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C. Michael Loftus

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Mike Loftus has counseled clients in transportation and fuel supply matters for over thirty five years. Though his transportation practice has focused on rail transport, he has also handled various engagements involving water, motor and pipeline transport of various commodities. His activity in the fuel supply area has been largely confined to coal supply contracts. Mr. Loftus has been repeatedly recognized as one of the leading rail transportation lawyers in the U.S.

Practice Focus

Mr. Loftus represents clients on a wide variety of transportation matters both in commercial transactions and before the Surface Transportation Board, federal and state courts and in arbitration and mediation proceedings. Agency matters he has handled include cases challenging the reasonableness of rail carrier rates, competitive access issues, rail merger proceedings, fuel surcharge issues, rail equipment leases, demurrage issues, determinations of common carrier status, and rail spur permitting and constructions, among many other issues. Court litigations and arbitration or mediation matters have typically involved rate, rate adjustment, liquidated damages, force majeure, service or other terms of contracts for rail or other modes of transportation; and price, change of law or other price adjustment, quality, force majeure or other terms of coal or other fuel purchase agreements. His commercial practice has involved numerous engagements assisting clients with negotiation, renegotiation and administration of, rail transportation contracts or common carrier arrangements and fuel supply contracts.

Representative Legal Matters

Successfully represented major coal company in obtaining determination from Surface Transportation Board that acquisition of various interests in rail lines serving mines would not render company a common carrier railroad.

Successfully represented electric utility in U.S. District Court breach of contract lawsuit with coal supplier over coal quality and pricing issues.

Successfully represented major electric utility in U.S. District Court breach of contract lawsuit with railroad over violation of rail contract service obligations.

Successfully represented major intermodal logistics company in arbitration involving claims of breach of contract for violation of service commitments and other obligations.

Successfully represented electric utility in series of federal and state court and arbitration proceedings, and related negotiations, unwinding interrelated series of contracts for coal transportation.

Advised electric utility clients in establishing advantageous competitive rail service for captive coal-fired generating stations through rail contracts with new rail carriers and private build outs.

Represented electric utility client in negotiating advantageous major rail transportation agreement for new coal-fired generating station.

Successfully represented electric utility companies in cases finding rail carriers' rates exceeded maximum reasonable level with resultant prescription of significantly lower rates by Interstate Commerce Commission and Surface Transportation Board.

Admissions

District of Columbia

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the District of Columbia Circuit

Various other U.S. Courts of Appeals

U.S. District Court for the District of Maryland

Supreme Court of the United States

Professional Associations and Memberships

Association of Transportation Law Professionals

Prior Legal Experience

Clerk, Judge Joseph H. Young, U.S. District Court, District of Maryland, 1973-74

Associate, Venable, Baetjer & Howard, Baltimore, Maryland 1974-75

Education

Wheeling Jesuit College (B.S. 1968)

Catholic University of America, Columbus School of Law (J.D. 1973)

Editor-In-Chief, CUA Law Review, Vol. 22

***Information on this website is not a substitute for client specific legal advice and should not be relied upon. Each case or transaction is different and Mr. Loftus' prior experience is not an assurance that he will be successful in reaching a favorable result in any future matter.*