

R. MICHAEL UNDERHILL
United States Department of Justice (Retired)



Mr. Underhill recently retired from his position as Attorney in Charge of the West Coast and Pacific Rim Office of the Torts Branch (formerly the Admiralty and Shipping Section) of the U.S. Department of Justice. That office handles the United States' affirmative and defensive admiralty tort and maritime commercial litigation throughout the Pacific and the Districts of the Ninth Circuit, including Alaska, Hawaii, and Guam. His primary practice was maritime environmental litigation on behalf of the federal government, including cases such as *EXXON VALDEZ*. In 1996, he litigated *United States v. HYUNDAI NO. 12* in the District of Alaska and Ninth Circuit, the government's first major civil trial under the Oil Pollution Act of 1990, which was enacted following the *EXXON VALDEZ* spill.

In 2011, Mr. Underhill was appointed as the Federal Government's Liaison Counsel by the United States District Court for the Eastern District of Louisiana in the multi-district litigation resulting from the 2010 *DEEPWATER HORIZON/British Petroleum Gulf Oil Spill*. Mr. Underhill served as lead litigation counsel for the United States in the Phase I liability trial in New Orleans that resulted in a finding of gross negligence and willful misconduct on the part of BP. The case subsequently resulted in the \$16 billion-plus global settlement of federal and state government claims against BP.

Prior to retirement, Mr. Underhill served as lead counsel for the United States in the matter involving the 2017 collision of *USS FITZGERALD* with a merchant vessel offshore Japan. He settled the U.S. Navy's collision damage claims for approximately \$26 million paid by the merchant vessel's insurer following negotiations in Tokyo. He also was lead counsel for the United States concerning the 2017 collision of *USS JOHN S MCCAIN* in the Singapore Strait. Mr. Underhill led the trial team at the 2021 trial of the case in the Southern District of New York, after which the Court awarded approximately \$45 million to the United States.

Prior to law school, Mr. Underhill worked as a fisherman, logger, and merchant mariner in Alaska. He received his J.D., *Cum Laude*, from the University of San Francisco in 1982, and subsequently served approximately ten years as an adjunct professor of maritime and maritime environmental law at USF. Mr. Underhill served on the Board of Directors of the Maritime Law Association and remains a Proctor member of the MLA, as well as a member in good standing of the California Bar. He now lives in San Francisco and Kauai.