



HELEN CURRIE FOSTER

Of Counsel

ADMINISTRATIVE & REGULATORY

LITIGATION, CIVIL LITIGATION,

ENVIRONMENT & NATURAL RESOURCES:

OIL, GAS, LAND & WATER

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ABOUT

Helen Currie Foster focuses on addressing and resolving environmental issues in various forums including agencies and courtrooms. In addition to general business and regulatory litigation, she has special experience with environmental issues, permitting and remediation, response cost liability, and statutory requirements (Texas and federal) including CERCLA, Clean Water Act, and RCRA). She counsels clients on a wide range of land and water issues, including environmental issues in real estate purchase and sale. She serves on the GDHM team representing Lost Pines Groundwater Conservation District. Recent experience includes representing clients on groundwater rights and water supply issues, on cleanups resulting from industrial and oil and gas-related activities, and on voluntary cleanup program and innocent owner program transactions.

PROFESSIONAL QUALIFICATIONS

- Admitted to bar, 1983, Michigan; 1985, Alabama; 1998, Texas. Adjunct Professor of Environmental Law, University of Alabama at Birmingham (Civil Engineering Department), 1996-1998. Other Language: French.
- Education: Wellesley College (B.A.); University of Texas (M.A.); University of Michigan (J.D., magna cum laude). Order of the Coif. Wellesley College Scholar.

REPRESENTATIVE EXPERIENCE

- Representing Lost Pines Groundwater Conservation District (Desired Future Conditions petition litigation; permit and governance issues).
- Representing landowners in cleanups pursuant to Texas Commission on Environmental Quality and Railroad Commission requirements.
- Representing Texas municipality to resolve water supply contract disputes.
- Serving on team defending Texas river authority in contract litigation.
- Representing developer in appeal of state water quality certification for wetlands permit.
- Representing intervenor mineral owners in landfill litigation.
- Negotiating resale of commercial property included in Superfund site.
- Defending client in Enron-related securities litigation, both federal and state.
- Representing Texas City's economic development corporations in multi-party land acquisition for proposed Shoal Point container terminal, including environmental considerations.

PROFESSIONAL AFFILIATIONS

- Past Chair and Board Member, Texas Board of Legal Specialization
- Officer, Section on Environment, Energy and Resources) (American Bar Association); Member, Litigation Section
- Member, Litigation Section (State Bar of Texas); Member: Alabama State Bar (Past President, Environmental Law Section)
- Member, Administrative Law Section (Austin Bar Association)

AWARDS AND HONORS

- Listed in *The Best Lawyers in America*® published by Woodward/White, Inc., Administrative/Regulatory Law; Environmental Law, 2010-2018
- AV® Preeminent™ Peer Review Rating, Martindale.com

COMMUNITY

- Hays County Master Naturalist (2012)
- Board Member, Austin Shakespeare Festival Company
- Active Fundraiser, KUT Radio (Austin, Texas NPR Affiliate)
- Masters Level sweep rowing with Austin Rowing Club (port oar)

- Helen has a special interest in Texas hill country land management (grasses, storm water and roads).

PUBLICATIONS AND PRESENTATIONS

- Author/speaker, “*Ex Parte Contacts in the Agency Context: Pitfalls and Uncertainties Created by Opinions 587 and 604*,” State Bar of Texas, The Changing Face of Water Rights 2012, San Antonio, Texas, February, 2012.
- Author, “*Climate Change and Texas Water Regulation*,” State Bar of Texas, The Changing Face of Water Rights 2011, San Antonio, Texas, February, 2011.
- Author/speaker, “Federal Preemption in Regulatory Litigation,” *Fifth Annual Advanced Texas Administrative Law Seminar of the Administrative and Public Law Section of the State Bar and the University of Texas School of Law*, September, 2010.
- Author/speaker, Environmental Ethics “I’ve Got No Strings,” *22nd Annual Texas Environmental SuperConference*, August, 2010.
- Co-Author, “*As Is’ In a Contaminated World*“ (61 pages), 19th Annual Robert C. Sneed TEXAS LAND TITLE INSTITUTE, December, 2009, San Antonio, Texas.
- Author/speaker, “*Complying with Storm Water and Surface Water Management Regulations*” (25 pages), Texas Water Laws and Regulations, HalfMoon Seminars, April 30, 2009, Austin, Texas.
- Author/Speaker, “Complying with Storm Water Regulations,” Lorman Seminars, Texas Storm Water Law and Regulations, August 12, 2009, Austin, Texas.
- Author/Speaker, “*New Phase I Requirements for Real Estate Transactions: Implications of The New ‘All Appropriate Inquiries’ Rule*” (67 pages), State Bar of Texas 28th Annual Advanced Real Estate Law Course, June 29 – July 1, 2006, San Antonio, Texas.
- Author/Speaker, “Curious Characteristics of Karst: Legal Environmental Considerations,” American Bar Association Section of Environment, Energy and Resources, October 3-7, 2001, Adam’s Mark Hotel, St. Louis, Missouri.
- Faculty Member and Author/Speaker, “Recent Developments – Texas Water Law,” the University of Texas School of Law 3rd Annual Conference on Land Use Planning Law, March 4-5, 1999, Austin, Texas