

Environmental Group Of The Year: Mayer Brown

By **Clark Mindock**

Law360 (February 1, 2022, 2:04 PM EST) -- Mayer Brown LLP led the way in a multiveneue battle to keep in place the Trump-era water rules its clients preferred, earning the firm a spot among **Law360's 2021 Environmental Groups of the Year**.



The firm has played a major role in big-ticket cases on behalf of industry interests, including helping management company Veolia North America push back against key class certifications related to the Flint, Michigan, water crisis and fighting class action certifications for Florida residents seeking to hold U.S. Sugar Corp. accountable for operational emissions that allegedly damage nearby properties.

Richard F. Bulger, a co-leader of Mayer Brown's environmental group, told Law360 that the past year was anything but easy but that the firm's work on those big cases shows the firm's appetite for important and complex issues.

"I would say that this has been a challenging but very rewarding year for the firm and our environmental lawyers," Bulger said. "We continue to work on matters that are significant for our clients and are complex and draw on strong and deep resources of talents at the firm."

Among those challenges has been work on the Trump-era Navigable Waters Protection Rule, which attempts to define what "waters of the U.S." means in the statutory language of the Clean Water Act. Those interpretations are a perennial issue in water regulatory matters, but Mayer Brown was able to provide a coalition of business trade groups it serves with some much-needed clarity in July by convincing a South Carolina federal court to remand the rule to the U.S. Environmental Protection Agency while the Biden administration undertakes its reconsideration of it.

The firm believes that rulings like those could affect the reasoning of other courts and help add some stability for business clients.

"Over the last few years with a change of administration, we've seen a lot of changes in what we're fighting about," Tim Bishop, who helps lead the WOTUS efforts and previously argued the issue before the Supreme Court, said.

Bishop noted that while Mayer Brown has been successful in the cases it has been involved in, unrelated suits can still stir up confusion. With the Biden administration moving forward with its own interpretations, things are likely headed back to the high court again in the future, he said.

"At some point we have to get this issue back to the Supreme Court to get it sorted out once and for all," he said. "That is the goal, to get a definitive ruling from the Supreme Court."

This year, Mayer Brown also helped client Veolia North America fight back against class action certification stemming from the sprawling issues around the Flint water crisis. In August, a Michigan federal court largely denied class action certification but left some avenues open, which Mayer Brown is helping push back on.

Bishop said that in the firm's U.S. Sugar work, it has been able to help defend common sugar industry practices against a challenge by Florida residents who say that harvesting protocol is putting their health in danger. That case was trimmed considerably this past year.

"There were a lot of claims that we were able to get stricken, and the plaintiffs have also appeared to abandon their property damages allegations," Bishop said.

The firm has about 25 attorneys focused on environmental work, which includes new additions in Chicago and elsewhere over the past year. Bulger said that the team is well situated to help provide services not only for major domestic issues but also for international concerns when needed.

--Editing by Gemma Horowitz.