

# Superfund lawyer known for grasp of the complex

BY BARRY FINNEMORE  
CONTRIBUTING WRITER

A recurring theme when fellow attorneys discuss John Ashworth is his extraordinary ability to grasp the complex science involved in environmental law.

"It's almost like you're talking with an expert as well as a lawyer," said attorney Steven Rizzo, an owner of Portland's Rizzo Mattingly Bosworth PC, who has served as co-counsel with Ashworth. "He's a lawyer's lawyer. He is very professional."

Ashworth, 54, did not jump into environmental law immediately after graduating from law school. Rather, he began developing an interest as cases came his way early in his career. For the last dozen years or so, however, such cases have been very nearly his sole focus.

## In the Spotlight

"I migrated there," Ashworth said of his area of practice. "I think most people do. I had a chance to work on environmental cases fairly early on in my career and I really liked it."

Ashworth, a shareholder with Bullivant Houser Bailey PC in Portland, currently represents a client in connection with the Portland Harbor, an industrialized stretch of the Willamette River listed as a federal Superfund site.

A few years ago, he represented what was then the Burlington Northern and Santa Fe Railway Co., which faced a \$90 million lawsuit over the cleanup of a former rail yard in Portland's Pearl District. After a six-week trial, a jury rejected many of the claims and awarded \$1 million in damages, which Ashworth described as a great result



John Ashworth likes Germany, electric guitar and environmental law. Not so much grizzly bears.

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given the original claim.

"The thing about that case, and environmental law generally that I really like, is it is at the intersection of science, policy and law – laws involving cleanup standards for contaminated soil and groundwater, science in terms of how chemicals got into the environment, what happens to them and where they are going, and policy issues of how clean is clean and what can we productively do with properties" affected by past uses, Ashworth said.

Stephen English, Bullivant Houser's litigation department director, described himself as the "fortuitous beneficiary" of Ashworth's "gifted mind."

"John and I have tried two cases together, and both of them were complicated scientifically," English said. "In order to try a case involving a complicated chemical reaction, you have to understand the chemistry.

John understood the science really well ... He's analytical, but he is also practical and uses a very bright mind to break down issues and problems in a way that the average person can understand them."

Ashworth is also known for his dry sense of humor. He took up the electric guitar at age 49, and is self-taught ("I have to blame my lack of progress on my teacher"). He suspects that he's among the few people in Portland who has been attacked by a grizzly bear. The encounter occurred during a trip he and his wife, Joyce Bernheim, took to Alaska in the early 1980s after they took the bar exam.

"I am really lucky," he said, adding that if he had been killed by the bear – the animal, an adult he estimated at more than 8 feet tall and 750 pounds, bit him on the backside – he never would have learned that he had passed the bar.

Ashworth first connected with Bullivant Houser Bailey while attending law school at New York University. He met one of the firm's partners during an on-campus interview. It was at NYU that he also met Bernheim. Their paths crossed their first day of torts class.

"Our joke is I was early and she was late (to class) and there was one seat available, next to me," he said.

The pair has two children, Alexandra, 16, and Paul, 13. Ashworth said they enjoy fishing, snow skiing and hiking together.

One of his activities, he said, is writing letters to editors of publications that are insensitive to people with mental disabilities. Ashworth's son has autism, and he considers letter writing a form of consciousness raising.

Ashworth's interests extend to the German language, in which he got his undergraduate degree. Just two days after completing the degree through the University of Bonn in Germany, Ashworth was punching a time clock at a German headlight factory, earning the equivalent of about \$2.80 an hour.

"I have to say, if I'm ever having a bad day, I think back to what it was like on an assembly line and I feel pretty fortunate."

While the job wasn't anything to write home about, Ashworth said working and traveling was a great opportunity to better learn the culture and become fluent in German.

After Germany, Ashworth spent some time in the Puget Sound area, selling stereos for a spell, and also working for what was then the Immigration and Naturalization Service.

One of Ashworth's good friends worked in law, a field that intrigued him, and eventually he decided to enroll at NYU.

portland@bizjournals.com | 503-274-8733