



James Stewart

Of Counsel

New Jersey

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Jay is one of New Jersey's foremost environment lawyers (*Chambers* 2011 - 2020). Clients value his ability to handle large and complex Superfund cases, a skill honed by his work on the nation's first Superfund trial followed by many federal matters involving remediation cost recovery and natural resource damage assessment.

Recognized for his extensive knowledge of state and federal environmental laws, Jay provides both trial and appellate representation in toxic tort actions, in addition to actions related to government enforcement penalties. Described as "extremely intelligent and creative in finding resolution alternatives" (*Chambers*), he has an outstanding track record in cases where the scope of his clients' liability is broad but their defenses are limited.

Outside litigation, Jay's counsel encompasses insurance coverage for environmental and toxic torts, pollution and remediation, trade credit, and directors and officers liability issues. Companies turn to him for advice on hazardous waste regulations, toxic substance regulations, Title V air pollution and permitting issues, toxic mold, and employee exposure to hazardous substances under the federal Occupational Safety and Health Act. Jay's hazardous substances liability representation extends to mergers and acquisitions as well as real estate sales, where his careful assessment of potential environmental liabilities informs contract provisions or insurance policies included in the transaction.

Jay also represents clients related to renewable energy issues such as the development of solar energy projects and purchase of solar energy generated at other facilities. A thought leader in his field, he publishes widely in professional journals.

EXPERIENCE

- > Represents a pharmaceutical manufacturer in a Title V air permit penalty assessment and an administrative enforcement action by the U.S. Environmental Protection Agency.
- > Represents a group of companies in administrative and court actions regarding contaminated sediments in large river systems.
- > Represented a manufacturing entity in a class action toxic tort suit alleging property damage and injury from groundwater plume and vapor intrusion.
- > Represented a pharmaceutical company negotiating a power purchase agreement for energy from a solar energy facility to be constructed on adjoining land.
- > Represents insureds seeking coverage for environmental liabilities.
- > Represents retailers evaluating credit insurance purchase or claims under credit insurance policies.

HONORS & AWARDS

- > **Chambers USA: America's Leading Lawyers for Business: (2011-2020)**
Recognized for work in Environmental Law
- > **New Jersey Super Lawyers (2005-2009, 2019)**
Recognized for work in Environmental Law
- > **The Best Lawyers in America (2005-2021)**
Recognized in the Environmental Law and Environmental Litigation sections and as 2021 Lawyer of the Year for Environmental Law

NEWS & INSIGHTS

Publications

- > April 13, 2020
"EPA Issues Interim Guidance for Remedial Field Work During the COVID-19 Pandemic," *Environmental Law & Litigation Client Alert*
James Stewart, Zachary L. Berliner

- > 1Q 2018
"Trade Credit Insurance as Protection from Bankruptcy Preference Risk: Negotiating for the Broadest Coverage," *CRF News*
Bruce S. Nathan, James Stewart
- > March 31, 2017
"New Jersey Supreme Court Finds Broad Immunity for the State in Spill Act Suits," *Environmental Law & Litigation Client Alert*
James Stewart
- > February 1, 2017
"New Jersey Changes Electronic Waste Recycling System," *Environmental Law & Litigation Client Alert*
James Stewart,

In the Media

- > April 9, 2020
Law 360 covered another Lowenstein victory for client **New Jersey Sports and Exposition Authority (NJSEA)** when the New Jersey state appeals court affirmed the valuation of a portion of the Keegan Landfill located in the Town of Kearny, finding that the 2018 trial court's conclusion was "supported by sufficient credible evidence." The appeals court rejected the town's argument that the property, a portion of the 149-acre landfill that NJSEA acquired through eminent domain, warrants a higher value due to its revenue potential the decision. The Lowenstein team includes **James Stewart** and **Kent D. Anderson**.
- > June 17, 2019
Lowenstein congratulates client New Jersey Sports & Exposition Authority on the successful \$42.5 million sale of a 718-acre tract of undeveloped land located within the Meadowlands corridor, as reported by **Real Estate NJ**. This sale marks the conclusion of approximately 20 years of effort to see to the closure of landfills and redevelopment of the surrounding uplands. Lowenstein aided in coordinating the wind-down and closure of four landfills and facilitating the repositioning of the land for warehouse and logistics-based redevelopment. Developers are now poised to construct a modern warehouse and distribution complex near the New Jersey Turnpike, thereby creating jobs and opportunities for this New York City suburb. Lowenstein attorneys included **John S. Stolz**, **James Stewart**, **Daniel A. Suckerman**, and **Stacey C. Tyler**.
- > March 5, 2019
Lowenstein's victory in a property condemnation and valuation litigation filed on behalf of the New Jersey Sports and Exposition Authority against the Town of Kearny, New Jersey, is profiled in the **Global Legal Chronicle**. The write-up notes the Lowenstein team: **James Stewart**, **Rachel K. Warren**, and **Rasmeet K. Chahil**. ***View Lowenstein's news announcement about the court's decision.***
- > July 26, 2018
Law360 quotes **James Stewart** and mentions **Rachel K. Warren** and Lowenstein Sandler in an article profiling the firm's New Jersey appeals court victory on behalf of our client, the New Jersey Sports and Exposition Authority (NJSEA). The court affirmed the trial court's finding that the NJSEA was not responsible to the town of Kearny, New Jersey, for indemnification of any amount Kearny may owe to John P. Keegan for funds Keegan paid to fund a portion of the cleanup of a landfill. (*subscription required to access article*)

SPEAKING ENGAGEMENTS

- > Presenter, **Demystifying Trade Credit Insurance – A Guide to Understanding and Negotiating Your Credit Insurance Policy**, Finance, Credit and International Business Association Webinar, August 22, 2017

EDUCATION

- > New York University School of Law (J.D. 1981), cum laude, Editor, *New York University Law Review*
- > Seton Hall University (B.A. 1976), summa cum laude

ADMISSIONS

- > New York
- > New Jersey