination and intellectual property.

**B.A., St. Joseph's College; M.A., Boston University; J.D., Temple University**

## **Dennis J. Morikawa**

Dennis J. Morikawa, a partner in the Labor and Employment Law Practice, spends substantial time representing management in matters arising under the OSHA and Mine Safety and Health Act, and litigating toxic tort cases. He is the past management co-chair of the American Bar Association Committee on Occupational Safety and Health Law of the Section of Labor and Employment Law, and is a member of the faculties of the Council on Education in Management, the National Employment Law Institute and the Multi-National Business Institute. He was a contributing editor to the treatise *Occupational Safety and Health Law* (BNA 1988) and its 1990 *Supplement*, and was co-editor of the 1993 *Supplement*. He was also a contributing author to the book *Environmental Risk Management - A Desk Reference* (RTM Communications, Inc., 1991). Mr. Morikawa has been involved for many years in the development and implementation of OSHA policies for companies throughout the United States. He has also been actively involved in representing companies in the defense of OSHA citations, and in the rulemaking process involving the development of major safety and health standards. He has appeared before the U.S. Supreme Court, numerous federal circuit courts of appeals and district courts, and the Occupational Safety and Health Review Commission.

**B.A., Denison University; J.D., Syracuse University**

## **James D. Pagliaro**

James D. Pagliaro manages the firm's Litigation Practice worldwide and heads the Tort, Environmental and Construction (TEC) Practice Group. His practice focuses almost exclusively on toxic tort and product liability litigation. Mr. Pagliaro has written extensively on issues relating to his practice. He co-authored a chapter on "Toxic Torts" in the 1992 *Matthew Bender Deskbook on Environmental Law* and has had several articles published in the *National Law Journal*. In November 1997, his article comparing U.S. Product

Liability Law with the E.C. Directive on Strict Liability was published as a chapter in *European Economic Community Law*. Mr. Pagliaro is also the co-author of the chapter on "Class Actions" in the ABA publication *Commercial Litigation in the Federal Courts*.

**B.A., LaSalle College; J.D., Dickinson School of Law**

## **Glen R. Stuart**

Glen R. Stuart, a partner in the Litigation Practice's Tort, Environmental and Construction (TEC) Practice Group, has an extensive commercial litigation practice and is particularly active in the area of complex environmental litigation. His practice includes the defense of governmental response cost and natural resource damage claims, and private cost recovery actions under Superfund, state Superfund equivalents and related state common law claims (*e.g.*, nuisance, trespass, negligence), as well as toxic tort claims. He has acted as one of the lead trial counsel in the CERCLA cost recovery trial in *B.F. Goodrich v. Murtha*, held in Connecticut federal court. His practice includes the defense of RCRA and Clean Water Act claims. Mr. Stuart's practice also includes consent decree negotiations, the provision of legal support in the implementation of remedial actions, and the representation of policyholders in pursuing environmental insurance claims. Mr. Stuart served on the *Virginia Law Review*.

**B.A., Franklin & Marshall College; J.D., University of Virginia**

## **Frank M. Thomas, Jr.**

Frank M. Thomas, Jr., a partner in the Tort, Environmental and Construction (TEC) Practice, concentrates in the areas of environmental and science-based litigation, and nuclear regulation. Mr. Thomas has extensive experience in matters involving Superfund litigation, risk-based solutions to site remediation, water pollution control and hazardous waste management. He has represented clients at several dozen Superfund sites in seven states, and served as counsel to the City of Philadelphia in the first reported Superfund case (*City of Philadelphia v. Stepan Chemical Co.*). Mr. Thomas served as Divisional Deputy Solicitor, Special Projects, for the City of Philadelphia. His experience also includes four years of conservation planning with the U.S. Department of the Interior.

**B.A., Amherst; M.C.P., Harvard University; J.D., University of Pennsylvania**

## OF COUNSEL

### Michael R. Dillon

Michael R. Dillon practices in the area of complex, multi-party environmental litigation. As of counsel in the firm's Tort, Environmental and Construction (TEC) Practice Group, he has represented clients in Superfund, RCRA, toxic tort and medical waste disposal litigation. Mr. Dillon has developed and implemented complex discovery programs, and has concrete experience with both government-sponsored and private ADR allocation, and liability processes. He is currently representing clients in federal or state court in New Jersey, Rhode Island, Texas and California. He served as an editor of the *Temple Law Review* and taught environmental law as an adjunct professor at La Salle University.

**A.B., M.A. and Ph.D., University of Notre Dame; J.D., Temple University**

### Jeffrey N. Hurwitz

Jeffrey N. Hurwitz, of counsel in the Tort, Environmental and Construction (TEC) Practice, represents clients in environmental matters relating to clean air regulation, Superfund, and hazardous and solid waste issues, including medical waste, criminal investigations and corporate transactions. As a member of the Environmental Law Committee of the Philadelphia Bar Association, Mr. Hurwitz serves on the Clean Air subcommittee. He also helped to develop comments on Pennsylvania's hazardous waste (PK4) work group in developing state guidance documents under Pennsylvania's new hazardous waste program. Mr. Hurwitz served as editor of the *University of Pennsylvania Law Review*.

**B.S., State University of New York at Albany; D.M.D. and J.D., University of Pennsylvania**

### Dennis J. Valenza

Dennis J. Valenza's principal practice areas are toxic tort, product liability and CERCLA-related litigation. As of counsel in the Tort, Environmental and Construction (TEC) Practice, Mr. Valenza concentrates on complex, multi-party litigation in state and federal courts throughout the country.

**B.A., State University of New York at Binghamton; J.D., Temple University School of Law**

## ASSOCIATES

### Nathan J. Andrisani

Nathan J. Andrisani is an associate in the firm's Tort, Environmental and Construction (TEC) Practice Group. Prior to joining the firm in 1999, Mr. Andrisani spent four years in criminal prosecution as an Assistant District Attorney in the Philadelphia District Attorney's Office. At Morgan Lewis, Mr. Andrisani's trial experience is concentrated in toxic tort defense litigation and white collar criminal defense. He is a graduate of Syracuse University and the Temple University School of Law, where he was a member of Temple's National Champion Mock Trial Team.

**B.S., Syracuse University; J.D., Temple University School of Law**

## Scott C. Bovino

Scott C. Bovino, an associate in the Business and Finance Practice, works on a variety of environmental matters, including TSCA, EPCRA, RCRA and Superfund issues. Mr. Bovino also handles chemical regulation issues arising under OSHA and hazardous materials transportation law. He has a graduate degree in organometallic synthesis and polymer chemistry. Mr. Bovino served as communications editor of *The University of Chicago Law Review*, and he clerked for Judge Samuel A. Alito, Jr. of the U.S. Court of Appeals for the Third Circuit.

**B.A., Franklin & Marshall College; M.S., Stanford University; J.D., University of Chicago**

## James E. DelBello

James E. DelBello, an associate in the Tort, Environmental and Construction (TEC) Practice, works on a wide variety of product liability, toxic tort, construction and insurance coverage cases in state and federal court. He graduated from the University of Pennsylvania in 1992, and received his law degree from the Villanova University School of Law in 1996. Mr. DelBello served as the managing editor of student work for the *Villanova Sports and Entertainment Law Journal* and clerked for President Judge Steven J. McEwen, Jr. of the Superior Court of Pennsylvania.

**B.A., University of Pennsylvania; J.D., Villanova University**

## Gayle R. Gilgore

Gayle R. Gilgore works on a number of environmental and toxic tort matters handled by the Litigation Practice's Tort, Environmental and Construction (TEC) Practice Group. She has both undergraduate and graduate degrees in environmental engineering, as well as two years' professional experience working in that field for Exxon Company USA. Ms. Gilgore recently completed a clerkship with Judge Marjorie O. Rendell of the U.S. Court of Appeals for the Third Circuit.

**B.S., Massachusetts Institute of Technology; M.S. Carnegie Mellon University; J.D., University of Pennsylvania Law School**

## Paul J. Greco

Paul J. Greco, an associate in the Complex Commercial Litigation Practice, handles a variety of environmental litigation matters arising under CERCLA, RCRA and similar state statutes. Mr. Greco not only represents clients in various federal and state court actions, but also representing clients involved in private alternative dispute resolution proceedings. In addition, Mr. Greco handles toxic tort litigation matters, and is co-author of the "Toxic Torts" chapter in *The Environmental Law Practice Guide*, which was named the best law book of 1992 by the Association of American Publishers.

**B.S., Economics, University of Pennsylvania; J.D., Columbia University**

## Emily J. Lawrence

Emily J. Lawrence is an associate in the Litigation Practice and member of the Tort, Environmental and Construction (TEC) Practice Group. In particular, Ms. Lawrence focuses on products liability and class action litigation, CERCLA and insurance coverage for environmental liability, as well as white collar criminal defense. Ms. Lawrence served as a law clerk to Judge J. William Diter, Jr., in the U.S. District Court for the Eastern District of Pennsylvania. In addition to writing and speaking on politics, government policy, and money laundering for *The Washington Post*, C-Span and other fora, Ms. Lawrence has been a faculty member on various CLE panels.

**B.A., Haverford College; J.D., Boston College**

## **Michele E. Martin**

Michele E. Martin, an associate in the Tort, Environmental and Construction (TEC) Practice, works on a wide range of environmental matters involving regulatory compliance counseling, Superfund, and other state and federal programs. Ms. Martin served as editor of the *Dickinson Journal of International Law*.

**A.B., Smith College; J.D., Dickinson School of Law**

## **Viveca D. Parker**

Viveca D. Parker is an associate in the Tort, Environmental and Construction (TEC) Practice Group of the firm's Litigation Practice. She concentrates on principally in product liability, defamation and general corporate litigation. Ms. Parker's trial experience has included work on personal injury trials in Texas and a breach of contract trial in Pennsylvania.

**B.A., The Catholic University of America; J.D., University of Southern California**

## **Brian W. Shaffer**

Brian W. Shaffer, who counsels and represents corporate clients primarily in the areas of toxic torts and products liability, is an associate in the Litigation Practice and member of the Tort, Environmental and Construction (TEC) Practice Group. Mr. Shaffer advises and defends clients in a variety of matters, including toxic tort and products liability class actions, personal injury, medical monitoring and property damage claims, and compliance with state, federal and international products liability regulations. He is a member of the American Bar Association's Products Liability Section and has lectured on defending toxic tort class actions.

**B.A., University of Pennsylvania; J.D., Georgetown University Law Center**

## **LOS ANGELES**

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## **PARTNERS**

### **Jeffrey N. Brown**

Jeffrey N. Brown, a partner in the firm's Tort, Environmental and Construction (TEC) Practice, concentrates his practice in the product liability, insurance and intellectual property areas. He has significant experience

with respect to petrochemicals, pesticides, pharmaceuticals, asbestos and safety products. He also is a member of the firm's Insurance Practice Group and has additional experience with respect to real estate, secured transactions and commercial litigation.

**B.A., University of California, Los Angeles; J.D., Loyola Law School**

## **Randolph C. Visser**

Randolph C. Visser, a partner in and assistant manager of the Tort, Environmental and Construction (TEC) Practice Group of the Litigation Practice, has an extensive background in environmental compliance and government contracts counseling, as well as enforcement defense, and both administrative and judicial litigation. He has significant experience in CEQA, NEPA, Proposition 65, and federal, state and local environmental laws, particularly those relating to air quality, including the South Coast Air Quality Management District (SCAQMD) Regional Clean Air Incentives Market (RECLAIM) Program and other market incentive environmental programs. Mr. Visser represents numerous commercial, transportation, energy, and government contract-related businesses concerning the land use and environmental permitting of complex projects (including as a member of the California multi-agency permit-streamlining "Red Team"), and regulatory compliance before federal, state and local agencies (including the Cal-EPA, California States Lands Commission, Coastal Commission, the SCAQMD, and other air, waste and water regulatory agencies, as well as before federal and state courts). Mr. Visser was a senior lecturer at the University of California, Los Angeles School of Law Trial Advocacy Clinical Program; serves on the Advisory Board for the *UCLA Journal of Environmental Law and Policy* and the Editorial Board for *Los Angeles Lawyer Magazine*. He is also a member of the Executive Committee of the Los Angeles County Bar Association, Environmental Law Section, the *Prop 65 News* Editorial Board and the SCAQMD Home Rule Advisory Committee. In addition, Mr. Visser is a member of the California Environmental Business Council, Association of Iron and Steel Engineers, Association of Energy Engineers and National Association of Environmental Professionals and serves on the Strategic Advisory Board for America's Economic Development Venture for Area Neighborhoods, Communities & Enterprises (ADVANCE), a DOE-funded small and minority business environmental contracting outreach group. Mr. Visser has written many articles on varied environmental issues, chaired the 14th and presently chairs the 15th LACBA Annual Environmental Super Symposium, and is co-author of the *California Independent Petroleum Association (CIPA) Environmental Manual*.

**B.A., Northwestern University; J.D., University of California, Los Angeles School of Law**

## **Andrea Sheridan Ordin**

As a Litigation partner in the Corporate Investigations and Criminal Defense Practice, Andrea Sheridan Ordin has represented clients in a broad range of matters, including enforcement defense and counseling in Proposition 65 actions, and the defense of criminal and civil hazardous waste and nuisance actions in the state and federal courts. Prior to joining Morgan Lewis, Ms. Ordin served as the U.S. Attorney for the Central District of California from 1977 to 1981, supervising all criminal and civil litigation. She was also Chief Assistant Attorney General of the State of California from 1983 through 1990, where she was in charge of environmental, consumer, antitrust, charitable trust, and civil rights litigation. Through the years, Ms. Ordin has led trial and negotiating teams in a variety of complex cases, and has personally argued many appellate cases in the state and federal courts, notably *California v. Nollan* in the U.S. Supreme Court, and five California Supreme Court cases testing the limits of California's consumer protection laws. Ms. Ordin is a former president of the Los Angeles County Bar Association. She is the current chair of the ABA Committee on Federal Judicial Improvements. Ms. Ordin is also a frequent author and panelist for continuing legal education programs, emphasizing environmental and litigation topics. She is the author of "Offenses Threatening the Safety of the Environment," a chapter in West's *California Criminal Law*.

**B.A., University of California, Los Angeles; LL.B., University of California, Los Angeles School of Law**

### **Andrew C. Peterson**

Andrew C. Peterson, chair of the Los Angeles Office Labor and Employment Law Practice Group, is an accomplished employment law litigator with substantial jury trial experience. He represents private and public employers in all aspects of employment and labor law, including advising clients on Occupational Health and Safety (OSHA) matters. He handles health and safety agency proceedings as well as litigation before the federal Occupational Safety & Health Review Commission and the California Occupational Safety and Health Appeals Board. Mr. Peterson has been a contributing author for the annual report of the Occupational Safety and Health Committee of the Labor Law Section of the American Bar Association. He coauthored a chapter entitled "Work and Public Notification" for the *Environmental Law Practice Guide* and he authored a book entitled *California OSHA Compliance Handbook* for Government Institutes.

**A.B., Wesleyan University; J.D., the University of Chicago**

### **David T. Peterson**

Litigation partner David T. Peterson focuses his practice in the Tort, Environmental and Construction (TEC) Practice, and has trial experience in both state and federal court. His practice involves a wide range of areas, including toxic tort, real estate, construction, antitrust, securities fraud, entertainment and products liability. Mr. Peterson has significant experience in environmental litigation and cleanup actions under CERCLA and California's hazardous waste laws. He was the principal lawyer in negotiating one of the first consent decrees entered into CERCLA and has been one of the principal defense lawyers in the *U.S. v. String fellow* case, one of the largest CERCLA cleanup actions ever prosecuted by the United States government. Mr. Peterson is a frequent speaker and author on litigation and environmental issues. His article, "Innovations and Considerations in Settling Toxic Tort Litigation," published in the *Chemical Waste Litigation Reporter*, was selected for inclusion in a compendium of outstanding articles by the ABA's Natural Resources Section.

**B.S., University of California, Berkeley; J.D., Georgetown University Law Center**

### **Paul A. Richler**

Paul A. Richler, a partner in the Complex Commercial Litigation Practice, concentrates on unfair competition and insurance coverage litigation in California, where he has practiced since 1974. Mr. Richler handles bad faith claims and environmental coverage disputes, as well as complex business litigation.

**M.A., Loyola Marymount University; LL.B., Osgoode Hall Law School (Toronto, Ontario); LL.M. London School of Economics**

## **OF COUNSEL**

### **Richard W. Esterkin**

Richard W. Esterkin, of counsel in the Litigation Practice, has had involvement in all facets of bankruptcy practice and related Superfund claims, including the representation of debtors, creditors' committees, secured creditors, and unsecured creditors. Mr. Esterkin has previously lectured about creditor's rights and the impact of environmental issues on real estate workouts.

**B.A., Claremont Men's College; J.D., University of California, Los Angeles School of Law**

## ASSOCIATES

### Steven J. Oppenheimer

Tort, Environmental and Construction (TEC) Practice associate Steven J. Oppenheimer focuses his practice on counseling businesses and financial institutions on general environmental compliance and liability issues. Mr. Oppenheimer has significant experience in air quality matters, having represented numerous companies before the South Coast Air Quality Management District Hearing and Governing Boards. He has also been involved in rulemaking matters before the San Joaquin Valley Unified Air Pollution Control District, as well as Title V permitting and federal enforcement matters. Mr. Oppenheimer has expertise in hazardous waste site and remediation projects and has participated extensively in negotiating hazardous waste site cleanup agreements with the EPA, the California Department of Toxic Substances Control and the California Regional Water Quality Control Board. Additionally, he has performed numerous due diligence investigations in the transactional setting. His experience also includes matters involving hazardous waste regulation and permitting, the regulation of underground storage tanks and wastewater. Mr. Oppenheimer has a strong technical background and holds a master's degree in environmental biology. Prior to practicing law, he was an environmental scientist with the New Mexico Health and Environment Department, where he gained extensive experience in pollution monitoring and control programs for ground and surface water.

**A.B., Miami University (Ohio); M.S., New Mexico Highlands University; J.D., University of New Mexico**

## MIAMI

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## PARTNERS

### Robert M. Brochin

Robert M. Brochin is a partner in the Litigation Practice with experience in many areas of complex civil litigation. Mr. Brochin has litigated substantial environmental matters under Superfund, the Clean Water Act, and state and local environmental laws. He also handles toxic tort claims (including class actions), products liability, underground storage tank litigation, ground water contamination, and a wide variety of other environmental and tort claims as a result of contamination. From 1991 through July 1993, Mr. Brochin served as the Florida Governor's Deputy General Counsel and, subsequently, as his Inspector General. In that capacity, he worked directly with the Governor on a wide range of legal and policy issues, including advising him and his Cabinet on "Developments of Regional Impact" matters. Mr. Brochin was the Governor's liaison to various state agencies, including the Department of Environmental Protection and Department of Community Affairs. As the Governor's counsel, Mr. Brochin also served as General Counsel

for the State Foreclosure Study Commission, and has familiarity with lender liability issues under federal and state laws.

**B.A. and J.D., University of Florida**

## OF COUNSEL

### David P.C. Ashton

David P.C. Ashton, of counsel in the Tort, Environmental and Construction (TEC) Practice, concentrates on environmental, health and safety law from the Miami office. His practice focuses on transactional and litigation matters involving water, land and air pollution. Mr. Ashton counsels clients on environmental resource permitting (wastewater, storm water and wetlands), contractual allocation of environmental liabilities, cleanups at construction sites, risk-based corrective action, brownfields redevelopment, and health and safety compliance planning and implementation. His litigation practice covers enforcement actions and cost-recovery claims under the Resource Conservation and Recovery Act, the Clean Water Act, the Comprehensive Environmental Response, Compensation and Liability Act, and their Florida equivalents. Mr. Ashton also has a broad background in airport environmental compliance matters.

**LL.B., University of Exeter, United Kingdom; J.D., University of Miami**

## ASSOCIATES

### Scott E. Mitchell

Scott E. Mitchell, an associate in the Tort, Environmental and Construction (TEC) Practice, focuses on environmental regulatory compliance and litigation. Mr. Mitchell's litigation experience includes prosecuting actions seeking recovery of damages arising from contamination of the environment; defense of state and local enforcement actions; defense of actions involving properties eligible for Florida's petroleum and dry-cleaning solvent cleanup programs; and challenges to local government development orders. Prior to joining Morgan Lewis, Mr. Mitchell served as a chemical engineer for E. I. du Pont de Nemours & Co, Inc. At du Pont, Mr. Mitchell worked in the areas of water treatment and hazardous waste incineration. He also served as du Pont's representative to the Louisiana Electrical Utility Users' Group.

**B.S.C.E., University of Florida; J.D., Georgetown University**

## NEW YORK

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## PARTNERS

### John E. Failla

John E. Failla, a partner in the Litigation Practice, has substantial experience representing policyholders in negotiations and litigation with their insurance carriers. The concentration of his practice is in claims seeking coverage for environmental liabilities, products liability, business torts, and other commercial liability claims under both liability and property policies, directors' and officers' liability insurance, fidelity bonds,

environmental impairment and pollution legal liability policies, and marine insurance policies. Mr. Failla's practice also includes securities litigation and regulatory matters, internal investigations, international arbitration, intellectual property and other commercial litigation matters. He is a member of the Litigation and Tort and Insurance Practice Sections of the American Bar Association, and the Insurance Coverage Litigation Committee of the ABA's Litigation Section. Mr. Failla also writes and lectures on insurance coverage issues, and is the co-author of *Insureds Perspective on the Pollution Exclusion Clause*.

**B.A., St. John's University; J.D., New York University**

## **Eric B. Rothenberg**

Eric B. Rothenberg, a partner in the Tort, Environmental and Construction (TEC) Practice, has headed Morgan Lewis' environmental practice in its New York office. Mr. Rothenberg represents businesses in a broad range of environmental matters, including administrative proceedings and litigation. Drawing upon three years' experience as an environmental engineer, he has conducted many environmental audits of and negotiated terms for business, financial and lending transactions, which involved industrial and commercial properties. Mr. Rothenberg represents commercial and industrial clients in environmental insurance claims and toxic tort actions in private cost recovery actions under federal and state Superfund laws. He also acts as administrative and allocation counsel at National Priorities List and other Superfund sites. Mr. Rothenberg has represented a number of international clients in developing programs to assure compliance with environmental, safety and health laws. He is the author or editor of numerous publications, including *Environmental Risk Management: A Desk Reference* (2d ed. 1998).

**A.B. and M.P.H., Harvard University; J.D., Northeastern University**

## **John M. Linsenmeyer**

John M. Linsenmeyer is a partner in the Litigation Practice with more than 35 years of practice as a trial lawyer. Mr. Linsenmeyer is involved in commercial litigation and has substantial experience in product liability cases, including federally-regulated pesticides and other chemicals, metals and industrial products, as well as securities, financial and contract matters. He has lectured in the United States, England and Canada on environmental litigation, toxic tort and scientific evidence issues.

**A.B. and LL.B., Georgetown University**

## **Howard L. Shecter**

Howard L. Shecter chairs the firm's Business and Finance Practice. Mr. Shecter represents both publicly- and privately-held companies in merger and acquisition transactions, as well as in public offerings, private placements and joint ventures, many with significant environmental liability issues. He advises clients in the environmental industry on the proper documentation of their contractual relationships with customers, suppliers, subcontractors and others, focusing on environmental liability risk allocation and indemnification. Mr. Shecter lectures extensively on mergers and acquisitions, leveraged buyouts, corporate finance and the structuring of corporate transactions to reduce environmental liability. He also founded the annual Practising Law Institute seminars on "Acquiring and Selling Privately-Held Companies," and served as program chairman for 10 years.

**B.A., Harvard University; J.D., University of Pennsylvania**

## OF COUNSEL

### Mark C. Pennington

Mark C. Pennington, of counsel in the Tort, Environmental and Construction (TEC) Practice, handles transactions, regulatory compliance matters and risk management issues for clients in the manufacturing, transportation, energy, solid waste and wastewater treatment sectors. His practice focuses on remediation and redevelopment of contaminated property, and he is also active in property damage and insurance policyholder litigation. Mr. Pennington served as a law clerk for Judge Barbara B. Crabb, U.S. District Court for the Western District of Wisconsin.

**B.A., Yale University; J.D., New York University**

## ASSOCIATES

### Sara B. Alyea

Sara B. Alyea, an associate in the Tort, Environmental and Construction (TEC) Practice, concentrates primarily on a variety of environmental matters, including Superfund, regulatory compliance and environmental issues associated with business transactions. Ms. Alyea has handled various litigation and regulatory matters pursuant to federal and state Superfund laws, including cost recovery actions, allocation proceedings, and remedy and NPL challenges. She has had primary responsibility for Superfund allocation proceedings in the B&E Landfill (Ohio) and Thea Foss-Commencement Bay (Washington) NPL sites. Ms. Alyea also has experience negotiating and evaluating environmental issues arising in business transactions for corporate clients. While at New York University, she served as the executive research editor of the *Annual Survey of American Law*.

**A.B., Princeton University; J.D., New York University**

### Bernard J. Garbutt III

Bernard J. Garbutt, an associate in the Tort, Environmental and Construction (TEC) Practice, focuses on complex, multi-party commercial litigation in state and federal courts throughout the country. He currently concentrates in the areas of toxic tort and products liability litigation. Mr. Garbutt served as lead Articles and Book Reviews editor of the *Connecticut Law Review*.

**B.S. and J.D., University of Connecticut**

### Melinda E. Hofmann

Melinda E. Hofmann, an associate in the Litigation Practice, is currently concentrating her practice in toxic torts and products liability cases involving pharmaceuticals. Ms. Hofmann has worked on a number of general commercial matters. Ms. Hofmann served as an associate editor and as a member of the editorial board of the *University of Pennsylvania Law Review*.

**A.B., College of William and Mary; J.D., University of Pennsylvania**

## **Shira R. Rosenblatt**

Shira R. Rosenblatt, an associate in the Tort, Environmental and Construction (TEC) Practice, has a broad background in environmental law, with her practice focusing on environmental litigation and issues associated with business transactions. Ms. Rosenblatt's background also includes work in the environmental litigation section at the U.S. Attorney's Office for the Eastern District of New York.

**B.A., Brooklyn College; J.D., Columbia Law School**

## **John Rousakis**

John Rousakis, an associate in the Tort, Environmental and Construction (TEC) Practice, focuses on representing and counseling clients on hazardous waste, Superfund and transactional matters, environmental litigation and regulatory compliance. Mr. Rousakis has been involved in a variety of Superfund mediation and allocation proceedings, and has an extensive background in the solid waste field, including mergers and acquisitions, regulatory compliance and permitting. Mr. Rousakis' background also includes previous experience as counsel to the chair of the New York State Assembly Committee on Environmental Conservation. He has also served as chair of the Clean Air subcommittee of the New York City Bar Association Environmental Law Committee..

**B.S., Princeton University; J.D., New York University School of Law**

## **Loree J. Shelko**

Loree J. Shelko, an associate in the Tort, Environmental and Construction (TEC) Practice, focuses her practice primarily on various issues of environmental law, including litigation, regulatory counseling and transactional work. Prior to joining the firm, Ms. Shelko was Assistant General Counsel to Ogden Energy Group, Inc., where she gained experience in energy law, as well as environmental issues. Following her bachelor's degree in business administration from Hofstra University, where she concentrated in international business, Ms. Shelko received her law degree from Hofstra University School of Law and was a staff member of the *Hofstra Labor Law Journal*.

**B.B.A. and J.D., Hofstra University**

## **Judith A. Walkoff**

Judith A. Walkoff, an associate in the Tort, Environmental and Construction (TEC) Practice, was resident in Morgan Lewis' Washington office prior to transferring to New York. Ms. Walkoff is presently active in a wide range of environmental matters, including regulatory compliance counseling and environmental issues associated with business transactions.

**B.S., University of Vermont; J.D., George Washington University**

## **HARRISBURG**

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## **PARTNER**

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## **Michael W. Gang**

Michael W. Gang, a partner in the Energy Practice, represents a number of public utility water, gas and electric companies in environmental, corporate and rate regulatory matters. Mr. Gang, who holds a B.S. in geology and an M.S. in environmental geochemistry, is the author of an article on trace metals in acid mine drainage and is co-author of *Groundwater Law in Pennsylvania*. He presently represents industrial companies and other clients in matters involving the Pennsylvania Superfund Act, Pennsylvania's Residual Waste Regulations and state implementation of the amendments to the Clean Air Act. Mr. Gang is a member of the Environmental Affairs Committee of the Pennsylvania Chamber of Business and Industry, and also its Air Quality Work Group.

**B.S., Dickinson College; M.S., Pennsylvania State University; J.D., Dickinson School of Law**

## OF COUNSEL

### **Maxine M. Woelfing**

Maxine M. Woelfing, of counsel in the Tort, Environmental and Construction (TEC) Practice, is the former chair of the Pennsylvania Environmental Hearing Board, where she adjudicated appeals from actions of the state's Department of Environmental Protection. Ms. Woelfing's major opinions addressed such issues as risk assessments for resource recovery facilities, the constitutional aspects of limitations on interstate waste disposal and standards for admission of scientific evidence. Prior to her appointment to the Environmental Hearing Board, she was Director of the Department of Environmental Resources' Bureau of Regulatory Counsel, where she supervised the development and implementation of regulatory initiatives, including the NPDES and Safe Drinking Water Act delegation, RCRA and surface mining primacy, triennial revisions to water quality standards and the reminging of abandoned mine sites. She is the former chair of the Pennsylvania Bar Association's Environmental, Mineral and Natural Resources Law Section, and is the co-editor of its quarterly newsletter. Ms. Woelfing represents clients in administrative and judicial environmental litigation, and provides counseling on regulatory compliance issues.

**B.S., University of Pittsburgh; J.D., Notre Dame Law School**

## **PRINCETON**

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### **PARTNER**

### **Robert A. White**

Robert A. White is a partner in the Complex Commercial Litigation Practice and the partner-in-charge of Morgan Lewis' Princeton office. He has extensive experience handling a wide variety of commercial litigation, trade secrets and product liability matters. Mr. White also has experience litigating CERCLA and New Jersey Spill Act matters, as well as insurance coverage issues for environmental claims, and in structuring and representing clients in court-approved ADR (allocation) processes. Mr. White has lectured on the remediation requirements imposed by the Industrial Sites Recovery Act.

**B.A., Rutgers University; J.D., Columbia University**

## **BRUSSELS**

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### **PARTNER**

### **Izzet M. Sinan**

Izzet M. Sinan, a partner in the Antitrust Practice, is an English barrister with the right of audience before the European Court of Justice and the European Court of First Instance. Mr. Sinan has been practicing European Community (EC) law in Brussels more than 15 years, undertaking a traineeship at the outset at the European Commission. The focus of Mr. Sinan's practice is EC antitrust/competition law, trade regulation,

customs and the environment. He has advised in environmental matters concerning waste disposal and, in particular, incineration, packaging and labeling (eco-label issues), packaging waste, take-back measures, eco-audit and civil liability.

**M.A. and LL.M., St. Catherine's College, Cambridge; and L.L.M., Free University of Brussels**

## **LONDON**

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### **PARTNER**

#### **Anthony Warnock-Smith**

Anthony Warnock-Smith is a partner in the FDA/Product Regulation Practice and a member of the interdisciplinary Life Sciences Practice. He focuses his practice on European government regulatory and compliance matters, and business transactions involving the pharmaceutical, medical device, cosmetic, nutritional and veterinary drug industries. Mr. Warnock-Smith has long experience of the pharmaceutical world, having worked for nearly 25 years in the legal departments of a U.S.-based multi-national company and, subsequently, for a French-based group. He is the author of numerous articles regarding international products regulatory and commercial issues.

**LL.B. (Hons) Kings College, London, Solicitor of the Supreme Court**

## **TOKYO**

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### **PARTNER**

#### **William R. Huss**

William R. Huss is a partner in the Business and Finance Practice in Tokyo. Since 1977, Mr. Huss has been engaged primarily in corporate and commercial legal practice for Japanese industrial, financial and service companies. He is licensed by the Japanese Ministry of Justice as Gaikokuho-limu-Ben-uoshi (Foreign Law Consultant).

**B.S.F.S., Georgetown University School of Foreign Service; J.D., George Washington University**