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## FROM THE SPECIAL EDITORS

# How Society and the Legal World are Responding to Climate Change

We are proud to present this issue of the *New Jersey Lawyer* magazine dedicated to climate change and New Jersey's energy future. The time has never been more important to explore this issue in detail.

New Jersey is at the forefront of addressing the challenges presented by climate change. On Oct. 29, 2019—the seventh anniversary of Superstorm Sandy, Gov. Phil Murphy signed Executive Order 89, which provides in part: "... New Jersey is especially vulnerable to the impacts of sea level rise, increased flooding and other aspects of climate change, with potentially disastrous consequences for public health and safety; and... minority and low-income communities are disproportionately affected by climate change, including by the health effects of higher temperatures and increased air pollution and by the displacement of coastal and low-lying neighborhoods from sea level rise and flooding...."<sup>1</sup> The Executive Order establishes a state Chief Resilience Officer to lead development and implementation of a Statewide Climate Change Resilience Strategy ("Strategy"). The Executive Order further establishes an Interagency Council on Climate Resilience to coordinate efforts to develop and implement the Strategy, as well as a Climate and Flood Resilience Program within the New Jersey Department of Environmental Protection (NJDEP).

The inaugural edition of the Strategy<sup>2</sup> was issued in October 2021 and outlines over 100 actions across six primary areas to help guide programs and policies that promote climate resilience. The Strategy, in conjunction with emissions reductions proposed in the state's 2020 Global Warming Response Act 80x50 Report<sup>3</sup>



**DAWN MONSEN LAMPARELLO** is a partner at K&L Gates LLP in the firm's Newark office. She is a member of the environmental, land and natural resources practice group. Dawn is also Co-Chair of the NJSBA's Renewable Energy, Clean Tech and Climate Change Committee and on the Board of Directors of the Environmental Law Section.



**ASAAD K. SIDDIQI**, the chair of the editorial board of *New Jersey Lawyer* and a member since 2011, is a Director at Trenk Isabel Siddiqi & Shahdanian, P.C., and advises clients on myriad issues, including commercial and complex litigation and non-profit law. He serves on the Civil Practice and Model Civil Jury Charges Committees of the New Jersey Supreme Court, and is a member of the board of trustees for the New Jersey State Bar Association, the Association of the Federal Bar of New Jersey and the Bergen County Bar Association.

and the 2019 Energy Master Plan,<sup>4</sup> are intended to support the state in responding to climate change via a breadth of measures.

In this issue, we are very fortunate to have key insight on New Jersey's actions from state leaders. NJDEP Commissioner Shawn LaTourette authors an in-depth article regarding reducing and responding to climate change in the state. Sen. Bob Smith, Joseph Gurrentz and Matthew Peterson provide insight regarding unique climate change impacts in New Jersey and explain how the state legislature is taking action and responding to the threat of these impacts.

We also draw on the deep bench of New Jersey lawyers to weigh in on these

and other important developments. The issue opens with a critical overview of environmental justice in New Jersey and recent, significant changes (by Thomas Prol). There are also articles regarding a recent New Jersey law requiring the expansion of electric vehicle charging station infrastructure throughout the state (by Cosmas P. Diamantis); legislation establishing a statewide "Garden State" Commercial Property Assessed Clean Energy (C-PACE) Program to help provide capital for energy efficiency upgrades and renewable energy infrastructure projects across the state (by Joshua V. Berliner); recommendations and tools for negotiating solar renewable energy agreements (by Barbara J. Koonz); and an analysis regarding climate change

and renewable energy's impacts on the state's agricultural industry (by Lewis Goldshore).

We thank the contributors to this magazine for their diligent efforts and helpful insight and look forward to the strides to be accomplished in the coming years. ■

#### **Endnotes**

1. [nj.gov/infobank/eo/056murphy/pdf/EO-89.pdf](http://nj.gov/infobank/eo/056murphy/pdf/EO-89.pdf).
2. [nj.gov/dep/climatechange/docs/nj-climate-resilience-strategy-2021.pdf](http://nj.gov/dep/climatechange/docs/nj-climate-resilience-strategy-2021.pdf).
3. [nj.gov/dep/climatechange/docs/nj-gwra-80x50-report-2020.pdf](http://nj.gov/dep/climatechange/docs/nj-gwra-80x50-report-2020.pdf).
4. [nj.gov/emp/docs/pdf/2020\\_NJBPU\\_EMP.pdf](http://nj.gov/emp/docs/pdf/2020_NJBPU_EMP.pdf).

## **PRESIDENT'S MESSAGE**

*Continued from page 5*

these very important committees.

Our ethics system was instituted to help protect the public, and that should be its focus. But, when ethics cases last for years, and cases are brought *sua sponte* years, or even a decade, after the alleged grievance, I suggest that we have lost our way. The NJSBA is here to help chart the course forward.

There is good and bad in every profession and ours is not immune—but we cannot allow the bad deeds of the few to impact our entire profession.

How can we allow best practices to exist in our cases, but ethics cases can go on without a reasonable end? Should there be a statute of limitations for when a grievance could be filed? Should there be a timeframe within which these cases must be completely disposed of or dismissed? Because every single second of every single day that an ethics case is pending, that ethics case is on the lawyer's mind causing strife and stress. It is a black cloud permeating their entire life.

How can we help attorneys who find themselves never being able to turn off work because technology has made it so easy to communicate such that everyone expects instant replies? We have become a profession of instant messaging. The pace of this practice is not sustainable, and we need to find ways to create healthy boundaries. This is part of the reason why I love virtual proceedings. Not only have they provided significant, meaningful access to the court for our clients, but they are also extremely efficient and can ease a lot of the stress we face in trying to be many places at the same time, as well as allowing us to manage our inboxes and our office instead of our precious time being spent on unnecessary waiting and travel.

How can we help attorneys thrive in the evolving virtual marketplace where clients can leave false online reviews that have a significant impact on our reputations, or a competitor can purchase our name to intentionally re-direct potential clients to their own website?

We need to review the law surrounding how lawyers can be more easily relieved as counsel when they ask to do so as well as ways we can ensure lawyers are paid for services they have been contracted to provide and have provided.

We know there is more to be done.

We need to be open to real, meaningful change. We are always under enormous pressure and always will be, but it will help for the profession to take our needs seriously and find ways to make this practice better.

When the NJSBA mobilizes and puts its weight behind a challenge, it can be an impressive force. There is much work to do. And it is my privilege and pleasure to do it. And I am proud to do this work, alongside all of you.

On behalf of the entire Executive Committee and Board of Trustees and leadership staff, we thank you for coming and for your friendship and support. We promise to work hard, make you proud and be champions for Putting Lawyers First.

Thank you. ■