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TOP

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EDITORS' NOTE

Every year, the editors of the *Daily Journal* look at the work of hundreds of California lawyers. Lawyers who have impact – on an industry or on the larger society – are whom we seek to honor. They get results by the sheer force of their intellect and skill and sometimes just by sheer force.

Lawyers in California

ENVIRONMENT, LAND/RESOURCES

ROBERT A. WYMAN JR.

LATHAM & WATKINS LLP | LOS ANGELES

SPECIALTIES: air quality, climate change

Wyman serves as the global chair of Latham & Watkins LLP's environment, land and resources department, as well as its global co-chair of the air quality and climate change practice group.

Among his challenges, Wyman said, "Any time a country or a state develops climate or environmental programs using the market, there is a delicate balance."

As an example, Wyman represented the AB32 Offset Litigation Business Litigation, intervenors in support of the state of California in opposition to two groups of environmentalists.

The coalition is comprised of the state's four investor-owned utilities, oil companies, independent generating companies, offset providers, financiers and emissions trading associations.

"A different environmental group — Environmental Defense Fund — actually intervened with us on the side of the state government," Wyman said.

At issue is their challenge to the state's cap and trade program, which gives incentives for reducing greenhouse gases from otherwise unregulated sources through investments in clean technology.

The action is the first substantive lawsuit to be brought against the cap and trade program, Wyman said.

Basically, he added, this is a debate over the proverbial "carrot and stick" approach.

"Our side is saying, if the state hasn't yet regulated a sector, let's reward innovation, he added. "It's the best way to transform energy into a cleaner footprint."

But, Wyman said, plaintiffs assert that some of the awarded offsets would happen anyway, and that the integrity of the program is hurt by allowing innovation in sectors not yet regulated.

Last year, the court ruled in favor of the state and the intervenors on all of



the petitioners' claims.

The case is on appeal, with oral arguments expected to be scheduled later this year.

"If plaintiffs are successful, and the offset is eliminated, this would have a huge effect on energy prices in California," Wyman said. "The business community wants to remain competitive. A lot is at stake in this lawsuit."

<< Pat Broderick