

LITIGATION & INVESTIGATIONS

PRACTICE CONTACTS

Dale N. Johnson
Partner
dnj@vnf.com
206.802.3832

Patrick Daugherty
Partner
pod@vnf.com
202.298.1810

Michael D. Farber
Partner
mfarber@vnf.com
202.298.1803

Allison E. McAdam
Managing Partner, Bay Area
amcadam@vnf.com
925.282.8011

Our team regularly represents client interests before the U.S. Supreme Court, the U.S. Courts of Appeals, federal district courts, state courts and administrative agencies, as well as negotiating multi-party settlements involving state and federal agencies and nongovernmental organizations. In all representations, our team utilizes a multidisciplinary approach, providing clients a depth of subject matter and industry insight combined with wide-ranging litigation experience.

The firm has served as lead counsel in numerous complex and contentious proceedings in the courts, as well as before federal agencies. Our recent experience includes internal investigations, energy rate proceedings, corporate applications, complaints, audits, government investigations, rulemakings, and settlement negotiations—spanning a wide variety of issues of concern to owners, operators, developers, and investors.

We are proud to have been nationally recognized by the Legal 500 and U.S. News/Best Law Firms for our litigation efforts in the energy, environment and natural resources arenas.

TRIAL LITIGATION

The firm is highly regarded for approaching litigation by partnering with clients to attain cost-effective results. As seasoned courtroom veterans well-versed in effective trial and pre-trial strategies, Van Ness Feldman attorneys are positioned to assist clients in asserting or defending claims to achieve successful outcomes while managing costs, minimizing liability, and reducing fines, penalties, and damages. Litigation is often part of a larger legal landscape encompassing not only ongoing relationships with jurisdictions and governing agencies, but the communities in which clients conduct business. Maintenance of these important relationships is an integral part of Van Ness Feldman's litigation strategy.

With a unique and intentional focus on the firm's core areas of competency, Van Ness Feldman's litigation team assists clients in achieving goals in and out of the courtroom, offering a balance of confidence and caution, aggressiveness and pragmatism, creativity and rationality. Clients, including utilities, energy developers, private and commercial property owners, public agencies, government entities, and individuals, count on the firm's counsel to guide them through the maze of high-stakes, high-pressure litigation.

ADMINISTRATIVE & HEARING BOARDS

We routinely represent clients in administrative proceedings, including before Hearing Examiners, City and County Councils, Environmental Hearings Boards, Growth Management Hearings Boards, federal agency boards and in related appeals to both state and federal court.

Our team understands the procedural requirements and substantive standards necessary to prevail in these settings. Our attorneys and land use planners approach permitting with an eye towards making a strong substantive record in the event of appeal and we pride ourselves on finding creative and persuasive arguments. Focused experience includes:

- State, local, and federal Government Administrative/Hearing Examiner hearings & appeals

- State Administrative Procedure Act
- Pollution Control Hearings Board
- Shorelines Hearings Board
- State Growth Management Hearings Board
- Washington Land Use Petition Act (LUPA) appeals
- Federal Administrative appeals (e.g., Surface Transportation Board, Environmental Protection Agency, and U.S., Army Corps of Engineers)
- Other land use appeals, including writ actions, declaratory judgments and injunctive relief

APPELLATE

For nearly half a century, Van Ness Feldman has represented clients in some of the most hotly contested issues, bringing our experience and in-depth knowledge of federal energy, environmental and natural resource laws to help clients successfully resolve controversies ranging from judicial challenges of regulatory decisions, to enforcement proceedings. The firm has significant experience litigating intricate cases in a variety of disciplines affecting the interests of utilities, energy companies, and other industry stakeholders, before federal courts of appeal, state appellate courts, and the U.S. Supreme Court.

We recognize the importance of the relationship between our clients, their customers, and regulators. As a result, we are attentive to demonstrating respect for the fact that even in an effective advocacy role, our clients have relationships that extend beyond the most immediate case. We understand that our cases are not one-off litigation, but are cases in which we are representing our clients in connection with their community and customer relations and their relationship with their regulators. The firm's deep experience in complementary disciplines, knowledge of our clients' businesses and industries, and relationships with government agencies enable us to guide clients to successful outcomes in high stakes litigation.

INVESTIGATIONS

Van Ness Feldman's investigations team is made up of attorneys with extensive knowledge of complex federal and state regulatory schemes and includes former regulators and government attorneys. We handle investigations of all kinds, including internal, government agency, Congressional, regulatory compliance audits, and asset recovery exercises. Our team also assists and helps clients prepare for potential cyber-threats. We tailor individual teams to the needs of our clients, offering the highest quality services and efficient data management.

Delivering prompt, thorough conclusions and recommendations in these types of matters requires experience in multifaceted, high-stakes cases, deep knowledge of relevant industries and technologies, and a keen understanding of how government regulators, enforcement agencies, investigators, and auditors will evaluate evidence and approach charging decisions and, if applicable, settlement discussions.

Our team has been built to offer a combination of industry and regulatory expertise with litigators deeply versed in the complexities, nuances, and challenges of internal investigations aimed at advising companies facing serious enforcement and litigation risks. Internal investigations involving significant compliance problems often demand that the team be equipped with an ability to organize and execute a comprehensive inquiry intended to mirror a government investigation, while at the same time formulating and pursuing strategies that align with the company's long-term best interests. After conducting internal investigations in a wide variety of industries, both within and outside of our core practice areas, our team offers the combination of experience necessary to evaluate and mitigate risks to the company.

Government investigations pose similar challenges. Without guidance from experienced counsel, government investigations can dramatically impact a company's reputation, lead to an escalated risk of additional investigations and civil lawsuits, and undermine investor confidence. Van Ness Feldman's investigations team is experienced in advising companies on how to respond to a government inquiry or subpoena, preparing witnesses for testimony, negotiating and communicating with an investigating committee, and managing the myriad strategic considerations that may come into play. In particular, our team can anticipate and manage the blend of legal, political, policy, and reputational issues that may be implicated by the company's response to an investigation.

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