



Robert F. Fitzpatrick Jr.

SPECIAL COUNSEL

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For more than 25 years, Bob Fitzpatrick has advised private and publicly traded corporations, REITs, nonprofits, municipalities, developers and investors on matters involving environmental, real estate and administrative law. He is best known for crafting creative solutions to high-profile matters involving management of environmental risks, development permitting, regulatory compliance and enforcement. Mr. Fitzpatrick's practice covers transactions, administrative litigation and enforcement defense. He has served as co-chair of the Environmental and Energy Section of the Boston Bar Association, adjunct professor of environmental law at Suffolk University Law School, and he co-authored the annual update to *Administrative Law and Practice* in the Massachusetts Practice Series from 1996–2007.

Professional Activities

- Member of the Regional Real Estate Development Leadership Council, Greater Boston Chamber of Commerce
- Co-Chairman of the Environmental and Energy Section of the Boston Bar Association (2014-2016)
- Co-Chairman of the Environmental Litigation Committee of the Boston Bar Association (2010-2012)
- Adjunct Professor of Environmental Law, Suffolk University Law School (1995-2007)
- Member of the Massachusetts Department of Environmental Protection's Task Force on Groundwater Permitting (2007-2008)
- Past Chairman, Town of Duxbury Zoning By-Law Review Committee
- Past Chairman, Town of Duxbury Cable Advisory Committee
- Registered Professional Engineer in Massachusetts
- Member of the Massachusetts and Boston Bar Associations

Publications

- "Five Essentials for Managing Deal Risk," WilmerHale Energy Sector Alert Series (February 2016) (with Bonnie Heiple and Dave Gold)
- "Annual Supplement to *Massachusetts Administrative Law & Practice*," West Publishing (1996-2007) (with Gerald McDonough and Laura Cella)
- "On Reorganization, Budget Cuts and Revenue Sources," *New England Environment* (March/April 2003) (with Rob Tuchmann)
- "Looming Budget Cuts Challenge MassDEP," *New England Environment* (November/December 2002) (with Rob Kirsch)
- "MassDEP Proposes Wave 2 Revisions to Cleanup Regulations," *New England Environment* (February 2002) (with Scott Cernich and Rob Kirsch)
- "Draft Surface Water Discharge Permits—The Need to Comment," *New England Environment* (Summer 2001) (with Rob Kirsch)
- "Safeguarding Impartial Adjudication of Environmental Appeals," *New England Environment* (Autumn 2001) (with Rob Kirsch)
- "MassDEP to Consider Environmental Management Systems in Enforcement Settlements," *New England Environment* (Spring 2001) (with Rob Kirsch)
- "MassDEP's Evolving Policy on Web Publicity of Enforcement Actions," *New England Environment* (November/December 2000) (with Rob Kirsch)
- "Surface Water Discharge Permits—NPDES Delegation," *New England Environment* (August 1999) (with Rob Kirsch)
- "MEPA: Tailoring the Scope of Review to Environmental Impact," *New England Environment* (June 1999) (with Rob Kirsch and Pat van der Voorn)
- "Chapter 21E and Downgradient Property Status," *New England Environment* (April 1999) (with Rob Kirsch)
- "Massachusetts Regulatory Update [Consent Order Issues]," *New England Environment* (March 1999) (with Rob Kirsch)
- "Limits on Lender and Fiduciary Liability," WilmerHale Client Alert, December 1, 1996 (with Mark Kalpin, Rob Kirsch, John Regan and Rob Tuchmann)
- "Review of the American Bar Association's 'Environmental Law Manual,'" *Bimonthly Review of Law Books* (September-October 1993)
- "Review of 'The Future of Liberal Revolution,' by Bruce Ackerman," *Bimonthly Review of Law Books* (July-August 1993)
- "Review of 'Grand Inquests: The Historic Impeachments of Justice Samuel Chase and President Andrew Johnson,' by Hon. William H. Rehnquist," *Bimonthly Review of Law Books* (March-April 1993)
- "Review of 'Environmental Management for Business and Corporations,' by Lawrence Schnapf," *Bimonthly Review of Law Books* (November-December 1992)
- "Politics and Impeachment," 26 *Suffolk U.L. Rev.* 1237 (1992)
- "Review of Product Liability Law for Engineers by Linda Enghagen," 26 *Suffolk U.L. Rev.* 583 (1992)
- "Development of Massachusetts Law Governing the Disposition of Evicted Tenants' Property," 25 *Suffolk U.L. Rev.* 1109 (1991)

- "On-Site Wastewater Management in a Utility Framework," New England Water Pollution Control Federation (1989)
- "Wastewater Management Alternatives Study: Bonnie Brier Area," University of San Francisco Master's Thesis (1985)

Solutions

Real Estate

Distressed Real Estate
Solutions

Energy, Environment and
Natural Resources

Environmental Litigation and
Enforcement Defense

Experience

- Representation of Cumberland Farms in connection with the sale of its retail gasoline business involving approximately 560 stations and stores in eight states.
- Representation of Cumberland Farms in connection with the sale of its Gulf Oil business, including 12 fuel oil terminals and 250 retail gasoline stations
- Representation of a retailer in connection with the permitting and development of more than two million square feet of retail space at more than 40 new and expanded stores sites.
- Representation of a solid waste management company in connection with the expansion of a solid waste transfer station in vigorously contested state and local permit proceedings and the subsequent sale of the facility.
- Representation of a publicly traded REIT in its acquisition, entitlement, development, financing and leasing of 1,700,000 square feet of laboratory, office and residential space in Cambridge, Massachusetts.
- Representation of an auto salvage and recycling company in connection with the sale of its salvage business and real estate assets.
- Defense of an enforcement action concerning RCRA compliance at more than 40 locations.
- Defense of a \$5 million CERCLA cost recovery claim pressed against a utility by two state agencies.
- Counseling in connection with numerous brownfield redevelopments, including redevelopment of a World War II-era steel manufacturing facility, on matters of regulatory compliance, environmental insurance and brownfield tax credits.
- Representation of a client in obtaining a surface water discharge permit from federal and state permitting officials that included the first of its kind pollutant-trading condition.
- Representation of PRPs in Superfund proceedings at numerous Superfund sites and counseling in connection with PCBs cleanups governed by TSCA.

Recognition

- Named to *Boston Magazine's* Top Lawyers list in the area of land use environment (2022–2023).
- Selected by his peers for inclusion in the 2012–2024 editions of the *Best Lawyers in America* in the areas of environmental law and real estate law.
- Named a "*Massachusetts Super Lawyer*" in environmental, land use/zoning and administrative law in the 2005 and 2008–2023.

Credentials

EDUCATION

JD, Suffolk University Law
School, 1992

cum laude

*Editor-in-Chief, Suffolk
University Law Review*

MS, Environmental
Management, University of San
Francisco, 1985

BS, Civil Engineering, Tufts
University, 1981

ADMISSIONS

Massachusetts

US Supreme Court

CLERKSHIPS

The Hon. Joseph R. Nolan,
Supreme Judicial Court of
Massachusetts, 1992 - 1993