

## **CRIMINAL ENFORCEMENT**

### **OVERVIEW**

BCLP attorneys have extensive experience in helping clients both avoid and defend against criminal enforcement of environmental laws. We work closely with clients to prevent or minimize formal charges by providing counsel and guidance during governmental investigations. In the event of prosecution, we have extensive experience in negotiating and structuring dispositions of criminal matters and in the trial of complex criminal cases. We also provide counseling, internal company investigations and compliance audits to clients to prevent or eliminate potentially unlawful conduct and to evaluate the strength of company internal policies and procedures designed to detect and reduce such conduct. We also provide advice on the availability of voluntary disclosure and other corrective measures.

## MEET THE TEAM



### **Lee Marshall**

Global Department Leader – Litigation  
& Investigations, San Francisco

[lee.marshall@bcplaw.com](mailto:lee.marshall@bcplaw.com)

[+1 415 675 3444](tel:+14156753444)



### **Mark Richards**

Partner and Regional Practice Group  
Leader - Energy, Environment and  
Infrastructure, London

[mark.richards@bcplaw.com](mailto:mark.richards@bcplaw.com)

[+44 \(0\) 20 3400 4603](tel:+442034004603)



### **Liz Blackwell**

Partner, St. Louis

[liz.blackwell@bclplaw.com](mailto:liz.blackwell@bclplaw.com)

[+1 314 259 2513](tel:+13142592513)



## **Paul J. Lopach**

Partner, Denver

[paul.lopach@bclplaw.com](mailto:paul.lopach@bclplaw.com)

[+1 303 866 0207](tel:+13038660207)



## **Bryan E. Keyt**

Partner and Global Practice Group

Leader - Energy, Environment and  
Infrastructure, Chicago

[bryan.keyt@bclplaw.com](mailto:bryan.keyt@bclplaw.com)

[+1 312 602 5036](tel:+13126025036)

## **RELATED PRACTICE AREAS**

- Energy & Natural Resources

## **EXPERIENCE**

- Representing plant managers and environmental managers in a criminal investigation under RCRA. After an extensive investigation, the U.S. Attorney's office agreed to end the matter without indicting our clients.
- Defending a company against a two count felony indictment. Case settled for misdemeanor plea and no conviction of individual defendants after successfully defeating CWA count on a motion to dismiss.
- Representing several companies under criminal investigation for potential RCRA violations relating to the classification and management of wastes and compliance with other RCRA provisions. We succeeded in avoiding any criminal prosecution of each company and in obtaining a dismissal of USEPA's enforcement action against one of the companies. We also established with the Agency a determination process that led USEPA and the state to confirm that one significant category of waste for one of the companies was nonhazardous.
- Representing a mine ore processing company in a criminal investigation for alleged improper disposal. Developed strategy which included allowing former employees who brought allegations to suggest locations to dig on site. When government investigation came up empty, the matter was dropped and neither civil nor criminal enforcement was pursued.
- In connection with a USEPA/USDOJ criminal investigation, directing a comprehensive internal compliance audit of over 20 chemical facilities nationwide and assisted in expedited correction of all matters identified.
- Directing a comprehensive investigation of all environmental operations at a large aerospace facility in connection with a USEPA criminal investigation.
- In the context of our representation of an alleged "person in charge" of a facility in connection with a criminal prosecution under CERCLA 103 for failure to report a release, developing an overall case strategy and preparing key letters and correspondence on behalf of the company and all targeted individuals.
- Representing an entity subject to an extensive criminal investigation and grand jury proceeding arising from alleged violations of Title VI of the Clean Air Act, resulting in the U.S. Attorney's ultimate decision to drop the matter without seeking an indictment.

## RELATED INSIGHTS

Awards

Jun 09, 2022

**BCLP Lawyers recognised in 'The Best Lawyers in the United Kingdom 2023'**

Awards

Jun 03, 2021

**The Best Lawyers in the United Kingdom 2022**

Awards

Jun 25, 2020

**The Best Lawyers in France 2021**

Awards

Jun 09, 2020

**The Best Lawyers in the United Kingdom 2021**