Van Ness Feldman LLP
vnf.com

MICHAEL D. FARBER

PARTNER



CONTACT

mfarber@vnf.com
202.298.1803

PRACTICES

Air
Cybersecurity & Emerging Technologies
Government Advocacy & Public Policy
Litigation & Investigations
Oil, Gas, & LNG

EDUCATION

The George Washington University Law School
Pennsylvania State University

BAR AND COURT ADMISSIONS

District of Columbia Bar
Pennsylvania State Bar
U.S. Court of Appeals for the Third Circuit
U.S. District Court for the District of Columbia
U.S. District Court for the Northern District of Illinois

Professional Background

Mike Farber is a partner in Van Ness Feldman's litigation and investigations practice. Drawing on nearly thirty years split between private practice and government service—at the U.S. Department of Justice and the U.S. Department of the Interior—he leads teams on investigation and compliance matters across the energy, utility, and industrial sectors. That combination gives him a working knowledge of investigations from both sides of the table, allowing him to identify compliance problems quickly and resolve them before they grow, usually with a lean team rather than a large one.

Mike leads internal investigations, advises on regulatory strategy, and runs compliance reviews and regulatory due diligence for energy, utility, and industrial companies. Increasingly, this work sits at the front end of a transaction, not just its aftermath. His reviews have covered emissions standards, vehicle onboard diagnostics, energy program compliance, cybersecurity incidents, electricity transmission, bid-rigging, and fraud. He also advises on national security matters involving cyber and physical threats to energy infrastructure and has served as a testifying expert in federal litigation on the decommissioning of offshore oil and gas facilities.

Mike is also shaping how Van Ness Feldman's practices deploy artificial intelligence, with the goal of moving faster without losing rigor. He has built a set of custom AI tools for investigations and compliance work, including one that reverse-engineers what went wrong in a compliance program by working backward from government charging documents. He is currently running a structured comparison of leading AI platforms on live energy matters, aiming to turn around large-scale regulatory and compliance reviews on compressed timelines, whether the work involves an internal investigation, a compliance assessment, or regulatory due diligence.

Before joining Van Ness Feldman, Mike spent six years as Senior Advisor to the Director of the Bureau of Safety and Environmental Enforcement (BSEE) at the Department of the Interior. He joined shortly after the Deepwater Horizon disaster and was involved in nearly every major enforcement and investigative matter BSEE handled during its formative first five years, while leading the reform of federal oversight of offshore oil and gas operations.

Representative Experience

Internal Investigations

- Led a multinational internal investigation into potential violations of U.S. environmental laws and potential false statements to regulators.
- Conducted a highly-sensitive and confidential internal investigation into potential cybersecurity and disclosure violations for utility.
- Led and coordinated several internal investigations into potential compliance issues for various automotive industry companies.
- Led and executed an internal investigation into a manufacturer's compliance with requirements of the EPA *Energy Star* program, and IRS requirements for tax credits for energy-efficient products.
- Planned and led internal investigations to determine whether company clients and/or their employees had committed bid-rigging, fraud, or other violations.

Antitrust and Other White-Collar Investigations

Van Ness Feldman LLP
vnf.com

- Represented clients in different industries in all aspects of antitrust investigations before the U.S. Department of Justice, the Federal Trade Commission, and state attorneys general.
- First-chaired criminal and civil proceedings involving the Department of Justice Enron Task Force and the Securities and Exchange Commission.
- Directed teams of attorneys in all types of core investigation and litigation tasks, including oral arguments, fact development, employee interviews, evidentiary analysis, and expert work.
- Counseled trade associations and trade groups on antitrust and other litigation risks.

Oil and Gas

- Served as an expert witness in a federal civil action in which the financial responsibility for the decommissioning of numerous offshore oil and gas platforms was in dispute.
- Led a series of reforms of federal oversight of U.S. offshore oil and gas operations, including enhanced enforcement efforts, improved investigative capabilities, revisions of regulations, interagency coordination, and streamlined processes.
- Created a dedicated group of experienced investigators to handle misconduct allegations and strengthen federal oversight of offshore oil and gas operations in response to the *Deepwater Horizon* tragedy and aftermath.
- Coordinated and led a team of subject-matter experts in promulgating Arctic-specific regulations for exploratory drilling operations.
- Presented to domestic and international audiences about federal oversight of Arctic operations, BSEE investigations and enforcement, and post-*Deepwater Horizon* reforms.
- Coordinated investigations of industry participants for potential violations of law in connection with offshore operations.
- Introduced and developed new capabilities and practices for BSEE investigations of offshore fatalities and other serious incidents.
- Developed plan and deployed team that conducted an investigation that led directly to the U.S. Department of Justice's filing of a landmark Clean Water Act/Outer Continental Shelf Lands Act case.

Litigation

- After the Deepwater Horizon disaster, represented the Bureau of Safety and Environmental Enforcement (part of the U.S. Department of the Interior) in the federal interagency team that worked to resolve the United States' criminal and civil claims against BP and Transocean and specify each company's plea agreement/consent decree obligations.
- Oversaw the referral of criminal and civil matters to the Department of Justice, some of which resulted in filed environmental and worker endangerment claims against offshore companies.
- Appeared in U.S. District Courts in a variety of cases, including government enforcement actions, multi-district litigation, class actions, and preliminary injunction hearings.
- Worked with a wide variety of experts, including economists, engineers, scientists, physicians, and other industry specialists.

Government Service

U.S. Department of the Interior, Bureau of Safety and Environmental Enforcement

Senior Advisor to the Director, 2010-2016

U.S. Department of Justice, Antitrust Division

Trial Attorney, 1997-1999

U.S. Court of Appeals for the Third Circuit

Van Ness Feldman LLP
vnf.com

Law Clerk for The Honorable Timothy K. Lewis and The Honorable William D. Hutchinson, 1995-1996

Awards and Honors

"Best Lawyers in America" by *Best Lawyers*

Energy Law, 2027

Articles and Presentations

- Conducting Internal Investigations in the Time of COVID-19 and Beyond: Best Practices and Key Considerations, The Knowledge Group , 02/22/2022
- Federal Offshore Oil & Gas Leasing and Development, Rocky Mountain Mineral Law Foundation, New Orleans LA, 04/12/2018
- Decommissioning & Abandonment Summit 2018, Houston TX, 02/20/2018
- DecomWorld GOM 2017, Houston TX, 03/14/2017
- 3rd Annual Offshore Well Intervention Gulf of Mexico, Houston TX, 10/19/2016

Alerts

- AI in the Courtroom and the Boardroom: Delaware Court of Chancery Ruling Highlights Discovery Risks of Corporate AI Use, 05/19/2026
- Protect Your Federal Funding—Fast, Practical Litigation Support, 04/30/2026
- A Deeper Dive on Potential Nuisance Suit Risks After EPA's Rescission of the Endangerment Finding, 02/24/2026
- EPA Rescinds 2009 Endangerment Finding and Repeals Vehicle GHG Standards, 02/18/2026
- Important Legal and Policy Developments Continue to Reshape Compliance for Motor Vehicle Manufacturers and Fleet Owners and Operators in the U.S., 02/04/2026
- Roadmap for Entities Facing DOE Award Terminations, 11/21/2025
- Regulatory Whiplash for Heavy-Duty Vehicle and Engine Manufacturers: Congressional Review Act Rescinds CARB Waivers, Prompting Wave of Litigation and Uncertainty, 08/27/2025
- Department of Justice Declines to Prosecute Private Equity Firm Under M&A Safe Harbor Policy, 06/18/2025
- FERC Approves $927,990 Civil Penalty Against Green Plains Inc. for Natural Gas Trading Violations, 06/16/2025
- Three-Plus-Year Investigation Results in Blockbuster Show Cause Order from FERC, 12/18/2024
- FERC's Annual Enforcement Report – Understanding Trends and Preparing for an Uncertain Future , 12/05/2024
- Following *Jarkesy* , FERC Signals Sea Change in Enforcement, 09/20/2024
- EPA Files Record Climate Enforcement Action Against Corporate HFC Importer, 03/27/2024
- Enhanced Oversight of Orphaned Oil and Gas Infrastructure May Lead to Litigation Risk, 03/14/2024
- EPA Emphasizes its Criminal Enforcement Program, 02/26/2024
- FERC Announces Changes in Enforcement Procedures, 02/21/2024
- Antitrust Enforcement Agencies Continue Focus on Corporate Use of Third-Party Communication Apps , 01/30/2024
- FY2023 FERC Actions Signal Potential Uptick in Enforcement Actions, 01/16/2024
- Report Highlights Need for More Robust Corporate Record-Retention Strategy, 12/12/2023
- DOJ Issues First-Ever Environmental Justice Enforcement Strategy Report, 10/20/2023

Van Ness Feldman LLP
vnf.com

- DOJ Announces New Policy on Voluntary Self-Disclosures in M&A Transactions, 10/06/2023
- New EPA Enforcement Priorities Target Climate Change, PFAS Contamination, and Coal Ash Impoundments, 08/24/2023
- Stringent New Vehicle Standards Proposed by EPA, 04/13/2023
- Mitigating the Rising Risk from Corporate Use of Third-Party Apps, 11/14/2022
- D.C. Court of Appeals Remands Two Offshore Oil and Gas Leases for NEPA Inadequacy, 09/07/2022
- DOJ Restores Supplemental Environmental Projects in a Slate of Environmental Justice Initiatives, 05/12/2022
- Anti-Transgender Bills Being Introduced & Enacted by State Legislatures, 06/30/2021
- Criminal and Civil Liability a Possibility for Vessel Owners Following Unix Line Decision and Transition to Electronic Records, 04/28/2021
- DOI Releases Proposal to Revise Supplemental Financial Assurance Requirements for Offshore Decommissioning Costs, 09/25/2020
- BSEE Streamlines Oil and Gas Production Safety Systems Requirements, 10/04/2018
- GAO Reports Challenges and Successes in Cybersecurity Framework Adoption, 03/05/2018
- Federal Government Takes Steps to Shape Rules for Automated Vehicles, 09/18/2017
- Court Ruling on Post-Spill Access to Records Highlights Importance of Corporate Safety Culture, 08/15/2017
- DOI's Repeal of Obama Administration Valuation Reforms May Signal More Change for Coal, Oil & Gas Industries, 08/08/2017
- BSEE Issues Rule Extending Development Time for Offshore Oil and Gas Leaseholders, 06/16/2017
- Trump Issues Executive Order Aimed at Expanding Development of Offshore Oil & Gas Resources, 05/01/2017
- BSEE Director Urges Action on Offshore Well Cementing Safety Issues , 08/30/2016
- BSEE Looks to Address Offshore Safety Component Failures at Upcoming Forum, 08/22/2016
- Proposed BSEE Rule Continues Interior Department Focus on Decommissioning Costs and Obligations, 08/17/2016
- Little-Noticed Provision in BSEE's Well Control Rule May Have a Major Impact on Risk Reduction, 08/08/2016