



# Fabio Dworschak

Special Counsel

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**“As a trial and appellate advocate, I provide timely, thorough, and pragmatic counsel during all phases of cases and disputes. In doing so, I place an emphasis on communication and collaboration with clients.”**

Fabio Dworschak is a member of the firm’s energy and shipping team. His practice focuses on environmental and commercial disputes and appeals. Fabio represents private and public clients in a wide variety of disputes arising from the Clean Water Act (CWA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Telephone Consumer Protection Act (TCPA), Federal Employers Liability Act (FELA), breach of contract, and business and environmental torts. Fabio also advises on environmental and natural resources matters, including regulatory issues related to the CWA, National Environmental Policy Act (NEPA), Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), and tribal law. Fabio has broad experience with per- and polyfluoroalkyl substances (PFAS) and addressing emerging contaminant issues. He helps clients to investigate possible environmental contamination on current and legacy sites, and advises on possible liabilities related to enforcement and litigation.

Fabio began his legal career as a law clerk for Judge Rolando Olvera in the Southern District of Texas. While in law school, he served as an extern in the Washington State Supreme Court for Justice Sheryl Gordon McCloud and in King County Superior Court for Judge Carol A. Schapira (Ret.).

Before law school, Fabio served as an Army medic during deployments to Afghanistan and Iraq, earning the Combat Medic Badge in Iraq for medical services rendered while under hostile fire. Fabio continues to serve others by devoting significant time to providing pro bono assistance to his community, veterans, and individuals who have suffered injustice at the hand of government actors.

## Professional Activities

- Washington State Bar Association, Member
- Texas State Bar Association, Member
- Houston Bar Association, Member

## Education

LL.M., University of Houston Law Center, 2016

J.D., Seattle University School of Law, *cum laude*, 2015

- Dean’s List (3L Academic Year)
- CALI Award in Comprehensive Trial Advocacy, Constitutional Law II, and Military Law
- Staff Editor, American Indian Law Journal

B.A., University of Houston, *magna cum laude*, 2012

- Dean’s List

## Bar Admissions

Washington, 2022  
Texas, 2015

## Languages

Portuguese  
Spanish

- Houston Young Lawyers Association
  - Director, 2021-2022
  - Veterans Committee Co-Chair, 2021-2022
  - Leadership Academy, 2019-2020

### Civic Activities

- Houston Veterans Legal Initiative
- Houston Volunteer Lawyers Pro Bono Pledge

### Representative Experience

#### Environmental Litigation & Appeals\*

- Represented several states and territories in asserting common law and statutory claims related to PFAS contamination arising from AFFF.
- Represented states against chemical manufacturers in actions arising from environmental contamination stemming from their facilities.
- Obtained a favorable decision for the Attorney General of Guam in the United States Supreme Court in a CERCLA action against the United States to recover the costs of removal and remedial actions incurred by Guam due to military contamination and operations on the island for decades. The decision, *Territory of Guam v. United States*, can be found [here](#).
- Represented cylinder manufacturer in a challenge to a final EPA rule banning use of non-refillable cylinders in the United States Court of Appeals for the District of Columbia.

#### Commercial Litigation\*

- Successfully defended a national company in a bench trial victory via a motion for directed verdict.
- Obtained favorable outcome for a port and railroad company through a settlement based on a suit for breach of contract and warranty arising from purchase of locomotive fleet.
- Obtained favorable dismissal of mortgage company client in a multimillion-dollar dispute over the acquisition of real property in Texas.

#### Regulatory\*

- On behalf of industrial clients, wrote comments to EPA proposed rules relating to NEPA and RCRA.

#### Pro Bono\*

- Representing a client wrongfully arrested for peacefully protesting in a suit based on the US and Louisiana constitutions, federal and state law, and common law against the city, police department, sheriff's office, district attorney, and several individual actors in federal court in Louisiana.
- Obtained favorable decision for tenant client in the Texas First Court of Appeals in a landlord-tenant dispute arising from the Texas Property Code. *Graustark Members II, LLC v. Minor*, No. 01-19-647-CV (Tex. App.—Houston [1st. Dist.] 2020, no pet.).
- Represented three public interest non-profits in an amicus brief supporting the Sixth Amendment right to an attorney at an initial bail determination hearing in an appeal before the United States Court of Appeals for the Fifth Circuit.
- Obtained favorable settlement for a client in a breach of contract case based on sale of real property in Texas.
- Obtained favorable settlement for a client in an adverse possession case in Texas.
- Helped veterans and other Houstonians expunge their criminal records or prepare wills.
- Represented asylum seekers and other migrants in appeals before the Board of Immigration Appeals and the United States Court of Appeals for the Second Circuit.

\*Prior to joining Miller Nash

## Publications

- “EPA Issues Historic Proposed Rule to Designate PFOS and PFOA as Hazardous Substances Under CERCLA,” Miller Nash, *From the Ground Up*, coauthor (Aug. 2022)
- “EPA Issues New HAL for Four Commonly Used PFAS,” Miller Nash, *From the Ground Up*, coauthor (June 2022)
- “PFAS Roundup: A Brief Summary of the Standards Set by Western States for PFAS in the Environment,” Miller Nash, *From the Ground Up*, coauthor (June 2022)

## Recognition & Honors

- Selected for inclusion as a Texas Super Lawyer—Rising Star, 2022-present
- Recognized with the “Star of Achievement for Veterans Initiative” by the State Bar of Texas for the Houston Young Lawyers Association 2021-2022 Veterans Program, 2022

## Personal Activities

Fabio enjoys spending time with his growing family, reading, hiking around the Pacific Northwest and our national parks, exploring new places, skiing, and enjoying life’s simple pleasures like a good cup of coffee.