

E. Michael Thomas

Of Counsel

Michael Thomas is an accomplished environmental and land use attorney with high-level experience in both government service and private practice. A former U.S. Environmental Protection Agency enforcement attorney, he focuses his work on assisting clients with Superfund, brownfields and other hazardous waste issues, and he regularly works on compliance, permitting, enforcement defense and other matters in these areas. In addition to representing clients, Michael also regularly serves as an expert witness in environmental litigation matters.

Michael has extensive experience in Superfund liability allocation processes including divisibility of harm issues as a third party neutral, an expert witness, and counsel assisting clients with strategic planning for allocating responsibility in the Superfund site context as well as in mergers and acquisitions. He has led and participated in numerous multi-disciplinary teams conducting complex environmental liability allocation compliance, permitting, and litigation projects that have involved collaboration, mediation and more formal dispute resolution processes among hundreds of adversaries, teams of citizen groups, environmental engineers, scientists and consulting firms. Michael has prepared a number of expert witness reports, mediation statements and related materials in the CERCLA allocation context, has been deposed several times and has testified at trial on allocation issues.

In his land use and zoning practice, Michael represents businesses and individuals in real estate, local affairs and permitting, including wetlands protection, stormwater, groundwater, public drinking water systems and surface water discharge issues.

Prior to joining Preti Flaherty in an Of Counsel status, Michael operated a private legal practice focused on environmental counseling (which practice will continue) and had worked as a partner in two international law firms. Before entering private practice, he held several senior legal roles at the EPA, including serving as the deputy lead Headquarters attorney managing the agency's hazardous waste enforcement efforts under RCRA and the Senior Regional Counsel Attorney managing Superfund enforcement sites in the New England region.

Practice Areas

- Environmental
- Environmental Litigation
- Land Use & Permitting
- CERCLA Allocation



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Education

- Massachusetts Institute of Technology (1975)
 - S.B. and M.C.P. in planning, operations research
- Yale Law School (J.D., 1981)

Admissions

- Massachusetts
- U.S. Court of Appeals, First Circuit

Professional Affiliations

- National Roster of Environmental Dispute Resolution and Consensus Building Professionals, U.S. Institute of Environmental Conflict Resolution, Member (2003 - Present)

Honors & Awards

- Martindale-Hubbell® AV Preeminent™ Peer Review Rating
- Top-Rated Land Use and Zoning Lawyer by *American Lawyer*
- U.S. EPA Gold Medal for outstanding and precedential Superfund case management
- Editor, *Yale Studies in World Public Order*, journal of international law and policy (1981)
- Yale School of Organization and Management, Teaching Assistant, Professor Geoffrey Hazard (1981)
- Thomas I. Emerson Prize, Best Yale Legislative Services Project, Hazardous Waste Liability Act for Massachusetts (became M.G.L. C. 21E) (1980)
- Editor, *Yale Law Journal*, Note, Tort Actions for Cancer; 90 Yale L.J. 840 (1980)
- National Science Foundation Graduate Fellowship, MIT (1974)

Civic Involvement

- Certified Yoga Teacher, CYT-200
- Trauma Center, Trauma-Sensitive Yoga Certification (certification pending)
- Warriors at Ease Certified, Yoga and Mediation Training to Military Community