

Erica J. Shell

Member

Detroit

T 313-393-7548

F 313-393-7579

eshell@bodmanlaw.com



Erica Shell specializes in navigating the space between litigation and economic development, with a focus on environmental challenges that clients face throughout the course of real estate transactions. This interdisciplinary approach affords clients both continuity and cost savings in the event of litigation. She counsels clients on issues including permitting, regulatory compliance, environmental risk and incentive programs, and the real property tax exemption process.

Ms. Shell has served as lead trial counsel in a variety of state and federal courts, as well as Michigan's Tax Tribunal. She has served as lead trial counsel on tax appeals and real estate and construction litigation, and has played a key role in high-stakes commercial litigation. She has successfully represented clients nationwide in both court and arbitration proceedings, in a wide range of industries, including automotive, finance, ERISA, insurance, construction, and manufacturing.

practices & industries

Litigation and Alternative
Dispute Resolution
Environmental Law
Municipal Law and Finance
Construction

education

Wayne State University
Law School,
J.D., *summa cum laude*,
Order of the Coif
University of Detroit Mercy,
M.A.
Vanderbilt University,
B.A., *magna cum laude*, Phi
Beta Kappa

Ms. Shell has represented municipal clients in matters ranging from misdemeanor criminal cases to large-scale basement flooding class actions. She previously served for five years as the Assistant City Attorney for the City of Grosse Pointe Park, Michigan. She has served as interim township attorney for Macomb Township, and assists with prosecution and litigation matters for Dexter Township and Ann Arbor Township.

In law school, Ms. Shell interned for the Honorable Nancy G. Edmunds of the United States District Court for the Eastern District of Michigan, and served as managing editor of *The Journal of Law in Society*. She was a member of a team that won the 2015 David Sive Award for Best Brief Overall at the Jeffrey G. Miller Pace National Environmental Law Competition. She was a brief writer and oralist on Wayne State's ABA National Moot Court team, and placed in the top ten oralists in the Midwest Region. She served as a judge of the 2022-2023 Wayne Law National Environmental Moot Court Team, which made it to the final round.

In her free time, Ms. Shell is an amateur marathon runner with a personal best of 2:48.

HONORS, AWARDS AND RECOGNITION

- *The Best Lawyers in America: Ones to Watch* 2022-2024, Commercial Litigation
- *DBusiness Magazine* "Top Lawyers" 2021-2024, Environmental Law
- *Michigan Lawyers Weekly*, "Up and Coming Lawyers" 2024
- *Michigan Rising Star*, 2023, Real Estate
- Detroit Bar Association Barristers "Barrister of the Year" (2019)

admissions

Michigan

court admissions

U.S. Ct. of Appeals, 6th Cir.
U.S. Ct. of Appeals, 11th Cir.
U.S. Bankruptcy Ct. E.D. Mich.
U.S. District Ct., N.D. Ill.
U.S. District Ct., E.D. Mich.
U.S. District Ct., W.D. Mich.

CIVIC, CULTURAL, AND COMMUNITY ACTIVITIES

- VIP Mentoring, Volunteer Mentor
- Matrix Human Services, Angel Tree Committee Member
- Loyola High School, Young Donor Committee Member
- Volunteer Coach, Wayne State University Moot Court Team – National Energy & Sustainability Moot Court Competition

PROFESSIONAL AFFILIATIONS

- State Bar of Michigan
 - Member, Environmental Law Section Council (2022-present)
- Detroit Bar Association
- Detroit Bar Association Barristers Board of Directors (2018-2021)
 - Board President (2020-21)
 - Board Vice President (2019-20)
 - Education Committee Co-Chair (2018-19)
- Federal Bar Association-Eastern District of Michigan Chapter
- Detroit Regional Chamber of Commerce
 - Energy & Environment Committee Member

PUBLICATIONS

- Co-Author (with Nathan Dupes) "Survey of Michigan Environmental Cases for the Period May 2021 through June 2022," *Wayne Law Review* (Vol. 68, No. 3, Spring 2023)
- "The Final Auer: How Weakening the Deference Doctrine May Impact Environmental Law," 45 *ELR* 10954, October 2015
- "Petcoke: How an Outdated and Inconsistent Regulatory Framework Defeats Environmental Justice in Detroit," *Michigan Environmental Law Journal* (Vol. 33, No. 3, Spring-Summer 2015)

SPEAKING ENGAGEMENTS

- “Charitable Organizations & Property Taxes,” Leading Age Michigan Finance & Strategy Day, March 13, 2024

REPRESENTATIVE MATTERS

REPRESENTATIVE MATTERS

Environmental Matters

- Counseled clients on managing environmental risk in real estate and M&A transactions, including under CERCLA and Michigan’s Part 201 requirements.
- Counseled client on impact of historical bankruptcy and corporate restructuring events on existing environmental liability under CERCLA.
- Represented a plastics manufacturer in a toxic tort action brought by a former employee, resulting in a favorable settlement.

Insurance Matters

- Negotiated a favorable settlement for an insurer faced with a breach of contract claim by an insured arising from the insured’s alleged arson of the property.
- Handled numerous interpleader matters to determine proper payment of life insurance proceeds in state and federal court.
- Represented insurers in defense of claims for insurance benefits, including claims for disability insurance coverage and ERISA claims.

Litigation Matters

- Obtained a ruling from the Michigan Tax Tribunal in favor of the taxing authority in a valuation dispute for a public golf course ultimately valued at \$2 million, over ten times the amount sought by the taxpayer.
- Successfully defended a consumer finance company in a variety of Fair Credit Reporting Act and Truth in Lending

Act cases in state and federal courts.

- Obtained summary judgment in favor of a foreign university in litigation brought by a former student alleging violations of the Americans with Disabilities Act. *Guess v. St. Martinus Univ., et al.*, 2021 WL 1387784 (E.D. Mich. Apr. 13, 2021).
- Successfully represented a multinational fast food brand in seven breach of commercial lease agreement actions against a franchisee, and related eviction proceedings.
- Represented a general contractor in multi-day arbitration on breach of contract claims brought by a subcontractor.
- Obtained summary judgment in favor of a pharmaceutical company on claims brought by a beneficial shareholder under the Michigan Business Corporations Act based on the shareholder's failed attempt to assert dissenter's rights during a merger. Summary judgment was subsequently affirmed by the Michigan Court of Appeals. *Harkins v. Sun Pharm. Indus.*, 2019 WL 6977838 (Mich. Ct. App. Dec. 19, 2019).

Pro Bono Matters

- Secured the dismissal of a lawsuit brought by a marijuana dispensary against a local community organization arising from the group's decision not to support the dispensary's request for a variance at public Zoning Board of Appeals meetings.
- Negotiated a favorable settlement on behalf of an inmate with the Michigan Department of Corrections for claims arising from the MDOC's failure to accommodate the client's hearing impairment.