



Presentation of George W. Perkins Award  
The University Club  
November 17, 2011  
*Remarks by Robert J. Bob Kafin*  
*Vice Chair, Parks & Trails New York*

Archimedes is reputed to have said: “Give me a place to stand, and I shall move the earth”.

Tonight is a celebration of the accomplishments of a group of men and women who created their own platform, and from that place to stand, did move the world.

Our honorees are all environmental lawyers. What, you might ask is so special about a bunch of lawyers? What is special about this group is that they are among those few who played a pivotal role in the creation, development and maturation during the past half century of what today we call environmental law.

When these lawyers attended law school, there were no courses in environmental law in any law school -- NONE. There was no EPA – no Department of Environmental Conservation.

- There was no National Environmental Policy Act or State Environmental Quality Review Act.
- There was no Superfund.
- There was no such thing as a public interest law firm engaging in litigation about natural resource issues,

- no environmental law boutiques,
- no environmental law practice groups in any law firm,
- no environmental conservation committee in any legislative body.
- No Bar Association had an environmental law section or presented continuing legal education programs on that subject.
- No corporation had an environmental, health and safety department.

The fact is: as our honorees entered the practice of law there really was no such thing as a distinct discipline of environmental law.

Every one of the lawyers we honor tonight was an inventor, creator or major mover of many things we take today as givens in a well-ordered society. This includes the end of the notion that air and water are free to be used by who ever grabs them first. These lawyers were leaders and innovators in using litigation as a tool to protect environmental quality

- in making environmental impact analysis an integral part of governmental decision-making –
- in obtaining standing for persons suffering environmental injuries, not just protecting economic interests –
- in assuring meaningful public participation in actions that might affect public health or the ecological integrity of natural systems –
- in introducing environmental compliance investigations into the routine process of acquiring and selling businesses and real estate –

- and in building enduring institutions in both the private and public sectors dedicated to using legal tools to give a voice to aesthetic, conservation and outdoor recreational interests.

These ideas are so commonplace now that we forget that before our honorees began their legal careers, they were but whispers in the wind. Our honorees participated significantly in the development of the doctrines which underlie environmental law – think of John Adams, Al Butzel, Rosemary Nichols, Nick Robinson and David Sive. There are those who drove the passage of laws and the development of great regulatory agencies – think of Henry Diamond, Steve Gordon, Pete Grannis, Drayton Grant, Bob Hallman, John Hanna, Bill Kissel, Lang Marsh and Chuck Warren. There is the creation of environmental law as a distinct practice in corporations, government and law firms -- think of Marty Baker, Ragna Heinrichs, Steve Kass, Alice Kryzan, Dave Paget, Gail Port, Dan Riesel and Joel Sachs.

There are no one trick ponies or one note musicians in this group. Each of them has made multiple impacts on how our society approaches the use and protection of air, water, flora and fauna, land forms and other natural resources. And the philosophers among them have also been litigators, and the regulators also teachers, and the private practitioners also founders and leaders of environmental non-profits. There is tremendous overlap of our pioneers in both major and supporting roles in government, in academia, in NGOs, in educating the public, in the courts, in private companies, in law firms, in international relations and in the organized Bar. Their fingerprints and footprints are everywhere.

When I started my remarks I said that this was a group who found a place to stand and from that place moved the world. The proof of that is to compare the void that existed when they went to law school with abundance and high quality of environmental law and related institutions we have today and to recognize the enormous contribution each has made as a change agent in that transformation.

Time does not permit me to truly do justice to each honoree and describe in any meaningful way his or her career highlights. (Nor can I tell you war stories and how their lives and careers have intercepted with mine over the past 45 years). The best I can do is call each of them to the podium in alphabetical order to receive the George W. Perkins Award for environmental leadership and state one brief identifying label – recognizing that whatever I say understates the significance of what he or she has done and the debt we owe each of them for participating in the creation of what we today know as environmental law. I'd like each awardee to come forward as I call your name and remain up here with me until the whole group has been recognized.

John Adams – the founder of the Natural Resources Defense Counsel, the nation's most effective environmental legal action organization, which during his 40 year leadership helped form our nation's environmental policy – and continues to do so on the great institutional foundation he built

Martin S. Baker – one of the early leaders of the Environmental Law Section of the State Bar Association and a ground breaker in bringing environmental law expertise into the large law firm world

Al Butzel – an original thinker who turned old doctrines to new uses in the protection of the Hudson River and with the late Peter Berle and Steve Kass pioneered the concept of a profit-making environmental law firm

Henry L. Diamond – The first Commissioner of the NYS DEC and the long-term leader of a major law firm, Beveridge & Diamond, which has concentrated its practice in the area of environmental and energy law

Stephen L. Gordon – The guy as Deputy Commissioner of DEC who was able to transform SEQRA from an idealistic statute into a functioning regulatory program and who became a long-standing partner of Beveridge & Diamond

Alexander B. “Pete” Grannis – A great legislator who successfully pushed a major legislative environmental agenda and then – too briefly most of us believe -- a DEC Commissioner who found principle more important than personal ambition

Drayton Grant, who labored long and hard in a variety of DEC positions developing policies and addressing many legal issues never before raised as that agency went through its early growing pains

Robert M. Hallman – A General Counsel of DEC at the time of seminal development of that agency and then became one of the first lawyers to bring an environmental law practice to a Wall Street law firm

John Hanna Jr. – The first General Counsel of DEC whose vision turned what could have been a narrow permitting agency into a major policy force and then became a leader of an Albany law firm, Whiteman Osterman & Hanna, with a first rank environmental law practice

Ragna Henrichs – One of the original environmental lawyers at what was then the Nixon Hargrave Devon & Doyle firm in Rochester where the whole idea of having an environmental law department in a general practice law firm was conceived

Stephen L. Kass – One of the founders of one of the original environmental law boutiques, Berle Butzel Kass and Case, a participant in landmark environmental litigation, and an innovator in bringing American legal concepts into the international arena

William Kissel – The first General Counsel to the Adirondack Park Agency, a unique regional land use agency covering six million acres of mixed public and private lands, who helped lead it through its pains of birth

Alice Kryzan – A leader of the environmental Bar for many years who, from her perch in Buffalo and a hand in making some of the most important, early law on the subject of abandoned hazardous waste site remediation.

Langdon Marsh – For more years than I am sure he wants to count, as General Counsel, Executive Deputy Commissioner and as Commissioner, the steady hand and wise counselor who led DEC, followed by Directorship of the Governmental Law Center at Albany Law School before becoming Commissioner of Oregon’s Department of Environmental Quality.

Rosemary Nichols – A tireless advocate for the integration of traditional zoning and land use law with late 20<sup>th</sup> century environmental laws, who has pressed her points for almost 40 years as a teacher, practicing lawyer, stalwart of the environmental Bar and leader of an important non-profit, the New York Land Institute.

David Paget and Daniel Riesel – I hope you don’t mind that I call upon the two of you together. At Sive, Paget & Riesel Dan and David were early entrants into a law firm concentrating its practice in environmental law, and more than 40 years later are living proof of the resiliency and endurance of that concept. Their names probably appear on more litigated environmental cases than any lawyers in private practice anywhere.

Gail S. Port – My dear friend and long-time colleague – with an unparalleled history as a leader of the Environmental Law Bar and, when in public service, one who was a foundation builder in the application of SEQRA to complex, multi-tiered major land use and development projects

Nicholas A. Robinson – With other here, a former General Counsel of NYSDEC, but, more importantly, one of the original thinkers and scholars who helped form environmental law into a coherent discipline

Joel H. Sachs – A Jack-of-all trades who seems to have been every where at all times in the development of New York’s environmental law – as one of the original State Department of Law enforcers, a private practitioner, teacher, Bar leader, and local government advisor

David Sive – One of the founders of environmental law, whose energy and creativity showed how environmental controversies needed to be addressed by courts of law and who was litigating landmark environmental cases before anyone else even contemplated the great wave of law which has followed.

Charles S. Warren – A Regional Administrator of USEPA, and Director of its Office of Legislation, at a formative time in the history of the agency who then took his expertise into private practice and the leadership of environmental organizations

Ladies and Gentleman: please salute this group of environmental law pioneers as the recipients of the 2011 George W. Perkins Award for outstanding environmental leadership.