

BRETT HEINRICH

Environmental Lawyer Masters His Craft

by Ruth Kaufman

Family has played a huge role in the life of environmental lawyer Brett D. Heinrich. The shareholder at Vedder Price PC grew up in Downers Grove with an older brother and younger sister.

His mother was a special education teacher, whom Heinrich calls a trailblazer for founding a special ed program and being the only working mom in his neighborhood. His father, who passed away in 2007, was a nuclear chemist at Argonne.

“My dad was brilliant, a great football player, a Korean War veteran and Bronze Star recipient, and the greatest person I have known.” Heinrich says his father was all about hard work, being humble, and mastering his craft.

A significant part of Heinrich’s teenage and young adult years revolved around football, the Green Bay Packers and skiing.

Before Heinrich could drive a car, he and his dad went through the difficult process of becoming members of the National Ski Patrol. They selected Four Lakes Ski Hill as their home base, a tiny rope tow hill in Lisle.

“Four Lakes was small, but in the 1970s and 1980s, it had more accidents than anywhere in the Midwest. It was a good place to help skiers in need and to work on my craft,” Heinrich says.

At the University of Illinois, Heinrich started as a chemistry major with dental school as his goal. But he got mono during new student week and was so sick that his doctor recommended he take a year off. He didn’t do very well that first year.

After graduating with a degree in psychology, he took the LSAT. He’d been treated unfairly by a psychology professor, and the goals of fairness and justice resonated with him.

In his second year at DePaul University College of Law, a good friend from law school who’d started at the Illinois Attorney General’s office said they could use a clerk. Heinrich started working there and instantly fell in love with it.

By his second year, he knew he wanted to be a prosecutor. Though still a law student, Illinois Supreme Court Rule 711 allowed him



to try some cases as long as he had supervision. By his third year, he was taking trial advocacy but already had a couple of trials under his belt.

Upon graduation, he was among 45 people vying for two assistant attorney general positions, and he got one. For the last 13 years, Heinrich has been one of three members on a U of I law school career paths panel. He tells them, “Do not do what I did—putting all my eggs in one basket. I had no Plan B. It was do this or die trying.”

ENFORCING ENVIRONMENTAL LAW

Neil Hartigan, the attorney general at the time, wanted to beef up environmental law enforcement in Illinois. Heinrich had the amazing opportunity to work with three of his mentors—Mike Ficaró (who recently passed), Judge Joe Claps and Judge Dennis Porter—to draft a law that made Calculated Criminal Disposal of Hazardous Waste a Class 3 felony.

After the law passed, the team needed a case to test it. A policeman happened to see a truck parked at an all-night car wash in Loves Park. Someone in a rubber suit was dumping barrels of green stuff down the drain. After the state police investigated, they called the attorney

general. The man doing the dumping flipped and became their star witness, leading to the indictment of midlevel managers and the corporation.

During the first week of the trial, Heinrich, the sole law clerk, assisted his mentors in the prosecution. Then he took a day off to get sworn in, so he had a seat at the table. On his first day as a licensed member of the bar, he had six witnesses scheduled.

Two lawyers for the defendants had objected to him being part of the prosecution team and remarked that he’d only been sworn the day before. Judge Smith asked Heinrich to approach the bench. He shook Heinrich’s hand, welcomed him to the Illinois bar, and told him to call his first witness. All objections to his questioning were overruled that day.

Even as his star rose via bigger cases, Heinrich found time to serve the legal community. He and a friend formed the *Young Lawyers Journal*. It took off, and the Chicago Bar Association asked them to merge with its flagship publication, the *CBA Record*.

Though they declined at first, eventually they joined when the CBA agreed to allow them to have a separate section and edit

their own content. Heinrich became the first editor of the Young Lawyers Section of the *CBA Record*.

He met his wife, Cathy, on a blind date in 1986. "It was kind of love at first sight," he says. Their daughters, Alyssa, 29, a physician concentrating in sports and family medicine, and Jenna, 27, who has a doctorate in physical therapy, specializing in pediatrics, are a continual source of great pride for Heinrich.

"For Cathy and me, raising our daughters and watching them grow into outstanding people has been the greatest joy of our lives." He says he is able to maintain a work-life balance because he married an amazing woman.

WASTE MANAGEMENT, PRIVATE PRACTICE

In 1990, though Heinrich loved his job with the attorney general and worked with fantastic people, he felt he'd made an impact, trying over 30 cases and briefing and arguing before the Illinois Supreme Court. When a headhunter called, within two days he had an interview to do environmental litigation at Waste Management's corporate office in Lombard.

He hit it off with Peter Kelly, his boss and head of the environmental group, who after three months became his mentor and after nine became his great friend.

Heinrich spent a lot of time on the road crisscrossing the country. Because of his background, he was asked to help out in all of Waste Management's territories. An average week could include travel from Louisville to New Mexico to Michigan then to New Jersey. Before long, he was on the most complex, highest risk cases.

Beginning in 1993, Heinrich spent every day for 1½ years on what he calls his opus at Waste Management: the Hartley and Hartley Landfill, a site with about every significant environmental risk, hazardous waste as well as radioactive waste. The case involved suing 98 companies in federal court, most of which were Waste Management customers.

He rose up the ranks until he was handling the highest risk, most sophisticated Superfund toxic waste cases. Then, in 1996, he was promoted to assistant general counsel for the Midwest group. He was the environmental attorney for the 13 midwestern states and the business attorney for Kansas, Missouri, Illinois and Indiana.

One accomplishment was a huge waste disposal contract with the city of St. Louis that took over a year to close. Another major challenge was unwinding significant contracts and closing a hazardous waste landfill in Fort Wayne, Indiana.

In 1998, after a "David got Goliath" hostile

takeover by USA Waste Services, the Lombard corporate office closed, and 100 of the 103 attorneys at Waste Management were not retained.

During the months before the deal closed, Heinrich got a call from a law school friend who'd clerked with him at the AG's office and worked at what was then Bates Meckler Bulger & Tilson. There, Heinrich had the opportunity to start his own environmental practice group.

In the early years of private practice, Waste Management sought his help in selling challenging environmental parcels across the country. United States Gypsum Corporation also turned to Heinrich to assist them with environmental matters and augmenting their environmental compliance program.

One big case involving Ellsworth Industrial Park went on for 10 years. His direct adversary was Joe Strubbe, a partner at Vedder Price. With colleague Bruce White, Heinrich led a steering committee through complicated

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issues and coordinated negotiations with a wide variety of local, county, state and federal departments to eventually hook up 800 homes to Lake Michigan water.

He spent 15 years building his group. But around seven years ago, a headhunter called to say Vedder Price was seeking someone to build an environmental group. Now, he works with his former adversary, Strubbe, who, as it happens, was tasked with targeting prospects to hire.

Strubbe says Heinrich has been an excellent addition to the firm. "Brett was at the top of the list. He's an expert in virtually every area of environmental law far beyond what I had in terms of experience. He's done in-house, worked for the government and in private practice, so he kind of has the trifecta."

TO MOVE TO VEDDER PRICE

Heinrich moved to Vedder for three main reasons: to have a bigger platform, to practice at a firm with a real estate department, and so

he could do international environmental law.

"We have great lawyers, great clients and a sophisticated practice," says Heinrich. "People call when there's an explosion, fire, flood or other crisis. It's very satisfying to do high-level client counseling to avoid major environmental hurdles, help them prepare for potential storm clouds on the horizon, and find a practical, efficient solution that maybe they haven't considered."

"Brett has really done everything for us in helping to build our environmental group around the country and the globe," says Michael Nemeroff, president and CEO of Vedder Price. "He's gotten great results for clients, which is the most important thing. What people value is he always looks for interesting solutions that help clients achieve their objectives while keeping them out of trouble in a very regulated industry."

Nemeroff adds that Heinrich's prosecutorial background and environmental experience contribute to his ability to add value. "He's a big team player who fits in well at the firm and in our culture."

"Brett is a first-rate environmental attorney," says Bruce White, partner at Barnes & Thornburg LLP, who has known Heinrich for almost 20 years. "He understands the technical aspects of the applicable law and does a very good job of representing clients' interests in a number of different contexts."

"As a co-project manager dealing with a Superfund site, Brett was very effective in helping guide the group through federal, state and local issues, and he allowed us to go through a series of phased settlements which worked out very well for the public, parties within our responsible party group and governmental entities."

"He has been able to put his experience as a government attorney early in his career to use in understanding the position governmental entities would have in various environmental matters. He is able to convey that to clients and to help clients chart a path to the best solutions they could achieve."

Heinrich is very grateful and appreciative of the experiences and opportunities that have come his way.

"Every place I've been, I've learned a tremendous amount not only as a lawyer but also as a person. Everywhere I've found great team spirit and so many people who helped me along the way. It's been a fantastic ride, and the best is yet to come."

Strubbe says, "Brett has a phenomenal work ethic. Everybody loves him. He's a great team player, and I'm thrilled he came here. He's a great catch." ■