

# Patricia J. McHenry

**SENIOR COUNSEL**

Pat is Senior Counsel in the Litigation Department, and is the Chair of the Environmental Law Practice Group.

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## Overview

Pat is Senior Counsel in the Litigation Department, and is the Chair of the Environmental Law Practice Group.

Her practice concentrates on environmental law, lender liability, and commercial litigation.

Pat focuses on the representation of clients in connection with claims by the State of Hawai'i and United States environmental regulatory agencies and on the representation of clients involved in environmental litigation with private parties.

Her practice also focuses on the representation of lending institutions that have been sued by borrowers on a broad variety of lending and foreclosure-related claims.

## Practices & Industries

**Agriculture & Food Distribution**

**Bankruptcy & Creditors' Rights**

**Employment Law & Labor Relations**

**Environmental**

**Insurance Coverage & Defense**

**Litigation**

- Alternative Dispute Resolution
- Commercial Disputes

**Real Estate**

- Real Estate Disputes

## Noteworthy

## Experience

### Environmental Law

- **State of Hawai'i Environmental Regulatory Agency and OSHA Regulations**
  - Representation of a member of a Superfund group formed to address the clean-up of the Honolulu Harbor area under the Oil Pollution Act and state environmental laws
  - Representation of private parties in CERCLA and state environmental contribution actions
  - Representation of oil companies in connection with regulatory compliance
  - Representation of clients against the Clean Air Act and Clean Water Act claims
  - Representation of companies in connection with the hazardous waste disposal and storage laws and regulations
- **Environmental Litigation**

- Representation of contractors in connection with lead-based paint and asbestos issues
- Representation of companies in the negotiation of environmental indemnity agreements

- **Lending Institutions**
  - Representation of companies in the negotiation of environmental insurance policies and obtaining of insurance coverage for environmental claims

- **Compliance with U.S. Environmental Protection Agency (EPA)**
  - Representing various commercial clients regarding agreements to phase out their large-capacity cesspools according to the EPA's ban of them by April 5, 2005

### Lender Liability

- Representation of banks sued by borrowers based on a large variety of claims, such as claims of invalid and void assignments of mortgages, the failure to properly process loan modification applications, wrongful foreclosures and the alleged invalidity of the MERS system
- Representation of banks in connection with class actions, such as alleged violations of Hawai'i's non-judicial foreclosure statute

## Awards

- Listed in *Chambers & Partners*, USA Guide, since 2023
- Listed in *Best Lawyers*®, since 2010
- *Best Lawyers*® Lawyer of the Year, Environmental Law, Honolulu, 2019
- *Chambers & Partners*, 2014-2015
- *Martindale-Hubbell Distinguished*® Peer Review Rated, since 1996

# Credentials

## Education

- J.D. (1986), William S. Richardson School of Law, University of Hawai'i
- M.A. English (1969), University of Wisconsin
- B.A. English (1969), Heidelberg College, *magna cum laude*

## Admissions

- Hawai'i State Bar (1986)
- United States District Court for the District of Hawai'i
- United States Claims Court

## Membership

- Hawaii State Bar Association
- American Bar Association
- Hawaii Women Lawyers

## Publications

- "Do Commercial Building Owners Have Duties to Investigate and Disclose Asbestos?" *Building Management Hawaii* (March 2021) and *ke kumu* (Spring/Summer 2021) (Co-Author)

## Speaking Engagements

- "Environmental Considerations in Real Estate Transactions," Hawaii State Bar Convention (2012) (Speaker)