

E. MICHAEL THOMAS
ATTORNEY AT LAW
40 Speen Street, Suite 104
Framingham, Massachusetts 01701
DIRECT DIAL: 508.875.5355
EMAIL: EMichaelThomas@EMTesq.com
WEBSITE: www.EMTesq.com

OVERVIEW

- ❑ Problem solving, counseling, environmental litigation, dispute resolution, regulatory compliance and risk management on behalf of businesses, citizen groups, governmental bodies and individuals.
- ❑ Manage complex environmental programs, projects, litigation and attorneys; organize and carry out dispute resolution among hundreds of adversaries; team with citizen groups, environmental engineers, scientists and consulting firms.
- ❑ Negotiate complex environmental settlements, alliance agreements, technology contracts and licenses, real estate contracts and regulatory agreements.
- ❑ Excellent leadership, communication and collaboration skills and experience.

AREAS OF PRACTICE

- ❑ **ENVIRONMENTAL & SUPERFUND:** Counseling, representation, risk management and governmental relations in Superfund, environmental, utilities and brownfields at federal, state and local levels to assist in compliance, defense, allocation of liabilities and strategic planning.
- ❑ **ADR & ALLOCATION SERVICES:** Allocation consultant, third party neutral and expert witness concerning Superfund and other environmental liabilities; Conflict resolution and mediation with governmental, business and community stakeholders.
- ❑ **LITIGATION SUPPORT & EXPERT WITNESS:** Assist successfully as qualifying, testifying and supporting expert witness in environmental liability disputes; Partner with Gradient Corporation as regulatory specialist in environmental litigation support.
- ❑ **ZONING, LAND USE & REAL ESTATE:** Zoning, land use, brownfields, real estate, local affairs and permitting, including wetlands protection, stormwater, groundwater and surface water discharge.
- ❑ **TECHNOLOGY & GENERAL PRACTICE:** Technology contracting, distribution agreements, licensing agreements, general commercial practice, service agreements and alliances.

EDUCATION

- ❑ Yale Law School, Juris Doctor, 1981;
- ❑ Massachusetts Institute of Technology, S.B. and M.C.P. in planning, operations research, 1975;
- ❑ Mediation Works, Inc., Certificate of Completion, 36 Hour Mediation Training, 2003;
- ❑ Court-Mandated Basic Training for Arbitrators, Certificate of Completion, 2005;
- ❑ Member, National Roster of Environmental Dispute Resolution and Consensus Building Professionals, U.S. Institute of Environmental Conflict Resolution.

PREVIOUS LEGAL POSITIONS

- ❑ General Counsel, The Chebel Companies, advised potential purchaser of ASARCO bankruptcy estate concerning strategies and risks of purchasing environmentally distressed properties for redevelopment as alternative energy generating stations, 2009;
- ❑ Allocation Consultant, Mediator, and Expert Witness in complex multi-party environmental disputes, 1994 to present;
- ❑ Member, Town of Wayland Zoning Board of Appeals, 11/04 to present;
- ❑ Partner, McDermott, Will & Emery, Practiced in Corporate, e-Commerce and Regulatory Practice Groups; Represented clients in biotechnology, medical devices, health care, pharmaceuticals, finance, networking, software, aircraft support services, paper manufacturing and utilities; Provided environmental, intellectual property, regulatory, corporate transactional counseling and technology risk management, 4/96 to 2/02;
- ❑ Partner, Goodwin, Procter & Hoar, Environmental practice in hazardous waste regulation, Superfund cleanup and settlement, governmental relations, 1/91 to 4/96;
- ❑ U.S. Environmental Protection Agency, Deputy Assistant Enforcement Counsel, managed national hazardous waste enforcement program; Special Assistant to General Counsel, for legislative, regulatory, litigation and political affairs; Senior Assistant Regional Counsel, legal manager of staff Superfund attorneys; chief counsel for major New England Sites, 9/81 to 12/90.

EXEMPLARY PROJECTS

- ❑ Represented environmental citizen groups in precedent-setting appeal of municipal sewage treatment plant permits, in citizen suit actions to enforce water quality standards and in challenges to landfill and groundwater discharge permits;
- ❑ Managed public and regulatory stakeholder involvement in closure and decommissioning of nuclear power plants as Senior Counsel to Conservation Law Foundations Ventures, Inc.;
- ❑ Precedent-setting practice as government and private sector counsel and mediator in complex multi-party litigation and settlement, including *United States v. Cannons Engineering Corporation, et al.*, 899 F.2d 79 (1989) and 720 F.Supp. 1027 (1988);
- ❑ Mediated private party environmental lawsuit by WW II munitions manufacturer against U.S.;
- ❑ As third party neutral allocation consultant, reached allocation agreement among 60 parties where polluting activities included World War I munitions manufacturing and current era toll chemical manufacturing at Fike/Artel Superfund site in West Virginia;
- ❑ Mediated between government and potentially responsible parties to reach agreement for performance of \$120 million remedy at Fike/Artel Superfund site in West Virginia;
- ❑ Prepared expert allocation report, testified at trial and persuaded district judge to adopt recommended comprehensive allocation at New Jersey Superfund site;
- ❑ Deemed “most helpful expert” in support of judgment denying \$25m environmental indemnification provision in purchase share agreement at Massachusetts Superfund site;
- ❑ Assist clients and PRP groups in developing and negotiating favorable allocations of liability in environmental disputes including Superfund sites in West Virginia, New Jersey, Vermont, Pennsylvania, New York, Massachusetts, New Hampshire, Wisconsin and others;
- ❑ Represented clients in defense and allocation issues at the Housatonic River PCB site in Massachusetts and Connecticut, the Lower Fox River PCB site in Wisconsin, the Logan Airport environmental remediation in Boston, the Miami International Airport environmental remediation and scores of other Superfund sites and individual RCRA facilities involved in corrective action and regulatory issues;
- ❑ Negotiated mainframe IT outsourcing contract for major semiconductor manufacturer;

EXEMPLARY PROJECTS (continued)

- ❑ Drafted and negotiated licensing suite for European bioinformatics software company initiating operations in U.S. under U.S. law;
- ❑ Negotiated strategic alliance and marketing agreement between major educational services web portal provider and multi-national accounting and consulting firm;
- ❑ Developed evaluation licenses, web portal agreements, manufacturing license, manufacturing agreements, agreements for technology development, consulting services, website development and maintenance, preferred provider, non-disclosure agreements;
- ❑ Real estate closings, leases, zoning, representation before local governmental boards.

DISTINCTIONS

- ❑ AV Preeminent Peer Rating by Martindale-Hubbell;
- ❑ Member, National Roster of Environmental Dispute Resolution and Consensus Building Professionals;
- ❑ Gold Medal, U.S. Environmental Protection Agency, highest agency honor for outstanding and precedential Superfund case management;
- ❑ Editor, *Yale Law Journal*, Note, Tort Actions for Cancer; 90 Yale L.J. 840 (1980);
- ❑ Thomas I. Emerson Prize, Best Yale Legislative Services Project, Hazardous Waste Liability Act for Massachusetts;
- ❑ Teaching Assistant, Yale School of Organization and Management, Professor Geoffrey Hazard;
- ❑ Editor, *Yale Studies in World Public Order*, journal of international law and policy;
- ❑ National Science Foundation Graduate Fellowship, MIT.

INTERESTS

- ❑ Motor sports, softball, tennis, hiking, outdoor activities and yoga.