



Jennifer Barks

Partner

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About

Jennifer Barks is an experienced and strategic advocate whose litigation practice spans an expansive range of environmental, commercial, and energy-related matters. In federal and state courtrooms across the country, before arbitration panels, and in government investigations and enforcement actions, Jennifer balances advancing her clients' interests with protecting their bottom lines.

In her environmental litigation practice, Jennifer represents states, sovereigns, and private companies in complex cases, including pursuing contamination-related and natural resource damage claims under CERCLA, RCRA, state environmental statutes, and common law tort theories including, for example, products liability, nuisance, negligence, and trespass. Her environmental work also includes issues related to per- and poly-fluoroalkyl substances (PFAS) and forever chemicals, including pursuing contamination and natural resource damages on behalf of private and public clients in standalone lawsuits and in the AFFF Multidistrict Litigation.

Jennifer also defends companies in enforcement actions and criminal investigations spearheaded by the Texas Commission on Environmental Quality, U.S. Environmental Protection Agency, and U.S. Department of Justice, including conducting internal investigations, guiding companies through the enforcement process, and negotiating settlements with the environmental agencies.

Jennifer's commercial litigation experience extends across a broad spectrum of industries and issues, including complex matters involving contract disputes, fraud and breach of fiduciary duty allegations, and wrongful termination claims. She has a strong track record of obtaining favorable outcomes in court, arbitration, and other alternative dispute resolution forums.

Never losing sight of her clients' goals and priorities, Jennifer strives for efficiency and effectiveness in her representation. Clients tell *Chambers USA* that she is a "smart and conscientious lawyer," as well as "detail oriented." She provides clear direction and succinct, timely communication, ensuring her clients have the information they need to make informed decisions.

Experience

Environmental Litigation

Served as trial counsel for the State of New Jersey in prosecuting New Jersey's case against DuPont

for knowingly discharging PFAS and other contamination from DuPont's Chambers Works site into the waters and environment of New Jersey for decades. Following a month of trial in federal court in Camden, DuPont and related companies agreed to a record setting settlement with New Jersey valued at \$2 billion in remediation, restoration, costs, and damages. On the eve of this trial, 3M settled-out for up to \$450 million more in PFAS damages to New Jersey. At \$2 billion, DuPont's settlement with New Jersey is the largest environmental recovery for a single plaintiff – and is one of the largest legal recoveries of any kind – in the history of the country.

Served as counsel for the Port of San Diego in a lawsuit asserting claims against Monsanto Company and certain corporate affiliates regarding historical contamination of San Diego Bay and surrounding land with Polychlorinated Biphenyls (PCBs). The Port brought a first-in-kind lawsuit against the Monsanto entities in 2015 for creating a public nuisance in San Diego Bay. Numerous other cities, ports, and other government entities followed suit in bringing claims related to the environmental impacts of PCBs, ultimately resulting in a class action settlement approved in November 2022 for approximately \$550 million, to be allocated among the Port and other class members in exchange for releases of individual cases. The Port dismissed its individual case on February 3, 2023.

Represented the State of New Mexico as special counsel in litigation against the U.S. Environmental Protection Agency, its contractors, and owners of certain abandoned mines for damages arising from the Gold King Mine Blowout of August 5, 2015.

Representing an oil company as well as numerous states and sovereign territories as special counsel in the multi-district litigation arising from PFAS contamination related to use of aqueous fire-fighting foam (AFFF), as well as litigation in federal and state courts arising from contamination from per- and polyfluorinated chemicals (PFAS) from industrial and other uses.

Representing chemical manufacturers in enforcement actions brought by the Texas Commission on Environmental Quality and the U.S. EPA.

Commercial Litigation

Represented steel pipe and tube distributor and coater in an multi-day arbitration against Italian pipe maker over alleged defects that caused multiple pipe bursts and secured a \$2.5 million dollar awarded, which was confirmed by Judge Broderick in the United States District Court for the Southern District of New York in 2025.

Represented international manufacturer of hair care products in federal court litigation against a distributor in a case involving claims and counterclaims arising from a supply and distribution agreement with eight figures of damages at issue with favorable resolution weeks before trial.

Defended a manufacturer of pet products in federal court litigation regarding claims of breach of contract, promissory estoppel, and quantum meruit. Obtained a favorable ruling on a motion for summary judgment resulting in complete dismissal of the claims.

Defended a global life sciences company in federal court against a lawsuit alleging defamation and tortious interference with contractual relations. Filed an Anti-SLAPP motion, after which the plaintiff agreed to a complete dismissal of the claims with prejudice.

Honors

Ranked as one of the leading practitioners in the Environmental area by *Chambers USA* in 2021-2026.

The Best Lawyers in America® “Ones to Watch” (Woodward/White, Inc.), Environmental Law, 2022-2027.

Recommended in *US Legal 500* for her work in the Environment Litigation area, 2020 and 2024.

Affiliations

Houston Bar Association, Environmental Law Section, Chair, 2022-2023

Related Services

Environmental
Environmental Litigation
Environmental Regulation
Environmentally Impaired Properties
PFAS and Emerging Contaminants
Public Sector and Government Entities

Education

University of Houston Law Center, J.D.

- magna cum laude
- Houston Law Review, line editor

Washington University in St. Louis, B.A.

- Spanish and Political Science

Admissions

Texas
California

Courts

U.S. Court of Appeals–Second Circuit
U.S. Court of Appeals–Fifth Circuit
U.S. Court of Appeals–Sixth Circuit
U.S. District Court–Northern District of Texas
U.S. District Court–Southern District of Texas
U.S. District Court–Eastern District of Texas
U.S. District Court–Western District of Texas
U.S. District Court–Southern District of California
U.S. District Court–Eastern District of Michigan