ArentFox Schiff LLP
Attorneys

Bradley S. Rochlen

PARTNER

Brad is a litigator who designs creative approaches to case strategy in all areas, from one-on-one negotiations and alternative dispute resolution to courtroom litigation.



Industries

Energy & Cleantech
— Energy Litigation

Practices

Complex Litigation
Environmental
— Citizen Suits & Environmental Activism
— Emerging Contaminants
— Environmental Enforcement Defense
— Remediation & Superfund
Real Estate

Education

University of Michigan Law School, JD, 1997
University of Michigan, BA, 1995

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Merging sound legal theories with in-depth technical understanding, Brad represents corporate, real estate, and power generation companies, including public utilities, in complex environmental disputes.

Brad assists clients in prosecuting and defending hazardous waste control (Superfund) cases, RCRA cases, and private cost recovery cases at some of the largest contaminated sites in the country. He also has significant experience in resolving Clean Water Act and toxic tort disputes.

Many contaminated sites contain remnants of industrial operations from more than a century ago. Such sites historically contained gas plants, steel plants, coke plants, or supported other industrial activities that had their own operational processes and the potential to cause contamination. Brad's understanding of these operations and their potential impact on real estate and adjacent waterways gives him the ability to provide persuasive and cost-effective solutions to even the most complex legal problems involving the EPA, state, and local regulators, or private parties.

Experience

- Represents National Grid at the Gowanus Canal Superfund Site in New York City. National Grid is one of 28 parties tasked with performing the Remedial Design in this complex urban environment.
- Represents National Grid at the Newtown Creek Superfund Site in New York City. National Grid is one of five parties performing a Remedial Investigation along the heavily industrialized waterway that separates the city's boroughs of Brooklyn and Queens.
- Represents Pacific Gas and Electric Company in two cases defending the utility's use of treated wood in utility poles for the distribution of electricity. Brad earned a dismissal in the first case and successfully defended that dismissal on appeal before the Ninth Circuit Court of Appeals. *Ecological Rights Foundation v. Pacific Gas and Electric Company, et. al.* , 713 F.3d 502 (9th Cir. 2013).
- Assisted clients with environmental issues at dozens of manufactured gas plants across the country. These activities include negotiating with the EPA and state regulators, pursuing cost

recovery from potentially responsible parties and litigation related to liability, toxic tort responsibility and third party recovery.

Publications

- "EPA Takes Back Decision-Making Authority for the Most Costly Superfund Cleanups," (co-author) *Schiff Hardin Energy & Environmental Law Adviser* (May 22, 2017)
- "Ninth Circuit Holds that In-Use Utility Poles Not Subject to the Clean Water Act or the Resource Conservation and Recovery Act," *Schiff Hardin Energy and Environmental Law Adviser* (Apr. 8, 2013)

Professional Memberships

- American Bar Association

Bar Admissions

Illinois

Court Admissions

US Court of Appeals, 7th Circuit
US Court of Appeals, 9th Circuit
US District Court, Eastern District of Michigan
US District Court, Northern District of Illinois
US District Court, Western District of Michigan
US Supreme Court