

## FROM TEST TUBES TO BRIEFS

At the law firm of Anderson Kill & Olick, P.C., John G. Nevius, G'87, GEN'87, draws on the geology and engineering master's degrees he earned at Penn and his experience as a hydrogeologist to help policyholders maximize their recovery of insurance assets. A nature-lover, litigator specializing in environmental insurance coverage, and former U.S. Environmental Protection Agency regulator, Nevius brings a uniquely multifaceted perspective to environmental law.



John G. Nevius

COURTESY OF JOHN G. NEVIUS

**Q: How has your background in science shaped your career as a lawyer?**

**Nevius:** It was a mental adjustment for me to think like a lawyer in the beginning. For example, I'd wind up making arguments about how 55 gallons of trichloroethylene could contaminate all the drinking water Portland, Ore., uses in a year and a half, and as a lawyer you're not supposed to say things like this. But I made the specific determination to focus on not only environmental property damage cases and coverage but also on anything that could use my technical background in engineering and science.

I put it all together by becoming Anderson Kill's go-to guy for environmental risk management. Not only did I do the insurance litigation, which is usually a one-shot deal because hopefully your factory or product will only face a big insurance claim once, but I retained many of our clients by helping them with environmental compliance—with guiding them in what

the regulators are after and how to give it to them.

Eventually not only was I generating a fair amount of business, which is kind of the name of the game as far as being a lawyer goes, but I was also recognized by the firm for my environmental expertise. Now, I'm the chair of the firm's environmental law group.

**Q: What are some of the most challenging issues in environmental law that you're working with right now?**

**Nevius:** Pollution exclusions are a huge issue for me. Most companies buy general liability insurance, but a lot of policies now have exclusions related to pollution, and the insurance industry has improperly used these exclusions to preclude coverage. For example, I was involved in a case in Virginia where the municipal water supplier added chlorine to the water as a disinfectant, just like almost any municipal water supply does. That chlorine combined with naturally occurring organic acids resulting from the degradation of leaf material

to form trihalomethanes, which are considered harmful. The Virginia Supreme Court upheld denial of coverage for the supplier even though this pollutant was naturally occurring. It took a very simplistic approach and refused to listen to the more nuanced science on the issue.

Another interest I have is taking "brown fields"—contaminated land that has been lying fallow—and using them in an effective and constructive way. So, how do we clean things up efficiently and practically, and how do we best use resources to do this economically? One part of this is using old insurance assets that may have been associated with that property to help offset cleanup liabilities. As a taxpayer, I think the insurance industry should be shouldering its fair share of the cost of cleaning up the impact of the Industrial Revolution.

**Q: How do you reconcile representing clients you might ideologically be at odds with?**

**Nevius:** When I litigate against insurance companies

to get cleanup dollars, they're going to argue that I'm representing polluters, and the fact is some of my present clients are in businesses I used to regulate as an EPA officer. But most of the products we take for granted are based on exploitation of natural resources, and I no longer look at things from the simple, black-and-white standpoint of 'you shouldn't pollute'. For example, I have mining clients who are located out in the middle of nowhere. They have a very limited impact on the environment, and they need to be competitive from an international standpoint.

So, while I'm in favor of keeping things as clean as possible, I've seen it from the other side. When I can use my legal, science and engineering background to mediate disputes between different constituencies and when insurance coverage litigation opens doors to clients that I can help put on the right track from a business and compliance standpoint, it is incredibly challenging and satisfying. —PR