

■ LAW JOURNAL INTERVIEW ■

Private Citizen Pataki Sets His Sight on the Environment

BY JOEL STASHENKO

BY HIS OWN ADMISSION, George Pataki has led a charmed professional life.

Never, as a mayor, state legislator or governor, did he lose an election. Never, in public or private life, has he had a job that was drudgery to be endured for the sake of a paycheck.

Mr. Pataki said that is still the case in his latest endeavor, as counsel at Chadbourne & Parke concentrating on energy, environmental and transportation issues. Mr. Pataki went back to private practice last year after more than 20 years in political life.

"It was just an exciting opportunity," Mr. Pataki said this week. "Liked the people, loved the firm. ...So far, it has been absolutely great."

Mr. Pataki, a Republican, barged onto the New York state political stage in 1994 by capturing a campaign few thought initially he would win, against incumbent Democratic Governor Mario Cuomo. He exited in 2006, opting not to face a race that, again, few thought he would win, against Democrat Eliot Spitzer.

Mr. Pataki said he is content with his decision to vacate the governor's office, though he insisted he is not ready to stop speaking out about public policy issues. Nor does he rule out someday returning to public life.

Q: You last practiced law at Plunkett & Jaffe nearly 20 years ago. Why did you go back to a law firm and why Chadbourne & Parke?

A: I looked at a lot of different options, but Chadbourne was just enormously attractive. I like the people very much and that's important. But also in two of the areas where I am extremely excited, the whole area of green energy and clean energy and climate change and reducing emissions, there is not a firm in the country that does more or is more aggressive than Chadbourne. Second, I have also been very active and interested in the whole infrastructure rebuilding process, understanding from the government side the desperate need for hundreds of billions of dollars of infrastructure investment and Chadbourne is one of the leading firms in the country on the whole P-3 area, using private resources to help achieve public goals in the infrastructure and transportation sector.

Q: What is a typical week like?

A: It's the same as being governor in the sense that it's atypical. There is no typical week. It's very different depending on what the activities are.... I am off to Aspen, Colo., for a couple of days to work with a major developer on building a green community. There are lots of exciting things like that. It depends on the needs of the client and what the issues of the day are.



NYLJ PHOTO/RICK KOPSTEIN

George E. Pataki in his Chadbourne & Parke office

Q: What services can you provide for that developer who wants to create a green community?

A: I think we can be enormously helpful. First, on the legal side, Chadbourne has done as many or more renewable energy projects, green building projects, development projects as anybody in the country. Then, also, there is a lot of intersection of public policy and government issues with the legal and environmental issues. The whole environmental field is one where the intersection of the law, the private practice of the law and the interest of private companies in government regulators and oversight overlaps. It is another area where Chadbourne is very good.

Q: John Cahill, your former secretary as governor, is also counsel at Chadbourne & Parke?

A: I have John Cahill with me, and some others who are working, not directly for Chadbourne, but helping Chadbourne as we build the Pataki Cahill Group, too. At the consulting group we will be doing the same thing, focusing in the two areas of clean energy and environmental issues and in the area of P-3, rebuilding or expanding infrastructure with public-private partnerships. It's separate, but associated with Chadbourne.

Q: In the last couple of years as governor you traveled to states that suggested you were thinking of running for president in 2008. How serious a possibility was that, in your mind?

A: Whenever you are in a position such as governor, you have an obligation to be part of the national

political dialogue. I certainly hope that now that I'm a private citizen at Chadbourne that I will continue to be part of the national political dialogue. It doesn't require that you actually be a candidate to help advance ideas and principles that you believe in. I did go to Iowa and New Hampshire in 2006 and 2007, just as I went to Iowa and New Hampshire in 1999 and 2000. While certainly my priorities are to do the best I can here at Chadbourne, I, at some point, will be actively involved in supporting a candidacy for the 2008 election. What that will be or what capacity I will be involved is still up in the air. But, I certainly don't intend to sit on the sidelines in 2008 any more than I sat on the sidelines in 2000.

Q: What candidate are you leaning toward?

A: At this point it's...we'll see down the road.

Q: Have you done anything politically for anybody in New York—raised money, attended any events?

A: I have been relatively inactive. My priority has been and will, for the near-term certainly, be to help Chadbourne. They have been very welcoming to me and I have a sense of both loyalty and responsibility to do my best for them. But, certainly, as things go forward, I also hope to be part of the political dialogue.

Q: When was the last time you were in a courtroom as a litigant?

A: Probably as a defendant in my public capacity as governor. That was a joke. No, I have not been in a courtroom [as a litigant] in well over 20 years.

Q: Do you consider the judges you appointed as among your most lasting legacies as governor?

A: One of the great privileges that you have as governor is the opportunity to appoint many, many people to important judicial offices. My experience in the law prior to becoming governor, I think, helped me to pick people that I am very proud are now serving on many of the different, most of the different, courts of the state. I think and I believe that I selected truly outstanding individuals who both had the temperament and the intellectual capacity to be excellent judges and who also shared my philosophy that the laws are to be made by the lawmakers and not by the judges and that government's most important role is to protect the people who you were sworn to serve.

Q: Though some judges downstate didn't like it, you also reassigned upstate judges to sit on downstate Appellate Division benches. In retrospect, do you think that that achieved what you wanted it to achieve, which was striking a sort of ideological balance on the court?

A: I'm pleased with the judges I've been able to select, and I selected them on the basis of their intellect and temperament and experience and also on the basis of judicial philosophy. I wanted to make sure that those I appointed, as much as practicable, shared that philosophy and sometimes the best person, I felt, for a particular position wasn't necessarily a resident of a particular district. When that was the case, I appointed the person I felt was the best.

Q: One of the judges you did not appoint was George Bundy Smith, who sought to remain on the Court of Appeals when his term expired in 2006. [Mr. Pataki selected Fourth Department Presiding Justice Eugene F. Pigott Jr. instead]. Do you run into Mr. Smith, a Chadbourne & Parke partner, at the office?

A: Yes, I do. He's a tremendous individual. Very gracious. He was an outstanding judge and he is an outstanding person. I'm pleased to be working with him here at Chadbourne.

Q: No hard feelings on his part that you've been able to detect?

A: He's a very gracious individual, extremely respectful. I'm grateful for that.

Q: What are your thoughts about the administration of Governor Eliot Spitzer, and, in particular, the scandal over its apparent attempt to use State Police personnel to discredit state Senate Majority Leader Joseph Bruno?

A: I am a great believer in respectfully allowing your successor to choose their own way without having to look over the shoulder at carping from their predecessor. I'm very grateful that Mario Cuomo, during my time as governor, was very respectful of the fact that the torch had been passed and I intend to be very respectful of Governor Spitzer that the torch has been passed.

Q: What are your children doing?

A: Emily is at a competing law firm that is almost as good as Chadbourne [White & Case]. Teddy is a first lieutenant in the Marines, now in Anbar Province [Iraq], leading a platoon. Ally graduated in May [from Yale] and will be going to work at ABC News this fall. And Owen is going back for his sophomore year at Cornell. They are great kids and I am proud of them all. It wasn't easy for them to have their father for 12 years be in the limelight, for better or

worse. I am just proud of the job that [wife] Libby did and hopefully I helped a little bit.

Q: What's it like to have a son on the firing line in a war?

A: He's just a wonderful young man who had tremendous options to do almost anything. When you graduate from Yale, it's not as though your options are limited. But he believes in our country, believes in the concept of freedom and you just can't help but feel proud of him and proud of the hundreds and hundreds of thousands of brave Americans from every corner of this great country. At a time when others look to their self-interest, they look truly to the national interest and put their lives on the line.

"The whole environmental field is one where the intersection of the law, the private practice of the law and the interest of private companies in government regulators and oversight overlaps."

Q: You have staunchly backed President Bush in the War on Terror since Sept. 11, 2001. Are you still confident that the excursion into Iraq was the right thing to do?

A: Right now, to me, the issue is very clear. Those who attacked us on Sept. 11 have not gone away. They have not lessened their desire to inflict tremendous damage on not just the United States but any society that believes in freedom and tolerance. We have an obligation to take the fight to those who attack us to deny them safe havens and training camps and recruitment centers as they had in Afghanistan before the Sept. 11 attacks.... We have to continue to be vigilant. We have to continue to be aggressive. We have to continue to deny those who would attack freedom the opportunity to have safe havens or training camps.

Q: Are there any aspects of no longer being governor that you have been surprised about?

A: What is surprising, really, is how well prepared I was for the next step. Libby and I have talked about this a number of times. It was an unbelievable honor to have led the state that I love so much for 12 years. But there comes a time when you know that it is right for someone else to pick up the reins

and choose another direction. But you never actually know, until the day comes, how you will react but I can just say that the sense of confidence that I was making the right decision back in early 2006 that it was time for a new direction was something that I've never had any reservations or doubts about.

Q: You are 62. How long do you want to keep working and do you envision it being in the legal profession?

A: I have been very fortunate that all my life, virtually everything I've done, I've never looked at it as work. It's always been something that I've enjoyed doing and was passionate about. That's certainly the case in public office, whether it was mayor [of Peekskill] or governor and it's now the case here with Chadbourne. I'm enjoying it immensely. It's not like I think, 'Oh, another work day. I have to go into the office.' I'm excited about the challenges. I'm excited about the opportunities, particularly being in the environmental area and the energy area where there are so many exciting changes that will be happening over the course of the next few years and decades. To be part of that is incredibly exciting. So as long as hopefully I can have something significant to contribute in some way, that's what I would hope to do.

Q: Is your career as a political officeholder over?

A: Who knows? I left looking for new adventures and I certainly have them here at Chadbourne and I'm excited by that. But I never rule anything out. I always believe that public service is not just trying to advance your personal interest but to move the public interest forward. You can do that in many different ways. You can do it at a firm like this helping companies that are changing the paradigm for the delivery of energy in the future. You can help it by putting on the uniform of our country. You can help it by holding public office. Certainly, I believe my commitment to advance the public interest is not over. In what capacity, we'll just have to see down the road. But it is a very exciting road, whatever that path might be.

— Joel Stashenko can be reached at jstashenko@alm.com

Reprinted with permission from the August 13, 2007 edition of the NEW YORK LAW JOURNAL. © 2007 ALM Properties, Inc. All rights reserved. Further duplication without permission is prohibited. For information, contact 212.545.6111 or visit www.almreprints.com. #070-08-07-0028

Contact for more information about Gov. Pataki and Chadbourne & Parke LLP

Andrew Blum, Media Relations Manager
212-728-4519 • ablum@chadbourne.com

CHADBOURNE
& PARKE LLP

About Chadbourne & Parke LLP

Chadbourne & Parke LLP, an international law firm headquartered in New York City, provides a full range of legal services, including mergers and acquisitions, securities, project finance, private funds, corporate finance, energy, communications and technology, commercial and products liability litigation, securities litigation and regulatory enforcement, special investigations and litigation, intellectual property, antitrust, domestic and international tax, insurance and reinsurance, environmental, real estate, bankruptcy and financial restructuring, employment law and ERISA, trusts and estates and government contract matters. Major geographical areas of concentration include Central and Eastern Europe, Russia and the CIS, the Middle East and Latin America. The Firm has offices in New York, Washington, DC, Los Angeles, Houston, London (a multinational partnership), Moscow, St. Petersburg, Warsaw (a Polish partnership), Kyiv, Almaty, Tashkent, Dubai and Beijing. For additional information, visit www.chadbourne.com.