



Gary J. Smith

Senior Counsel

gsmith@bdlaw.com

+1.415.262.4045

333 Bush Street, Suite 1500, San Francisco, CA, 94104

Gary brings over 40 years of complex litigation experience to environmental matters.

Since his admission to practice in 1976, Gary has served as lead counsel or trial team member on a wide spectrum of trial court and appellate matters, including massive multi-party Superfund proceedings, complex groundwater contamination cases, nationwide consumer class actions, multi-million dollar construction disputes, and criminal antitrust prosecutions.

Gary enjoys an active litigation practice at Beveridge & Diamond, with an emphasis on environmental cases, particularly litigation concerning contaminated property, including toxic tort, product defect, and nuisance cases. He has served as lead counsel for several of the nation's largest industrial companies in Superfund cost recovery matters and has been heavily involved in litigation challenging federal regulations on wetlands and the defense of wetlands enforcement actions. He has also been principally responsible for the defense of civil enforcement actions under the Clean Water Act, the Resource Conservation and Recovery Act (RCRA), and California Proposition 65, and for upholding project permits under challenge on National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) grounds.

Gary's non-environmental litigation has included representation of the City of Dubuque, Iowa, in litigation concerning its water and wastewater treatment plant construction projects. He has also represented the cities of Cincinnati, Ohio, Davenport, Iowa, and Morgantown, West Virginia, in litigation over their wastewater treatment plant construction projects.

Gary's counseling practice includes advising clients on environmental permitting for telecommunications systems, environmental aspects of real estate and corporate transactions, wetlands and endangered species issues, underground storage tank regulation, hazardous material handling and spill reporting requirements, California Proposition 65, and antitrust issues in business transactions and marketing programs.

Gary joined B&D as a principal in 1986. In 1989, he opened the firm's San Francisco office. Prior to joining B&D, Gary was a partner in one of Washington's leading antitrust litigation firms where his practice included both civil and criminal antitrust matters as well as administrative proceedings.

Gary served on the Harvard Journal on Legislation. He is admitted to practice in Washington, D.C., California, and New York and before federal trial and appellate courts across the country.

Education

- Claremont McKenna College (B.A., *magna cum laude*, 1973)
- Harvard University (J.D., 1976)
 - Harvard Journal on Legislation (1974-1976)

Bar Admissions

- California
- District of Columbia

Court Admissions

- California Supreme Court
- District of Columbia Court of Appeals
- U.S. Court of Appeals - D.C. Circuit
- U.S. Court of Appeals - Ninth Circuit
- U.S. Court of Appeals – Seventh Circuit
- U.S. Court of Appeals – Tenth Circuit

Professional Affiliations

- American Bar Association (Litigation and Environment, Energy and Resources Sections)
- California State Bar Association
- District of Columbia Bar Association
- Bar Association of San Francisco

Community Involvement

Gary's arts and community service activities have included service on the board of the Saratoga Preservation Foundation, treasurer of the Community Hospice Foundation, board member and president of the Saratoga County Arts Council, and board member and president of the Collectors of Wood Art.

Honors & Awards

- *Chambers and Partners – USA*, Band 3 in Environmental Law (2017-2024)
- *The Best Lawyers in America*®, a Best Lawyers® publication, recognition in Environmental Law and Environmental Litigation (2011-2025)
- *Super Lawyers*, part of Thomson Reuters, Northern California Super Lawyer (2009-2018, 2020-2023)
- *Chambers and Partners – USA*, recognized practitioner in Environmental Law (2015-2016)

- Recognition in *Who's Who Legal – Environment & Climate*, a publication of Lexology (2020; 2023-2024)
- *The Legal 500*, recognition in Environmental Litigation (2020)