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In Memoriam: Joe Egan

Roger Moore,
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Joe Egan will be remembered years from now as one of the finest lawyers of his generation, and perhaps its foremost nuclear lawyer. But those facts, while unassailably true, do not begin to capture the man he was. In Joe, the brilliant legal mind always shared space with the first-rate scientist, the master strategist, the elegant and accessible prose stylist, the gifted pianist, the scholar-athlete, the suave raconteur who told hilarious stories over smoky single-malt scotch, and the devoted father and husband. And in all his complex facets, Joe remained the Minnesota farm boy with a twinkle in his eye who had an insatiable curiosity to understand what made rockets fly. In an era that has seen the term “renaissance man” cheapened with overuse, Joe was the genuine article.

While I knew Joe for less than a decade, I quickly learned that he had enough passion and strength to fill several lifetimes. Along with my law partner Tony Rossmann and colleague (now University of Maine law professor) Dave Owen, I had the pleasure and honor of serving with him on the team of attorneys representing Nevada in its David-versus-Goliath fight against the Yucca Mountain nuclear waste repository. And Joe was unquestionably our David, unmatched in skill and unshakable in his conviction that billions of dollars and bureaucratic inertia would never make a fatally bad idea inevitable. Yucca Mountain was conspicuously never built on Joe Egan’s watch, and it will take constant vigilance to ensure that it is never built on ours.

I will always associate Joe with our relationship to future generations and the passing of time. My daughter and son were both born during pivotal stretches of our Yucca Mountain work, and I often ended up writing Joe work-related notes between their 2 and 4 AM diaper changes. Most of these times, I discovered, Joe would cogently respond to my notes within minutes. Given the way he filled his schedule, I suspect that in the 53 years before reaching his heavenly state, Joe managed to experience the cumulative waking hours of a typical 80 year-old. The remarkable thing was not that he did so, but that regardless of the time of day or night, he responded with wit, compassion and insight.

Working with Joe on Yucca Mountain also made me think more critically than before about the imperative of intergenerational responsibility, a subject that has been on my mind as a new father. While rhetorically endorsing that notion, too many agency decision-makers have taken actions better summarized by John Maynard Keynes' sarcastic observation that "in the long run, we are all dead." But Joe, through his actions and words, gave voice and hope to future generations that will live through the consequences of our present decisions. His Yucca work highlighted the critical importance of site geology, and made it inescapable to face the radiation exposure that would linger for thousands, or hundreds of thousands of years, after man-made containment systems inevitably failed. In addition to Joe's leadership on Yucca Mountain, his years of tireless efforts to reduce the risk of nuclear proliferation—resulting in the successful return of weapons-grade uranium from dozens of countries—underscored the importance of his legacy to the future.

At a time in which too many have allowed politics to become a crude substitute for science, Joe had a true scientist's high regard for intellectual honesty and a true statesman's high regard for responsible stewardship. As an environmental lawyer based in the West, I think of Joe's focus on intergenerational responsibility when I consider the words that John Muir, in a different setting, wrote about forests more than a century ago: "Through all the wonderful, eventful centuries since Christ's time, and before that, God has cared for these trees, saved them from drought, disease, avalanches and a thousand straining, leveling tempests and floods; but he cannot save them from fools—only Uncle Sam can do that." Joe, who lived through decades of mismanaged federal nuclear policy, knew better than most that hard work is still needed to hold our government's actions accountable, and good humor is still needed to keep us sane as we try. In the future, when we use our legal and scientific talents to help save ourselves, and our children, from the work of fools, we will know that we are doing Joe's work.