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Port case leads to national environmental niche for local law firm

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Attorneys of the law firm of Connelly Baker Wotring & Jackson LLP, which was formed two years ago specifically to deal with an environmental case involving The Port of Houston Authority, are receiving national notice for their experiences in port and aquatic properties environmental, regulatory and litigation matters.

Bill Jackson and Debra Baker, two of the founding partners, will speak at the American Association of Port Authorities' Harbors, Navigation and Environment Seminar in New Orleans May 12-14.

Jackson, along with his client Laura Fiffick, the environmental affairs manager for the Port of Houston, will lead a national workshop on restoring and reusing degraded land and water resources as part of port and harbor projects.

"The goal is to identify new strategies that can be implemented across the country to address issues of contamination of aquatic lands," Jackson says.

In addition, Jackson and Baker will host a related program in New Orleans entitled "Proactively Limiting Environmental and Financial Liability on Port-Owned Aquatic Lands" in conjunction with Anchor Environmental LLC, a Seattle-based environmental science and engineering consulting firm.

These programs will feature the firms' close work with state and federal agencies in the areas



of development of sediment remediation plans, subsurface testing, the evaluation of hazards in sedimentary environments and the assessment of available remediation technologies, Baker says.

PORT CASE

Connelly Baker Wotring & Jackson was founded by Baker, Jackson, Michael Connelly and Earnest Wotring when a client conflict arose due to their former law firm's merger opportunity.

Their client, The Port of Houston Authority, had filed suit against a client of the proposed merger partner, alleging that pesticide contamination from an adjacent landowner had impacted Port-owned aquatic lands, among other things. The lawyers involved in investigating and filing the case could not continue the representation of the Port if they participated in the merger due to the conflict, so, on Oct. 1, 2001, they formed their own firm with six lawyers.

The firm now has 40 attorneys and more than 90 employees who focus on a variety of litigation and environmental matters across the country. Its attorneys represent several Fortune 500 companies in national-counsel roles and in environmental and toxic-tort litigation matters, according to Baker.

In December 2003, the firm's representation of the Port Authority culminated in the Port's acceptance of a \$100 million settlement package from various defendants to address the issues associated with pesticide contamination of the Port's upland and aquatic lands, she says.

"A key component was the defendants'

agreement to conduct a \$45 million remediation of the area, including the dredging of approximately 500,000 cubic yards of impacted sediments from Greens Bayou," Jackson says.

The case was identified by a National Law Journal publication as one of the 10 most significant settlements of the year in Texas, and the issue of impacted sediments in aquatic environments is one of increasing prevalence in the nation, he adds.

SEDIMENT SAVVY

Because of their experience in representing public and private ports and other transportation-related entities, the firm's lawyers have developed a niche of expertise in issues relating to sediment.

"Sediment is a unique natural resource that carries its own very specific set of impacts, damages and quantification methods," Baker explains.

Across the country, other ports, the National Oceanic and Atmospheric Administration and other governmental and trustee agencies are looking at impacts of contamination on the need to dredge impacted sediments.

"They need to ensure that waterways remain navigable without disruption to trade," she says.

Baker, a graduate of Georgetown University Law Center and an Asian-American scholarship recipient, has provided regulatory counseling advice for over 20 years on environmental matters, with a particular emphasis on environmental issues that affect seaports and airports.

Jackson, a trial lawyer with particular emphasis in environmental and commercial litigation, has represented port authorities, local governments and industry clients in legal actions, contested case matters and related administrative proceedings involving a broad range of environmental issues, including contaminated sediments, groundwater contamination, and various remediation, cost recovery and property damage issues.

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