

#### CONTACT

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#### PRACTICE AREAS

Litigation & Administrative  
Proceedings  
Offshore Renewables &  
Transmission  
Oil & Gas Development  
Pipeline & LNG  
Project Management & Planning

#### 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

## MICHAEL D. FARBER

PARTNER



### Professional Background

Mike Farber has twenty years of experience, both as a partner in private practice and as a government official, in rapidly assessing, investigating, and resolving compliance issues across a wide variety of industries. Mike provides clients with strategic counsel on complex regulatory and oversight challenges in the oil and gas and related industries and defends clients in government investigations and litigation.

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 leads internal investigations, provides strategic advice, and conducts compliance reviews for companies in energy and other sectors. Drawing upon his experience both in private practice and at the U.S. Department of Justice, Mike also represents clients in federal and state antitrust investigations, complex litigation, and intricate compliance matters.

### Representative Experience

#### 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

#### **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
- Planned and led internal investigations to determine whether company clients and/or their employees had committed bid-rigging, fraud, or other violations
- 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

#### **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**

- Speaker, "Legal Considerations for Operators Engaged in Decommissioning Activities on the Federal OCS" - DecomWorld GOM 2017, Houston TX, 03/14/2017
- Speaker, "[Recent Legal and Regulatory Developments Impacting Offshore Drilling Operations](#)" - 3rd Annual Offshore Well Intervention Gulf of Mexico, Houston TX, 10/19/2016

#### **Alerts and Updates**

- 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,

