

Michael A. Nesteroff

Shareholder
nesteroffm@lanepowell.com
206.223.6242



Areas of Practice

Mike Nesteroff is chair of Lane Powell's Sustainability and Climate Change Team and a member of the Firm's Environmental Practice Group. In his 22 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 at a conference on carbon credits. He also serves as the principal contributor to the *Firm's Sustainability & Climate Change Reporter* blog (www.sustainabilityclimatechangereporter.com), along with authoring numerous articles on climate change.

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* 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
Business Crisis Management and Emergency Remedies
Canada Practice
Clean Tech
Construction and Environmental
Real Estate
Renewable Energy
Securities Litigation

Representative Matters

- Obtained summary dismissal of property owner beach erosion claims against an oil company refinery. See, *Van Buskirk v. ConocoPhillips*, 2009 WL 3784334 (W.D. Wash. Nov. 10, 2009)
- 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, 168 P.3d 443 (2007), rev. den. 163 Wn2d 1049 (2008)
- Defended an oil company refinery in an enforcement action concerning a former landfill
- Defended bank trustee in a CERCLA/Oregon hazardous substance act lawsuit, and ODEQ consent order concerning a former leather tannery
- 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

TV/Radio Interviews

- “Michael Nesteroff on California Adopting Cap-and-Trade Regulations,” Lexblog Network TV (October 28, 2011)
- Interviewed in Part 1 and Part 2 of “Sound Business with Mike Siegel” on sustainability issues in downtown Seattle, KKOL 1300 AM (June 10, 2009)

Publications

- “Legal Ramifications of Green Marketing — Marketing Your Green Construction Practices in an Uncertain World,” *BUILDERnews* magazine (November 2011)
- “Adopting and Complying With Green Practices — It’s More Than Just a Marketing Concept,” *Seattle Business* magazine (October 2011)
- “Washington Adverse Possession Law Changed to Provide for Attorneys’ Fees and Payment of Taxes,” John L. Scott Real Estate Newsletter (August 2011)
- “Fast-Tracking Nevada Wind Farm Construction,” *Law360* (July 28, 2011)

“High Court: WDOT Must Pay for Foss Cleanup,” *Seattle Daily Journal of Commerce* (July 27, 2011)

“To Green or Not to Green?” *Seattle Business* magazine (October 2010)

Principal blog contributor since 2009, *Sustainability & Climate Change Reporter*, Lane Powell PC

“Here Comes a Flood of Stricter Stormwater Rules,” *Seattle Daily Journal of Commerce* (September 2, 2010)

“Are You Covered? Comprehensive Green Building Liability Insurance Not Quite Ready For Prime Time,” *BUILDERnews* magazine (April 2010)

“Multifaceted Incentive Programs Move Oregon to Front of Pack,” *Daily Journal of Commerce*, Oregon, Co-author (January 22, 2010)

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

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

“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

“Risk Management & Stormwater,” Northwest Environmental Business Council’s “Managing Stormwater in the Northwest” Conference (March 8, 2012)

“Recent Changes to Construction and Environmental Law That Will Affect Your Business,” American Institute of Architects Seattle Seminar (November 16, 2011)

“New Changes to Construction and Environmental Law that Will Affect Your Business,” Lane Powell Seminar (January 20, 2011)

“Renewables and the Environment — Seeking an Equitable Balance,” Future Energy Conference, Moderator (November 10, 2010)

-
- “Federal and International Issues,” Carbon Credits Seminar (November 5, 2010)
- “Real Estate Core Curriculum: Current Issues in Washington Commercial Real Estate,” Building Owners and Managers Associations of Seattle King County (October 26, 2010)
- “Land Abandonment and Vacation Fundamentals,” Lorman Education’s Real Estate Training Center Audio Conference (August 11, 2010)
- “Business Law from A to Z: Hot Topics in Business Law,” National Business Institute (November 17, 2009)
- “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)

Awards and Honors

Recommended by *Chambers USA: America’s Leading Lawyers for Business*, Environment (2008-2011)
Peer Review Rated “AV” in 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

ABA Section on Environment, Energy and Resources

Board Member, Northwest Environmental Business Council (2009-Present)

Board Member, Western States Petroleum Association NW Associates (2008-Present)

Board Member, Hopelink (2007-Present)

Board Member, Leadership Eastside (2008-Present)

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)