

MVP: Cohen Milstein's Theodore J. Leopold

Law360 (December 12, 2018) – Theodore J. Leopold, Co-Chair of the Complex Tort Litigation and Consumer Protection practice groups at Cohen Milstein Sellers & Toll PLLC, racked up a number of impressive wins this year, in one case swatting down an effort by DuPont to escape a class action over allegations it dumped hazardous chemicals into the water supply while lying to regulators, earning him honors as one of Law360's 2018 Environmental MVPs.

HIS BIGGEST ACCOMPLISHMENT:

Leopold, working with litigation teams in North Carolina and Michigan, handled two of the largest environmental court cases in the country at the same time.

He represents thousands of Flint, Michigan, residents and businesses harmed by exposure to toxic levels of lead and other hazards in the city's drinking water. They claim engineering firms and city and state officials intentionally allowed lead-contaminated water to poison them after switching the city's water supply to the Flint River in an effort to save money.

In North Carolina, Leopold is co-lead class counsel for North Carolinians who have faced exposure to toxic chemicals such as GenX. The class has accused DuPont Chemicals' wholly owned subsidiary Chemours of illegally discharging GenX into North Carolina's Cape Fear River while falsely claiming it was properly disposing of the chemical.

The Flint case has undergone major briefing on various legal issues at the district court level and the Sixth Circuit. In August, the class won a ruling that preserved the plaintiffs' key claims over a motion to dismiss from the government.

Leopold's team has taken the DuPont case from filing through DuPont's motion to dismiss, which was shot down by a federal judge in May.

Leopold told Law360 that balancing the cases has been a challenge, but strong teams on both cases have helped him keep a handle on the complex litigations.

"We have a great team of lawyers," he said. "The two keys have been good time management and working with great firms."

The logo consists of the letters 'MVP' in a blue, serif font. The letter 'V' is circled in red, and a red arrow points upwards from the top of the 'V'.

Theodore J. Leopold
Cohen Milstein

HIS BIGGEST CHALLENGE THIS YEAR:

Various legal issues in the Flint litigation have combined to create a particularly challenging environment in that case.

For communities and businesses harmed by lead contamination in the city's water supply, a speedy resolution to the case is a top priority. But pressing the case forward can be difficult when squaring off with multiple public and private entities that don't necessarily stand to benefit from a brisk clip.

"Moving the case at a quick pace is not their primary goal. That's not because of any bad intent," he said. "It's a case where there are competing interests."

OTHER MAJOR CASES:

Leopold served as lead trial and co-lead counsel on behalf of a group of Ecuadorian farmers and ranchers who sued defense contractor DynCorp in D.C. federal court, saying they were exposed to harmful aerial chemical spraying for years related to a counternarcotics program backed by the U.S. and Colombian governments.

DynCorp-contracted pilots were tasked with disrupting cocaine production in Colombia by spraying coca fields with herbicides. Thousands of Ecuadorian farmers say the pilots crossed over the Ecuadorian border without authorization from the U.S. government, exposing them and their fields to toxic chemicals.

WHAT KEEPS HIM MOTIVATED:

Leopold says he tries to maintain a focus on doing good work and helping others, the two overarching goals that first led him to practice consumer justice.

"I always knew I wanted to do litigation, and I wanted to do consumer justice litigation," he says.

HIS ADVICE FOR JUNIOR ATTORNEYS:

"Work hard, treat others as you would want to be treated, speak from your heart and always be professional."

— As told to Chuck Stanley

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2018 MVP winners after reviewing nearly 1,000 submissions

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