

PRESIDENT'S PERSPECTIVE

THOMAS H. PROL

NJSBA *Amicus* Position in Spill Case Protects Attorneys



You could say this one is close to my professional heart. As a former Environmental Protection Agency enforcement officer, and arguably the first New Jersey state bar president who identifies as an environmental practitioner, it is especially poignant for me to write

the President's Perspective in this month's *New Jersey Lawyer* magazine, which focuses on environmental law and the attorneys who practice in that field.

New Jersey has a long, distinguished history of legal scholarship in environmental matters, led by a Legislature and court system that, in concert with the state's Department of Environmental Protection, has sought to correct the sins of the Garden State's environmental past and assist entities in complying with the law every day. Among the standouts shaping the laws and regulations that impact New Jersey's environment are the attorneys who zealously represent their public and private clients with an eye toward compliance, enforcement, remediation, and recovery.

New Jersey State Bar Association members have been at the forefront of many of the advances in jurisprudence that impact environmental law, some of which even 'spills over' into other areas of civil and criminal law. For example, last year, in *Morristown Associates v. Grant Oil, et. al.*, the NJSBA's own Craig Provorny, at Herold Law, and Laurie Sands, at Riker Danzig, staked out the association's strong *amicus* position on the issue of the statute of limitation in New Jersey's Spill Act contribution claims. I had the privilege of watching Provorny's exceptional argument before the New Jersey Supreme Court, which was presented on behalf of the state bar in that case and brought forward his incredible depth of knowledge and skill in that area of the law.

Indeed, in *Morristown* we are met with a brilliant example of the good work the state bar does in protecting its member attorneys while helping advise the courts as they deliver opin-

ions that have vast implications for New Jersey lawyers. There, the NJSBA was concerned that attorneys were at risk as it sought to reverse what it briefed as an "unworkable quagmire" in the retroactive application of a statute of limitation being imposed under that law for the first time ever. The risk to attorneys was obvious: How do we operate in a world where decades of practice is modified significantly and unexpectedly, placing practitioners in a situation where the state of the law was unsettled and lawyers were exposed to malpractice claims? The wisdom of the Court came through where they read the Spill Act as it was written and intended—with no statute of limitations for those claims.

Among the standouts shaping the laws and regulations that impact New Jersey's environment are the attorneys who zealously represent their public and private clients with an eye toward compliance, enforcement, remediation, and recovery.

We are grateful to Provorny, Sands and the scores of other attorney members who came to the aid of the profession as brief writers and oral advocates in the state bar's *amicus curiae* activities last year, and the many others who have done so over the last century.

As this critical work continues, we need your help. If you know of an issue that warrants state bar involvement because it affects attorneys, their practices or their clients, please let us know. We have an active, vibrant *amicus* program and an army of skilled attorneys who can help the courts fulfill their constitutional role. Please keep your eyes and ears open, and let us know if there is something we should know about. Our state's courts have a long, storied history of handing down exceptional, widely cited case law, and I am proud of the role each of you and the state bar plays in that. Keep up the great work! ☺