

# Larry Falbe

## A 'Dirt Lawyer' With an Eye on Diversity

by Dustin J. Seibert

The limitations of the Illinois Rules of Professional Conduct forbid Lawrence W. ("Larry") Falbe from saying that he "specializes" in environmental law.

But from the very beginning of his career 22 years ago up until now, as he's established a solid law practice for himself at the Chicago office of **Miller Canfield Paddock and Stone, PLC**, every professional in his life knows he's a bona fide environmental lawyer.

Now, he has the dusty white hair of distinction to accompany an encyclopedic knowledge of the industry as a "dirt lawyer."

"To be able to present many different options based on my experience and tell my client what's likely to happen with each option, that's a prime benefit I can sell about myself at this point in my career," he says. "That's a reason that focusing your practice in a specific area of law is important — if you go to Joe or Josephine Real Estate, they may have some exposure to environmental issues, but they won't be the best at it and know all the ways to skin a cat."

After more than 20 years of practice focused heavily on environmental law of all kinds, Falbe considers himself a "triple threat" who can handle environmental litigation, compliance work, and transactional support with equal aplomb. But, an environmental lawyer was not at all what Falbe anticipated becoming.

### Professor or Lawyer?

Falbe began his undergraduate studies at Augustana College in Rock Island majoring in chemistry and English, but without having a clear view of his career future.

On the odd combination of a science and liberal arts focus, Falbe says, "I thought I'd be the only scientist who could write readable reports. I liked chemistry a lot, but it turns out I was really bad at math, which is a big problem for a chemistry major. I always tell people I went to law school because I was promised there was no math, which is true for the most part."

Falbe gave up on chemistry, switching to history to complement his English major. But his career path was still uncertain until he assessed his performance on two graduate school entry exams.



"As I approached graduation, I decided to take both the GRE and LSAT, and if I did better on GRE, I would be an English professor because it seemed like they had a good life," he says. "But I blew the GRE because people who did well on that test could recognize the passages from numerous classic books, whereas at Augustana we concentrated on a deep understanding of fewer texts."

Having scored much better on the LSAT, Falbe headed to DePaul University College of Law with a top scholarship.

While advancing through law school, Falbe was intrigued by the work of a family friend, U.S. Treasury agent James

Swanson, who was on loan to the U.S. Environmental Protection Agency (EPA) for the latter part of his career. Swanson talked to Falbe about environmental law and the local EPA office in Chicago and introduced him to people who could get him involved in a legal internship.

"As a T-Man, Jim would accompany the attorneys and technical team when they had to bust companies dumping waste at night or spewing stuff from smokestacks," he says. "He would be the guy packing the guns in case they had to get down and dirty."

Falbe nabbed the internship with the EPA and spent a semester during his second year learning about environmental law from the

government side. He then moved over to the Department of Justice, Environmental Enforcement Division for a second internship during his third year of school.

“It was intriguing to see the interplay between agency attorneys and justice attorneys,” he says. “All agency attorneys thought they were brilliant trial lawyers, but they only got to do administrative cases. Generally, if it got too important, a justice attorney swooped in to take the case away because only DOJ is allowed to represent the United States in court.”

## **Trials and Toxic Torts**

After graduating from DePaul, Falbe worked as a summer intern for the now-defunct litigation powerhouse Wildman Harrold Allen & Dixon before being hired as an associate. He went to the firm because of an EPA hiring freeze in 1994.

“If EPA hadn’t had a freeze, I would’ve had to make a tough decision about working in the government or choosing to practice in the private sector,” Falbe says. “The decision was made for me, but I have never looked back.”

Not only did Wildman have a well-established environmental litigation and compliance team, the firm offered him a lot of exposure to commercial litigation that he would not have received had he completely limited himself to practicing environmental law.

Among other milestones, he had the opportunity to do a solo deposition and a significant summary judgment motion his first year, and he went on to successfully co-chair a multimillion dollar products liability case that remains his most significant jury trial to date.

While his trial experience pales in comparison to his wife Amy, a 20-year career criminal prosecutor in Lake County’s Juvenile Justice Division, Falbe claims much more litigation experience than the average environmental attorney. “Wildman offered really good training for young attorneys, and they didn’t want people (narrowing their focus) right away, even though everyone had me pegged as an environmental guy early on,” he says.

Wildman had a busy environmental group during his time there because of issues involving Superfund, a federal program established by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Falbe says the early 1990s were a boon for Superfund work.

“There was so much client work available

because EPA would sue these big companies over their former facilities and landfills,” he says. “Because the costs were so enormous, lawyers would sit around tables for years and argue about what percentage of these cleanup costs people would pay.”

“It was worth arguing about, because if you had a 2 percent share versus 10 percent of a possible \$25 million liability, that’s a significant financial difference. It’s not that companies didn’t want to clean sites, but the real work came in determining what fair allocated shares would be among the potentially liable parties.”

The work that came from the EPA’s early-1990s enforcement tear was fantastic training for a budding young environmental lawyer, Falbe says.

“All of the skills and specialized knowledge I learned during that time allowed me to command higher rates and learn to sell myself as an environmental attorney.”

Leo Dombrowski of Sanchez Daniels & Hoffman LLP worked with Falbe at Wildman Harrold. As a fellow

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environmental lawyer, he frequently encounters Falbe at professional events.

“He’s well versed in all things environmental,” Dombrowski says. “He’s very thorough, and clients like him a lot because he’s always gotten very good results for people. I’ve spoken with many of his colleagues who are very positive about the work he does.”

Falbe admits that environmental law is not as red-hot as it was in the 1990s when Superfund created so much work. He says the contemporary focus in his field is now in climate change enforcement.

“If you’re not regulating companies that have a tendency to pollute when they manufacture or have legacy environmental sites, the legal work is not as much in demand,” he says. Yet, Falbe has resisted changing practices or moving on to hotter areas because of his passion for environmental law.

## **Mentee Loyalty**

Early on at Wildman, Falbe came under the tutelage of partner and environmental attorney Sanford “Sandy” Stein. After 10

years at Wildman, Stein had moved over to Gardner Carton & Douglas in 2003 and would have liked to bring Falbe with him.

“I had already made junior partner at Wildman, but I didn’t have a lot of business of my own, and there just wasn’t opportunity at Gardner at the time,” Falbe says.

Then, Gardner became mired in scandal when partner Steven Loren was disbarred in 2006 following an indictment for mishandled funds. The fallout resulted in a partner and associate exodus from that firm that left behind a lot of environmental work, including from Wal-Mart. Falbe finally joined Stein at the firm and stayed incredibly busy until the 2008 economic downturn.

Falbe and Stein then coordinated the timing of their next move, to Quarles & Brady LLP in 2010, where Falbe stayed for a little more than five years. Then Miller Canfield “recruited me heavily,” he says, to manage their dealings with the regional EPA office in Chicago for environmental matters based in the firm’s home state of Michigan.

Stein joined Miller Canfield shortly after Falbe did, having left Quarles a few years before Falbe. They now once again have offices down the hall from each other, continuing a personal and professional relationship that has endured for 25 years.

Falbe remarked that, even as a very young associate, Stein “always treated me with a lot of respect like I was a seasoned attorney.” In turn, Stein says Falbe has been invaluable to him in a professional capacity.

“I was attracted to him when he was a young lawyer because he always worked hard,” Stein says. “Even very early in his career, he did things exactly how I think I would’ve done them. He doesn’t need me anymore, and I’m really proud of that because he blossomed into a well-accomplished lawyer.”

## **‘Get the Deal Done’**

“There are a lot of smart, capable environmental attorneys out there,” Falbe says, “even though the salad days of Superfund work are over.” The key factor that distinguishes him from many other transactional environmental attorneys, he says, is his relentless goal: to get the deal done.

“Superfund wasn’t well written, and it quickly passed near the end of the Carter administration,” he says. “It meant nothing but litigation in court for clients to determine who would pay the enormous

costs for cleaning up these properties. Every corner gas station they thought back in the day would be a \$10 million cleanup. Lawyers looked at these insanely complex sites as enormous potential liabilities that were unmanageable.”

He admits that more senior environmental lawyers in the early days of Superfund “did themselves a disservice” by convincing their clients that the cleanup tasks were so unmanageable and costly that it wasn’t worth the risk or the effort.

“It got to the point where if you wanted to make a deal, the very last person you wanted to call for advice was an environmental attorney because they would tell you ‘no,’” he says.

Falbe contends that there’s nothing that can’t be fixed with the right amount of money, citing Wal-Mart, a longtime client with the deepest of pockets. But the key is in investigating and determining whether the risk is acceptable before signing on the dotted line.

“Absolutely, certain cases are complex and high risk, but I would never tell someone not to do it because it’s risky,” he says. “You do the investigation, weigh the risks, establish a budget to handle environmental issues, and we’ll figure it out.”

“I never tell a client ‘no,’ and I think that distinguishes me because I want them to get the deal done. My job is to explain the risks and let the businesspeople make the call. It may sound obvious, but that’s not the general perception in my field.”

## Constantly Evolving

There’s nothing Falbe loves more about his job than the discovery aspect. It’s what gets him up and in the office every day.

“There’s a lot of history involved in doing an investigation to see what kind of contamination might be on a property,” Falbe says. “It’s my job to make sure the property is tested and to review the reports to make sure that everything is legally compliant and that the risks are properly assessed.”

Falbe’s curiosity for history and archaeology from his college days has continued to serve him well.

“There’s nothing I like better than getting a new ‘Phase One’ site assessment for a new piece of property,” he says. “I get to look back and try to read the tea leaves to see what happened on that property in the past that may have caused impacts today.”

Falbe admits he’s always looking to keep up with the “ebbs and flows” of environmental work in the interest of remaining sharp and relevant. Right now,

he’s got an eye on the ever-growing healthcare and pharmaceutical industry.

“Pharmacists are highly educated and trained, but they aren’t taught environmental compliance,” he says. “You have pills that fall on floors or are otherwise unusable, and machines that get dusty and have drug residue. All of that is waste — some hazardous waste — and falls under EPA jurisdiction.”

## Diversity Is Key

Another way Falbe keeps up with the evolving legal industry is by always keeping an eye on gender and ethnic diversity. He has served on a number of diversity committees at his various firms and looked for opportunities to help recruit and mentor diverse associates.

Much of his interest in diversity stems from years of having Wal-Mart as a client.

“They were really out in front of things when it came to increasing diversity in the legal profession, back before there was a mainstream push to get women and minorities in firms,” he says of Wal-Mart. “I’m a big believer that having diversity is not only good for business, but it helps give clients more well-rounded service. Having a variety of viewpoints and experiences on a client team provides much better service to your client.”

“I had a heuristic moment when I asked myself, ‘How can I, a typical white male lawyer, add to diversity in the legal profession?’ I realized I could offer mentoring to diverse attorneys, and also encourage other people who look like me to do the same and recognize the importance of increased diversity in our profession.”

Having his eye on diversity while at Gardner resulted in the hire of environmental attorney Yesenia Villasenor, who now is an accomplished senior attorney in the legal department of energy giant Exelon.

Villasenor, a Mexican-American, credits Falbe for mentoring her and introducing her to influential people when she was a young attorney.

“Larry is a very worldly, common-sense practical guy, and he’s more open-minded as a result of having such a diverse perspective on things,” she says. “He’s an excellent communicator, and the perspective he offers clients is generally that of a straight-shooter with common sense.” ■