

State's environmental prosecutor claims new turf

Strike force head to leave state AG's office for private practice at Choate Hall

BY CHRIS MAHONEY
JOURNAL STAFF

For a decade, Martin Levin has waged a very public campaign for sound environmental enforcement. Starting next month, though, his life will get markedly more private.

Levin, the state's top environmental prosecutor, is leaving Attorney General Thomas Reilly's office next month for a job at the Boston law firm Choate, Hall

& Stewart.

"I've done what I could accomplish here, and I have a desire for new challenges," Levin, 43, said of his career switch. "Choate, Hall & Stewart certainly has a highly regarded reputation."

Levin said he would like to continue pursuing environmental law at Choate Hall. Under state law, he is barred from working on any cases he prosecuted as the head of the Attorney General's environmental crime strike force.

The strike force works with other state agencies to identify and prosecute environmental crimes.

Among other things, Levin is credited with drafting the state's public employee whistleblower protection law and

increasing by 25 percent the amount of jail time served by environmental criminals. He was also instrumental in prosecuting a landmark case that applied assault and battery charges to environmental crime.

"Martin is a talented lawyer," Attorney General Reilly said in a statement. "He served this office and the public by fighting tirelessly for a clean environment."

Levin is leaving at a time when the Attorney General's web site is posting 20 job openings—including seven positions for assistant attorneys general—and both the private and public sectors are scrambling for qualified attorney candidates. For the private sector, the scramble has forced many firms to increase

their salary levels dramatically.

Some firms are offering more than \$100,000 to law school graduates. The Attorney General offers a starting salary of \$38,000 for an attorney with two years of experience.

"Obviously, on the factor of compensation alone, we can never compete with the private sector. That's always been true, but even more so now," said Dean Richlin, first assistant attorney general. "We have been able to recruit fairly consistently very able and talented attorneys, but that doesn't mean our salary levels are at all satisfactory. It should be possible for someone who chooses public service to remain in public service and support their family."

For his part, Levin dismisses the notion that the public sector will lose the competition for attorneys.

"I'm leaving, and a lot of people have left. But a lot of fine people will come and take our places," he said. "There will always be good attorneys willing to leave the private sector for the challenges that the public sector affords."

Even so, some observers believe that government employment opportunities can pale next to the offerings of a private law firm.

Robert Sherman, a partner with the Boston firm Greenberg Traurig PC, said this is a change from a decade ago.

In the early 1990s, Sherman worked on the transition team of former Attorney General Scott Harshbarger. He said his office received thousands of applications from attorneys looking for work.

"In the early 1990s, we had just come out of a huge downturn in the economy. A lot of law firms laid off people and there was a scramble for jobs. It was very much more of a seller's market at the time," he said. "Now you're talking about a diametrically opposed situation. You have an economy that's thriving, and you have private-sector jobs paying in the \$90s or the low six figures for law school graduates. Compare that to a district attorney's salary, which is in the mid- to late \$30s."

During his tenure with the environmental strike force, Levin often ran afoul of local business interests.

For example, many business lobbyists raised their eyebrows at the assault and battery charges Levin's office successfully leveled in an environmental liability case involving two Sutton companies, Master Metals Industries Inc. and Consolidated Smelting & Refining Co. The heads of both companies pleaded guilty in 1997 of knowingly exposing employees to dangerous levels of lead.

The case prompted Robert Ruddock, the executive vice president of Associated Industries of Massachusetts, to criticize the Attorney General's office at the time for moving "the employer-employee relationship into a criminal context."

Today, Ruddock gives Levin credit for being upfront about his office's motives and responsibilities, and for outreach efforts that include regular speaking appearances before association members.

"He's been up front with us from the get-go. He's a very competitive attorney," Ruddock said. "He, like others who have been through the public sector, can be very helpful to the regulating community in how to avoid environmental problems."



Martin Levin