



ALTERNATIVE ENVIRONMENTAL DISPUTE RESOLUTION

KMCL boasts an ADR practice with a focus on environmental dispute resolution. Rick Horder oversaw the entire ADR program at a major forest products and chemical company, and both Rick Horder and Skip Kazmarek are registered neutrals with the State of Georgia's Office of Dispute Resolution. We have acted as counsel in ADR proceedings in dozens of environmental matters, and as neutrals we have successfully resolved numerous matters, acting as mediators, evaluators, arbitrators, or members of arbitration panels. Although conventional wisdom is that skills in acting as a neutral are independent of the subject matter of the controversy, we find that our extensive experience in environmental matters leads to a process and outcome that is appreciated by highly sophisticated clients and their environmental counsel.

Representative matters as neutrals:

- Member of three person arbitration panel in dispute to allocate liability regarding releases from gas pipeline among pipeline operators.
- Served as mediator in four party mediation over allocation of liability for a dry cleaners operation at a shopping center.
- Served as sole arbitrator in dispute between Riverkeeper environmental organization and large mining company over numerous issues regarding alleged violations of law, non-compliance with NPDES of permit and violation of Consent Order.
- Served as sole arbitrator or member of arbitration panel in numerous CERCLA and State Superfund allocation disputes over allocation of clean up liability among PRPs.
- Member of the mediation panel for Fulton County and in that role successfully mediated several highly contentious matters.

Representative matters acting as client in mediation or arbitration:

- Numerous representations of clients in "Early Neutral Evaluation" (evaluative mediation) proceedings, essentially all of which resolved CERCLA cost allocation issues.
- Represented large retail home improvement company in arbitration between client, developer of retail space, general construction company, and homeowners association over alleged contamination to nearby residential water body from contamination of stores.
- Represented multi-location gasoline retailer in numerous mediations with various insurance carriers over coverage regarding releases from USTs and gas station operations.
- Represented owner of former oil refinery in mediation with prior owner of refinery to allocate liability for contamination on and off refinery property.
- Represented large pulp and paper and wood products company in numerous mediations with insurance carriers over coverage issues involving toxic tort (asbestos, formaldehyde, treated wood, fire retardant wood, dioxins, etc.) disputes with insurance companies over defense and indemnity obligations.

- Successfully mediated disputes between current and former owners of dry cleaners to allocate cleanup cost responsibility.
- Successfully mediated contract disputes pertaining to wastewater treatment facilities and performance (or lack thereof) of plant operators.