

Brad H. Sysol

SERVICE AREAS

Business

- Electronic Discovery + Records Management

Litigation + Trial

- Appeals
- Business Torts
- Class + Collective Actions
- Commercial Transactions Litigation
- Electronic Discovery + Records Management
- Environmental Litigation
- Litigation + Trial Practice Overview

Governments + Nonprofits

- Electronic Discovery + Records Management

EDUCATION

- Thomas M. Cooley Law School, J.D.
- Florida Institute of Technology, B.S.B.A.

BAR ADMISSIONS

- Michigan



Principal

Kalamazoo

277 S. Rose Street
Suite 5000
Kalamazoo, Michigan 49007

T: +1.269.383.5878

F: +1.269.382.0244

sysol@millercanfield.com

Brad H. Sysol is an experienced trial and appellate lawyer who focuses his practice in the following substantive areas: complex commercial and environmental litigation; class actions; business-torts litigation and intellectual property litigation. Brad also has extensive experience managing large-scale eDiscovery projects. He has handled bench trials, jury trials, and appeals before the Michigan Supreme Court and courts of appeals, and the United States Court of Appeals for the Sixth Circuit.

REPRESENTATIVE MATTERS

- Higher Education Institution Class Action
Represent law school in a purported federal class action alleging that the school misrepresented job placement and salary data to prospective students.
- Local Government Environmental and Land Use Litigation
Defended a local government in concurrent state and federal court proceedings and appeals challenging the use of park land as part of an 18-hole Jack Nicklaus Signature Golf Course overlooking Lake Michigan. The federal action involved environmental claims under the Clean Water Act, the National Environmental Policy Act (NEPA), the Land and Water Conservation Fund Act, and other federal statutes.
- Municipality Environmental Mass Tort Litigation
Successfully defended municipality against environmental common law tort claims and claims under the Michigan Natural Resources and Environmental Protection Act brought by more than 100 plaintiffs arising from alleged groundwater contamination from a municipal landfill.
- Biotechnology Company Intellectual Property Litigation

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Won summary judgment in favor of biotechnology company defending its intellectual property rights in novel therapies targeting DNA to treat cancer and other complex diseases.

- Child Foster Care System Civil Rights Class Action
Lead brief writer and trial team member in Section 1983 civil rights class action filed in federal court challenging the constitutionality of a child foster care system and seeking statewide reforms. Settled amicably.
- Financial Institution Litigation + Trial
As trial counsel, successfully defended a national financial institution's interest in real property exceeding \$1M in value. Case involved complex and novel issues of priority under Michigan's Construction Lien Act.
- Government Association Appeal
Lead brief writer for a governmental body association in appeal before the Michigan Supreme Court in case involving the interpretation of Michigan's Governmental Tort Liability Act. Obtained favorable ruling in favor of client's position.

REPORTED + PUBLISHED DECISIONS

Weiss v Kempthorne, 683 F.Supp.2d 549, W.D.Mich 2010

Weiss v Kempthorne, 580 F.Supp.2d 184, D.D.C. 2008

Stanton v City of Battle Creek, 466 Mich. 611, 647 N.W.2d, 508 Mich 2002

PROFESSIONAL ACTIVITIES

- American Bar Association, Section of Litigation, Section of Environmental, Energy, and Resources, Superfund and Natural Resource Damages Litigation Committee, Public Service Vice Chair, 2011-2012; Section of Administrative Law and Regulatory Practice; Section of Tort Trial and Insurance Practice
- State Bar of Michigan, Litigation Section (Chair, 2006-2007; Chair Elect, 2005-2006; Secretary, 2004-2005; Treasurer, 2003-2004; Council Member, 1999-2003; Newsletter Chair, 1999-2003); Appellate Law Section; Environmental Law Section
- Federal Bar Association, Western District Chapter
- Environmental Law Institute
- Kalamazoo County Bar Association, Board of Directors, 2002-2005

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HONORS + AWARDS

- Thomas M. Cooley Law School, summa cum laude; Law Review Board Member
- Florida Institute of Technology, with honors

CIVIC, CULTURAL + SOCIAL ACTIVITIES

- Kalamazoo Central High School, Attorney Coach (2005-2007), Mock Trial Team

TEACHING EXPERIENCE

- Thomas M. Cooley Law School, Adjunct Professor, Environmental Law 2010-present; Water Law 2011

PUBLICATIONS

"Supreme Court Holds EPA Administrative Compliance Order Under the Clean Water Act Subject to Pre-Enforcement Judicial Review," State Bar of Michigan, Michigan Environmental Law Journal, Spring 2012

"Court of Appeals Limits MDEQ's Jurisdiction Under the Great Lakes Submerged Lands Act," State Bar of Michigan, Michigan Environmental Law Journal, Issue 84, Summer 2011

"Slaying the E-Discovery Beast Through an Effective Rule 26(f) 'Meet and Confer'," (Co-Author Kendra L. Huff), American Bar Association Pretrial Practice & Discovery Newsletter, Fall 2009

"New Federal Rule of Evidence Seeks to Protect and Preserve the Attorney-Client Privilege in the Age of Ediscovery," (Co-Author Marcella Stewart), State Bar of Michigan Litigation Newsletter, Spring 2009

"Reeves v Sanderson Plumbing Products, Inc.: What Impact Will it Have on Employment Discrimination Law in Michigan?" State Bar of Michigan Litigation Newsletter, Summer 2000

SPEECHES

"Environmental Law and Climate Change," Battle Creek Area Math + Science Center, June 15, 2011

"The Ten (or so) Most Important Construction Contract Provisions," NACUA Annual Conference, Orlando, Florida, June 2005



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"Covenants Not to Compete and Confidentiality Agreements," Miller Canfield's 20th Annual Seminar on Employment Law Matters, Fetzer Center, Kalamazoo, Michigan, April 2005

ARTICLES

- Climate Change Nuisance Litigation: A Gathering Storm?

NEWSLETTERS

- Hot Points Special Edition Climate Change

NEWS

- Miller Canfield Lawyer Brad Sysol Named Committee Public Service Chair for American Bar Association
- Miller Canfield Lawyer Brad Sysol Presents on Environmental and Climate Law
- Miller Canfield Lawyer Brad Sysol Named Adjunct Professor at Thomas M. Cooley Law School