

Bart J. Freedman

Partner

Seattle
+1.206.370.7655

bart.freedman@klgates.com

OVERVIEW

Bart Freedman's practice encompasses a broad range of environmental, business, eminent domain, and American Indian Law litigation in federal and state courts, as well as alternative dispute resolution.

In the area of environmental law, his experience includes Endangered Species Act, natural resource damages, hazardous waste matters, cost-recovery litigation under CERCLA, criminal defense of Clean Water Act enforcement, civil tort claims and regulatory matters. Bart currently represents King County in the acquisition of property for the Brightwater Treatment System which includes a large plant site, conveyance system, and outfall. He has represented the Port of Seattle on a number of issues, including the impact of treaty fishing rights on the issuance of federal Section 404 permits for a major dock expansion project. His environmental practice also includes natural resource damage litigation brought about by the Exxon Valdez oil spill.

PROFESSIONAL BACKGROUND

- Law Clerk, Hon. Samuel J. Roberts, Chief Justice, Supreme Court of Pennsylvania

ACHIEVEMENTS

- Selected to the *Washington Super Lawyers* list (2009, 2011–2018)
- Listed in *Best Lawyers in America* since 2010, Seattle, Native American Law
- Martindale-Hubbell AV Preeminent Rating
- Who's Who in American Law
- Who's Who in America
- AVVO – Rated Superb

PROFESSIONAL / CIVIC ACTIVITIES

- Washington Appleseed – Board of Directors, 2007-present

- Bainbridge Island Parks District – Parks Acquisition Committee, 2008-present
- Leadership Tomorrow – Board of Directors, 2003-08
- YMCA – Past-Chair, Seattle Metrocenter YMCA Board of Management

SPEAKING ENGAGEMENTS

- "Effective and Creative Solutions to Resolving Disputes in Indian Country, American Bar Association, April 16-18, 2015
- “Issues on Condemnation” CLE, The Seminar Group (2011)
- “Valuing Publicly Owned Property”, CLE, The Seminar Group (2010)
- “The Culverts Litigation”, Hydropower CLEs, (2008 – 2009) The Seminar Group
- “Tips and Processes for Interacting with Tribes,” Washington Public Ports Association, 2006
- “Hazardous Waste Issues,” Real Estate Litigation Issues CLE, Seattle, Washington, Oct. 7–8, 1999
- “Natural Resource Damages,” Hanford Natural Resource Trustee Meeting, Kennewick, Washington, June 28, 1994
- “Litigating Natural Resource Damages and Their Relationship to Other Environmental Claims,” Effective Environmental Litigation, Seattle, Washington, Mar. 25, 1994
- Co-Chair, Northwest Conference on Natural Resource Damages, Coeur d'Alene, Idaho, Feb. 28, 1994
- “An Integrated Approach to Sediment and Natural Resource Damage Liability,” Contaminated Sediment Management in the Great Lakes, Chicago, Illinois, Feb. 25, 1994
- “When PRP's Perform Cleanup and Seek Remediation,” Hazardous Waste Cleanup Litigation, Seattle, Washington, Aug., 1993
- “Challenging Agency Cleanup Decisions,” Hazardous Waste Cleanup Litigation, Seattle, Washington, Aug. 27, 1992
- “Natural Resource Damages and the Law,” Society of Environmental Toxicology and Chemistry, Seattle, Washington, July, 1992
- “Problems in Assessment,” Bart Freedman, Eighth Annual Hazardous Waste Law and Management Conference, University of Washington, Seattle, Washington, Dec. 10, 1991

EDUCATION

- J.D., University of Pennsylvania Law School, 1982
- B.A., Carleton College, 1977 *History*

ADMISSIONS

- Bar of Washington
- Supreme Court of the United States
- United States District Court for the Eastern District of Washington
- United States District Court for the Western District of Washington

THOUGHT LEADERSHIP *POWERED BY HUB*

- 25 April 2022, Offshore Wind Handbook
- 16 June 2021, Inherent Tribal Authority Includes the Power to Protect Tribal Communities by Detaining and Investigating Non-Indians for Violations of Federal and State Law
- 20 January 2021, Building Relationships with Tribes and Operating on Reservation Lands: Lessons From FMC v. Shoshone
- 1 October 2020, Renewables on Tribal Land: Addressing Environmental and Economic Equity on the Path to a Clean Energy Economy
- 17 July 2020, Indian Land Then, Remains Indian Land Now: The Supreme Court Confirms That a Significant Portion of Eastern Oklahoma Is a Native American Reservation
- 24 April 2020, COVID-19: Tribal Business FAQ for CARES Act Paycheck Protection Program
- 12 December 2019, Know Your Tribal Counterparty: Tribal Corporations May Be Immune From Suit
- 9 December 2019, Washington Supreme Court Clarifies Law on Regulatory Takings
- 20 May 2019, Washington Attorney General Announces New Policy to Seek Tribes' Consent
- 22 March 2019, SCOTUS Rules that Yakama Treaty Preempts Washington Tax
- 9 January 2019, Tax Developments Provide Opportunities for Economic Growth in Indian Country
- 4 January 2019, Tax Developments Provide Opportunities for Economic Growth in Indian Country
- 15 June 2018, "Culvert Case" Affirmed
- 20 July 2017, Court of Chancery Holds that Stockholder Was Not Bound by Stock Transfer Restrictions that Were Not Noted on Stock Certificates, Because Stockholder Did Not Have Actual Knowledge of Such Restrictions When He Acquired the Stock and Did Not Affirmatively Assent to Such Restrictions Thereafter
- 11 May 2017, Exploring Tribal Sovereign Immunity with *Lewis v. Clarke*
- 10 February 2017, Sea Change: Washington Supreme Court Decision Affects Coastal Energy Projects
- 16 August 2016, Ninth Circuit Addresses Effect of Removal on Tribal Sovereign Immunity

- 11 August 2016, Implications of the Ninth Circuit's Recent "Culvert Case" for Government and Private Entities Responsible for Conditions that Limit Salmon Runs in the Pacific Northwest

OTHER PUBLICATIONS

- "Minn. Mine Denial Stresses Importance Of Tribal Partnerships," *Law360*, 14 July 2023
- "Recent Rulings Affirm Tribal Sovereign Immunity And Joinder," *Law360*, 30 March 2023
- "Permitting for Energy Projects on Washington's Coast," *NWLawyer*, July/August 2017
- "Go Fish," *Best Lawyers*, 2016
- "Culvert Operations," *Cityvision Magazine*, p. 25-26, September/October 2016
- "Considering The Difference: Treaty Rights And NEPA Review," *Law360*, 29 August 2016
- Contributor, *Washington Environmental Law Handbook, 3rd Edition*, Rockville, MD; Government Institutes, ©1997, ISBN: 0-86587-556-1
- "Natural Resource Damages," Bart J. Freedman and J. Alan Clark, *Hazardous Waste Strategies Update, v. 5, No. 3,* Mar., 1994
- "Natural Resource Damages for Contaminated Sediments in the Great Lakes: A Call for an Integrated Management Approach," Bart J. Freedman, J. Alan Clark and Roger D. Wynne, *Contaminated Sediment Management in the Great Lakes*, Feb. 25, 1994
- "Natural Resource Damages Pose Liability Questions for Ports," Bart J. Freedman and Cestjon L. McFarland, *Marine Digest and Transportation News*, Oct., 1993
- Co-Editor, Natural Resource Damages, Editors Cestjon L. McFarland, Bart J. Freedman. Rockville, MD : *Government Institutes*, ©1993. ISBN: 0-86587-340-2

NEWS & EVENTS

- 4 September 2025, K&L Gates' Seattle Office Named a 2025 Washington Powerhouse by *Law360*
- 7 February 2025, K&L Gates Secures Victory for Duwamish Tribe in Federal Recognition Lawsuit
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 8 February 2022, Renewable Energy Development on Tribal Lands
- 29 October 2021, 11th Annual Cutting-Edge Issues in Condemnation, hosted by The Seminar Group
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 20 and 27 April 2021, Fires in the Pacific Northwest: A Two Part Series

OTHER MEDIA MENTIONS

- Featured, "Freedman Plies Uncharted Waters in Tribal Law," *Penn Law Journal*, Summer 2017

AREAS OF FOCUS

- Commercial Disputes
- American Indian Law
- Appellate Litigation
- Environment and Energy
- Land Use, Planning, and Zoning
- Real Estate Litigation

INDUSTRIES

- Corporate Sustainability
- Energy

REPRESENTATIVE EXPERIENCE

- City of Federal Way v. Firestone, KCSC.
- City of Seattle v. Rabanco, Ltd., et al. Defense of private garbage hauler in CERCLA cost recovery and contribution action for cleanup of former publicly owned and operated landfill.
- ALPS, USA v. Microsoft (defense of breach of contract claims).
- Stillaguamish Tribe of Indians v. Standard Biodiesel, U.S. District Court for the Western District of Washington (environmental contamination) (2010).
- Harbor Steps Partnership v. Burlington Northern Railroad, 93 Wn. App. 792, 970 P.2d 797, 1999 (defense of environmental contribution claims; summary judgment on all claims).
- King County v. Seawest, King County Superior Court, (condemnation) (2005).
- Sterling Realty v BV Holdings, King County Superior Court, (MTCA contribution) (2010).
- Foreman v. Diamond (defense of trust claims).
- Pasciuto v. Shriners Hospitals for Children, King County Superior Court (MTCA contribution) (2010).
- King County v. BSRE Point Wells, King County Superior Court, (condemnation) (2010).

- King County Brightwater treatment plant, conveyance and outfall. Counsel to King County for site acquisition and condemnation.
- United States v. Rice, 38 F.3d 1536 (9th Cir. 1994).
- Port of Seattle v. Lavin, et al., (defense verdict in condemnation action).
- State of Alaska v. Exxon Valdez, USDC Alaska.
- Port of Seattle Terminal 5 Dock Expansion, § 404 Permit (defense of claims concerning impact of treaty fishing rights on construction-related permits for dock expansion project).
- Duwamish Tribe Federal Recognition -- In Re Federal Acknowledgment of the Duwamish Tribal Organization, U.S. Dept. of the Interior.