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Climate Heats Up for Eco-Practices

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LOS ANGELES — Sheppard, Mullin, Richter & Hampton is the latest firm to create a practice group around global climate change, which partners say is bound to affect existing clients — and potential new ones.

“I believe that our climate change practice will impact 80 to 90 percent of existing clients in one way or another,” said Randolph Visser, the co-leader of the new group. “Climate change issues cut across virtually every industry that exists today.”

While it’s common for law firms to create practice groups to respond to trends, lawyers involved say there’s more to this than just some flimsy marketing agenda. Changing state and federal regulations are already boosting lawyers’ work, and establishing a cohesive approach is important at a time when environmental work is expected to soar.

“Most greenhouse gases come from energy, transportation and industry,” Visser said. “It’s fair to say that accounts for the bulk of our clients.”

Sheppard isn’t the first to create such a formalized group, though it’s among a first wave of firms that includes Hunton & Williams; Brown Rudnick Berlack Israels; and Alston & Bird. Many other firms work on related topics but haven’t put them under the umbrella of a new practice area.

Doing so is a smart idea, says Richard Gary, a Bay Area legal consultant. Even though these new practice groups are clearly a repackaging of existing practices, it sends a strong message to clients that the firm is “responding to trends that they see in society generally,” he said.

“It shows the firm is responding to issues it sees,” Gary said, “and if I were a client, it would pique my interest.”

Sheppard, Mullin says it has done more

than just reorganize the 50 attorneys that make up this new group. Lawyers in the new group are meeting with consultants such as Environ to learn more about environmental legislation, companies’ concerns and the type of pollutant reductions expected in upcoming years.

So far, work is coming to firms in several areas. There’s litigation as environmental groups sue to invalidate environmental studies that don’t include climate change information. Clients are also looking for advice on ways to reduce their own emissions and get credit for it. They’re also asking firms to monitor the impact of rulings and legislation, such as AB 32, California’s 2006 effort to cap greenhouse gas emissions, the first state attempt of its kind.

“It’s not as if people watched Al Gore’s movie and suddenly started calling lawyers, but when California passed that bill, that really got our clients’ attention,” said M. Elizabeth McDaniel, Sheppard’s co-leader of the new group. “At that point, it was obvious this was not going to be an isolated event but was the beginning of a trend.”

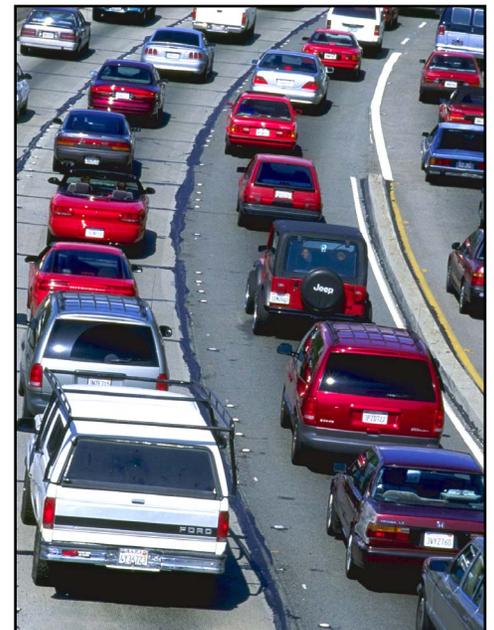
Malcolm Weiss, who heads up the environmental group at Jeffer, Mangels, Butler & Marmaro, said he’s seen his climate-change work spike, both through existing and new clients.

“It was a very small part of my practice a year ago, and now it’s a major part,” he said.

He said it’s important for law firms to already have existing environmental practices if they’re going to get into the climate-change arena: “Businesses should be looking for folks that have been doing it for awhile, and not developing practice groups at this point.”

That might leave some of the big firms out in the cold, warns Sheppard’s Visser.

“Many of what I would call the mega-firms have jettisoned their environmental



JIAN CHEN/NEWSCOM

EMISSION STATEMENT: Growing concern over global climate change is creating new work in environmental law, attorneys say.

practices for so-called profitability reasons over the past few years,” he said, adding that Sheppard has expanded environmental law as a core practice.

And the work, attorneys say, spills into unexpected areas. Fish & Richardson patent attorney Scott Harris says he’s seen a “remarkable increase” in the number of patent applications involving energy savings and alternative energy. He has also seen lots of trademarks trying to denote names involving “ecology” or “green.”

McDaniel says that firms getting out in front in this field won’t regret it.

“I think there will be a lot of work to go around,” she said.

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