

On October 15, 2014, the Los Angeles/San Francisco *Daily Journal* published a special supplement focusing on the Top Boutique Firms in California. Barg Coffin Lewis & Trapp was one of 46 firms profiled statewide.

From the Editor's Note: ...Our goal with this inaugural issue devoted to legal boutiques was to honor firms that truly embody the meaning: do one thing and do it exceptionally well. We talked to lawyers around the state about the firms they thought stand out. It wasn't long before the cream rose to the top. In conversation after conversation, the same names were mentioned. While this survey is by no means scientific, it gives readers a good idea of who are regarded by their peers as the marquee boutiques....

Barg Coffin Lewis & Trapp LLP

By Brandon Ortiz

The size and significance of the consent decree that Barg Coffin Lewis & Trapp LLP recently negotiated on behalf of client East Bay Municipal Utility District is hard to overstate.

The deal with the Environmental Protection Agency, approved by a federal judge last month, calls for \$1.5 billion in repairs over 21 years to sewer pipes serving 650,000 residents in seven East Bay cities.

The upgrades to the aging, ill-maintained pipes are expected to prevent rainwater from seeping into the collection system, which overwhelms treatment facilities and results in millions of gallons of untreated sewer water entering the San Francisco Bay.

The deal came about after partner Brian Haughton convinced the EPA, which had sued the utility district to compel repairs, to sue local cities to force repairs under the Clean Water Act.

But despite the stakes, the firm did not assign an army of attorneys who could eagerly meet their billable hours quotas.

"I was the only Barg Coffin lawyer on the case," Haughton said. "Let me put it this way: many firms never would have dreamed of handling that matter that way. I think it resulted in a very cost efficient product."

The firm, which rose from the ashes of defunct firm Landels Ripley & Diamond LLP, prides itself as an environmental boutique with a cost structure that meets the demands of the marketplace. Partners actually outnumber associates two-to-one at the 21 lawyer firm, meaning veteran attorneys handle a greater share of the work.

Haughton says that results in high-quality but cost-effective service for clients, who prefer senior attorneys handle the bulk of their representation.

"Because we are so small and nimble, the client gets really good service," he said. "You're a big fish in a small pond here."



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The firm's roster of clients include Union Pacific Railroad Co., Boeing Co., and BAE Systems PLC. Such success has spurred many offers from full-service firms, all of which the partners have declined.

The offers didn't seem like they'd result in "us having more fun doing what we do," Haughton said. "We like our clear brand. We are an environmental firm. Period."

Haughton said the firm actually polled its clients to learn if they'd prefer the firm becoming part of a larger full-

service. By a 10-to-one margin, Haughton says, clients wanted the firm to remain a small boutique.

The firm advises on traditional environmental matters such as California Environmental Quality Act compliance and Superfund cleanup. It also advises on newer, cutting edge issues created by California's new cap-and-trade program under AB 32, which caps greenhouse emissions and creates marketplace emissions allowances.

Partner R. Morgan Gilhuly is advising hydrogen producer Air Liquide on compliance.

State regulators have constantly changed the rules of the program, creating challenges for planning.

"The regulators are making it up as they go," he said.

Despite the regulatory heartburn for energy companies, cap-and-trade isn't going anywhere. Gilhuly predicts other states will join California's cap-and-trade exchange because the EPA recently unveiled new standards requiring a 30-percent reduction in carbon emissions from power plants by 2030.

"We think climate change is going to be a part of everything" moving forward, he said.

- *Brandon Ortiz*

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