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Hunton & Williams Remembers George Clemon Freeman Jr.

Pioneer Had Distinguished Career in Regulatory and Environmental Law

RICHMOND, Va. — June 27, 2017 — Hunton & Williams LLP announces with great sadness the death of environmental law pioneer **George C. Freeman Jr.** He died on Monday, June 26, at the age of 88. Following a long career representing investor-owned utilities and testifying before congressional committees and regulatory agencies, Freeman long ago established himself as one of the nation’s most influential and widely recognized environmental lawyers.

“George was not only the father of the firm’s energy and environmental practices but he also played an extraordinary role in the emergence of modern environmental law,” said **F. William Brownell**, partner at Hunton & Williams and former head of the firm’s executive committee. “He was one of the first lawyers in the United States to license a privately owned nuclear power reactor, and he served as environmental counsel for the power industry for 40 years.”

Born in Birmingham, Alabama, in 1929, Freeman graduated, magna cum laude, from Vanderbilt University in 1950. He served as a line officer in the US Navy on aircraft carriers *USS Wasp* and *USS Hornet* during the Korean War, and as legal officer for the fleet. For several months, Freeman also served on Lord Louis Mountbatten’s staff in Malta. After graduating from the Yale Law School in 1956, he clerked for Supreme Court Justice Hugo Black.

Law Career

Freeman joined Hunton & Williams (at the time, Hunton, Williams, Gay, & Moore) in 1957, and worked directly with then-senior partner George Dandridge Gibson, a long-time prominent utilities lawyer and leader in the American Bar Association. Over his decades-long association with the firm, Freeman was a leader in resources, regulatory and environmental law on the state and national levels. He appeared before congressional committees on legislation involving the Clean Air Act; the Clean Water Act; the Superfund Act; the National Environmental Policy Act; the Atomic Energy Act; and the Fuel Use Act and Public Utility Regulatory Policy Act portions of the National Energy Act of 1978.

College of William & Mary President W. Taylor Reveley III, a former Hunton & Williams managing partner and member of its energy and environmental team, remembers: “George was a marvelous human, certainly the most creative and entrepreneurial lawyer I ever encountered. He combined high intellect with a style and flair rarely seen in the legal world. When on a mission, he was relentlessly focused but always with a charming and gentle manner. He built with enormous success and did great good for Hunton & Williams, for his profession and for his community. His influence on so many of us was profound. I came to the firm to work for George never imagining what lay ahead. It was a glorious run. He was my dear friend whom I will miss tremendously.”

In the early 1970s, Freeman started the firm's nuclear licensing practice and established its environmental law team. From 1970s until 1993, he was lead counsel for most of the electric industry in Washington before Congress, the Environmental Protection Agency, other agencies, and the courts in the enactment and enforcement of environmental and energy law.

According to environmental team special counsel **Henry V. Nickel**, in early 1977, Freeman was invited to meet with representatives from utilities around the country to be considered for the representation that became the Utility Air Regulatory Group. Nickel tagged along. The meeting was at an airport motel in Pittsburgh and one other law firm was asked to pitch the group. The firm that was chosen would represent the utility industry in a major EPA rule making on regulation of new coal-fired power plants.

The other firm spoke first and proposed a scorched earth strategy, fighting any and all regulation. Nickel knew Freeman had a very different approach in mind and was surprised when Freeman put away his notes and opened with: "I'm sorry but I can't accept this representation." Freeman then explained why scorched earth was not a winner for the industry, leaving him no choice but to decline the case. Given the fact that the group had not asked Freeman to be its lawyer, Nickel found curious Freeman's strident rejection of an offer that hadn't been extended. Those attending reacted differently. Nickel said: "When George finished, he was mobbed. One after the other, they pleaded with him to reconsider and to represent the group. George finally relented."

Freeman represented industry participants in rulemakings by the EPA, the Nuclear Regulatory Commission and in the Department of Energy implementing those acts, and briefed and argued appeals and other test cases under them in the federal courts, appearing before the US Supreme Court in 1980 on behalf of a coal company client in *EPA v National Crushed Stone Assn.*

Freeman was a former chair of the American Bar Association's Business Law Section, a member of the ABA House of Delegates, and a spokesperson for the ABA before Congress in revisions of the Federal Criminal Code and regulatory reform legislation. He was a member of the American Law Institute and was elected to its Council.

"George Freeman was more than my close friend and advisor over the years; he was also one of the more sensitive and creative minds of the legal realm. He saw beyond the moment. He was a student of the human condition with a wide-ranging intellectual curiosity and an encyclopedic grasp of history, government and political developments that made him an invaluable counselor to the nation's leaders of business, government and nonprofit organizations. George Freeman's engaging personality, wit and wisdom will be missed by many," said **Gerald L. Baliles, former Governor of Virginia and former law partner of George Freeman.**

Protecting Virginia's Landscape

A founder of the Virginia Chapter of the Nature Conservancy and its second president, Freeman helped protect Virginia's landscape as a principal author of the 1966 Virginia Open-Space Land Act, which established the Virginia Department of Historic Resources and the Virginia Outdoors

Foundation, and created the state's perpetual open-space easement program to preserve historic resources and open space, its Outdoors Foundation, and its Board of Historic Resources. He served on that board from 1989 to 1997 and as chair from 1989 to 1991. He was a member of the Board of the National Museum of American History from 1997 to 2002.

Julie V. Langan, director of the Virginia Department of Historic Resources, said: "A master mind of the Commonwealth's land conservation and historic preservation easement programs, George Freeman was a bold and innovative thinker who brought his visions to fruition with an adroit and artful spirit. His collaborative work with FitzGerald Bemiss in 1966 to create the Commonwealth's Open-Space Land Act has earned Virginia a stellar reputation nationwide as a state that values its historic legacy and open spaces, making it a better place today for visiting or living."

Preservation Virginia CEO Elizabeth S. Kostelny, said, "George Freeman was a friend, mentor, and adviser. His visionary leadership was instrumental to Virginia's adoption of pioneering historic and open space preservation legislation. That law continues to provide essential tools for historic preservation and land conservation that help protect the unique resources and contribute to the vibrant economy of the Commonwealth. Ever the gentleman, Freeman shared his wisdom, insights, and keen perceptions with Preservation Virginia for decades, often engaging in lively discussion on a host of issues."

Work and Play

Stories about George Freeman at work and at play abound. Sometimes the work and play seem almost intertwined.

Take the time Freeman was briefing utility water quality executives in one of those frequent full-day background meetings. A stimulating morning session preceded a "fit for a king" lunch. Nevertheless, as the afternoon sessions wore on and Freeman was detailing the status of priority toxic water pollutants, the number of foreheads hitting the table told him he might lose his audience. Freeman's somewhat characteristic response? Perhaps drawing on his Yale glee club experience, he broke into a piece from Gilbert & Sullivan's comic opera *The Mikado*, involving the Lord High Executioner and a list of those to be beheaded. In Freeman's impromptu version, the list consisted of the likes of zinc, cadmium and mercury — all to be heavily regulated.

That performance immediately captured the audience's rapt attention. Those in attendance to this day remember well the substance, and certainly the format, of the Freeman briefing.

In other cases — speaking before a state water quality agency in Virginia Beach or before a congressional air quality commission in Washington — Freeman had written poems to make his points more memorable.

Freeman was dedicated to this country and his law practice. In May 2000, he attended his 50th reunion at Vanderbilt and spoke about the changes in the law and in the practice of law over the past 50 years. In his closing remarks he addressed the members of the Class of 1950 and pointed

out that they have been alive for about one-third of the life of our country under the Constitution. “We have seen many changes in our law and our society... We must continue to stand up for the rule of law. And, we must continue to strive to make this a colorblind society where equal justice for all is a reality.”

Life After Law Practice

After leaving his full-time law practice with Hunton & Williams, Freeman had been active on conservation easements in the Northern Neck. His substantial contributions on behalf of preserving Virginia’s land have been recognized by the groups to which he dedicated his time and efforts. He received the 2012 FitzGerald Bemiss Scenic Hero Award in recognition of his many years of conservation efforts in the Commonwealth.

Freeman is survived by his wife of 58 years, Anne Colston Hobson; daughter Anne Colston Freeman McEvoy; and sons George C. Freeman III and Joseph Reid Anderson Freeman; and their families. A memorial service is planned for Friday morning at 11 o’clock at St. Paul’s Episcopal Church, 815 East Grace Street, in Richmond.

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Editor's Notes

- Born Birmingham, Alabama, January 3, 1929.
- Education: Vanderbilt, BA 1950; Yale, LLB 1956.
- United States Navy, Lt. (jg), active duty, 1951–1954.
- Bar Membership: Virginia (1958), DC (1974), and Alabama (1956) Bars.
- Law Clerk to Mr. Justice Hugo L. Black, US Supreme Court, 1956 Term
- Hunton & Williams, Associate 1957–1963 (joined August 1957), Partner 1963–1995, Senior Counsel 1995 — .
- Initially in general corporate practice, started the firm's nuclear licensing practice in the 1960s, founded its Environmental Law Team in the 1970s, and was the partner in charge of the Administrative Law Group in all of the firm's offices from 1980s to 1995.
- Resided in Richmond until taking Senior Counsel status in 1995.
- Starting in the early 1970s, spent half of time in Washington office, while also practicing from Richmond, New York and Brussels offices.
- US Supreme Court: EPA v National Crushed Stone Assn 1980).
- Author of *Justice Powell's Constitutional Opinions*, 45 WASH. & LEE L. REV. 411 (1988)
- Chair of the American Bar Association Section of Business Law 1990–1991, and a member of the Congressional Advisory Committee, the Section 301(e) Study Group, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.
- Elected to American Law Institute, 1967; elected to Council, 1980; emeritus status, 2010; Advisor to the Council on ALI's The Reporters' Study on Enterprise Responsibility for Personal Injury (1986–1991); Advisor to the Restatement of the Law of Torts, Third, Apportionment, from 1982–1991; Advisor to Restatement of Law of Torts, Third: Liability for Physical Injury (General Principles).
- Member, American Bar Foundation
- Board, Historic Resources; Chair (1989–1991)
- Board, National Museum of American History (1996)
- Board, The Menokin Foundation
- Board, James River Mitigation Bank LLC