ArentFox Schiff LLP
Attorneys

J. Michael Showalter

PARTNER

J. Michael Showalter represents clients in high-stakes environmental, regulatory, and commercial disputes, with a particular focus on matters involving government action, major infrastructure projects, and changing regulatory requirements.



Industries

Consumer Products
Energy & Cleantech
— Energy Litigation
Public Finance
— Infrastructure
Automotive & Transportation
— Automotive

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
— Land Use & Infrastructure Litigation

International

Japan

Education

Vanderbilt University Law School, JD, 2004
Columbia College, Columbia University, AB, 2000

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A partner in the firm's Complex Litigation and Environmental practices, Mike represents clients in federal and state courts nationwide and maintains an active appellate practice. His experience spans trial courts, administrative proceedings, and federal courts of appeals, including the D.C., Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Circuits. He regularly handles matters involving environmental regulation, infrastructure permitting, administrative and constitutional law, government investigations, complex commercial disputes, and enforcement actions.

Mike works with companies in the energy, manufacturing, transportation, digital infrastructure, natural resources, and real estate sectors. He advises clients on environmental permitting, regulatory and enforcement risk, emerging compliance obligations, and disputes involving major projects. He also helps clients evaluate how changes in regulation and government policy may affect existing approvals, investments, and business strategies.

Mike has significant experience litigating matters under CERCLA, the Clean Air Act, Clean Water Act, and other federal and state environmental laws. He handles Superfund cost recovery and allocation disputes, citizen suits, government enforcement matters, challenges to agency action, and disputes involving environmental permits and approvals.

Mike also maintains an active appellate and public law practice. He has represented clients and amici in matters involving administrative and constitutional law, civil rights, voting rights, child welfare, health care, and immigration in federal courts across the country.

Experience

Mike helps clients address legal and business risks arising from litigation, regulation, and government action. He regularly works with corporate executives and other decision-makers on matters involving environmental liability, permitting, enforcement, litigation strategy, and emerging regulatory requirements. His practice includes:

Environmental & Regulatory Litigation: Represents clients in litigation and enforcement actions under CERCLA, the Clean Air Act, Clean Water Act, Toxic Substances Control Act, and other

federal and state environmental laws. His work includes citizen suits, agency enforcement actions, challenges to government action, and appellate litigation involving administrative and statutory issues.

Superfund & Remediation: Leads complex Superfund and remediation matters, including multiparty cost recovery and allocation disputes involving legacy industrial contamination and manufactured gas plant sites. His work includes litigation, regulatory proceedings, consent decrees, and negotiations with federal and state agencies.

Infrastructure Development & Permitting: Advises clients on permitting and approvals for major infrastructure projects, including manufacturing, energy, and transmission assets, and represents clients in litigation challenging project approvals.

Appellate & Public Law: Represents clients and amici in appellate matters involving administrative, statutory, and constitutional law. His public law experience includes voting rights, First Amendment, civil rights, and immigration matters.

Business & Commercial Litigation: Represents clients in complex commercial disputes involving contracts, insurance coverage and indemnification, renewable energy projects, data privacy and class actions, and intellectual property.

Emerging Environmental Risk: Advises companies on emerging litigation and regulatory risks involving PFAS and other chemicals, climate-related exposure, carbon capture, sustainability, disclosure obligations, and evolving federal and state regulatory requirements.

Representative Matters

- Represented parties in U.S. Supreme Court litigation involving constitutional and regulatory challenges, including First Amendment issues.
- Handled federal appellate challenges to EPA actions in the D.C. Circuit and other federal courts of appeals involving administrative law issues.
- Represented energy and utility clients in Clean Air Act and Clean Water Act litigation, including citizen suits and enforcement actions nationwide.
- Litigating a nationally significant CERCLA cleanup matter on behalf of a major utility involving a prominent urban waterway, as well as additional CERCLA cost recovery and allocation disputes involving legacy industrial and manufactured gas plant sites.
- Represented clients in complex insurance coverage and indemnification disputes arising from environmental and commercial liabilities.
- Represents solar energy developers and project companies in commercial disputes arising from utility-scale solar installations.
- Defending a leading commercial equipment manufacturer in consolidated federal class action litigation involving data privacy claims.
- Litigated constitutional and civil rights matters in federal courts, including voting rights and public policy challenges.

Commitment to Pro Bono Service

Mike has an active pro bono practice focused on constitutional law, civil rights, child welfare, and immigration.

Protecting Constitutional Rights: Mike has served as trial and appellate counsel in litigation challenging voting laws. He also successfully litigated First Amendment challenges involving the right of non-religious individuals to perform marriages in Illinois and Michigan.

Appellate Advocacy: Mike has filed amicus briefs in the Fourth and Seventh Circuits on behalf of national children's rights, health, and disability rights organizations in litigation concerning state foster care systems. He also filed an amicus brief in the U.S. Supreme Court on behalf of a U.S. Senator concerning state laws regulating content moderation by internet platforms.

Driving Legislative Change: Mike challenged Michigan's assessment of sales and use taxes on feminine hygiene products in litigation that was followed by repeal of the tax by the Michigan legislature.

Advocating for Vulnerable Populations: Mike has represented foster children in litigation involving the Illinois Department of Children & Family Services and the State of Illinois and has challenged religious discrimination and conditions of confinement on behalf of incarcerated individuals. In 2026, he spearheaded a multi-jurisdictional pro bono effort representing individuals detained by U.S. Immigration and Customs Enforcement in habeas proceedings challenging mandatory detention and parole revocation practices.

Thought Leadership & Client Insights: Mike's articles and commentary regularly appear in publications including *The Wall Street Journal*, *Bloomberg Law*, and *Law360*. He frequently writes and speaks on environmental litigation, administrative law, regulatory enforcement, infrastructure and permitting, and developments affecting the energy sector.

Boards, Memberships & Certifications

- American Bar Association
- International Bar Association, Environment, Health and Safety Law Committee, Membership Officer (2025-present); Programme Officer (2023-2025)
- 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
- *Law360* Editorial Advisory Board, Energy (2026)

Publications, Presentations & Recognitions

Publications

- "Perspective 2025: Disruption and Consistency in Environmental Law," (author) *Air & Waste Management Association EM Plus Fourth Quarter 2025 Report* (2025)
- "The End of the Beginning of the Environmental Justice Era?" (co-author) *The Magazine for Environmental Managers* (2025)
- "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

- "Resolving Superfund Liability and Protecting PRP Interests: Settling and Preserving CERCLA Claims" BARBRI (October 29, 2026)
- "EPR In Illinois and Legal Aspects of Waste Disposal", Illinois Environmental Regulatory Group (October 13, 2026)
- "EPA's 'Compliance First' and LEAPS-Based Enforcement: Opportunities and Risks",

Washington Legal Foundation Webinar (April 21, 2026)

- "Responsible Mining" International Bar Association's "ESG in Evolution" Conference (March 27, 2026)
- "The eradication of extreme poverty and hunger: the challenge for the global legal profession and every practicing lawyer", IBA Annual Conference Toronto 2025 (Nov. 5, 2025)
- "Cross-sectoral approaches to poverty eradication: law, environmental sustainability and gender", IBA Conference (May 16, 2025)
- "Permits and Policies: Waste Storage and Environmental Justice Considerations," ABA SEER Section, Webinar (Apr. 23, 2025)
- "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)

Thought Leadership & Client Insights

Mike's articles and commentary regularly appear in publications including *The Wall Street Journal*, *Bloomberg Law*, and *Law360*. He frequently speaks on environmental and administrative law, ESG and sustainability, and regulatory developments affecting the energy and infrastructure sectors.

Previous Experience

Before entering private practice, Mike clerked for then U.S. Magistrate Judge (later 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.

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 District Court, Northern District of Illinois (Trial Bar)
US Court of Appeals, District of Columbia Circuit
US District Court, Central District of Illinois
US District Court, Northern District of Indiana
US District Court, Southern 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