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Q&A With Foley & Lardner's Linda Benfield

Law360, New York (June 24, 2009) -- Linda Benfield is a partner in the Milwaukee office of Foley & Lardner LLP and chair of the firm's environmental regulation practice. She has 24 years of experience in litigation and counseling in all aspects of environmental law.

Benfield's recent cases and administrative proceedings include the defense of numerous complaints by U.S. EPA or state environmental agencies alleging air emissions or "new source review" violations, representation of clients in U.S. EPA multimedia audits, and prosecution and defense of citizen suit actions and cost recovery actions in federal and state courts.

Q: What is the most challenging case you've worked on, and why?

A: We handled the disposition of the assets of the former Allis-Chalmers Corp.

Because the company had facilities located in several states, and had been manufacturing for over 100 years, we handled cleanup and sale issues in several states, and had to resolve complex regulatory requirements involving nearly every environmental statute, within the financial limitations of a bankruptcy trust.

Some of the properties were developed as "brownfields," and others were handled using novel techniques that involved municipal or other responsible "caretakers." We negotiated resolution of some of the issues, and resorted to litigation in others.

Q: What accomplishment as an attorney are you most proud of?

A: I am proud of the fact that I have balanced a challenging legal career of my own with the demands of a growing family, while also facilitating the growth and development of a cohesive national practice group that supports the careers of 25 lawyers.

Q: What aspects of law in your practice area are in need of reform, and why?

A: Because environmental regulation involves many policy decisions that impact our economic and social lives, the amendment of any of the primary environmental statutes is difficult, even when both sides of the political debate recognize a need for revisions to the statutes.

The result is often that the government, or citizens' groups, attempt to force change through enforcement, which is enormously expensive and time-consuming for each individual company to defend, and creates inequities among industry players.

Many of the most challenging environmental issues facing our society need to be resolved through legislation.

Q: Where do you see the next wave of cases in your practice area coming from?

A: We anticipate that states will continue to "reopen" closed remediation sites to address issues and contamination that were not fully understood or evaluated at the time of the closure, including such issues as vapor intrusion.

We also expect a lot of future activity in the area of greenhouse gases and climate change, but it will be a while before those programs are fully developed and implemented.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: Jerry Maynard, of Dykema and Gossett. Jerry is an experienced practitioner who is particularly adept at facilitating agreement among disparate groups and interests at complex sites.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: It is important to have an understanding of the role of politics and science in establishing environmental policy, and I would encourage students to become familiar with both.