



Douglas A. Henderson

Partner

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Doug Henderson is a trial and appellate partner at Troutman Sanders with a national practice in environmental litigation, toxic and mass tort litigation, and property rights litigation. Doug has tried numerous cases to verdict involving chemical exposure, groundwater contamination, personal injury, endangered species, and property rights cases. Doug also has litigated cases involving water rights, reservoirs, surface mining, pipelines, powerlines and storm water runoff.

As appellate counsel, Doug has successfully argued several leading environmental and property rights cases. As amicus counsel, Doug has represented the Edison Electric Institute, the National Mining Association, the American Farm Bureau Federation, and the Georgia Chamber of Commerce, to name a few. In addition, Doug provides counseling on a wide range of matters involving RCRA, the Clean Water Act, the Clean Air Act, CERCLA, TSCA, and SMCRA. A Ph.D. scientist and attorney, Doug offers considerable experience in trying cases involving expert testimony on air quality, hydrology, and epidemiology.

Doug has been named "Lawyer of the Year" twice in Georgia, recently as "Environmental Lawyer of the Year" (2018) and earlier as "Litigation - Environmental Atlanta Lawyer of the Year" (2014).

In addition, Doug is regularly ranked as one of the Top 100 lawyers in the State of Georgia by Atlanta Magazine Superlawyers. Doug also is listed in the Best Lawyers in America in three separate categories (environmental litigation, environmental law, and mass torts), in Chambers USA, in the Legal 500, and the Georgia Trend Legal Elite.

Representative Reported Cases

- *EME Homer City Generation v. EPA*, 696 F.3d 7 (D.C. Cir. 2012).
- *Solutia v. McWane*, 672 F.3d 1230 (11th Cir. 2012); *Solutia v. McWane*, 726 F. Supp. 2d 1316 (N.D. Ala. 2010).
- *Comer v. Murphy Oil Co.*, 607 F.3d 1049 (5th Cir. 2010).
- *Massachusetts v. EPA*, 127 S. Ct. 1438 (2007) (USEPA Regulation of Global Warming); *Massachusetts v. EPA*, 415 F.3d 5 (D. C. Cir. 2005).
- *Honey Business Interests LLLP v. Georgia Power Co.* 2008 Ga. App. LEXIS

Practice

- Environmental and Natural Resources
- Contaminated Sites
- Environmental and Toxic Tort Litigation
- Release Reporting

Education

- University of Kentucky (J.D., 1993)
- University of Michigan (Ph.D., 1990)
- University of Michigan (M.S., 1990)
- Georgia Institute of Technology (M.S., 1983)
- The George Washington University (B.A., 1981)

Work Experience

- Partner, Troutman Sanders LLP, 2001-present
- Associate, Troutman Sanders LLP, 1993-2001

Bar and Court Admissions

- Georgia
- Supreme Court of the United States
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the District of Columbia
- U.S. District Court for the Northern District of Georgia
- U.S. District Court for the Middle District of Georgia

Distinctions

- Named "Litigation - Environmental Atlanta Lawyer of the Year" by Best Lawyers (2014, 2018).
- Featured in *Georgia Trend* as top vote – getting environmental lawyer (2015)
- Recognized in *The Best Lawyers in America* in these categories: Environmental Law, Mass Tort Litigation/Class Actions - Defendants, Litigation -

392 (Ga. App. 2008).

- *Evans v. Walter Industries, Inc.* , 449 F. 3d. 1159 (11th Cir. 2006).
- *Fulton County v. City of Atlanta* , 629 S.E.2d 196 (Ga. 2006).
- *Payne v. Terrell* , 280 Ga. 51, 622 S.E.2d 330 (2005).
- *City of Cairo v. Hightower Consulting Engineers, Inc. et al.* , 629 S.E.2d 518 (Ga. App. 2006).
- *Georgia Power Co. v. Jones* , 626 S.E.2d 554 (Ga. App. 2006).
- *Sprayberry Crossing Partnership v. Phenix Supply Co.* , 617 S.E.2d 6 (Ga. App. 2005).

Representative Matters

- Lead counsel for several electric utilities defending first RCRA and SMCRA citizen suits filed by Sierra Club and others involving coal ash disposal.
- For electrical manufacturer, lead counsel in successful defense of class action involving claims of personal injury and property devaluation related to PCB and lead exposure in Anniston, Alabama.
- For major electric utility, lead defense counsel in administrative challenge to surface water withdrawal permit issued for two new nuclear power generating units by the Georgia Environmental Protection Division.
- Represented plaintiff real estate partnership in winning week-long jury trial involving property devaluation associated with perchloroethylene.
- First chair in successful two-week jury trial involving endangered species in valuation of transmission line easement.
- For local government, lead trial counsel in toxic tort action involving personal injury and property damage associated with closed municipal landfill.
- First chair in winning three week jury trial involving negligent construction of wastewater treatment facility.
- Lead counsel in RCRA citizen suit involving claims of vapor intrusion and property devaluation.
- Lead counsel in numerous condemnations, from special master hearings, to jury trial to final appeal.
- Environmental counsel to U.S. subsidiary of Japanese electronic corporation on OSHA investigation involving employee exposure to lead dust in assembly operation.
- Lead counsel for numerous companies in show cause hearings before the U.S. Environmental Protection Agency on CERCLA and EPCRA.
- Lead outside environmental counsel for major brownfield developments throughout the U.S.

Presentations and Speaking Engagements

- Program Co-Chair, ICLE Toxic Torts Seminar (2002, 2003, 2005, 2011, 2014, 2017).

Environmental (2006-2019).

- Selected as a Super Lawyer in Environmental by Law & Politics and Atlanta Magazine (2004-2017).
- Ranked as one of the Top 100 lawyers in the State of Georgia by *SuperLawyers*.
- Georgia, Environment, *Chambers USA* (2005-2018).
- Top Verdicts of 2009, State of Georgia, *Daily Report*.
- Named to *Georgia Trend* magazine's Legal Elite in Environmental Law (2015).
- Identified as one of the Top 500 lawyers in America, Legal500.com.
- Named to the *Top Rated Lawyers Guide* to Energy/Environmental/Natural Resources Law (2012).

- Program Chair, The Seminar Group Annual Georgia Water Law and Regulation (2014, 2015, 2016).
- Regularly lectures at CLE seminars on toxic torts, environmental litigation, and property disputes.

Publications

- "[Jury Trials Under Environmental Statutes](#)," 32 *Natural Resources & Environment* 50, 2017 (with Justin Wong)
- "[The Clean Water Act Permit Shield—Recent Battles](#)," 29 *ABA Natural Resources & Environment* 15 (2015)
- "[Environmental Class Actions After Dukes: Is 'Rigorous' Analysis the New Rule of Law?](#)" *Bloomberg BNA Class Action Litigation Report*, 2012.
- "[Preparing for a Regulatory Inspection](#)," *Electric Perspectives*, July/August 2011.
- "[Vapor Intrusion Litigation Under RCRA: Where Environmental Law Meets Toxic Torts](#)," 26 *BNA Toxics Law Reporter* 140, 2011 (with Jeff Hayward).
- "[Reverse Bifurcation: Litigating Damages Before Causation?](#)" 25 *ABA Natural Resources & Environment*, 2010.
- [Global Warming Solutions: Regulatory Challenges And Common Law Liabilities Associated With The Geologic Sequestration Of Carbon Dioxide](#). 6 *Georgetown Journal of Law and Policy* 429, 2008 (with Peter Glaser, Mack McGuffey, and Bryon Kirkpatrick).
- [Massachusetts v. EPA Global Warming Decision: What Does it Mean?](#) 22 *ABA Natural Resources & Environment*, 48-50, 2007 (with Peter S. Glaser).
- "Leaking Underground Storage Tanks as Abnormally Dangerous Activities," 14 *Penn State Environmental Law Review*, 2006 (with Mack McGuffey).
- Georgia Administrative Law Digest of Environmental Decisions, *LexisNexis Matthew Bender*, 2004 (with Judge Amanda Baxter).
- "MTBE: A story of Air, Water and Civil Procedure," 19 *ABA Natural Resources & Environment*, 2005 (with Mary McLemore).

Professional and Community Involvement

- Member, Judicial Procedure Committee, State Bar of Georgia, 1997 – 2006.
- Chair, State Bar of Georgia, Environmental Law Section, 1999 - 2000
- Chair, State Bar of Georgia, Agricultural Law Section, 2000 - 2005