SpencerFane®

Jane E. Fedder

Of Counsel

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Overview

Jane Fedder is a proven and trusted advocate, advisor, strategist, trial, and appellate attorney specializing in resolving complex environmental enforcement, litigation, and insurance recovery disputes.

Clients rely on Jane to help them navigate and resolve enforcement threats and legal actions under complex federal and state environmental laws including CERCLA, RCRA, CWA, CAA and common law. Jane is also knowledgeable in the emerging areas of forever chemicals (PFAs / PFOs), climate change, and environmental justice.

Jane represents clients ranging from multinational agricultural, manufacturing, aerospace, and automotive conglomerates to electrical and petroleum energy producers, to small family-owned businesses. Jane has won numerous judgments, attorney fees reimbursements, low dollar settlements, and insurance recovery claims for her clients.

Jane is a member of the Spencer Fane Environmental and Energy and Litigation Dispute Resolution practice groups and serves on the firm's Professional Responsibility Committee. She also volunteers as an editor for the American Bar Association's Environmental and Energy Litigation Committee.

Jane also has an extensive background in legal ethics from her service as a long-standing volunteer attorney for the Missouri Office of Chief Disciplinary Counsel, including serving as a Disciplinary Hearing Officer and as a Disciplinary Committee member. Jane also served for several years as the Risk Management Director at a prior firm. She is a frequent author, panelist, and public speaker on environmental, professionalism, and women's advocacy topics.

Education

- Washington University School of Law, 1988 (J.D.)
- University of Missouri - St. Louis, 1984 (B.A.), *magna cum laude*

Bar Admissions

- Illinois
- Missouri

Court Admissions

- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Eastern District of North Carolina
- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Western District of Missouri

Community Involvement

- Arthritis Foundation of Greater St. Louis, Leadership Board, 2016-2018
- Court Appointed Special Advocates (CASA) of St. Louis County Inc., Board of Directors, 2006-2007
- Missouri Campaign for Change Voter Protection Program
- Missouri Democratic Party, Voter Protection Volunteer
- University of Missouri-St. Louis, Pre-Law Advisory Council

Distinctions

- *Best Lawyers in America*, 2024-2027
  - Energy Law
  - Environmental Law
  - Litigation – Environmental
  - Litigation – Insurance
- *Chambers USA*, Environmental Law
- Martindale-Hubbell, AV Preeminent
- *Who's Who in American Law*

Memberships

- American Bar Association
  - Litigation Committee
    - The Woman Advocate Committee
    - Insurance Coverage Litigation
    - Environmental & Energy Litigation
  - Environmental Energy & Resources Law Committee
- The Bar Association of Metropolitan St. Louis

Presentations and Publications

- "Elevating Partnerships Workshop," Spencer Fane Women ADVOCATE EmpowerHER Summit, September 5, 2024
- "Exxon Ruling Makes Traceability Key In Clean Air Citizen Suits," *Law360*, August 21, 2020
- "Superfund Report: EPA Guide to Speed Superfund Remedial Design Receives Mixed Reaction," *Bloomberg*, July 30, 2018
- "Deposition Bullies: Tips for Spotting Them and Stopping Them," American Bar Association, August 7, 2018
- "How Do I Persist?" American Bar Association, March 14, 2018
- "Court Opens Door to New U.S. CERCLA Liability But Allocations May Be Key," *Inside EPA*, July 21, 2017
- "Leveraging Latest CERCLA Decisions and Navigating New Complexities," Strafford Live Webinar, April 11, 2017
- "Judges' Plenary: Learn from our Mistakes: Do's and Don'ts of Trial Practice from Top Women Litigators," Women of the Section of Litigation Conference, November 13, 2015
- "Public Policy & Environmental | Environmental Risks For Business," St. Louis; Business Law Institute CLE, June 2015
- "Arranger Liability Still Confusing Courts Four Years After Supreme Court Decision," *Bloomberg BNA*, September 24, 2013
- "Eye on Ethics: Keeping Confidences of Non-Clients, Even Those With Whom You Haven't Spoken," *St. Louis Lawyer*, Bar Association of Metropolitan St. Louis, October 2007
- "Sales of Used Transformers, Sold for Resale to Missouri Electric Works, Declared to Be Sales of Useful Products, Not Arrangements for the Disposal of PCBs," *Currents*, Electrical Apparatus Service Association Newsletter, June 2007
- "Eye on Ethics: Femifascists and Dandelions: The Ethical Implications of Judicial Free Speech," *St. Louis Lawyer*; Bar Association of Metropolitan St. Louis, January 2007
- "Every Day Ethical Considerations, Best Practice Series – Ethics in Your Practice," Washington University School of Law ADR Program, USA&M Midwest, Inc., September 15, 2006
- "The Ethics of Pro Bono," *The St. Louis Bar Journal*; The Missouri Bar, Fall 2005
- "Pro Bono Obligations, Conflicts and Rewards," Bar Association of Metropolitan St. Louis' 19th Annual What's New in Legal Ethics Seminar, June 9, 2005
- "Eye on Ethics: Should it Stay or Should It Go? – Missouri's New Client File Retention / Destruction Rule," *St. Louis Lawyer*; Bar Association of Metropolitan St. Louis, February 2005
- "Eye on Ethics: 1-800-PIT-BULL False and Misleading or Just Tacky?" *St. Louis Lawyer*; Bar Association of Metropolitan St. Louis, August 2004
- "Eye on Ethics: Ethics of Hidden Information in Electronic Documents," *St. Louis Lawyer*; Bar Association of Metropolitan St. Louis, April 2004
- "Confidentiality of Organizational Clients: Are the Flood Gates Open? Not Yet – But Watch Out!" *St. Louis Lawyer*; Bar Association of Metropolitan St. Louis, December 2003

Related Experience

- Currently pursuing environmental contribution, breach of contract, indemnification, and additional common law claims on behalf of Bayer US LLC in a pending multi-party consolidated lawsuit in Nebraska federal court against owners and operators of a mismanaged ethanol plant that improperly disposed of solid waste byproducts.
- Currently serving as co-counsel in muti-party effort to remediate former Nebraska ethanol plant under the state's voluntary compliance program.
- Currently defending energy producers against CERCLA successor liability contribution claims in the Southern District of Illinois.
- Defended against a pending private party CERCLA contribution lawsuit against multiple potentially responsible parties in the Southern District of Ohio.
- Successfully defended clients facing CERCLA / RCRA / CWA governmental, private party and citizen suit claims in multiple jurisdictions across the U.S. involving alleged hazardous and solid waste contamination at landfills, recycling facilities, manufacturing facilities, and electrical transformer repair facilities.

- Obtained dismissal of a New Jersey Spill Act lawsuit on jurisdictional grounds, leading to a low-dollar settlement that ended a decades-long CERCLA and New Jersey successor liability dispute between private parties.
- Achieved a low-dollar settlement for an aerospace client against legacy claims of successor liability stemming from the remediation of a CERCLA Superfund site adjacent to the Gary, Indiana airport.
- Won a CERCLA contribution trial judgment in the Western District of Virginia. The adjacent property owner wrongly denied CERCLA contribution liability for remediation of releases and threats of releases of hazardous substances from legacy lead and zinc mine-tailing disposals on the client's property. Stopped the state's decades-long erroneous assertion of regulatory authority under the Clean Water Act over her client.
- On appeal to the U.S. Eighth Circuit Court of Appeals, Jane argued for and won the right for non-settling potentially responsible parties (PRPs) to intervene to challenge entry of a CERCLA consent decree between the U.S. The EPA / DOJ and settling PRPs concerning the cleanup of a PCB-contaminated former transformer repair and sales facility in Cape Girardeau, Missouri. This was the first federal appellate decision to recognize a right of PRPs to intervene.
- Obtained a temporary restraining order in Illinois Circuit Court prohibiting an Alabama attorney from soliciting personal injury clients in southern Illinois in violation of the prohibition against the unauthorized practice of law and forcing removal of his "Toxic Waste Lawsuit" billboard advertisement.
- Experienced conducting effective expert witness examination and pretrial motion practice, used to limit and often eliminate scope of environmental, tort, property damage, and nuisance claims facing clients.
- Experienced defending against putative class action certifications including a case in the Central District of Illinois involving alleged harmful air emissions from a large fire and explosion at a manganese plant in southern Illinois.
- Collaborated on strategy, discovery, and briefing pre-trial motions in a 300-plus plaintiff action alleging property damage and emotional distress associated with mercury emissions from a Chloralkaline plant in Alabama.
- Collaborated on strategy, discovery, and briefing pre-trial motions in a benzene exposure matter and recovery of insurance proceeds involving tort and property damage claims linked to a plume of gasoline under a residential community.