

## THE GOOD FIGHT

*David takes on Goliath in a fight over global warming.*

**R**IDING IN MATTHEW Pawa's 1985 Mercedes 300D, the first thing you notice is the odor. Pawa paid to have this car converted to run on vegetable oil. Once the engine hits a certain temperature, he flips a pair of switches, and the car goes from burning diesel to running on spent restaurant grease. Every time he stops at a light, the smell of a fry vat wafts through the open windows.

Such are the hazards of riding shotgun with one of the country's leading global warming lawyers. In 2004 Pawa filed suit, alongside eight states' attorneys general and New York, against five of the nation's largest power companies. They were accused of causing a public nuisance by emitting carbon dioxide and contributing to global warming.

The power companies hired the expected array of big firms—Sidley Austin, Hunton & Williams, and Jones Day, among others—to take on the solo practitioner and the state authorities. They won on a motion to dismiss, with Judge Loretta Preska finding that the case presented “political questions.” An appeal is pending.

“I’d be as happy as anybody to see a legislative solution,” says Pawa from behind the wheel of his grease-burning car. He was

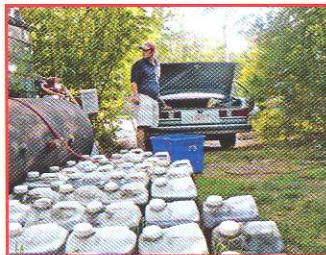
driving to Hyannis, Massachusetts, to meet with the leaders of Clean Power Now, a nonprofit client that is supporting the controversial Cape Wind project in Nantucket Sound [Bar Talk, “Kennedy v. Greenpeace,” October].

Pawa also allowed time for a stop at the Cape Cod Grease Fuel Collaborative, run by a realtor in Brewster, to fill up for 50 cents per gallon. Unlike his fellow New Englanders, when Pawa talks about “Sox,” he’s just as likely talking about sulfur oxides as the local ball team.

(Though he did step out of his meeting with clients to coordinate the purchase of Red Sox playoff tickets through his secretary.) Pawa talks about global warming with the type of drama others reserve for ninth-inning baseball heroics. “Hopefully, before we cook ourselves, we’ll succeed in finding a political solution [to global warming]. I just don’t have patience for that,” Pawa says.

Pawa’s work in the power company case came in handy in spring 2006, when he joined a ragtag team of nonprofit and state government lawyers defending Vermont’s use of the California auto emission standards. The Vermont team was up against a bevy of auto industry giants represented by Kirkland & Ellis.

Pawa and one of the two associates at his small firm handled



PAWA FILLING UP AND THE CAPE COD GREASE FUEL COLLABORATIVE

the key scientific experts, James Hansen of NASA and Barrett Rock of the University of New Hampshire. “[Matt has] developed the scientific expertise and the ability to translate the science into a digestible form for a court case,” says the Natural Resources Defense Council’s David Doniger, a client and cocounsel in the Vermont case. Federal district

court judge William Sessions III sided with the state of Vermont in a 240-page September decision.

How did a small firm in Newton, Massachusetts, find its way into prominent global warming litigation? For one, Pawa has become a veritable walking encyclopedia on greenhouse gases. Pawa moved his family to Newton from Washington, D.C., in September 2001 to take a research fellowship with the Civil Society Institute, exploring his dream of curtailing greenhouse gas emissions through litigation. Although his firm has a couple of other big cases, global warming is the primary focus.

Testimony in the Vermont trial touched on global warming’s potential impacts on everything from maple syrup to snow skiing in New England. “Take away our winter snow, take away our fall foliage and our beaches, and what’s left?” Pawa aptly raised this question on the trip from Newton to Cape Cod, with the leaves just starting to turn and the smell of french fries in the air.

Pawa’s license plate reads “LOWCO 2,” though he says it was supposed to read “LOWCO2.” Pawa claims someone at the Massachusetts motor vehicle bureau misplaced the space. “My neighbors always kid me and ask, ‘Where’s LOWCO 1?’” Pawa said with a grin. Perhaps he’s in the driver’s seat.

—ROSS TODD

### CITATIONS

**“I can barely put into words my disgust with *The Connecticut Post*.”**

—Erskine McIntosh, attorney for convicted killer Russell Peeler, Jr. Prior to the death penalty phase of Peeler’s trial, the *Post* published the name, hometown, and occupation of each juror. *The New York Times*, September 17.

**“What kind of company is Bingham, anyway? A consulting firm? Well, let me consult with you—Should I give my baby to a grizzly bear? Yes. But only if you first rub him with salmon and honey.”**

—Stephen Colbert on a Bingham McCutchen ad that depicts a bear cradling a human baby. *The Colbert Report*, September 21.

**“Oh, we’re just so happy he’s coming home!”**

—Grace Colliton, wife of former Cravath tax lawyer James Colliton, on her husband’s release from jail. Colliton pled guilty to paying underage girls—sisters, ages 13 and 15—for sex. He was sentenced to a year, but released for time served. *New York Post*, October 3.

**“A lot of people have grown up together here, and they will end up in different places on the new ladder, which could be divisive in the short term.”**

—An Ashurst partner, on the overhaul of the firm’s lockstep pay scale. *Legal Week*, October 4.