

E. MICHAEL THOMAS
ATTORNEY AT LAW

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Accomplished and experienced environmental, land use and real estate attorney; Extensive work at high levels in government, law firm practice and private practice; Team leader, team member and third party neutral in regulatory, litigation, dispute resolution and counseling capacities; Strong strategic, analytic and quantitative skills; Successful environmental Superfund allocation consultant and expert witness

PRACTICE AREAS

- ❑ **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, permitting, defense, allocation of liabilities and strategic planning for merger and acquisition terms allocating responsibility
- ❑ **SUPERFUND ALLOCATION CONSULTANT & EXPERT WITNESS:** Assist clients and PRP groups in developing and negotiating favorable allocations and settlements in CERCLA cleanup cases; Serve as mediator, third party neutral, allocation consultant and expert witness; Successful qualifying, testifying and consulting CERCLA allocation expert witness concerning all aspects of Superfund liability including divisibility of harm assertions based on geographical, waste type, and successor owner/operator temporal distinctions
- ❑ **ZONING, LAND USE & REAL ESTATE:** Represent businesses and individuals in zoning, land use, brownfields, real estate, local affairs and permitting, including wetlands protection, stormwater, groundwater, public drinking water systems and surface water discharge

EDUCATION

- ❑ Yale Law School, Juris Doctor (1981)
- ❑ Massachusetts Institute of Technology, S.B. and M.C.P. in planning, operations research (1975)

STRENGTHS

- ❑ **LEADERSHIP:** Lead common counsel for potentially responsible parties group in Superfund cases; Lead dispute resolutions among scores of adverse parties; EPA Gold Medal for Superfund case management; Deputy director of national hazardous waste enforcement program
- ❑ **COMMUNICATION:** Excellent written and oral communication skills; Expert consultation, reports and testimony on allocation of environmental liabilities; Experienced advisor to top management in strategic decision making
- ❑ **CLIENT SERVICE:** Manage environmental programs, regulatory compliance, permitting, litigation and attorneys for strategic project results; Negotiate complex environmental settlements, real estate contracts, intellectual property licensing, joint venture and regulatory agreements
- ❑ **COLLABORATION:** Lead and participate in multi-disciplinary teams of national experts conducting complex environmental projects, dispute resolution among hundreds of adversaries, teams of citizen groups, environmental engineers, scientists and consulting firms in environmental compliance, permitting and litigation

EXPERIENCE

- ❑ **OF COUNSEL, PRETI FLAHERTY BELIVEAU & PACHIOS LLC:** Superfund allocation consultant at Lower Passaic River Study Area Superfund site, NJ, consulting allocation expert witness at New England Superfund site, 2015 –present
- ❑ **SOLO LAW PRACTICE, E. MICHAEL THOMAS, ATTORNEY AT LAW:** Environmental counseling and representation, litigation support and expert witness, zoning, land use, real estate counseling and representation, 2002 – present
- ❑ **ACTING GENERAL COUNSEL, THE CHEBEL COMPANIES:** potential purchaser of ASARCO mining bankruptcy estate seeking to purchase environmentally distressed properties for redevelopment as alternative energy generating stations, 2009
- ❑ **ALLOCATION CONSULTANT, MEDIATOR & TESTIFYING EXPERT WITNESS:** in complex multi-party environmental disputes, 1994 to present
- ❑ **CHAIR, TOWN OF WAYLAND ZONING BOARD OF APPEALS:** 2006 to 2015
- ❑ **PARTNER, MCDERMOTT, WILL & EMERY:** Corporate, e-Commerce and Regulatory Practice Groups; Clients in biotechnology, medical devices, health care, pharmaceuticals, finance, networking, software, aircraft support services, paper manufacturing and utilities; Environmental, intellectual property, regulatory, merger and acquisition and joint venture transactions and technology risk management, 1996 to 2002
- ❑ **PARTNER, GOODWIN, PROCTER & HOAR:** Environmental practice in hazardous waste regulation, Superfund cleanup and settlement, governmental relations, 1991 to 1996
- ❑ **DEPUTY ASSISTANT RCRA ENFORCEMENT COUNSEL, U.S. EPA:** 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 Superfund attorneys; chief counsel for major New England Sites, 1981 to 1990

PROJECTS

- ❑ Precedent-setting results in complex multi-party litigation and settlement, including:
 - *United States v. Cannons Engineering* (1st Cir. 1989)
 - *Caldwell Trucking v. Rexon* (3rd Cir. 2005)
- ❑ Mediated conflicts between government and 60+ potentially responsible parties for performance of \$120 million remedy at Fike/Artel Superfund site in WV
- ❑ Assist clients and PRP groups in favorable allocations of liability in environmental disputes in AK, CA, MN, NJ, NY, MA, NH, PA, TN, VT, WV, WI and others
- ❑ Represented clients:
 - Housatonic River PCB sediment site in MA and CT
 - Lower Fox River PCB sediment site in WI
 - Logan Airport remediation in Boston
 - Miami International Airport remediation
 - Scores of other Superfund sites and RCRA facilities involved in corrective action, regulatory and cleanup issues
- ❑ Expert witness:
 - Superfund site allocation with successive steel plant owners, operators
 - Allocation of contamination at municipal airport used historically for military purposes
 - Air contaminants on impacted neighborhoods impacted by multiple facilities
 - Allocation between the United States and contractors at government-owned contractor-operated air force base
 - Allocation of liability for contamination at Cold War Distant Early Warning site

PROJECTS (CONTD.)

- ❑ Deemed by *Lawyers Weekly* “most helpful expert” denying \$25m environmental indemnification provision in purchase share agreement (1/2/2008)
- ❑ Prepared expert reports on regulation of rail transport of hazardous material, air regulation of lead emissions from smelters and during transportation in collaboration with Gradient Corporation
- ❑ Partnered with Camp, Dresser & McKee and Conservation Law Foundations Ventures, Inc. to manage public and regulatory stakeholder involvement in closure and decommissioning of nuclear power plants
- ❑ 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 and handled environmental and intellectual property issues in mergers and acquisitions
- ❑ Negotiated mainframe IT outsourcing contract for major semiconductor manufacturer
- ❑ Represented citizen groups in precedent-setting appeal of municipal sewage treatment plant permits, in citizen suit actions to enforce water quality standards, in challenges to waterfront developers’ compliance with public access requirements and in challenges to landfill and groundwater discharge permits

DISTINCTIONS

- ❑ AV Preeminent Peer Rating by Martindale-Hubbell (2010 - present)
- ❑ Top-Rated Land Use and Zoning Lawyer by American Lawyer (2014)
- ❑ Gold Medal, U.S. Environmental Protection Agency, highest agency honor, for outstanding and precedential Superfund case management (1988)
- ❑ 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 (became M.G.L. C. 21E)(1980)
- ❑ Teaching Assistant, Yale School of Organization and Management, Professor Geoffrey Hazard (1981)
- ❑ Editor, *Yale Studies in World Public Order*, journal of international law and policy (1981)
- ❑ National Science Foundation Graduate Fellowship, MIT (1974)

CERTIFICATIONS

- ❑ Admitted to practice, Massachusetts Bar (1981)
- ❑ Admitted to practice, First Circuit Court of Appeals (2005)
- ❑ Member, National Roster of Environmental Dispute Resolution and Consensus Building Professionals, U.S. Institute of Environmental Conflict Resolution (2003 - present)
- ❑ Certified Yoga Alliance teacher, CYT-200 (2012 - present)
- ❑ Certified Justice Resource Institute Trauma Center Trauma-Sensitive Yoga teaching (2015 – present)
- ❑ Certified by Warriors at Ease for Teaching Yoga and Meditation to the Military Community, (2014 – present)