

# JENNIFER NIJMAN

## Environmental Lawyer Balances Work and Civic Commitments with Aplomb

by Rebecca Greene



Chicago lawyer Jennifer Nijman knew the law was in her future from a very young age. Growing up in Toronto, Nijman's parents had always felt the law would be an excellent match for their verbally talented daughter, and she says she was always encouraged to embark on law as a career path. "My parents were very astute at seeing in me something they thought would be very good in the law, and they were right," she says.

Fast-forward 20 years. Today, Nijman's list of legal accomplishments would make anyone's family beam with pride. She is at the top of her game as a sought-after environmental litigator, working on a variety of complex defense cases, from toxic tort litigation to common law liability. She is also involved in compliance and regulatory counseling and environmentally-related corporate and real estate transactions.

In 2004 she was awarded the Chicago Bar Association Alta Mae Hulett Award (named for the first female lawyer in Illinois), an award presented to women who work to improve the legal profession and empower women to succeed. The award was presented as Nijman completed her year as President of the 22,000 member Chicago Bar Association, only the fourth woman to hold that position in 140 years. She also received an award from the Lawyer's Trust

Fund for her service to the community in co-chairing the Illinois Legal Needs Study.

Most important for Nijman, however, is co-founding her own environmental law firm **Nijman Franzetti LLP** with attorney Susan Franzetti in February of 2008.

"Susan is a highly respected environmental attorney with a background and practice very similar to mine," Nijman says. "It was exciting for us to join forces and be able to provide clients with high quality work at more reasonable cost."

Before starting the new firm, Nijman chaired the environmental law practice group at the Chicago office of Winston & Strawn LLP, one of the largest firms in the city. "Winston & Strawn was supportive and helpful in the move," says Nijman. "I am continuing to work with several partners there on ongoing matters and hope to continue those relationships in the future. I have a great deal of respect for the attorneys there."

Nijman says the transition has been seamless. "I'm already up and running," she enthuses.

Her clients have reason to be pleased, too. "Large law firm hourly rates reached a level that my clients were not willing to pay," she explains. "In addition, I enjoy representing smaller and mid-size companies and a reduced rate allows me to do that again. In most cases, the clients want a partner's expertise and judgment—so they were happy to get that same expertise and judgment at a better rate."

As a defense lawyer, Nijman helps companies solve high-stakes problems involving their impact on the environment. Nijman says that the fascinating aspect of environmental law is the range of problems faced—from the Erin Brockovich type case where Nijman defends a company from claims that it polluted the environment, to representing "green" clients who make products that will protect the environment and who are changing consumer habits. Nijman believes what she does ultimately helps clients understand a complex environmental world, and lets them conduct their business in a responsible way. She says she hasn't met a client yet whose goal is to pollute—

clients want to comply, Nijman says, and she works hard to help them do that.

### The Courtroom Challenge

The ability to stand up and tell a client's story, especially for those clients who aren't able to do it for themselves, due to the technical and legal complications, is one aspect that draws Nijman to environmental litigation. She enjoys the challenge of being able to determine what happened, analyze the complex scheme of environmental laws and regulations, and explain it in such a way that it overcomes the government's case or mitigates that case. "And, let's face it," she admits, "any litigator loves the showmanship and competition of a trial, hearing or a negotiation. It's incredibly satisfying when you've worked so long on all the minutiae of a case and it comes together when you finally see the 'aha' moment in the decision-maker's eyes," she says.

In the courtroom, Nijman describes her approach with juries as trying to create a level of respect with regard to their opinions. "I'm not the type of person who's going to engage a jury in a folksy way, but what I try to do is ask all the questions in the courtroom that I would ask if I was in the jury, or if I was the judge or panelist," she explains. Nijman develops her questioning by asking such questions as, "If a landfill was going in a mile away from my property, what would I want to know?" One question she loves to "front" to her witnesses is "would you live there? Or eat it; breathe it; or drink it if you had the choice?"—whatever "it" may be.

In addition, she excels at shifting gears quickly and effectively, and thinking outside the box. She recalls handling a case for a chemical company that was facing hard economic times and trying to find a buyer. She found a strategic way to resolve the company's cleanup responsibilities with the government when prior counsel said nothing could be done. The client saved millions and was ultimately purchased because those environmental liabilities had been resolved.

Nijman appreciates the fact that you're not always going to find the answer in a case or statute, but instead you (*Continued on Page 5*)

can think about a unique way to present or argue the law—because it hasn't been done before—and add a new twist or new argument for the client. E. Lynn Grayson, a partner at Jenner & Block, says that "Jennifer is always well prepared, having developed a winning strategy and approach for her clients far in advance of her appearance in court. With an exceptional talent to recall the smallest of details, she is at her best in the courtroom where this skill and her advocacy can be best combined."

Nijman recalls the excellent litigation skills training she received as a young associate. Early on she was given the opportunity to handle small matters, with supervision only as needed, in order to understand a case from the beginning to end. She also immersed herself in Superfund—the pollution liability law that had just been amended at the time—and became a go-to person in private and government Superfund issues. That training still serves her well today in defending clients in all aspects of hazardous waste handling. At an early stage she also began taking on pro bono work, mostly immigration and asylum cases. As a young attorney just starting out, she found the opportunity to present a trial on her own and truly make a difference in someone's life an extremely valuable opportunity. "I always recommend those kinds of activities to gain courtroom skills—the best training is doing it," she says.

While at Winston & Strawn, Nijman spent about 30 percent of her time on transactional matters. "I enjoy understanding transactions, understanding the business world, and I find the challenge of getting a deal closed when there is an environmental problem very satisfying," she says. But in her new firm, she'll be putting her litigator cap on more often. "There are some clients who continue to use us for the transactional parts of deals, and we get references from other law firms that don't have environmental practices. The majority of our work, however, is currently environmental enforcement defense, litigation, and environmental compliance," she says.

When Nijman was in law school at the University of Chicago in the mid-'80s, environmental law was such a new field that courses in it didn't even exist until her second year of law school. She became interested in environmental law as a career direction when she took her first class in it with a visiting professor. It was an exciting time because the new environmental laws were just taking

off. "I was fascinated both with the new laws and with the process, and the ability to help create a body of case law," she says. Nijman practiced both environmental and labor and employment law as a first-year associate. She then made the decision to focus exclusively on environmental law and litigation after her first year of practice.

### **Community Involvement**

While Nijman's environmental practice is an enormous source of professional satisfaction, another way her legal career is deeply satisfying is through the interactions she has with the legal community. "The legal community in Chicago is phenomenal," she says. "I learned that as President of the Chicago Bar Association—meeting lawyers in the city in all different practices and firms." Her civic involvements also include being the Center for Conflict Resolution's Board president from 2005–2006, a board member of the Public Interest Law Initiative, and a Member of the American Bar Association's Environmental Litigation Committee.

She also finds time to informally mentor young women in the law and says it's very inspiring to help other young women lawyers who are looking for guidance. Nijman previously co-chaired Winston & Strawn's Diversity Committee, and feels she is putting her years of diversity work to good use in creating a firm that is woman-owned.

In law school, she recalls how struck she was by the diversity of her peers, and appreciated how much diversity contributed to her learning experience there. "My path was straight to law school, but other classmates came from different careers, and different backgrounds, so you always had enlightening discussions," she says.

Nijman reaches out to the community in a variety of ways, and believes strongly in using her legal skills to do whatever she can to make things better in the law, whether it's pro bono work or more formal work on committees serving the public interest. Nijman is outgoing Chair of the Illinois Coalition for Equal Justice which works to help all citizens of Illinois have access to the courts regardless of their economic status.

She has taken a specific interest in finding ways for more lawyers to be able to afford to work in public interest law. She chairs the subcommittee that examines this issue, because large amounts of university and law school debt, as well as enticements of law firm

salaries, often dissuade new graduates from practicing public interest law. "We've analyzed the need for more public interest lawyers," says Nijman, referring to her role as co-chair of the Illinois Legal Needs Study—"and are now addressing the unique turnover and retention issues in public service agencies."

Besides her role as president at the Center for Conflict Resolution, she is also a certified mediator with CCR. Nijman first became involved with the Center during her work with the Chicago Bar Association. She decided to train as a mediator, because she felt mediation was a way for anyone—but specifically for those who can't afford the legal system—to find justice. "They do great work in providing justice to many people who otherwise wouldn't have access to the courts," she says. She recently added arbitration to her skills and is on the panel of arbitrators for the American Arbitration Association, specializing in litigation and environmental matters.

With her demanding workload as a partner combined with her many civic involvements, Nijman's plate is clearly piled high. "I've always been one of those people who functions well with more rather than less, and I feel frustrated when I don't have a lot on my plate," she explains. As to how she manages to balance it all so well, she says she relies on support from her husband, also a lawyer, and she tries to structure her life in order to simplify things. Living in the city is one such example—so that she can get to work fast and easily attend functions at her children's school. Having top-notch support systems in place, such as great caregivers at home and great assistants at work, is also important. "Once you find those people, hold onto them," she laughs. It also helps to have a mind that can switch gears very quickly.

Having opportunities to relax and recharge are also important, and Nijman says that family trips are a great opportunity to get away from it all. Nijman has two children, a 15-year-old daughter and a 11-year old son and spends every moment she can with her family. "We have another ski trip planned this winter, and we all find that to be a real stress release, because you have to concentrate on skiing—just getting down that mountain." Nijman finds that her family gives her a good perspective. "It's so easy to make myself crazy with all there is to do. My family makes me enjoy something different and forget the day—till morning anyway, when I'm ready to start again." ■