



A SPECIAL
FOCUS ON

Environmental Law

Environmental Law Maturing, Says Veteran Practitioner

■ BY ERIK CUMMINS

SANTA ROSA

It may surprise some, but environmental law has matured.

The specialty, which made its first impressions in the early 1970s, is now a well-respected, lucrative field. Although it is not as commonly practiced as family law, for example, attorneys are forming entire practices around environmental law.

What's more, public agencies and private corporations are finally beginning to understand and abide by environmental regulations.

During her two decades in practice, Glen Ellen attorney Susan Brandt-Hawley has seen the law evolve beyond a headline-grabbing curiosity. Today's legal newspapers are more infatuated with fields like intellectual property and Internet domain name law.

Environmental law has become a regular facet of everyday life. Attorneys find themselves involved in actions as localized as neighborhood disputes to those that capture worldwide attention.

Brandt-Hawley, who gave up a productive family law practice to focus entirely on environmental law in 1986, has seen her share of both. Among her lengthy list of cases, she has represented plaintiffs contesting gravel mining along the Russian River, oil drilling along the California coast, a Hewlett-Packard development in Cotati and a dam in the Monterey area.

"Most of the cases are high-profile because they are a matter of public inter-

est," she explained.

The UC Davis School of Law graduate began her legal career representing federal criminal defendants in San Diego. But her husband's interest in viticulture brought her to rural Sonoma County. When she arrived in Glen Ellen, the town didn't have a lawyer, so she opened a "very" general practice.

She had her first taste of environmental law when she successfully helped residents fight the development of a shopping center in Glen Ellen's tiny downtown.

Today her work takes her throughout California's state and federal courts and has even landed her before the California Supreme Court. Indeed, her 30,000-mile-a-year commute has become so extensive that she has only one case pending in her home county.

During her career, Brandt-Hawley has taken many "first impression" cases, in which the resulting opinions create a precedent. But as environmental law matures, fewer cases are being litigated.

"There is a large body of case law now," Brandt-Hawley said. "Studies have proven that almost all development now goes through without litigation. No one wants to go back to dirty rivers and air and uncontrolled development. I've won so many cases that today people are willing to meet and talk."

Still, she has seen her share of controversy. Environmental disputes can include protests, hard feelings and even threats.

"People don't enter into these lawsuits



FILE PHOTO

Susan Brandt-Hawley

lightly," Brandt-Hawley explained. "They are hard to win, and there is a lot of deference to agency decisions. I really admire my clients. They care and they are really dedicated."

The attorney says she approaches each situation with courtesy and persistence.

"The word tenacious is probably not inappropriate," she said in describing herself. "Often, people who meet me think I must be very aggressive and difficult because of the lawsuits. I like to think of myself as a creative litigator."

Most everyone says they want clean air and clean water. Judges who rule

against her are careful to explain they are "environmentalists." Even those who are clearly abusing the environment, Brandt-Hawley said, probably believe they are doing what is right.

"I assume these people are not facing up to long-term consequences," she said. "People do have different values."

Economic interests are often cited as excuses for not abiding by environmental laws. Yet, a healthy environment in itself can bring people and money to an area.

"People live here [in Sonoma County] because they appreciate the beauty here," she explained. "Environmental preservation is critical. It has kept our coastline beautiful. A lot of places that have been degraded over the years are now being restored. It's encouraging that we have grass roots activism in the face of moneyed factions."

But, can one make a living as an environmental law practitioner? Environmental law is unique in that attorneys representing a successful plaintiff can petition for attorney fees.

"The system provides for attorney fees if the action achieved is considered to be of significant public benefit."

Beyond money or fame, representing environmental law plaintiffs "feels right for me," she concluded. "Frankly, I can't think of a more interesting field. I feel lucky."

Erik Cummins is editor of the Sonoma County Daily Herald-Recorder.