

William Mitchell

A MAGAZINE FOR FRIENDS AND ALUMNI OF WILLIAM MITCHELL COLLEGE OF LAW

Lawyers in the Grand Canyon State

By Mary McGlynn
Spring 2002

Cortland Silver: Environment issues affect most deals

CORTLAND SILVER'S OFFICE on the 26th floor in a downtown Phoenix office complex seems about as far away as possible from underground storage tanks. Yet his legal experience with environmental issues concerning the tanks combined with experience in real estate have helped Silver, '80, rise to Fennemore Craig, a leading law firm in Arizona.

Prior to his move to the law firm one year ago, Silver was an in-house lawyer for Circle K, a national convenience store chain, and he says, the "go-to guy on real estate deals and environmental issues." At Circle K, he handled approximately 600 site acquisitions and 600 sales during his 10 years with the chain, he says.

He also dealt with legal issues surrounding Circle K's underground storage tanks. "As one of the heads of the department told me, there are two kinds of underground storage tanks, those that leak and those that are going to leak," Silver says.

Before the 1980s, little emphasis was placed on that danger. "Gas was cheap, so if your tank leaked, you went, 'Darn it,' and put in a new one," he says. But as society became more conscious of environmental hazards, the federal government reacted by enacting regulations. Silver says, "Companies like Circle K at the time had to change their focus from growing their number of stores to really tending to business at the ones they had."

In the last three years, legal issues with the storage tanks have become easier because government regulations have phased in, which make all tanks comply with certain requirements, Silver says. "Now if there is a leak we can know about it sooner and deal with it more effectively."

Environmental law was a new area for Silver when he began at Circle K, but he'd been doing real estate transactions for a long time. Silver gained much of his real estate knowledge after law school, when he worked with his father, who owned a real estate investment firm in Arizona. Silver worked in all aspects of real estate investment, from buying land to zoning to obtaining entitlements to negotiating construction contracts. He's proud of his and his father's success: "We were able to build, own, and sell close to 3,000 apartment units. In my years there, for a mom-and-pop business, we did over \$275 million in real estate deals."

At Fennemore Craig, Silver practices primarily in real estate law and continues some practice in environmental law related to underground storage tanks. He finds that environmental conditions increasingly affect almost every deal he works on. "The firm handles a lot of land development, and as the city of Phoenix grows, all the land that was once farmland or grazing areas is now turning into single-family homes," he says. While in the past, investors would simply plow the field under and start construction, now they must consider if the land is safe to live on and how construction will affect the environment, he says.

Keeping up-to-date on environmental law in addition to real estate law can be difficult, but with Silver's breadth of experience in both fields, he is up to the challenge. ☐