



Maureen L. Mitchell

Partner

Seattle, WA

Tel: 206.389.1773

Fax: 206.389.1708

mmitchell@foxrothschild.com

Maureen represents clients on environmental litigation and regulatory matters, including:

- CERCLA
- The Resource Conservation and Recovery Act
- Clean Air Act
- Clean Water Act
- Model Toxics Control Act
- SEPA/NEPA
- Climate change/carbon markets
- Water rights

She provides practical advice on working with federal and state regulatory agencies in enforcement and compliance matters, as well as on worker health and safety concerns. Specific areas of focus include public lands, mining, redevelopment of contaminated sites and Indian law, including protection of natural resources and treaty rights. In addition to environmental litigation, Maureen has an extensive background in dispute resolution, commercial litigation and arbitration. She also has experience in international law and works with Russian-speaking clients in their native language.

Representative Matters

- **CERCLA/RCRA Matters**
Representation of major chemical company at Eastern Michaud Flats Superfund site with complex issues related to CERCLA, RCRA, and Indian tribe jurisdiction. Company's property is located on fee land within the exterior boundaries of the Fort Hall Reservation of the Shoshone-Bannock Tribes.
- **RCRA and Waste-Related Litigation**
Represented major chemical company in litigation before the Ninth Circuit Court of Appeals that resulted in vacated District Court order regarding third-party beneficiary status of Indian tribe to enforce RCRA Consent Decree. Involved with appellate litigation of tribal ordinance regarding company's waste activities, after successfully obtaining Tribal Court decision in favor of company and against tribe.
- **Complex Superfund Sites**
Defending former owners of waterfront sites in Superfund sites in the Pacific Northwest, including the Thea



Foss Waterway, Portland Harbor, and the Lower Duwamish, from Natural Resource Damage and remedial action cost claims.

- **Brownfields**
Representation of joint clients seeking redevelopment of Brownfield site in Seattle, Washington, with historical dry-cleaning operations and DNAPL solvent in soil and groundwater.
- **Contamination Litigation**
Defended contract-based recovery claim brought against a public company in which plaintiff sought lost rent and diminution of value (stigma) damages for contaminated site. Plaintiff dropped claims after defense filed Motion for Summary Judgment.
- **Clean Air Act**
Representation of several clients with issues related to NAAQS PM-10 compliance, redesignation of non-compliant airshed, and compliance with Washington State toxic and nuisance emissions requirements. Served as local counsel for nine state agencies in Clean Air Act Consent Decree matter against St. Gobain Containers, Inc.
- **Water Issues**
Representation of private-sector clients on water banking, water rights, and Clean Water Act.
- **Commercial Litigation and Arbitration**
Extensive litigation and arbitration experience, including three-phase AAA arbitration resulting in complete dismissal of \$200 million damage claims. Experience in international arbitration under International Chamber of Commerce Rules of Arbitration. Successfully arbitrated and settled through mediation numerous commercial claims and enforced judgments through garnishment and other means.
- **Commercial and Residential Lease Disputes**
Advise and represent customers in landlord-tenant disputes.

Before Fox Rothschild

Prior to joining Fox Rothschild, Maureen was an attorney at a Seattle law firm. Before that, she was a law clerk to the Honorable H. Joseph Coleman (ret.) of the Washington State Court of Appeals, Division One.

Beyond Fox Rothschild

Maureen volunteers with the King County Bar Association's Neighborhood Legal Clinics to help advise clients with limited means. She also works with the Medical-Legal Guardianship Project, sponsored by the Northwest Justice Project.

Maureen has been selected by the Washington State Bar Association's Board of Governors for a two-year term on the American Bar Association's House of Delegates. She also is a Co-Chair of the ABA's Environmental Litigation and Toxic Tort Committee within the Section on Environment, Energy, and Resources.

Honors & Awards

- Named to "The Best Lawyers In America" list for Natural Resources Law in Washington by *Best Lawyers* (2013-2017, 2019-2021)
- Named a "Washington Super Lawyer" by *Super Lawyers* (2016-2020)
- Named to "The Best Lawyers in America - Lawyers of the Year" list for Natural Resources Law (2015, 2019)



- Martindale-Hubbell AV Preeminent Rating (5.0 out of 5) for Environmental Law, Litigation and General Practice (2015)
- Named a *Washington Super Lawyers* "Rising Star" (2010-2013)
- Named among Washington's "Super Lawyers Top Women Attorneys"

Practice Areas

- Litigation
- Environmental

Bar Admissions

- Washington
- Idaho

Court Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Western District of Washington
- U.S. District Court, Eastern District of Washington
- U.S. District Court, District of Idaho

Education

- University of Washington School of Law (J.D., 2000)
- Smith College (B.A., 1995)

Memberships

- American Bar Association
- Washington Bar Association
- Idaho Bar Association
- King County Bar Association
- American Bar Association's House of Delegates
- Law360 Environmental Editorial Advisory Board

Languages

- Russian