

CONTACT

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PRACTICES

Litigation & Investigations
Waste & Hazardous Substances
Water

EDUCATION

University of California, Hastings
College of the Law
University of California, Los
Angeles

BAR AND COURT ADMISSIONS

Colorado State Bar
U.S. District Court for the District
of Colorado
District of Columbia Bar

KATHRYN (KAKI) SCHMIDT

SENIOR COUNSEL



Professional Background

Kathryn (Kaki) Schmidt currently focuses on citizen suit enforcement under the Clean Water Act, Clean Air Act and the Resource Conservation and Recovery Act (RCRA), and private party cost recovery under the Comprehensive Environmental Recovery, Compensation and Liability Act (CERCLA or Superfund).

As a former Trial Attorney in the Environmental Enforcement Section of the United States Department of Justice (DOJ), Kaki has extensive experience litigating cases under the nation's major environmental laws, and she is well-connected to many DOJ and Environmental Protection Agency (EPA) current and former lawyers. Hired under the prestigious and highly competitive Attorney General's Honors Program, Kaki represented EPA for nearly a decade in numerous complex civil actions arising under federal environmental statutes. She has negotiated multi-million-dollar consent decrees and litigated cases when settlements were not achievable. With her extensive experience as lead counsel in major environmental cases, combined with her scientific background, Kaki brings a wealth of experience and energy to her environmental practice.

Kaki also managed her own law practice as an estate planning attorney. For a decade, she counseled families on their estate planning needs, providing guided, focused discussions to understand their objectives and then drafting highly customized documents that executed clients' specific intentions.

Kaki hails from the beautiful state of Colorado. For more than twenty years she has been actively engaged in advocacy on numerous issues in her community that concern her the most-- environmental protection, food/nutrition issues, voter protection and youth sports safety. Kaki is a hockey mom to two sons, and she and her husband have enjoyed watching their boys play at ice rinks all over the East Coast.

Representative Experience

- Serving as lead counsel in Clean Water Act citizen suit litigation on behalf of several environmental groups for sanitary sewer overflows (SSOs) caused by outdated infrastructure.
- Serving as lead counsel in CERCLA cost recovery action at the Sand Creek Superfund Site in Commerce City, Colorado. Included negotiating a complex settlement with multiple parties and operable units.
- Serving as lead counsel in multi-media enforcement action against an oil refinery in Bakersfield, California for violations of the Clean Air Act, Safe Drinking Water Act and RCRA. Included negotiating a complex settlement for injunctive relief, civil penalties and Supplemental Environmental Project.
- Serving as lead counsel in Clean Air Act case against an oil refinery for poorly functioning air pollution control and monitoring equipment.
- Serving as lead counsel in Clean Air Act case against car dealership for tampering with pollution control equipment.
- Establishing foundational law under CERCLA's "Act of War" defense concerning oil company disposal of waste during World War II (McColl Superfund Site in Fullerton, California).
- Leading early discovery and briefing of CERCLA corporate parent and successor liability for Montrose Superfund Site in San Pedro, California (decades of DDT disposal into Pacific Ocean).

- Serving as pro bono counsel to environmental groups under Clean Air Act case against a municipal waste incinerator.
- Acting as consumer advocate regarding the Food and Drug Administration's lack of enforcement of gluten-free labeling rules, on behalf of Celiac Disease community.
- Acting as a youth sports safety advocate. Pushed through culture change to pioneer the first concussion program within a local youth hockey league, which has been recognized by USA Hockey.

Government Service

U.S. Department of Justice

Environmental and Natural Resources Division, Environmental Enforcement Section, 1991-1999

Awards and Honors

United States Department of Justice, Environment and Natural Resources Division

Attorney General's Special Achievement Award for Sustained Superior Performance of Duty, 1998

Attorney General's Special Achievement Award for Meritorious Acts or Service on behalf of the Department, 1994

Attorney General Honors Program Attorney, Class of 1991