

CONTACT

mfarber@vnf.com

202.298.1803

PRACTICES

Air

Cybersecurity & Emerging
Technologies

Litigation & Investigations
Oil, Gas, & LNG

EDUCATION

George Washington University
School of Law

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

MICHAEL D. FARBER

PARTNER



Professional Background

Mike Farber is a leader in the firm's litigation and investigations practice and brings a rich blend of experience in both the private sector and government service, offering a unique and comprehensive perspective on compliance, investigations, and regulatory challenges. With over two decades of expertise, Mike specializes in swiftly identifying and resolving complex compliance issues across a diverse range of industries, particularly in the energy sector.

Mike leads internal investigations, provides strategic advice, and conducts compliance reviews for companies and other entities operating in energy and other sectors. These internal investigations and compliance reviews have focused on a wide variety of areas, including emissions standards, vehicle on-board diagnostics, energy program compliance, cybersecurity incidents, electricity transmission, bid-rigging, fraud, and other types of potential non-compliance.

Drawing upon his experience both in private practice and at the U.S. Department of Justice, Mike represents clients in federal and state agency investigations, complex litigation, and intricate compliance matters. Mike also provides strategic advice and counsel on national security matters related to incident response and the protection of environmental and energy infrastructure from cyber and physical threats.

Mike provides clients with strategic counsel on complex regulatory and oversight challenges in the oil and gas and related industries. Mike has also been retained as an expert in federal litigation, with expertise on federal regulation and industry practice in the decommissioning of offshore oil and gas facilities.

Prior to joining the firm, Mike served as the Senior Advisor to the Director of the Bureau of Safety and Environmental Enforcement (BSEE) at the U.S. Department of the Interior, where he spent six years leading a number of initiatives reforming U.S. government oversight of offshore oil and gas operations. During his tenure at BSEE, spanning the initial five years of the agency's existence, Mike led or was involved in all significant BSEE enforcement and investigative matters.

Mike serves as a member of the firm's Executive Committee and formerly served as co-coordinator of the firm's Litigation and Investigations Practice.

Representative Experience

Antitrust and Other White-Collar Investigations

- 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.

Internal Investigations

- Co-leader of a multinational internal investigation into potential violations of U.S. environmental laws

and potential false statements to regulators.

- 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.

Oil and Gas

- 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

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

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

- 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
- 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