Michael K. Murphy

Partner

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Washington, D.C.



Michael Murphy is a partner in Gibson, Dunn & Crutcher's Washington, D.C. office. He is a leader of the firm's ESG: Risk, Litigation, and Reporting practice area, and is a member of the firm's Environmental Practice Group. Michael counsels clients on environmental and ESG issues related to corporate transactions and compliance. He also represents clients in a wide variety of investigation and litigation matters. Michael has been recognized by *Chambers*, by *Lawdragon* as one of the "Green 500: Leaders in Environmental Law," and as a *Law360* "Rising Star."

Michael advises clients in a variety of corporate, private equity, finance and real estate transactions. He is experienced in identifying environmental risks and negotiating transactional documents for buyers, sellers and investors of manufacturing, service, technology, aerospace, petroleum, energy, and financial industry clients. His litigation experience enables him to approach each environmental transactional issue with a broad perspective that takes into account all of his clients' concerns. He advises clients on ESG and sustainability matters, including corporate disclosures, policies, reporting and integration issues. He also helps clients manage large remediation projects, including negotiating final remedies with state and federal regulators.

Michael has handled a wide variety of litigation matters in both federal and state courts. He has served as first chair trial counsel and has argued before three federal appellate courts. As lead trial counsel, he obtained a significant CERCLA recovery for Lockheed Martin from the United States based on the government's involvement at a Cold War-era rocket manufacturing facility in Southern California. *Lockheed Martin Corp. v. United States* (D.D.C). He has assisted other leading government contractors in obtaining contribution from the federal government at military production facilities across the country. He presented arguments to the U.S. Court of Appeals for the Ninth Circuit to further define the relationship between CERCLA's cost recovery and contribution causes of action, and the court ultimately adopted the position urged by Michael during oral argument.

Michael defends clients in state and federal environmental enforcement and civil actions involving air, water and waste allegations. He also represents clients in toxic tort mass and class actions, and has experience working with a variety of leading environmental consultants and experts on technical issues regarding groundwater, sediment transport, and air dispersion modeling.

In addition, Michael represents clients in administrative litigation, rulemaking proceedings, and permit actions to obtain government approval for infrastructure projects, including airport, highway, and railroad projects, and other regulated actions. These representations involve a number of state and federal environmental statutes, including the National Environmental Policy Act, as well as state counterparts such as CEQA and NY SEQR, the Endangered Species Act, Federal Insecticide, Fungicide, and Rodenticide Act, Toxic Substances and Control Act, and Federal Land Policy and Management Act. He also has experience in a variety of government contract matters.

Capabilities

Environmental
Data Centers and Digital Infrastructure
ESG: Risk, Litigation, and Reporting
Litigation
Mergers and Acquisitions
Private Equity
Real Estate
Securities Regulation and Corporate Governance

Credentials

Education

University of Virginia - 1999 Juris Doctor
University of Edinburgh - 1994 M.S. International Law
Georgetown University - 1993 Bachelor of Science

Admissions

Virginia Bar
District of Columbia Bar

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Michael received his JD from the University of Virginia School of Law in 1999, where he was a member of the *Virginia Journal of International Law*. He received his Bachelor of Science in Foreign Service from Georgetown University in 1993. He attended the University of Edinburgh in Scotland, receiving a M.Sc. in International Law. Michael is admitted to practice in the District of Columbia and the Commonwealth of Virginia.

Selected representations include:

- Representing Chevron in climate change litigation in multiple state and federal jurisdictions across the United States.
- Obtaining a favorable settlement for a Department of Energy contractor against a Resource Conservation and Recovery Act enforcement action and related False Claims Act allegations brought by the United States at the Paducah Gaseous Diffusion Plant in Kentucky.
- Defending a paper company against a state statutory penalty action brought by Harris County, TX, seeking billions of dollars for past waste disposal practices, and assisting in obtaining a jury verdict clearing the company of any liability.
- Defending an Environmental Impact Statement issued by the Federal Highway Administration against attack by local residents who sought to halt CSX's reconstruction of the Virginia Avenue Tunnel in Washington, DC.
- Representing CSX before the Surface Transportation Board in matters related to passenger rail regulation.

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