



**ArentFox**  
**Schiff**

ArentFox Schiff LLP  
Attorneys

## **J. Michael Showalter**

Partner

Mike is a problem-solver whose practice focuses primarily on resolving complex and high-stakes environmental and public policy disputes that are legally novel or technically complex.





- Industries
  - [Consumer Products](#)
  - [Energy & Cleantech](#)
  - [Energy Litigation](#)
  - [Public Finance](#)
  - [Infrastructure](#)
  - [Transportation & Mobility](#)
  - [Automotive](#)
  - [Renewable Fuels](#)
- Practices
  - [Complex Litigation](#)
  - [eDiscovery & Litigation Readiness](#)
  - [Environmental](#)
  - [Citizen Suits & Environmental Activism](#)
  - [Emerging Contaminants](#)
  - [Environmental Enforcement Defense](#)
  - [Environmental, Social & Governance \(ESG\)](#)
  - [Remediation & Superfund](#)
  - [Rulemaking & Legislative Support](#)
  - [Real Estate](#)
- International
  - [Japan](#)
- Education
  - Vanderbilt University Law School, JD, 2004
  - Columbia College, Columbia University, AB, 2000
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Mike strategizes, analyzes, and litigates complex business disputes that have environmental and frequently big-picture policy implications. He is well-versed in the decades-old statutes and regulations that govern rapidly evolving issues, including fracking, superfund remediation, and carbon capture sequestration. Mike's work principally involves disputes arising under environmental statutes including CERCLA, RCRA, the Clean Air Act, and the Clean Water Act. In addition, Mike has represented parties in civil rights, commercial, class action, toxic tort, and regulatory litigation in courts throughout the United States.

Mike has worked with a wide range of clients. He has represented individuals; municipalities; trade associations; non-governmental organizations; and businesses engaged in industries including manufacturing, power generation and transmission, and the financial and insurance sectors. Over his 20-year legal career, Mike has worked with hundreds of experts in fields ranging from history and economics to environmental engineering and risk assessment. He has resolved claims before any complaint has been filed, clear through managing issues related to the implementation of longstanding consent decrees.

Mike's beginnings in a West Virginia steel town provide him with a unique perspective when litigating headline-grabbing cases involving large industrial sites. He understands the details of each case and distills complicated facts into compelling arguments that carry weight with both courts and the broader communities where his clients live and operate. He also effectively works with individuals and organizations to manage legal and reputational risks associated with their operations

## Previous Work

Before entering private practice, Mike clerked for then U.S. Magistrate Judge (now Chief District Judge) Michael F. Urbanski of the Western District of Virginia, and Chief District Judge David A. Faber of the Southern District of West Virginia.

## Client Work

- Mike defends parties against "citizen suits" brought by private parties and non-governmental organizations alleging that their activities have violated federal or state law. His successes include securing the dismissal with prejudice upheld by the Ninth Circuit of a case alleging that a West Coast utility's use of hundreds of thousands of telephone poles was illegal, and securing the dismissal of air-related claims at the federal and state level against a Midwestern utility.
- Mike has successfully represented individuals and organizations bringing multiple claims challenging the constitutionality of state laws and has filed amicus briefs related to government policies or conduct in various appellate courts.
- Mike secured a summary judgment win for a natural gas company alleged to have contaminated groundwater through fracking. After expert discovery, the Court dismissed the claims, finding that Plaintiffs had failed to produce any evidence linking their damages to Mike's client.
- Mike has extensive experience working on Superfund-related matters throughout the United States through both litigation and negotiation. Mike is part of the team representing National Grid at the Gowanus Canal Superfund Site in New York City. National Grid is one of 28 parties that has been directed to investigate, characterize, and address contamination in a complex urban environment. In addition to working on this Site, Mike has assisted clients in resolving intractable disputes at various other high-profile sites through federal and state litigation and mediation.
- Recently, Mike filed litigation to secure access necessary for a client to remediate a site listed on the federal NPL and subsequently secured summary judgment against an \$11 million counterclaim based on a never-before-litigated state law provision allowing compensation paid by a remediating party to a current site owner. The court's decision relied on Mike's team's factual and legal analysis in awarding less than 1 percent of the amount claimed in compensation. The court's decision was affirmed on appeal by the Sixth Circuit.
- Mike has advised public and private water utilities regarding compliance with the federal Lead and Copper Rule.
- Mike has extensive experience in representing parties in toxic tort and property damage litigation, including claims related to asbestos, silica, benzene, VOCs, PCBs, and other chemicals.
- Mike provides legal advice on pending federal legislation and rulemakings and has represented parties in rule challenges and appeals of administrative action before various federal circuit Courts of Appeal. Recently, Mike has represented clients challenging EPA's startup, shutdown, and malfunction SIP call and multiple clients potentially affected by EPA SO<sub>2</sub> NAAQS designations in both regulatory and judicial proceedings in courts across the country. In addition, Mike has extensive experience advising clients regarding legislation and regulatory changes involving asbestos.

- Mike represents parties involved in building, maintaining, and operating pipeline infrastructure across the United States in federal and state litigation, as well as in discussions with landowners.

## Boards, Memberships & Certifications

- American Bar Association
- International Bar Association, Environment, Health and Safety Law Committee, Programme Officer (2023-present)
- The Sedona Conference
  - Working Group 1, Member
  - Brainstorming Group on Proportionality in Discovery and Drafting Team regarding the Use of Technology Assisted Review in Litigation, Member

## Publications, Presentations & Recognitions

### Publications

- [Warehouse and Logistics Operations Targeted by Regulatory Push for Indirect Source Rules Targeting Vehicle Emissions](#), (co-author) Pratt's Energy Law Report, Vol. 24-6 (2024)
- *Primer on Crafting eDiscovery Requests with Reasonable Particularity*, (co-author) The Sedona Conference (2022)
- "Going Beyond: When Can Courts Look Past the Record in an APA Review?" *Georgetown Environmental Law Review*, Aug. 15, 2019
- "Discovery in the Modern Age," *From the Trenches III: Pretrial Strategies for Success*, American Bar Association (2018)
- "Punitive Damages," in *Business Torts and Unfair Competition Handbook*, American Bar Association Section of Antitrust Law (2014)
- *Scientific Evidence in the Fourth Circuit*, in Cynthia H. Cwik et al. (eds.), *Scientific Evidence Review: Admissibility of Expert Evidence*, Monograph No. 9, American Bar Association Section of Technology & Law (2013)
- *Scientific Evidence in the Fourth Circuit*, in Cynthia H. Cwik et al. (eds.), *Scientific Evidence Review: Admissibility of Expert Evidence*, Monograph No. 8, American Bar Association Section of Technology & Law (2008)

### Presentations

- "Environmental Citizen-Suit Landscape: How Legal and Political Shifts Heighten Risk for Business," Washington Legal Foundation (Dec. 12, 2024)
- "Industry Perspectives on Environmental Justice," Environmental Justice: Policy, Practice, and Progress Conference, Air & Waste Management Association (Dec. 4, 2024)
- "Defending Against Citizen Suits," [Strafford Webinar](#) (Oct. 3, 2024)
- Illinois Environmental Resource Group, Title V Seminar presentation on environmental justice (EJ) issues, Springfield, IL, (Oct. 3, 2024)
- "How to Navigate Environmental Justice Requirements in Permitting Procedures," (Webinar) Illinois Environmental Regulatory Group (Jan. 24, 2024)

- Climate Pro Bono Bootcamp, hosted by Green Pro Bono, the planetary lawyer project and Offit Kurman (Jan. 17-18, 2024)
- Epa Full Throttle in 2024. What to Expect in 2024 from The Biden/Regan Epa, The Regulatory Environmental Group for Missouri (REGFORM) (Dec. 5, 2023)
- Opportunities and Challenges in the New Environmental, Social and Governance (ESG) Frontier: From Theory to Practice, ISBA Environmental Law Section's 21st Annual Environmental Law Conference (May 11, 2023)
- Fast and Furious EPA: Five Critical Issues Facing Regulated Facilities in 2023, The Regulatory Environmental Group for Missouri (REGFORM), Conference (Apr. 20, 2023)
- ESG: The Role of Lawyers Today and in the Future: What could possibly go wrong? ESG-related disputes: litigation and enforcement, North American Regional Forum and the Energy, Environment, Natural Resources and Infrastructure Law Section, Conference (Feb. 28, 2023)
- Understanding Environmental Justice: Guidance for Regulated Facilities, The Regulatory Environmental Group for Missouri (REGFORM) (Dec. 6, 2022)
- Defending Against Citizen Suits Under Environmental Laws: Notice, Standing, Jurisdiction, Settlements, and More Under RCRA, CERCLA, CWA, and CAA, Strafford, Webinar (Oct. 4, 2022)
- Environmental and Energy Law Policy: A Trump vs. Biden Administration, (speaker) The Chicago Bar Association, Young Lawyers Section, Environmental Law Committee (Oct. 6, 2020)
- COVID-19 Legal Issues Spotting for In-House Counsel, Webinar (Apr. 1, 2020)
- Views on Trump Administration Environmental Policy Updates, Chicago Bar Association, Young Lawyers Section, Chicago, Ill. (Feb. 21, 2018)
- Citizen Suits and Community Complaints (Odors), 2017 Air Quality Management Conference, Oakbrook Terrace, Ill. (Oct. 17, 2017)
- Citizen Enforcement of the CCR Rule: How Will Enforcement Actions Be Brought, and What Can You Do to Prepare for Them, (co-presenter) 2017 World of Coal Ash Conference Short Course, Lexington, Ky. (May 8, 2017)
- Ban Asbestos Legislation, Regulation, and Asbestos Litigation, Defense Research Institute Seminar on Asbestos Medicine, San Diego, California (2010)

## Recognitions

- Emerging Lawyer, Law Bulletin Publishing Company's *Leading Lawyers* (2015-2018)
- Illinois Emerging Lawyer, Law Bulletin's *Illinois Leading Lawyers Network* (2015)

## Professional Activities

Mike devotes substantial time to pro bono matters, particularly related to civil rights and immigration. Recent engagements include the following:

- Serving as trial and appellate counsel in civil rights case involving voting restrictions passed by the Texas legislature after the 2020 election.
- Filing an amicus brief in the U.S. Supreme Court for a U.S. Senator concerned about Texas and Florida laws limiting content moderation on internet platforms.
- Filing an amicus brief in the Fourth Circuit on behalf of national health and disability rights organizations in support of overturning a lower court finding barring institutional reform litigation related to West Virginia's foster care system. The Fourth Circuit overturned the district court's finding below allowing class certification to proceed.

- Securing the First Amendment rights of non-religious persons to perform marriages in Illinois and Michigan through federal challenges to these states' family laws.
- Challenging Michigan's assessment of state sales and use taxes on sales of tampons and other feminine hygiene products, which was removed during the litigation by the Michigan legislature.
- Representing a class of foster children in litigation against the Illinois Department of Children & Family Services.
- Representing a class of foster children against the State of Illinois to secure the ability of same-sex couples to become foster parents.
- Pursuing civil-rights claims on behalf of incarcerated persons related to religious discrimination, unconstitutional conditions of confinement, and in collateral attacks to their original sentences.
- Assisting children and applying for political asylum in the United States

## Bar Admissions

[Illinois](#)

[Michigan](#)

[New York](#)

[Virginia](#)

[West Virginia](#)

## Court Admissions

[US Supreme Court](#)

[US Court of Appeals, 4th Circuit](#)

[US Court of Appeals, 5th Circuit](#)

[US Court of Appeals, 6th Circuit](#)

[US Court of Appeals, 7th Circuit](#)

[US Court of Appeals, 8th Circuit](#)

[US Court of Appeals, 9th Circuit](#)

[US Court of Appeals, District of Columbia Circuit](#)

[US District Court, Central District of Illinois](#)

[US District Court, Northern District of Illinois](#)

[US District Court, Northern District of Indiana](#)

[US District Court, Eastern District of Michigan](#)

[US District Court, Western District of Michigan](#)

[US District Court, Eastern District of New York](#)

[US District Court, Northern District of New York](#)

[US District Court, Southern District of New York](#)

[US District Court, Northern District of Ohio](#)

[US District Court, Western District of Texas](#)

[US District Court, Eastern District of Virginia](#)

[US District Court, Western District of Virginia](#)

[US District Court, Northern District of West Virginia](#)

[US District Court, Southern District of West Virginia](#)