

Environmental Group Of The Year: Beveridge & Diamond

By **Clark Mindock**

Law360 (December 7, 2020, 3:29 PM EST) -- Beveridge & Diamond PC served as the court-appointed monitor for marquee actions like Volkswagen's \$2.8 billion criminal plea over its emissions regulations scandal and Duke Energy's polluting of North Carolina waters with coal ash, earning itself a spot among Law360's 2020 Environmental Groups of the Year.

That work put an end, in September, to a significant chunk of legal woes for Volkswagen stemming from the scandal and subsequent charges that started in 2015 — widely seen as the largest Clean Air Act action in American history. The Duke oversight, for coal ash cleanup, drew to a close an action that carried penalties that were some of the largest seen under the Clean Water Act in recent years.

Parker Moore, co-chair of the firm's natural resources and project development practice group and its National Environmental Policy Act, wetlands, and Endangered Species Act groups, said their work on those issues shows that their firm is seen at all levels in the industry as a one-stop shop for environmental issues, capable of tackling complex legal issues with a strong understanding of the scientific and functional background of those issues as well.

"In my view, it is a reflection of our depth and breadth of our practice. Our clients look to us as a go-to environmental firm because that's what we do. That's all we do," Moore said. "We specialize in each area of environmental law. And the litigation context and the regulatory context and then the compliance context."

Backing up the operations are around 120 lawyers in offices across the country, including a large presence in New York and Washington, D.C. The firm boasts of having a keen focus and interest in diversity and inclusion, which has led to awards including Mansfield plus certification — which recognizes firms that have affirmatively considered at least 30% women, lawyers of color and LGBT lawyers for leadership roles — that was given in September.

The firm has been focused on environmental issues since it was founded shortly after the U.S. Environmental Protection Agency was created in the 1970s and has grown as environmental litigation and issues have developed at the federal, state and local levels.



Principal Julius Redd said the Volkswagen case posed multiple challenges for the firm despite its considerable experience. The monitorship began after the company pleaded guilty to three criminal felony charges with the U.S. Department of Justice in 2017 and paid a \$4.3 billion penalty. Beveridge & Diamond oversaw the entire company, which is headquartered in Germany but has multiple subsidiaries across the globe, as it worked to reform its policies and come into compliance with emissions standards.

"I think it was both challenging and humbling in many ways. It was challenging in that Volkswagen the corporation is headquartered in Germany, so many of the accounts we dealt with were in Germany, but they also have maybe a dozen or so subsidiaries," Redd said.

"It was satisfying to work with the world's largest automobile maker to help them revive their policies and procedures and, in some instances, implement new ones to help the company become a better company moving forward and have systems in place to be able to prevent and detect compliance issues," he added.

The Duke Energy case, meanwhile, came after the company pled guilty to nine criminal counts of unlawfully discharging coal ash and coal ash-impacted water into North Carolina waterways in 2014. Penalties for those charges included fines totaling \$102 million and a probationary period, which Beveridge & Diamond oversaw. As a part of that process, the firm monitored Duke's environmental cleanups at four priority sites and oversaw environmental compliance audits of 21 Duke coal ash facilities in the Southeast. The firm also oversaw compliance updates.

Loren Dunn, a principal in the firm's Seattle office, said the firm also tackled complex issues related to a major Superfund site in the Portland, Oregon, region, where cleanup costs are expected to top \$2.5 billion. The site sits on a 12-mile stretch of the Willamette River and is the largest such site west of the Mississippi.

Beveridge & Diamond represents two companies among many at the site, Portland General Electric and Evraz Oregon Steel Mills. Dunn said he and the firm have played a leadership role in the process, which has involved dozens of interested parties in several portions of the massive site. That includes work this year during the design phase of the cleanup efforts as well as earlier in the process working with the EPA to fine-tune the plans for the cleaning.

"Any single individual portion of the site has somewhere between 10 and 25 parties who are actively involved in discussing who should pay what and how much," he said. "And then you have 25 of them going on all at once and then there's an interaction between them that makes it a tremendously complicated story."

Managing partner Kathy Szmuszkovicz said the firm's ability to tackle those projects is a testament to the considerable effort the firm places in hiring talented and diverse lawyers and keeping them around for the long haul.

Szmuszkovicz said that having already focused on diversity will reward the firm in spades as it looks toward a Biden administration that could put an especially strong focus on environmental issues that haven't historically been top priorities for presidencies.

"Staying on that cutting edge. Never resting on our laurels both in terms of environmental law and litigation and in terms of diversity and inclusion — that's particularly important in environmental law now where some of the biggest issues that we're seeing are issues of environmental justice," she said

when asked where she sees the firm going in the coming years. "That's a topic that we have thought leaders on in our firm and will keep us very active."

--Editing by Bruce Goldman.

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