ADR Is Focus
Of Pace Law
Environmental Seminar

BY THOMAS ADOCCK

A DAYLONG seminar next month at the New York City Bar Association intends to define and formulate a new frontier of environmental law, applying principles of alternative dispute resolution to what Professor John R. Nolon of Pace Law School calls "now quickly emerging and very serious conflicts in the environmental world, such as climate change, where we haven't got statutory rights or regulatory decisions that apply."

The Nov. 10 seminar, entitled "The Resolution of Environmental Interest Disputes: An Emerging Area of Practice," is co-sponsored by the Theodore W. Keel Center on the Resolution of Environmental Interest Disputes at Pace Law, launched in April with a $1 million grant from its namesake, the legendary 94-year-old Manhattan lawyer, arbitrator and mediator.

Mr. Nolan said the new Keel Center, where he is director, is different from ADR centers and clinics.

"What we're doing is to suggest that as natural resources continue to be stressed and climate change occurs and we pack more and more people into the [northeast] region, there are going to be a lot more disputes that don't all fit into regular law practice tradition," he said.

Seminar participants—which include state and federal regulatory officials, private practitioners, non-governmental organizations, industry executives and members of the legal academy—are set to help guide and counsel the center's agenda.

Pamela R. Eisenman, a partner at Save Page & Keel who will begin teaching theoretical and practical courses for the Keel Center beginning in January, said lawyers have "a unique role as fact-gatherers of both scientific and legal aspects" in environmental disputes and, in

PACE continues on page 23

Pace Seminar

Continues from page 24

the near future, might well "come up with real collaborative solutions among stakeholders even before issues come into dispute, let alone litigation."

In this way, Mr. Nolan suggested, environmental attorneys accustomed to litigation might soon work more along the model of transactional counsel.

"The initiative for the center is to take ADR beyond the areas where it's traditionally been applied," said Rechel E. Demming, a partner at Scarola Ellis and program co-chair of the Nov. 10 seminar. The final segment of panels, she said, "will test the boundaries and get people thinking about challenging questions in resolving [new environmental disputes] more satisfactorily than the law itself."

Christine A. Fazio, of counsel at Carter Ledyard & Milburn, also a program co-chair, said she hoped the seminar would produce "best practices" documentation for non-traditional ADR in environmental matters "that's already happening, although nobody really talks about it happening."

Ms. Fazio said environmental lawsuits are "very expensive" and that in her own practice she prefers "ongoing negotiations" among stakeholders so "the public actually gets something, and the developer doesn't have to worry about litigation impacting his financing."

Midday luncheon speakers include John D. Feerick, founder and director of the Feerick Center for Social Justice and Dispute Resolution at Fordham University School of Law, and Mr. Keel's son, Robert J. Keel, of counsel at Willkie Farr & Gallagher.

Mr. Keel said of his father's $1 million gift to Pace Law, "He was thrilled to do this. It's a synergy of his two big lifetime passions—negotiation and a commitment to the environment."

The elder Mr. Keel rapped a fortune from what he has termed a "quixotic" investment four decades ago as an owner of the Punta Cana Resort in the Dominican Republic. He made another $1 million gift four years ago, endowing the Nature New York's Nature program at Queens College.

"There are down sides to being an older person," Mr. Keel said of his father, who was unavailable for an interview this week, "but one of the joys is that you can engage in philanthropy."

He added, "It was the uniqueness of [Professor Nolan's] proposal for the center that got my father excited. He saw it not as something from on high—This is how to do it—but a matter of getting people focused and soliciting their input to promote a new practice area to help reduce conflict and promote synergy."

The seminar offers seven CLE credits. For details, go to www.nychar.org.

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