

In-House Insomnia

What keeps in-house counsel up at night?



Need for Certainty – You Have to Get it Right!

- Projects and corporate planning depend on predictability.
- In-house counsel are relied upon for clear guidance and answers.
- Balance between conservatism and optimism.
- Tension between speed and accuracy – Is AI really I, or just A?
- Changes in administrations – the pendulum of politics.

Permitting and the Weaponization of the Public Participation Process

- Constant pressure to provide more and greater public participation.
- NGOs are bigger, more sophisticated and better funded than ever.
- We all want Green. But which one?
- Who owns the science?
- Zeno's Environmentalism.

Radicalized Enforcement: Correcting Violations? Politics? APA Circumvention?

- Compliance vs. Enforcement
- Citizen Suits
- Parabolic Penalties
- Rulemaking Through Enforcement
- Criminalization of Imperfection and Accidents