

MIKE OHM

Fortuitous 'Fall' into Environmental Law

by Ross Miller

Michael K. Ohm has spent his legal career focused on, as he puts it, "being opportunistic as opportunities present themselves." Becoming a lawyer was not what he envisioned when enrolling at the University of Illinois-Champaign Urbana in 1978; becoming one of the foremost environmental lawyers in the United States was even further from his mind. He doesn't come from a family full of lawyers, nor was it a romantic childhood dream of his to stand before a judge and jury.

Rather, Ohm, the newly minted managing partner of the Chicago office of the St. Louis-based law firm **Bryan Cave LLP**, envisioned being a doctor, social worker, or something in between.

At U of I, Ohm excelled in the sciences, but he wasn't cut out for the mathematics and

his wife while attending a social work program in college.

Ohm's third career choice was law. He believes that being ill-suited for a career in medicine or social work has been a blessing in disguise. At DePaul University's law school, Ohm handled the typical classload and even enrolled in the one environmental law class that the school offered at that time.

He "fell into environmental law" when he decided to minimize his law school debt by becoming a law clerk while maintaining a full 15-hour course curriculum.

Starting at the EPA

DePaul's campus was a block away from the Federal Environmental Protection Agency, and Ohm landed an interview. He secured a

being forced into the nighttime program, which would have extended Ohm's time in law school from three to four years.

Ohm was ecstatic to have landed this clerkship and believes he was hired because he had a significant legal background, which was otherwise lacking in his unit. Once again, an opportunity presented itself, Ohm jumped at it. The results vaulted him onto the next stage in his career path.

While a clerk with the EPA, Ohm was involved with the Section 5 waste management program covering six Midwestern states including Illinois, Indiana, and Wisconsin. Ohm became an essential part of the team that drafted and promulgated hazardous waste regulations.

Upon graduation from DePaul Law in 1985, Ohm continued with the EPA. He would receive input from the public and private sectors regarding laws governing hazardous waste and how they became law.

The regulations would be transferred and/or authorized to the states, and Ohm was responsible for adopting these regulations in several Midwestern states. In addition, Ohm was assigned as a public hearing officer regarding issuing hazardous waste permits within several Midwestern states.

As a "coordinator of public input," Ohm prided himself on ensuring that the public felt as though they had the opportunity to express themselves while protecting his employer from possible negative press releases. Ohm would hold town hall meetings allowing people to comment and express concerns regarding local hazardous waste activities.

Many times, these meetings, typically held at city halls, churches, or even larger forums, were standing room only. However overwhelming this may have seemed, Ohm persevered, performed his function, and excelled in this capacity.

Being thrown into this role was interesting to Ohm because he was so young and inexperienced in the legal field; plus, he lacked seasoning in dealing with public interaction. Despite being all of 24 years old at the time, Ohm was about to graduate from law school, working for the EPA as a public hearing officer, and conducting meetings with groups of EPA officials, press, local officials and the general public.

algorithms required of a pre-med major. At the urging of his undergraduate advisor and following his heart, Ohm's dream of becoming a medical doctor fell by the wayside. Social work remained a viable career option for Ohm, until he met the woman who would become

clerkship, working 32 hours despite the fact that this particular clerkship was scheduled to be a full-time position. Because the Federal EPA allowed Ohm to accept a reduced role in his new capacity, he was able to remain in DePaul's daytime law program rather than



Ohm spent a year and a half with the EPA after law school doing essentially the same work but with more responsibility.

Moving to the AG's Office

While still with the EPA, Ohm worked closely with a colleague from the Illinois State's Attorney General's Office as the job entailed close interaction with many law firms and state agencies.

At the same time, Ohm's frustration with the bureaucracy at the EPA reached an all-time high. As luck would have it, Ohm's relationship with the certain members of the Attorney General's Office resulted in an opportunity to join the office as an attorney.

When offered the job, Ohm jumped at the opportunity, as the attorney general was involved in controversial but cutting-edge environmental matters at that time, including white collar environmental prosecution and clean air and water act cases.

Ohm moved to the Attorney General's Office in mid-1986 and worked in its environmental group for a little over two years. There, Ohm was viewed by many to be a rising star in the world of environmental law both due to his abilities and because most members of the environmental group lacked significant experience in this up-and-coming field of law.

This was a time when landmark environmental laws, particularly land-based laws, the Resource Conservation and Recovery Act (RCRA), and the Superfund law, were driving activity at the state and federal level.

"I walked in on Monday, and the following week was giving other lawyers a seminar on RCRA law despite them having far more legal experience than I," he recalls.

This put Ohm in a position as a young lawyer to run point on a significant number of cases early in his career. For example, within a couple of weeks of taking the position, Ohm acted as leading defense attorney on motion for summary judgment and within eight weeks was running a trial. "This helped accelerate my experience level and was challenging but fun."

This job also cemented his love for environmental law.

An Unforeseen Opportunity

About two years later, in the fall of 1988, Ohm received a telephone call from a friend interviewing with a law firm in Chicago.

The firm, Bell Boyd & Lloyd, a prestigious corporate defense firm, sought someone with both state and federal experience.

Ohm's friend lacked the requisite federal experience and gave the interviewer Ohm's contact information. Shortly afterwards, Bell

Boyd & Lloyd contacted Ohm; he interviewed and accepted a position as an associate.

At the time, Bell Boyd & Lloyd had a handful of environmental lawyers and was heavily recruiting Ohm because the firm had recently lost nearly its entire environmental law group to another firm but had retained a significant environmental-based caseload.

The firm was looking for a partner-level attorney but jumped at the opportunity to hire Ohm based on his superior experience and knowledge.

As usual, Ohm was simply being opportunistic as opportunities presented themselves to him. Given a series of cases, both litigation and transactional, involving a broad range of environmental matters, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), regulatory work regarding laws dealing with chemicals and the clean air act, Ohm did not realize how significant these issues would become over the next 10 to 15 years.

Within six months on the job, Ohm was selected to be part of the team that hired his would-be boss, even though he was still an associate. The partner who was hired ended up being a great mentor to Ohm, but the work relationship was brief and the partner left the firm within a matter of months.

Despite being pressured to leave with his new mentor, Ohm saw an opportunity to take over and fill the vacuum created by his boss leaving. This foresight paid off, as Ohm became the youngest lawyer in firm history to make partner and chair a department, the Environmental Practice Group.

However, the move was incredibly risky as only two lawyers in the environmental group remained with the firm while the other four left. At the time, Ohm did not have any significant clients of his own and was not sure if he was rainmaker material.

Developing His Practice

Through hard work and dedication, Ohm and his colleagues built the environmental law practice at Bell Boyd & Lloyd into a self-sustaining, independent group.

This achievement is even more impressive considering that more often than not, environmental law practices tend to be more of a service group. Ohm's group at BB&L grew into a group of 10 lawyers generating 60 to 80 percent of their own work.

Despite Ohm's personal success and the group's success, the BB&L platform did not, Ohm says, allow the group to go nationwide as the firm was more of a Midwest regional law firm.

Ohm decided to take his talents to Bryan

Cave, an international law firm with 22 offices throughout the world from Chicago and New York to Shanghai to Milan. This infrastructure presented him and his team with the ability to go global with their practice. Once again, an opportunity to further his passion presented itself and Ohm took the plunge, despite the relationships he cultivated while at BB&L.

Less than a year after he left BB&L, the firm merged with K&L Gates, which could have taken Ohm international as well. Still, Ohm has no regrets, as he stuck to his guns and jumped at an opportunity when it arose.

Up through his time with BB&L, Ohm's environmental practice was fairly conventional, but he morphed it into a more dynamic practice in the mid-1990s starting as Brownfield development came into the forefront.

Through connections and the reputation he was building for himself, Ohm joined stakeholders set to evaluate opportunities to rejuvenate Brownfield areas in Chicago. Ohm credits this opportunity as a blessing in disguise as he developed a robust Brownfield practice.

Significant Achievements

In late 90s, Ohm became lead environmental counsel to the Joliet Arsenal Development Authority (JADA). This project evolved over the last 10 years to become a multibillion inter-modal project.

The project consisted of 23,000 acres, of which 2,000 acres was a Superfund site targeted for industrial redevelopment. Ohm negotiated with the United States Army on how best to remediate and transfer this land to the State of Illinois.

Once the transfer occurred, Ohm represented the industrial real estate development company, which was selected to develop the property in the early 2000s. As military facility re-use projects go, this matter turned into a significant economic development. Ohm is still working on this project.

Ohm also takes great pride in a project in Sterling, Illinois. An old, 700-acre steel mill was going through bankruptcy. But the mill was the largest employer in the city and surrounding areas, employing more than 5,000 union workers.

For Ohm, keeping business going was the challenge, and he was hired to fashion a remedy for environmental, bankruptcy and redevelopment issues that faced the mill and city.

Over the course of the next few years, Ohm devised a scheme that would allow the City of Sterling to redevelop the property. Liggott and Platt owned a mattress company, and most

of the wire for mattresses came from the Sterling mill.

Sterling and Ohm were able to bring in Liggott and Platt to operate 180 of the 700 acres of the former mill, while the surrounding property became subject to targeted environmental remediation procedures with United States and Illinois EPA guidelines.

Today, this project has gone from a bankrupt, run-down steel mill to a property with hundreds of employees and 14 new businesses.

Ohm is also extremely proud of his work on the Centerpoint Properties project he led with Ford Motor Company in Southeast Chicago. Today, this former Brownfield site is a supplier point property, which eliminates the need for parts to be shipped hundreds of miles, expending countless natural resources and waste byproducts. Although not environmental in nature, the project created more than 1,000 union jobs.

Ohm's current major Brownfield remediation and development site is the U.S. Steel Southworks Site, a 650-acre Brownfield set for a total overhaul both environmentally and economically.

This project has been going on for six years, and Ohm anticipates it continuing for at least another six years. Instant gratification is not the name of the game for Ohm. He simply takes what he is given and transforms it into a positive for himself, his clients, and his team.

Moving Forward

When asked what he views as challenges facing environmental law today, Ohm points to two sets of challenges he has faced in the past three years, one foreseeable and one unforeseeable.

For Ohm, it was foreseeable that the public's perception of environmental law, from business people to elected officials, would evolve.

"Environmental law in the 1970s and 1980s was a new thing and was a hammer to cause a change in people's behavior, essentially a command and control to force a change in industry," he says.

"The 90s were a time when the public generally had a better understanding, and environmental law had gone from high-profile and feared to being more understood and manageable."

Ohm believes environmental law today has opportunities to undergo a transformation with regards to the concept of what is a sustainable marketplace.

Chicago is leading the way in its desire to integrate sustainability into city projects. Ohm cites green buildings and LEED certifications, which provide credits to the extent a building

is sustainable and uses sustainable products including glass, carpet, and solar to name a few.

He challenges individuals and business to embrace the concept of sustainability in all of its forms and makes a point to educate people and entities on how vital it is on both the debit and credit column to practice sustainability in all aspects of business and life.

Ohm has led the way in Bryan Cave's heavy investment in sustainability in all forms and avenues.

For example, the firm recently completed "carbon neutral week," which reinforced to employees that modest changes to their behavior can alter the environment for the better. At Ohm's urging and guidance, the firm expects to become a market leader in sustainability.

The economic downturn, unforeseen to most, has affected his practice to some extent. But as a diverse environmental law practice at a large international law firm, Bryan Cave has sustained itself and evolved with clients and with the economy.

As managing partner of the firm's Chicago office, which he assumed in November 2010, Ohm will continue to shape his practice based on the opportunistic nature of the decisions he makes when confronted with opportunity, whether ideal or challenging.

Ohm believes he was selected in this capacity based on the entrepreneurial nature of environmental lawyers at Bryan Cave with regards to sustainable development and alternative energies, to name a few.

He also believes that the entrepreneurial nature of his practice group has allowed the Chicago office to maintain its strength and even expand in the current economic climate.

"Environmental lawyers are transforming a narrow legal specialty into a practice having relevance in many applications in business and are being considered in higher levels of strategic consideration," he says. ■