

PHIL COMELLA

Trusted Environmental Lawyer Wields In-house Experience

by Lauren P. Duncan



Over the 34 years Philip L. Comella has practiced law, he's achieved a lengthy list of accomplishments that have led to his distinction as a versatile attorney in the arena of environmental law.

Comella, the environmental law and toxic torts practice group leader at Freeborn & Peters LLP, has addressed environmental issues from seemingly every angle they can be viewed.

He's defended and litigated, worked in-house and within firms, and become a trusted adviser on several ever-changing compliance and regulatory matters.

Comella represents clients in the solid and hazardous waste industry and handles enforcement actions and litigation. He works with landfill gas and renewable energy clients, environmental-based construction clients, and clients dealing with engineering claims. His work also includes lengthy disputes including toxic tort litigation, class actions and mass torts, and counseling clients on complex regulations and compliance matters.

Clients have turned to Comella for guidance in compliance matters involving Superfund, the Resource Conservation and Recovery Act, the Clean Air Act, the Toxic Substances Control Act, the Clean Water Act and the Safe Water Drinking Act.

He's experienced outcomes that range from settling cases favorably in mediation or getting them dismissed altogether, to simply keeping his clients abreast of regulations that in turn help keep the environment safe.

Yet when you ask him what his most fulfilling moment has been over the course of his career thus far, he'll tell you it came simply in the form of a coupon.

Comella, while an attorney at Seyfarth Shaw LLP, was entrenched in working on a series of complicated cases spanning several years. He represented landfills in disputes involving the termination of contracts they held with a company called Resource Technology Corporation.

The business had sold itself as a company that collected landfill gas that it would sell for energy to convert to electricity. As Comella puts it, they weren't really interested in doing that work. Instead, Resource Technology served as a tax scheme that collected federal tax incentives to build a landfill gas collection system. It then received royalties from selling the gas it got through the contracts with landfills and sold the tax credits to investors.

Comella was involved in a variety of cases representing different landfills, trying to get them out of the Resource Technology

contracts. As one could guess, the cases were not simple matters.

In one, Comella won a positive result for a client who owned a landfill in McCook, a village southwest of Chicago. The small, family-owned landfill had been struggling at the time, and the family matriarch died before the dispute was resolved. Her son blamed her death on the high stress and anxiety of being at odds with Resource Technology, which had far more resources than the landfill.

After what Comella described as a grueling case, the family was freed up from its contract. They couldn't afford the firm's full rates, so the firm cut them a break and Comella did some of the work pro bono.

When the case was over, the family gave Comella a coupon to a restaurant.

"They were so happy. I've never seen it before. It was probably more touching getting that \$50 restaurant coupon than it was getting the bill paid because it was a personal thank you," Comella says.

"It really was one of those times I actually felt I did good for somebody. It wasn't purely a business victory...it was a personal benefit that sort of relieved a major anxiety in this family's life."

ENVIRONMENTAL FROM DAY ONE

A native of the Cleveland suburb of Warrensville, Comella put himself through both his undergraduate career and law school. He left Ohio to earn a bachelor's degree in philosophy from Beloit College in Wisconsin in 1978. After managing a college bar for a few years in Beloit, he applied to enroll at George Washington University Law School specifically because of its highly regarded environmental law program. Comella had predicted with some foresight that environmental law would never go away.

He enrolled at George Washington in 1980, where he went on to become the articles editor of the *George Washington Journal of International Law and Economics* before graduating with honors in 1983.

The stars aligned when Comella went job hunting. He connected with an attorney at the former Chicago firm of Rooks Pitts and Poust who happened to be both a graduate of Beloit College and George Washington University Law School. But shortly after he joined Rooks Pitts, many of its key lawyers, including the lawyer who first interviewed him at GW, David

Gustman, left to form Freeborn & Peters.

Comella ended up leaving Rooks Pitts in 1985 when a group spun off to form what was then named Gessler, Flynn, Laswell, now Hughes Socol Piers Resnick & Dym, Ltd.

Six months later, Chemical Waste Management Inc. needed more environmental lawyers. Comella got “loaned” to them for one year when he hit it off pretty well with the CWM team and joined them as environmental counsel, he says. He worked in-house at the company from 1986 to 1992.

Comella joined then-named Coffield Ungaretti Harris as counsel in 1992 before Seyfarth Shaw acquired the firm’s entire environmental law group in 1994. Comella, along with some other esteemed environmental law attorneys, joined Seyfarth Shaw’s group, where Comella went on to become the chair of the firm’s environmental, safety and toxic torts practice group during the 22 years he was there.

Then in 2016, when Comella began looking to make another move, he reached out to the person who interviewed him for his first job at Rooks Pitts. David Gustman still worked at Freeborn & Peters.

“I figured he made the mistake once. Maybe I could trick him into making the mistake again in hiring me, and luckily it worked,” Comella says.

Comella joined Freeborn as a partner in its litigation practice group and was named the leader of its environmental law and toxic torts practice group.

AN EXPANSIVE PERSPECTIVE

Comella credits a number of distinguished colleagues he’s worked with over the years, as well as one particular mentor while he was at Chemical Waste Management, as people who have helped bolster his drive to be as trustworthy an attorney as possible. At Chemical Waste, he worked under Joan Z. “Jodie” Bernstein, who was formerly the general counsel of the EPA.

“I was lucky to be there during one of the golden eras of hazardous waste law and just environmental law generally,” he says.

Looking back to when Comella first predicted that environmental law would continue to be an area in which there would be work, he today describes the practice area as one that’s been “sustained.”

“It really is a mature market, the environmental law market. I think it was booming more in the ’80s when Superfund was more at its peak, but there are always environmental problems, whether Brownfields, permit violations, sham recycling, greenhouse gas emissions or a newly discovered environmental threat. There’s always something because when modern industry meets up with mother nature, problems always develop,” he says.

The opportunity early in his career to serve

as an in-house attorney at a waste management company set a solid foundation for his work ahead in private practice. While Comella has been able to view environmental law from many perspectives over the years, seeing legal problems as a business issue during his in-house years is a point of view that’s stayed with him.

“I like to think that when there is a problem, I’m approaching it as an in-house lawyer would approach it. In other words, how do we solve this as fast and efficiently as possible? I think that it’s part of my nature to try to solve problems quickly. It doesn’t always work, but the attitude helps.”

Comella has worked in what he describes as a lot of “long, expensive, protracted, nasty cases” in which trying to reach an agreement can be exhausting. But he remains focused on keeping his clients’ best interests as his goal—and on earning and keeping their trust while doing it.

“I think law is a trust business. It’s both external trust and internal trust. You don’t get hired unless the clients trust you, and you have to trust each other internally, too,” he says.

David P. Chameli, vice president, general counsel of environmental health and safety, and corporate secretary at Heritage-Crystal Clean, LLC, has interacted with Comella most days during the three years since Chameli joined HCC. The company is a longtime client of Comella.

Chameli likewise attributes Comella’s work years ago with Chemical Waste as critical to his success.

“Phil’s experience as an in-house attorney with Waste Management helps him understand the role and the challenges of being a general counsel better than other law firm attorneys who have never ventured to the “other side.” In fact, he is the only law firm attorney I use who has this unique perspective, and I use many law firm attorneys across a wide spectrum of fields,” Chameli says.

“Phil has all the attributes you want in an attorney. He’s smart, a good communicator, conversant in his field, easy to work with, and quick on his feet. But aside from that, Phil is that kind of attorney you call when the storm hits because he has a calming effect on the situation. He is not easily rattled or surprised, and that makes him an essential partner when it really counts—when the pressure is on,” Chameli says.

“Phil is a tough and knowledgeable attorney with excellent writing and analytical skills,” Chameli says. “He is a steadfast and formidable advocate but respectful when dealing with regulators. Phil offers good, solid advice and solutions. He is also willing to work with his clients to deliver value in his billing amounts and billing arrangements.”

Melissa A. Bachhuber, vice president and associate general counsel at Advanced Disposal,

met Comella 11 years ago when she was an in-house counsel at Veolia Environmental Services. In both positions, she says Comella’s insight has been vital to her success in her own work.

“Throughout my career, I have had some fairly complex and unique environmental issues arise. I’ve been extremely fortunate that Phil has been our go-to-attorney for these matters. He has never steered me wrong,” she says.

“Phil has a unique ability to simplify even the most complex situations and break them down into manageable steps. He is the best at understanding the needs of his client and knows our business as well as anyone. I lean on him not only as outside counsel but also as a mentor,” she says. “He is truly a valued member of our team.”

In addition to his clients, Comella has earned the respect of his peers. Jerome F. “Jerry” Buch, a partner in the construction practice group at Seyfarth Shaw, worked alongside Comella for more than 20 years at the firm.

Buch describes Comella as a “brilliant lawyer who is extremely effective and highly successful in gaining and keeping his clients’ trust and confidence.”

“He is always thinking about how to litigate more effectively against his opponents. He never lets down and is constantly coming up with creative new ideas and approaches to get great results,” he says.

Buch says Comella’s consultation with his peers and quest for advice and expertise from others are a part of what has led to his success.

“Bottom line: He wants to ‘get in the head’ of his opponents and never give in,” Buch says. “Besides that process, he starts with being extremely knowledgeable in all aspects of environmental litigation. He is a formidable and tireless opponent. Never underestimate him as your opponent.”

WRITING AND THINKING

When Comella isn’t knee-deep in his work, he can found producing his own podcast, “Conversations Beyond Science and Religion.” The podcast has featured thought-provoking conversations with a variety of guests over the past five years. He’s also a published author of a book on the debate between science and religion, “The Collapse of Materialism: Visions of Science, Dreams of God,” which was published in 2014.

According to Chameli, Comella also has a keen palate for wine, so his expertise spans beyond environmental law for his clients.

Comella and his wife Suzanne have one daughter, Alexi, a freshman at the University of Virginia who is majoring in political science. She’s also thinking about attending law school in the future, though Comella says he has had nothing to do with her decision. ■