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EXPERTISE

Natural Resources and Environmental Litigation, Oil & Gas Litigation, General Commercial Litigation, and Appeals

EDUCATION

Fordham University School of Law, J.D., 1997
Cornell University, B.A., 1994

ADMITTED IN

Colorado

Jon Rauchway specializes in environmental and natural resources litigation. He defends class-action and mass-joinder lawsuits alleging environmental contamination based on common-law theories, and represents plaintiffs and defendants in litigation involving CERCLA, RCRA, the Clean Water Act, the Clean Air Act, and related state statutes. He also handles litigation involving nearly all aspects of the energy industry, such as disputes over royalty payments, operating agreements, ownership interests, and property transactions.

In addition to his work in the trial courts, Mr. Rauchway is an experienced appellate advocate, having argued appeals before the U.S. Courts of Appeals for the Second, Ninth, and Tenth Circuits, as well as state appellate courts in Colorado and elsewhere. For over a decade, he was a member of the Criminal Justice Act Panel for the U.S. Court of Appeals for the Tenth Circuit and appeared regularly before the Court during that period.

Prior to joining DGS, Mr. Rauchway practiced at an international law firm in New York City and spent one year clerking for a U.S. District Judge in Dallas, Texas.

Mr. Rauchway currently serves on the Board of Advisors for the Institute for Energy Law. He is active in the community, and has served on the boards of local non-profit organizations, including The Urban Farm and the Colfax Community Network (former board chair), and served two terms on the Board of Trustees for the Legal Aid Foundation of Colorado.

He is listed in *The Best Lawyers in America*® and as a Local Litigation Star by *Benchmark Litigation*. In 2018, he was named the Barrister's Choice "Best Environmental Attorney" as well as "Lawyer of the Year" by *Law Week Colorado*. In 2021, Mr. Rauchway was named a "Lawdragon 500 Leading Environmental and Energy Lawyer" in their annual guide.

RECENT REPRESENTATIONS

- Led defense team in 13-year lawsuit brought by approximately 100 landowners claiming their properties had been contaminated by the operations of a smelter in Anaconda, Montana. DGS developed a novel defense to these common-law claims based on the federal CERCLA statute. Mr. Rauchway argued this defense without success four times in lower courts, including the Montana Supreme Court. The United States Supreme Court reversed, upholding the CERCLA-based defense in large part.
- Obtained complete defense verdict for a company facing multi-million-dollar damage claims by a group of property owners who claimed their land and water had been contaminated by the company's Superfund site. After a three-week trial in federal court in Nevada, the jury rejected all of the plaintiffs' claims.
- Lead counsel for two subsidiaries of a multinational agricultural products company in a lawsuit against

the U.S. concerning the past and future costs of environmental cleanup at four phosphate mines in Idaho. Cleanup costs were estimated in the hundreds of millions of dollars. Successfully obtained summary judgment on the liability of the U.S. on all asserted grounds – CERCLA owner, operator, and arranger – at all four sites.

- Lead counsel for a North American energy producer in a lawsuit alleging serious personal injuries from an accident on a drilling rig. The case was dismissed with prejudice, affirmed by the Colorado Court of Appeals, and certiorari was denied by the Colorado Supreme Court. Another lawsuit concerning the same accident – not defended by DGS – resulted in one of the largest verdicts of the year in Colorado.
- Represents defendants in toxic tort and property damage cases around the country.
- Represents oil and gas producers in royalty payment disputes in several western states.