

Rising Star: Latham's Kegan Brown

By Morgan Conley

Law360 (June 15, 2021, 4:09 PM EDT) -- Kegan Brown of Latham & Watkins LLP provides his clients with comprehensive guidance through a whole host of environmental issues, including being on the front lines of a burgeoning crop of complex and evolving "forever chemical" contamination matters, earning him a spot among the environmental law practitioners under age 40 honored by Law360 Rising Stars.

COMPLEX MATTERS HE'S HANDLING:

Brown is helping Solvay Specialty Polymers USA LLC navigate litigation and regulatory matters surrounding the companies' alleged connection to certain "forever chemicals," infamous for their persistence in the environment. The company is accused of releasing polyfluoroalkyl and perfluoroalkyl substances, known as PFAS, into the environment for decades, which some New Jersey residents say contaminated their drinking water.

Brown said his work involving PFAS is interesting because it is "completely cutting edge" because regulatory and legislative schemes concerning them are being developed in real time.

"As these cases are moving through the court system, things are changing on an almost daily basis as we learn more about what environmental agencies are going to do, or propose to do, to address some or more of these thousands of different chemicals that fit into this bucket," Brown said. "It's a constant challenge from that perspective because you really have to be plugged into everything that's happening across the entire country on this group of chemicals."

His work for Solvay spans a range of environmental regulatory work as well as product liability, toxic tort, and class action litigation. He said the multifaceted representation is a good example of where his expertise lies, saying he has become skilled at representing clients on all necessary fronts.

It's not unusual for his work to require him to buckle down for the long



Kegan Brown
Latham

Age: 39
Home base: New York
Position: Partner
Law school: Rutgers Law School
First job after law school: Associate at Latham & Watkins LLP

haul, he said, noting that the types of matters he handles can take years to be resolved.

Such is the case for his work representing clients — including General Electric Co., PPG Industries Inc. and Sequa Corp. — in administrative proceedings and litigation surrounding the Lower Passaic River Superfund Site in New Jersey. He said he has been working on matters related to the site, which the EPA estimates will take roughly \$1.4 billion to remediate, pretty much since he started with the firm in 2007.

THE BIGGEST CASE OF HIS CAREER:

Brown credits being part of the trial team that secured victories for subsidiaries of The Dow Chemical Co., Essex Chemical Corp. and Union Carbide Corp. in natural resource damage trials for claims brought by the New Jersey Department of Environmental Protection. The disputes involved issues of first impression, and Brown's team was ultimately able to secure two complete defense verdicts for the companies in 2010 and 2011.

The NJDEP's suit against Essex was the first natural resource damages action to go to trial in the Garden State and sought millions in damages based on water contamination allegations. A July 2010 verdict held that the NJDEP was not entitled to any natural resource damages, a finding that was upheld on appeal.

"I think those cases really illustrated to me the importance of digging into the science. In environmental cases, oftentimes we have a lot of complex legal issues, but we also have really complex scientific and technical issues," he said. "You have to know the science, you have to understand where the strengths and the weaknesses are on the technical side. And then you have to best position those technical arguments so that they are consistent with your legal arguments. And that was a very important lesson to learn early on in my career."

WHY HE'S AN ENVIRONMENTAL LAW ATTORNEY:

"Environmental can sound intimidating if you think it's going to involve a really heavy dose of science. It certainly does, but the important thing is there are experts, there are ways to kind of get up to speed on the critical issues that you need to know," Brown said.

Being exposed to the practice area through his firm's program that lets first- and second-year lawyers try a variety of work and be exposed to different departments and practice areas proved crucial in showing him he was capable of doing the work, he said.

"It was because of that program that I got looped into two or three environmental projects when I started at the firm, and I was very surprised at how much I enjoyed it, mainly because I did not really come from a strong science background," Brown said. "I was worried that not having a strong science background would be a hindrance to my ability to do this work, but it wasn't."

HIS PROUDEST MOMENT:

Brown said an accomplishment he holds dear is being listed on the firm's best supervisor list twice, including last year. The list is compiled through anonymous submission, and it means a lot to him to know the associates he oversees hold him in high regard, he said.

"Much like I really enjoy seeing my kids step out and come into their own, it's really rewarding to see the associates do the same thing," Brown said.

WHAT MOTIVATES HIM:

Getting the best outcome for his clients and helping them reach their business goals is a big motivator

for Brown, but he also said his deep respect for the rule of law and a desire to see the legal system function at its best is a big driver for him professionally.

"There has to be a check and balance on both sides," he said. "Just like we have other branches in the government, within the legal profession we need zealous advocates on both sides. When we have that, we get the best outcome because then we know everybody's been represented fully."

— *As told to Morgan Conley*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2021 Rising Stars winners after reviewing more than 1,400 submissions. Attorneys had to be under 40 as of April 30, 2021, to be eligible for this year's award. This interview has been edited and condensed.