



Gary J. Smith

Principal

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Gary brings over 30 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
- New York

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

- *Super Lawyers, part of Thomson Reuters*, California Super Lawyer (2009-2018)
- *The Best Lawyers in America®*, a *Best Lawyers publication*, recognition in Environmental Law and Environmental Litigation (2011-2019)
- *Chambers and Partners – USA*, ranked Band 4 in Environmental Law (2017-2019)
- *Chambers and Partners – USA*, recognized practitioner in Environmental Law (2015-2016)

Publications

June 27, 2018

New California Proposition 65 Warning Regulations Take Effect August 30th

Beveridge & Diamond

December 19, 2017

California Approves New Amendments to Proposition 65 Safe-Harbor Regulations

Beveridge & Diamond

August 30, 2017

OEHHA Attempts to Clarify New Proposition 65 Clear and Reasonable Warning Regulations by Issuing Guidance and Proposed Amendments

Beveridge & Diamond

September 19, 2016

New Proposition 65 Regulation Amendments Modify Clear and Reasonable Warning Requirements and Private Enforcement Settlement Provisions

Beveridge & Diamond

April 1, 2016

OEHHA Issues Additional Modifications to Proposition 65 Article 6

Beveridge & Diamond

March 22, 2016

Prop 65 Regulatory Activity Raises New Compliance Questions for Industry

Beveridge & Diamond

October 28, 2015

OEHHA Issues Further Modification of Warning Website Regulations

Beveridge & Diamond

October 9, 2015

California Attorney General Proposes Proposition 65 Amendments To Address Litigation Abuse

Beveridge & Diamond