

California LAWYER

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2011 CLAY AWARDS

We honor 45 lawyers for their extraordinary achievements in 2010

IN NAMING THE CALIFORNIA LAWYER ATTORNEYS OF THE YEAR, WE RECOGNIZE LAWYERS THROUGHOUT the state whose outstanding work had a significant impact in 2010. They include state and federal government attorneys, law professors, public-interest lawyers, and attorneys from large international law firms. Their practice areas range from antitrust law and civil rights to intellectual property and transactional law. Their victories include: winning an appellate court ruling to zone land for affordable housing, achieving the first successful court challenge to the military's "don't ask, don't tell" policy, and obtaining a \$1.3 billion jury award in a copyright infringement case. The awards identify 27 achievements in 23 areas of legal practice, reflecting the breadth and depth of the work performed by California lawyers. Congratulations to all the winners. -BY THE EDITORS OF CALIFORNIA LAWYER

ENVIRONMENTAL LAW

IN ONE OF THE YEAR'S MOST CLOSELY WATCHED ENVIRONMENTAL decisions, the California Supreme Court struck down an air district's 2004 approval of a plan to retool an oil refinery in Wilmington, a small town in Los Angeles County. The decision is likely to have ramifications reaching far beyond Southern California, since *Communities for a Better Environment v. South Coast Air Quality Management District* sets new guidelines for how businesses throughout the state can proceed when proposing equipment modifications to their aging industrial facilities. The case—brought by the Oakland nonprofit Communities for a Better Environment, represented by Drury and Frank—hinged on whether the air district should have required an environmental impact report (EIR) for changes to a 56-year-old ConocoPhillips refinery. The plaintiffs contended that the baseline the district should have used for California Environmental Quality Act (CEQA) review was the actual environmental conditions at the time the modifications were proposed—not hypothetical maximum emissions that were authorized (but never fully utilized) under previously issued permits. Using the permitted levels, they argued, understates the impact of additional nitrogen oxide releases created by a new process the plant uses to refine ultralow-sulfur diesel fuel. Because those emissions would significantly worsen the region's smog, they added, CEQA calls for new EIRs. Environmentalists hailed the decision, saying that it would thwart industry efforts to win "grandfather" exemptions from CEQA regulations for any changes to their plants.



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