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## Environmental Attorney Moonlights as Blogger: A Q&A With Pillsbury Senior Counsel Anthony B. Cavender

**“The practice has always been litigious, and this ... may be one characteristic that sets environmental practice apart from other areas of the law.”**

BY KENNETH ARTZ

**Anthony B. Cavender** is one of Pillsbury Winthrop Shaw Pittman’s longstanding environmental lawyers, having joined the firm’s Houston office in 2003. Before he joined Pillsbury, Cavender worked in-house on environmental issues at Pennzoil. As a senior counsel for Pillsbury, he quietly became one of the leading authorities on environmental decisions throughout the nation. Since the start of the pandemic, for instance, he penned 33 blog posts for Pillsbury’s Gravel2Gavel blog under the heading, “A Court-Side Seat.”

Here’s a look at last year’s year-in-review, which features excerpts of Tony’s [blog posts](#).

And here is the blog: <https://www.gravel2gavel.com/>

Texas Lawyer spoke recently with Cavender about his broad view of how the environmental practice has evolved over the decades, what are the long-term trends for the practice, how he became a blogger, how he determines which decisions warrant

a review, and what direction he thinks the respective agencies and courts will take under the new administration.

**Can you tell us a little about yourself and your practice?**

**Anthony B. Cavender:** I am a 1964 graduate of the University of Texas Law School. At that time, like many other young men, I was subject to the military draft after graduation, and I entered the U.S. Army. I received a commission to serve in the Judge Advocate General’s Corps. I was stationed at Schofield Barracks, Hawaii, and in Vietnam with the 25th Infantry Division, and then at Fort Belvoir, Virginia (which is very close to Washington, D.C.). These were very turbulent times, and I served as a trial and defense counsel, and did a fair share of legal assistance work. After the Army (although I continued as a Reservist), I joined the Federal Communications Commission in Washington, where I was a member of the



Courtesy photo

**Anthony B. Cavender, senior counsel with Pillsbury Winthrop Shaw Pittman.**

Cable Television Bureau when cable was becoming an important component of the telecommunications industry. This was also my introduction to the practice of administrative law. After several years with the bureau, Pennzoil Co., whose headquarters were in Houston, invited me to join its outstanding legal department, where I learned a lot about environmental law, and handled many general corporate law matters. Pennzoil was a

“PRP”—potentially responsible party—at many Superfund sites, and I also became fairly intimate with the EPA’s new Resource Conservation and Recovery Act (RCRA) rules. Pennzoil was eventually acquired by Shell Oil Co., and Jerry Ross, a very good friend who was opening a Houston office for Pillsbury Winthrop, asked if I would like to join Pillsbury as a counsel handling RCRA issues. I readily accepted in 2003, and it has been a wonderful experience for me.

**How has your view of the environmental practice area evolved over the decades?**

As the scope and scale of environmental matters relentlessly increases, the challenges it poses to lawyers increases accordingly. The practice has always been litigious, and this has continued. This may be one characteristic that sets environmental practice apart from other areas of the law. And these trends have been aided and abetted by the revolution in all kinds of communications. But the community of environmental lawyers is very congenial, and we all welcomed the opportunity to see one another at the recent Texas Environmental Superconference that Jeff Civins has led with such grace and skill.

**What are the overarching, long-term trends for this practice area?**

Coping with the flood of new rules and regulations, the nuances made by the courts, and the existential (if I can use that overused term) demands of climate change and environmental justice. Looking back, a workable definition of “waters of the United States” still eludes us, to say nothing of what is a “solid waste” under RCRA.

**How did you become a blogger?**

I have for many years belonged to the Environmental Law Discussion Group in Houston, now ably led by Ragna Henrichs of Porter Hedges. My job has been to find cases for our group to discuss, and this led to my informing our own lawyers as to what the courts were up to. These alerts were picked up by our “Gravel to Gavel” blog. Needless to say, I find it enjoyable.

**How do you determine which decisions warrant a review?**

Any case that makes its way to a federal appellate court warrants attention, especially if it is decided in the context of a recent Supreme Court ruling. I also try to stay abreast of state Supreme Court environmental law as much as I can.

**What direction are the respective agencies and courts taking under the Biden administration?**

We are in a very activist phase now, which seems typical of

new administrations. However, the requirements of the Administrative Procedure Act pose a challenge that the agencies must grapple with. This was certainly true for the Trump administration and EPA, FERC and the Department of the Interior during its watch. Justice [Oliver Wendell] Holmes stated in one of his opinions that “you must turn square corners with the government,” which seems a good rule of thumb.

**What is your long-term outlook for the environmental practice area in Texas?**

The state continues to be one of the most important economic engines in the American economy. The population is growing very fast, and the state will be confronting serious challenges as it grapples with this growth and the impact on our natural resources. Regulation in Texas is still applied cautiously and with a light touch in many instances. Despite our long, very hot summers, Texas is still a very fine place to live and practice law.

**Do you have any other observations or opinions you’d like to share?**

Perhaps Dr. [Martin] Routh, a 19th century Oxford scholar, put it best, “You will find it a very good practice to verify your references, sir.” One cannot be too careful.