

ENVIRONMENTAL AND OSHA CRIMES

OVERVIEW

Bird Marella defends corporations and individuals against allegations of violating environmental and safety laws at the federal, state and local levels. California's stringent and extensive environmental and workplace regulations present unique challenges for our clients. In the more than 50 criminal cases that we have handled in this area, no client has ever been sentenced to a day in prison. Our attorneys include several former Assistant United States Attorneys. We regularly represent clients before the U.S. Department of Justice, California Attorney General, and county District Attorney offices. Bird Marella counsels at every stage, from initial inquiry and grand jury investigation to settlement negotiations, trial and appellate advocacy. In numerous cases, we have persuaded government authorities to reverse charging decisions, to decline to file criminal charges, or to structure civil settlements. Typically, we conduct our own fact-finding investigations into alleged violations. These reports often present critical facts that prosecutors either missed or misunderstood and they often provide the basis for a favorable disposition of our clients' cases.

ENVIRONMENTAL AND SAFETY CRIMES LAW LEADERSHIP

Bird Marella has a prominent national profile in criminal environmental law. One of our attorneys edited an American Bar Association treatise on environmental crimes, and also chaired the ABA's environmental crimes subcommittee.

Beyond the criminal and financial risks, environmental and safety cases often have attendant political and publicity concerns. We have successfully represented high-profile and controversial cases involving military grade nuclear waste, exotic animals, and media-savvy environmental activists. Bird Marella acts credibly and discreetly before federal, state and local regulators and enforcement agencies, and has earned a reputation for effective management of volatile issues involving environmental and political interests, endangered species and Cal-OSHA violations.

EXPERIENCE

OBTAINED JURY ACQUITTAL OF BANK FRAUD CLAIMS AGAINST

Settled Endangered Species Claims Favorably for Major Developer: Our client, a major real estate developer of one of the largest undeveloped land parcels remaining in Los Angeles County, was stymied by the District Attorney's allegation that the developer had illegally destroyed an endangered flower. We defended our client in Endangered Species Act allegations and on the eve of trial, we reached a favorable civil settlement with the district attorney's office.

Averted Government Charges Against Handler of Nuclear Waste: We represented a prominent handler of military grade nuclear waste in a case involving novel applications of federal environmental statutes and the Atomic Energy Act. The firm persuaded the government to decline charges even though the grand jury wished to return an indictment.

Obtained Dismissal of Endangered Species Charges Against Restaurant: In a highly publicized case, the U.S. Attorney filed criminal Endangered Species Act charges against our clients, a restaurant and its chef. We achieved a dismissal of claims against our clients and instead, charges were filed against the wholesaler of the exotic food item in question.

Cleared Individuals in Corporate Settlement of Waste Storage Charge: We defended a corporation and individual clients in an investigation concerning the illegal storage of hazardous waste. We resolved the case by way of a corporate-only settlement.

Defended Chino Dairymen in CWA Investigation: We represented dairymen throughout the Chino Valley in Clean Water Act investigations related to the release of runoff water. Through creative and aggressive defense strategies, we have favorably resolved each of these cases.

Settled Hazardous Waste Claims for Defense Contractor: We defended a major defense contractor in a case involving the purported burning of hazardous waste at a corporate facility. The firm obtained a favorable settlement.

Averted Prosecution Of Lacey Act Allegations: We represented a large pet dealer in connection with allegations that it had illegally imported certain birds. After the government executed a search warrant, we mounted an aggressive defense and the matter was never charged.

SAFETY

Prevented OSHA Lockout-Tagout Felony Charges Against CEO: We represented the new CEO of a duck farm in which one employee had died inside a feather dryer mistakenly activated by another employee. The CEO had recently joined the company and faced felony manslaughter charges connected to violating Cal-OSHA lockout-tagout regulations. We conducted an internal investigation and presented a detailed analysis of the facts of the incident. We eventually persuaded government regulators that our client had not violated any statutes and the case was resolved without any charges filed against our client.

Reversed DA Decision to Indict Company for Employee Death: Our corporate clients were under grand jury investigation related to an occupational involuntary manslaughter case arising from an employee fatality. We persuaded the district attorney to reverse his earlier decision to indict, and he declined prosecution.

Averted Cal-OSHA Charges in Toy Factory Explosion: In our representation of a corporation and individual clients in a state occupational safety investigation connected to an explosion at a toy factory, we convinced state prosecutors to decline to bring charges.