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EXPERTISE

Class Action Litigation, Environmental Law, Natural Resources, Oil & Gas Industry, and Toxic Tort Litigation

EDUCATION

University of Colorado School of Law, J.D. *Order of the Coif*, 1999

University of Wyoming, M.S., 1990

Cornell University, B.A., 1986

ADMITTED IN

Colorado

Adam Cohen assists the clients of Davis Graham & Stubbs LLP with matters involving hazardous substances and hazardous wastes, mining impacts, water quality, natural resource damages, and other environmental concerns. His practice generally focuses on: environmental litigation, including toxic tort, personal injury, property damage, and CERCLA or “Superfund” cases; defending clients in administrative enforcement proceedings, including water quality and hazardous waste management proceedings; environmental due diligence in association with corporate and real estate transactions; and working long-term with clients facing complex compliance questions or problems associated with environmental statutes, regulations, and administrative proceedings.

Working with other DGS attorneys, Mr. Cohen has helped obtain dismissals and significant costs awards or highly favorable settlements in nearly 30 environmental class action, property damages, and personal injury lawsuits within the past four years. He was a key player on trial teams that: successfully defended two large class action lawsuits alleging damages to residential neighborhoods in Denver and Colorado Springs from contamination of groundwater and indoor air; obtained summary judgment dismissing a lawsuit seeking damages for a major groundwater cleanup effort; successfully defended approximately 20 related lawsuits alleging personal injury due to environmental exposure to cleaning solvents (all cases dismissed); and obtained summary judgment

dismissing a lawsuit alleging liability for municipality’s groundwater treatment costs.

Through this litigation, he has developed particular expertise in defending claims alleging environmental harm and personal injury due to groundwater contamination from releases of chlorinated solvents and petroleum products. He is also working on cleanup projects at several abandoned hard-rock mining sites, some of which involve litigation under the federal Superfund law or its state equivalent. In connection with this litigation, as well as at other sites where litigation has not occurred, Mr. Cohen works with clients to facilitate compliance with administrative cleanup requirements relating to groundwater, soil, indoor air, and hazardous waste and to monitor the progress of site remediation activities under state and federal administrative orders. He has helped clients assess the need for and obtain environmental liability insurance coverage and insurance recoveries where environmental remediation costs have been incurred. He has also worked to establish site-specific water quality standards that were incorporated into industrial and mine-site effluent discharge permits; obtain administrative approval of plans for soil and groundwater cleanup projects under Colorado’s voluntary cleanup statute; and complete remediation efforts at several leaking underground storage tank (LUST) sites (in Colorado, Indiana, New Jersey, and Florida) under state oversight.

Mr. Cohen also has counseled a number of the firm's clients on stormwater permitting and compliance matters, including enforcement proceedings brought by the Colorado Water Quality Control Division and Colorado Oil & Gas Conservation Commission involving oil and gas sites, residential construction sites, utility installations, and industrial facilities. Violations alleged in these proceedings included deficient stormwater management plans, lack of stormwater inspections and reporting, and inadequate or absent best management practices. Mr. Cohen is familiar with the stormwater regulatory program, having spoken on the topic and participated in a 2006/2007 stakeholder process led by the Colorado Water Quality Control Division in connection with proposed revisions to Colorado's stormwater permitting regulations. Mr. Cohen has also performed field audits of clients' facilities to identify potential deficiencies in their stormwater management practices. He understands, first-hand, the types of structural and non-structural practices that provide effective sediment and erosion control, as well as the types of control measures that regulators expect to see in the field.

Mr. Cohen received his B.A. in Biological Science from Cornell University and his M.S. in Environmental Toxicology from the University of Wyoming. Prior to law school, Mr. Cohen spent seven years working as an environmental consultant with a national firm's office in Fort Collins, Colorado. His areas of expertise included ecological risk assessment, aquatic toxicology, derivation of water quality standards, and spill-related emergency response.

While pursuing his legal studies at the University of Colorado, Mr. Cohen served as an editor of the *Colorado Journal of International Environmental Law and Policy*. Mr. Cohen is a member of the American Bar Association Environmental and Litigation Sections, as well as the Colorado Bar Association Environmental Law Section.

PUBLISHED ARTICLES

- Stormwater Permitting Update
- Some Remediation Costs Deductible
- Cleaning Up: IRS Decisions Offer Financial Incentives for Environmental Remediation
- Total Maximum Daily Load under the Clean Water Act

- Ninth Circuit Excludes Passive Soil Migration from Definition of "Disposal" Under CERCLA

RECENT SPEAKING TOPICS

- Stormwater Permitting and Compliance in Colorado: Considerations for Construction Companies and Real Estate Developers
- Current and Emerging Stormwater Legal Issues