

Michael A. Nesteroff

Shareholder
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Areas of Practice

Mike Nesteroff is chair of Lane Powell's Sustainability and Climate Change Team. In his 21 years at Lane Powell, Mike has handled numerous environmental litigation and claims involving hazardous site investigations, cleanups and cost recovery involving sites in Washington, Oregon and Alaska. He obtained a several million dollar cost recovery judgment on behalf of a firm client and a defense verdict in another cost recovery case. In addition to his active environmental law emphasis, his practice also encompasses real estate litigation and general commercial disputes.

Mike is a frequent speaker on climate change issues, including a national teleconference on state regulation of climate change and serving as a panel moderator on an upcoming conference on carbon credits. He has authored several recent climate change articles, including "States Step Up to Address Global Warming and Climate Change," in the *Real Estate Finance Journal*, Summer 2008, issue and "Climate Change: A Rising Tide in Real Estate & Environmental Litigation," in the Summer 2008 American Bar Association Tort, Trial and Insurance Practice, *Business Litigation Committee News*.

He is a member of the Oregon and Washington bars, "AV" rated by Martindale-Hubbell and recommended by *Chambers USA: America's Leading Lawyers for Business, Environment (2008-2009)* for being "very well tuned in to local opinions" that enables him to provide "strategic advice which is right-on." Mike is also chair of Lawyerpalooza, the annual Seattle Law Firm Battle of the Bands that raises money for local elementary school programs.

Admitted to Practice

Washington
U.S. District Court, Western District of Washington
U.S. District Court, Eastern District of Washington
Oregon
U.S. District Court, District of Oregon

Academics

University of Puget Sound (J.D., 1983)
Washington State University (B.A., *cum laude*, 1975)

Practice Group and Specialty Team Membership

Chair, Sustainability and Climate Change Team
Clean Tech
Construction and Environmental
Real Estate
Renewable Energy
Securities Litigation

Representative Matters

Lead counsel for natural gas and liquids pipeline clients regarding applicability of the Washington Public Records Act terrorism exemption. See, *Northwest Gas Association v. WUTC*, 141 Wn.App. 98 168P.3d443 (2007), rev. den. 163Wn2D1049 (2008).

Defended an oil company refinery in a lawsuit by property owners concerning beach erosion.

Represented California operator of co-generation plants in recovery of payments owed by California utilities during the California emergency crisis.

Primary litigation and claims attorney for approximately 75 leaking underground storage tank cases in Washington, Oregon, Alaska, Idaho and Hawaii for major oil companies

Recovered \$4 million judgment in Alaska environmental cost recovery action.

Obtained \$135,000 defense judgment in Washington Model Toxics Control Act (MTCA) cost recovery action.

Advised Olympic PipeLine Company on environmental issues concerning the Bellingham pipeline explosion, including natural resource damages, restoration planning and the Endangered Species Act.

Defended broker-dealers and registered representatives in numerous arbitrations brought by customers.

Represented broker-dealers and registered representatives in broker-recruiting disputes.

Publications

“Multifaceted incentive programs move Oregon to Front of Pack,” *Daily Journal of Commerce*, Oregon, January 22, 2010 (Co-Author)

“Transportation and Climate Change Regulation,” *Sustainability Law*, Lane Powell, December 2009

“Energy Development,” Chapter 7, *Washington Real Property Deskbook*, Volume 4, 4th Edition, 2009 (Co-Author)

“Stimulus for smart grids is welcome, but faces challenges,” *Puget Sound Business Journal*, May 1, 2009

“No Easy Path For Renewable Energy,” *Law360*, Portfolio Media, April 3, 2009

“Federal Stimulus Provides Major Funding for Renewable Energy and Energy Conservation,” *Energy Priorities*, February 19, 2009

“States Step Up to Address Global Warming and Climate Change,” *The Real Estate Finance Journal*, ThomsonReuters/West, Summer 2008

“Climate Change: A Rising Tide in Real Estate and Environmental Litigation,” *Business Litigation Committee News*, American Bar Association, Summer 2008

“Species listing is a bigger boon for lawyers than polar bears,” *Puget Sound Business Journal*, May 23, 2008

“Lawyerpalooza Marks Six Years Rocking for Schools,” *Bar Bulletin*, King County Bar Association, April 2008

Speaking Engagements

“Business Law from A to Z: Hot Topics in Business Law,” National Business Institute, November 17, 2009

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- “Carbon Credits: Mandatory v. Voluntary Markets -- What’s the Difference?,” The Seminar Group, November 12, 2009
- “Litigating Disputes over Easements & Restrictive Covenants: Investigation & Drafting Descriptions and Agreements to Avoid Disputes,” National Business Institute, November 3 & 4, 2009
- “Environmental Initiatives for 2009 & Beyond,” The Seminar Group, September 11, 2009
- “Social Media: Expect the Unexpected -- Issues of Public Companies and First Amendment Rights,” Lane Powell, July 7 & 8, 2009
- “Current Issues in Washington Commercial Real Estate: Seller Disclosures, Form 17/17C and Commercial Property,” Building Owners and Managers, March 26, 2009
- “Carbon Credits: Federal Issues,” The Seminar Group, March 12, 2009
- “Climate Change Regulation,” Associated General Contractors, General Convention, San Diego, March 6, 2009
- “Road and Access Law: Abandonment and Vacation,” National Business Institute, December 12, 2008
- “Road and Access Law: Abandonment and Vacation Considerations,” National Business Institute, August 5, 2008
- “Commercial Goundlease Fundamentals: Critical Components of the Lease; Special Lease Considerations,” National Business Institute, July 15, 2008
- “Climate Change Update: State Regulatory Action to Address Climate Change and Greenhouse Gas Emissions,” National Business Institute, June 9, 2008
- “The Changing Climate For Climate Change - What’s Ahead for Businesses in the Northwest,” Lane Powell Seminar, February 7, 2008
- “Drafting Commercial Real Estate Issues: The Ins and Outs of Protecting Your Interest,” National Business Institute, December 19, 2007

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Awards and Honors

- Recommended by *Chambers USA: America’s Leading Lawyers for Business*, Environment (2008-2009)
“AV” Rating by Martindale-Hubbell

Professional and Community Activities

- Member, Washington State Bar Association, Environmental and Land Use Law Section
- Member, King County Bar Association, Environmental Law Section
- Member, American Bar Association, Section on Litigation
- ABA Section on Environment, Energy and Resources
- ABA Forum Committee on Communications Law
- Board Member, Western States Petroleum Association - NW Associates, 2008 - Present
- Board Member, Hopelink, 2007 - Present
- Board Member, Leadership Eastside, 2008
- Trustee, Seattle Country Day School, 2007 - Present
- Chair, Lawyerpalooza Organizing Committee, 2003 - Present
- Leadership Eastside Training Program, Class of 2009
- President, Seattle Country Day School Parent Council, 2006 - 2007
- Seattle University Law School Alumni Board of Governors, 2002 - 2006
- Trustee, Children’s Institute for Learning Differences, 1998 - 2004
- American Federation of Television and Radio Artists, 1980 - 1988
- National Academy of Television Arts and Sciences, regional EMMY Recipient, 1981 - 1982