

ARCHER & GREINER

ATTORNEYS AT LAW

CLIENT ADVISORY

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ARCHER & GREINER DEFENDS NEW JERSEY'S INDUSTRIES AGAINST RECENT NRD CLAIMS

New Jersey's Department of Environmental Protection ("DEP") Commissioner, Bradley Campbell, announced last week a state-wide initiative to address more than 4,000 potential claims for natural resource damages. While last week's announcement focused on the injuries to the Passaic River, Campbell stated that the state is looking at similar watersheds throughout the state to assess resource injury.

Specifically, the Commissioner was quoted as saying, "I was astounded to find upon taking office in January, that the Department had not pursued, or left unsettled, thousands of cases against polluters responsible for a wide range of damages to New Jersey's natural resources...We are putting this program back on track and are committed to aggressively pursuing damage settlements."

Throughout the last year, Archer & Greiner has had the unique distinction of defending a national petroleum company in the only known, currently pending National Resource Damages ("NRD") litigation in New Jersey involving groundwater injury. Archer & Greiner is also representing industrial clients in response to recent New Jersey DEP claim letters to assess and restore natural resource injuries.

The defense of these NRD claims are being spearheaded by Marc Rollo of the Petroleum Industry Practices Group, and Chris Gibson of the firm's Environmental Group. The resources of these Groups include senior trial attorneys such as Robert Lehman, several experience-appropriate associates and substantial paralegal assistance, including a staff hydrogeologist. Archer & Greiner has also developed state-of-the-art imaging and database capabilities, which assist in the efficient handling of documents and other discovery materials.

In addition to the above, Marc has made presentations to various industry representatives at recent seminars sponsored by Barbara J. Goldsmith & Company -- an NRD informational / environmental management consulting service, and the Site Remediation Industry Network (SRIN). On October 14, 2003, Marc will be addressing members of the New Jersey State Chamber of Commerce Environment Committee on the defense of NRD claims in New Jersey.

Technical Support of Document Management For Environmental Matters

Keeping in mind that many environmental matters are document intensive, Archer & Greiner has adopted the cost-efficient method of maintaining documents/depositions in electronically imaged databases. This permits attorneys the opportunity to quickly search and review documents either by coded search terms or by utilizing Optical Character Recognition ("OCR") which searches the text of the imaged document itself for the matching term.

Recognizing that hard-copy document management can be costly to clients, Archer & Greiner has made a substantial investment in purchasing a dedicated server to run the Summation document/deposition management system the firm utilizes. For one matter alone, Archer & Greiner maintains images of roughly 150,000 documents. Additionally, the attorneys and paralegals utilize wide-screen monitors which allow them to review the images and coded summaries in split-screen format.

In order to best serve our clients, Archer & Greiner strives to be on the cutting edge of document management technology. Our Information Systems Administrator and paralegals routinely attend New York's annual Legal Tech Expo where they can glean the most up to date information available from seminars such as "Staying Ahead of the Next Generation with Electronic Discovery." Further to this endeavor, one of Archer & Greiner's paralegals within the Environmental Group attended a week-long seminar to become a certified trainer in Summation so that the firm and its clients may benefit from direct technical assistance.

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