

Phillip R. Van Ness

Of Counsel

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Areas of Practice

Environmental; Real Estate; Agriculture; Alternative Energy; Municipal; Business Representation; Intellectual Property.

Professional Experience

As a member of the firm, Mr. Van Ness has represented persons and corporations accused of environmental violations by the Illinois Environmental Protection Agency (Illinois EPA) and U.S. Environmental Protection Agency (USEPA), as well as persons and companies whose properties have been affected by environmental pollution emanating from nearby properties of others. He provides legal counsel to persons and firms that are unsure of how to meet their environmental obligations, and to firms applying for necessary environmental permits. His practice experience includes court trials and contested case hearings before administrative tribunals.

Mr. Van Ness's environmental practice traces its origins to almost ten years as a staff attorney for the Illinois EPA, concentrating in water and land pollution issues, including hazardous wastes and leaking underground gasoline storage tanks. He left the Illinois EPA to accept a position with the Illinois Pollution Control Board, where he served in various capacities for five years, most recently as its Chief Hearing Officer. In both agencies, he served as an advocate before the Illinois General Assembly with respect to environmental legislation, and served on task forces which drafted numerous environmental laws ultimately adopted by the legislature, taking advantage of his experience as Rules Review Section Manager of the Joint Committee on Administrative Rules (JCAR), an agency of the Illinois General Assembly.

In the course of his intellectual property practice, Mr. Van Ness has counseled and represented clients in obtaining registrations for copyrights, trademarks and service marks, both state and federal. His real estate practice extends to matters running the gamut from individual residential closings to subdivisions and ordinances. He has appeared before committees of the General Assembly as well as local zoning boards.

Education

- J.D., John Marshall Law School, Chicago, 1975 (Gavel Society and recognized in Who's Who for his activities as Editor-In-Chief of the Law School paper and a member of Phi Alpha Delta)
- B.S., Business Administration, University of Montana, 1968 (Bear Paws men's service honorary society and by election as Outstanding Active, Delta Sigma Phi)

Bar Admissions

- Illinois, 1975
- U.S. District Court, Central District of Illinois, 1976

Teaching

Mr. Van Ness has lectured extensively at continuing legal and professional education events sponsored by the Illinois State Bar Association, the Lake Michigan States Section of the Air & Waste Management Association, the National Manufacturing Conference, the Illinois Professional Engineers Association (Champaign County), Roosevelt University and the University of Illinois School of Veterinary Medicine on environmental law topics.

Professional Activities/Publications

Mr. Van Ness has served as Chairman, Vice-Chairman, Secretary and Newsletter Editor of the Environmental Law Section Council (which he continues to serve as a Council Member); as Chairman, Secretary and co-editor of the Real Estate Law Section Council; and as a member of the Intellectual Law Section Council (which he continues to serve as a Council Member) of the Illinois State Bar Association. He is a Charter Member of the Government Bar Association and a member of the American Bar Association, Bar Association of the Central and Southern Federal District of Illinois, and Champaign County Bar Association.

Mr. Van Ness has frequently written on topics of interest to the profession, including: *GOOGLE v. ORACLE: U.S. Supreme Court Whiffs on a Chance to Declare Code's Status* (ISBA Intellectual Property Law Section Newsletter, September 2021); *Mission Accomplished: Supreme Court Ratifies Seventh Circuit's 'Rejection-as-Breach Rule' for Trademarks in Bankruptcy* (ISBA Intellectual Property Law Section Newsletter, December 2019); *The Dicamba Duels: When Law, Politics and Science Collide* (ISBA Environmental Law Section Newsletter, December 2018); *A Ruse by Any Other Name: Normalizing Trademark Infringement by Domain Name Sabotage* (ISBA Intellectual Property Section Newsletter, September 2017); *Senate Bill 1673: The General Assembly's Attempt to Cut and Paste Federal "Water Quality Standards Variance" Provisions into Illinois Law* (ISBA Environmental Law Section Newsletter, March 2017); *LUST at 27: The Leaking Underground Storage Tank Fund and the Incredibly Invisible Indemnification Provisions* [with Craig Foster] (ISBA Environmental Law Section Newsletter, April 2016); *Navigating Mechanics Liens Through Hostile "Ground Lease" Territory* (ISBA Real Estate Law Section Newsletter, October 2011); and many more. Mr. Van Ness is also Co-Editor and an Author of *Environmental Law for Transactional Attorneys* (Illinois Institute for Continuing Legal Education, 2001, with 2005 Supplement).

Civic and Philanthropic Involvement

Mr. Van Ness is a former member of the Champaign Unit 4 Board of Education. He is a former member of the Champaign County Chamber of Commerce Governmental Council, a Past President of the Savoy Rotary Club, and former Chairman of the Board of the Champaign-Urbana Community Schools Foundation. Mr. Van Ness currently serves as Vice-President of the Land Conservation Foundation, Chairman of the Prairieview Cemetery Association, Vice-Chair and Board Member of the IDEA Store, and Chairman of the Administrative Board of Faith United Methodist Church, Champaign. He is also a member of the Board of the Eastgate Detention Basin Association.

Personal

Mr. Van Ness and his wife, Cheryl, reside in Urbana but spent most of the last 30+ years in Savoy where they raised two daughters. One of their daughters and two granddaughters live in Champaign, while their other daughter lives in Urbana.