



OF COUNSEL  
**JAMES T. LANG**

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jlang@pendercoward.com

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## EDUCATION

Case Western Reserve University School of Law, *summa cum laude*, 1989, Order of the Coif; Editor, Law Review

Master of Laws, Environmental Law, The George Washington University, *high honors*, 1995

University of Southern California, 1982

## ADMISSIONS

Supreme Court of Virginia, 2003

Eastern District Court of Virginia, 2003

Western District Court of Virginia, 2009

United States Bankruptcy Court, 2004

United States Court of Appeals for the Fourth Circuit, 2010

## OVERVIEW

Jim Lang is a Pender & Coward shareholder and former COO of the firm. He focuses his practice on protecting Virginians who live, work and play on the water, especially in proceedings before the Virginia Marine Resources Commission (VMRC). Although he routinely handles all aspects of waterfront (riparian property) law, maritime & admiralty law, and environmental law, clients consistently turn to Jim when they need help at the VMRC. His strong focus in this area gives him a major competitive advantage over those less skilled in this area, which consistently benefits his clients.

Jim established the firm's waterfront law practice group, along with a separate website devoted to waterfront (riparian) property rights law, maritime and admiralty law, and environmental law. Please [click here](#) to visit his waterfront law website.

A published author whose numerous articles cover a variety of waterfront law topics, he is also a frequent guest speaker at legal and business conferences and seminars.

Before joining the firm in 2005, Jim completed a 25-year career in the U.S. Navy starting as an E-1 Fireman Recruit and finishing as an O-5 Commander, including 16 years as a U.S. Navy JAG Attorney. He served as Law Clerk for

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### VIRGINIA BEACH

222 Central Park Ave. Suite 400  
Virginia Beach, VA 23462

### CHESAPEAKE

709 Greenbrier Parkway  
Chesapeake, VA 23320

### SUFFOLK

117 Market Street  
Suffolk, VA 23434



the Honorable Henry Coke Morgan, Jr. of the U.S. District Court, Eastern District of Virginia from 2002-2003.

## **REPRESENTATIVE CASES & TRANSACTIONS**

Represented residential landowners facing a Chesapeake Bay Preservation Act civil enforcement action in which the City of Richmond demanded they pay a civil penalty of \$32,500 and demanded that they install new plantings at their property with a cost in excess of \$150,000. The case was resolved in early 2017 to our clients' benefit as the City withdrew the Notice of Violation, dropped the demand for monetary civil penalty, and accepted the clients' landscaping plan instead of requiring the more costly landscaping plan designed by the City. (2017)

Drafted an amendment to the Virginia Coastal Primary Dunes and Beaches Act that was enacted into law by the Virginia General Assembly. (2017)

Represented a family owned business that owns a 7 acre parcel (value \$6M) in Norfolk, on the Elizabeth River, where a neighbor clogged the waterway with a Floating Junkyard consisting of 26 ships. Prosecuted a citizen's environmental lawsuit in federal court that forced the neighbor to remove the Floating Junkyard from the river which removed all interference with client's riparian property rights. 307 Campostella, LLC v. Timothy S. Mullane, civil action no. 2:15-cv-224 (E.D. Va. 2016).

Designed and then persuaded Virginia Beach City Council to adopt a plan that enabled oceanfront property owners in Sandbridge, Virginia to remove beach sand that inundated their homes, free of prosecution by the Wetlands Board, and consistent with requirements of the Virginia Coastal Primary Dunes and Beaches Act. (2016)

Represented a medium size HVAC contractor in managing risk to the company after an employee intentionally released 30-40 pounds of R22 refrigerant into the atmosphere, conduct that is prohibited by the Stratospheric Ozone Protection regime at subchapter VI of the Clean Air Act, and the implementing regulations promulgated by EPA. (2016)

Represented a family owned business that owns a 3 acre parcel in Chesapeake which had been heavily polluted by its Fortune 500 corporate tenant who disposed of metals and hydrocarbons in the soil and in the groundwater over the course of its 30 year occupancy. Forced the tenant to clean up the environmental contamination and to compensate landlord for reduced property value due to stigma. (2015)

Persuaded the US Army Corps of Engineers to rescind the permit it had granted (under the Rivers and Harbors Act) that improvidently authorized a 600' long mooring system in the middle of an active waterbody fronting our client's commercial industrial property. The proposed mooring system, if installed, would have driven the client's waterfront enterprises out of business. After persuading the USACE to rescind the permit, we persuaded the staff at the Virginia Marine Resources Commission to oppose the project, causing the applicant to withdraw the application and abandon the project. (2015)

Represented highway builder in establishing a 32 acre offsite facility to mitigate stream bank impacts caused by



highway construction project. (2014)

Represented waterfront landowner cited for destruction of 600 square feet of nonvegetated wetlands in proceedings at Norfolk Wetlands Board. (2013)

Assisted lender in arranging Chesapeake Bay Preservation Act compliance for tear down and reconstruction of repossessed bay front residence. (2013)

Defended as lead counsel the governmental entity that owns the Chincoteague Bridge against a \$10M claim brought by shellfisherman who alleged that the construction of the bridge destroyed shellfish beds located in the Chincoteague Bay. The case was resolved on favorable terms following 18 months of litigation in the U.S. District Court and in the U.S. Court of Appeals for the Fourth Circuit. *American Bridge v. James Young*, civil action no. 2:08-cv-316 (E.D. Va. 2008), appeal filed, no 09-1458 (4th Cir. 2009).

## **MEMBERSHIPS**

- Virginia State Bar, Second District Subcommittee, Past Subcommittee Vice Chair, Norfolk, 2004–2010
- Virginia Bar Association
- Norfolk–Portsmouth Bar Association
- Virginia Beach Bar Association

## **HONORS & AWARDS**

- Leaders in the Law, 2017
- Coastal Virginia's Top Lawyers, Environment Land Use, 2016–2024
- Virginia's Legal Elite, Environmental Law, 2015–2023
- Yucca Valley High School Hall of Fame, 2017
- Boy Scouts of America, Distinguished Service Award, 2012

## **COMMUNITY INVOLVEMENT**

- The Up Center, Mentor since 2012
- Hampton Roads Chamber of Commerce, Past Chesapeake Division Executive Committee and Past Board Member

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- Kemp Woods Civic League, Board Member and General Counsel
- Boy Scouts of America Bayside District, Past Chairman
- Virginia Center for Inclusive Communities, Past Board Member
- Transportation Task Force of Empower Hampton Roads, Past Volunteer and General Counsel

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