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## Jeff Gaba Tribute

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## JEFF GABA TRIBUTE

*Cindy Bishop\**

I have known Jeff for over thirty years and am honored to have been asked to write this tribute. Jeff Gaba is a brilliant, passionate, and humble person with a dry sense of humor.

I first met Professor Gaba in Environmental Law class when I was a 2L at SMU. His passion inspired me, and his knowledge of the law was amazing. After almost thirty years, I still have my annotated Environmental Law book and occasionally refer to it because the notations are so insightful and useful, even today. He was always pleasant in class and led a spirited discussion of each case, adding background and real-life applications, which made the class all the more interesting.

Environmental law in general can be tedious and boring. Professor Gaba, however, had a dry sense of humor that carried forward into his lectures to keep things interesting. I remember that once he made an obscure reference to a movie from the 1970s (maybe *Marathon Man?*) and only a few students (including me) got the reference. But we all had a good laugh. That sense of humor made him very approachable to ask questions.

Once I joined Gardere, I was pleasantly surprised to find Jeff (I could no longer call him Professor Gaba) there as Of Counsel for the firm. He continued to be an encyclopedia of knowledge for environmental law, especially on the key environmental statutes, CERCLA and RCRA. For example, he would cite to the Federal Register off the top of his head, such as “The May 1980 Federal Register contains language about the Mixed-In rule in the preamble.”

At Gardere, I always enjoyed discussing with Jeff whether something was a “hazardous waste” under the federal and state definitions. We would parse through the hazardous waste regulations and the Federal Register to try to find the solution. After leaving Gardere, I continued to use Jeff’s process to analyze whether something is a hazardous waste. His approach was invaluable and reminded me to start at the beginning of the regulations before making assumptions. This method has saved my clients hundreds of thousands of dollars.

Jeff and I worked together on the *Aviall* case at Gardere for many years. This case involved a private action by our client, Aviall, against a

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\* J.D. 1994, SMU Dedman School of Law. The author had the pleasure of working with Professor Gaba at Gardere before starting her own boutique environmental law firm, C Bishop Law, ten years ago.

prior owner, Cooper Industries, to recover cleanup costs that Aviall had incurred after purchasing properties from Cooper. His passion carried through as we discussed whether an action by one private party against another was an action for contribution under Section 113 of CERCLA or cost recovery under Section 107 of CERCLA—a subtle but critical distinction. He knew every relevant case from memory and every bit of CERCLA legislative history to help us in our briefing and oral argument. Jeff was essential to the *Aviall* team, and he led the analytical discussions accordingly. He was invaluable to the team in his ability to identify the pros and cons of each argument and each angle of each argument. His ability to get to the heart of the issues was amazing and saved the team valuable time so that we stayed on track. The litigation went up on appeal and then to the U.S. Supreme Court, where Jeff's insight was critical during oral argument before the Justices.

As a colleague, Jeff was always available and willing to set aside time to discuss an interesting fact situation. His passion for the law was apparent in these conversations. He not only could remember cases and Federal Register citations, but often would refer to “an EPA memo” on a topic. Sure enough, my search of the EPA database would locate such a memo.

Jeff has been a great mentor to me. In addition to his analytical ability, Jeff's humor made things go more smoothly, and we were able to maintain our sanity—especially during *Aviall*.

He is the author of *Gaba's Texas Environmental Laws Annotated*, which is probably on the shelf of every environmental attorney in Texas. My copy has over a dozen sticky notes to mark critical pages.

Despite his vast knowledge of environmental law and assistance on numerous matters, Jeff would never accept accolades. He is very humble and stayed in the background (or his law school office) allowing others to work with the clients and take credit for successes. But Jeff was instrumental in *Aviall* and in many other matters I worked on at Gardere.

Best wishes in your retirement. I hope you and Brenda have lots of fun and relaxation.