

## Geoffrey Forney

*Partner*

Portland, ME

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### *Service Focus*

- Litigation and Trials
- Employee Benefits and Tax
- Immigration

### *Industry Focus*

- Healthcare
- Financial Services
- Tech

### *Overview*

With a career spanning over 18 years in government service and private practice, Geoff Forney has a wealth of experience handling a variety of litigation matters in federal court, with a focus on employee benefits litigation under the Employee Retirement Income Security Act (ERISA) and administrative law litigation under the Immigration and Nationality Act (INA). As a government attorney, Geoff represented the Department of Labor during investigations and in civil actions where the Department alleged violations involving the administration of employee benefit plans. While at the Department of Justice, he represented agencies in federal court in disputes involving employment-based immigration programs. Geoff also previously worked in private practice helping employers and foreign national employees challenge immigration-related regulations and adjudications.

There are three primary aspects to Geoff's practice:

**ERISA Litigation.** Geoff represents clients in employee benefits disputes throughout the United States, with a focus on ERISA litigation involving claims against fiduciaries, trustees, and services providers relating to the administration or management of employee benefit plans. Geoff spent

nearly seven years with the U.S. Department of Labor (DOL) Office of the Solicitor in the National Office and in the Philadelphia Regional Office. During his most recent time with DOL (through February 2025), Geoff worked at the Plan Benefits Security Division as a Trial Attorney and as an Acting Counsel for Health Benefits Investigation and Compliance. In those roles, he represented the Employee Benefits Security Administration (EBSA) in investigations of employee benefit plans and assisted in preparing cases for litigation. He advised EBSA about possible violations in the management of Employee Stock Ownership Plans (ESOPs) and health plans. Geoff also represented DOL in a civil action against a third-party administrator health insurance carrier, and in another litigation matter, he handled a case against a company and the fiduciary committee responsible for administering an ESOP. During a prior term serving in the Philadelphia Regional Solicitor of Labor's Office, Geoff assisted EBSA during investigations of fiduciaries responsible for pension plans and self-funded welfare plans. He also handled civil litigation in federal courts involving fiduciary breach claims and prohibited transactions.

**ERISA Investigations and Compliance.** During Geoff's most recent time at DOL, he was responsible for advising EBSA in compliance matters related to employee benefit plan and health insurance carrier investigations under ERISA and the Mental Health Parity and Addiction Equity Act (MHPAEA). As at Trial Attorney and as Acting Counsel for Health Benefits Investigation and Compliance, he assisted with EBSA's investigations and comparative analysis reviews, including issues relating to provider network adequacy, network accuracy, and out-of-network reimbursement practices.

**Immigration Litigation and Advice.** Geoff spent nearly seven years with the U.S. Department of Justice, Civil Division, Office of Immigration Litigation. As a Trial Attorney and later as Senior Litigation Counsel, Geoff represented federal agencies in civil litigation in district and appellate courts. He defended agencies against challenges to immigration-related regulations and adjudications under the Administrative Procedure Act (APA) and the Immigration and Nationality Act (INA), including disputes involving EB-5, I-140, H-1B, H-2B, and H-2A matters. Geoff also spent over two years in private practice focusing on the litigation of employment-based immigration disputes under the INA and APA on behalf of employers and foreign national employees. Relatedly, Geoff represented employers in the Court of Federal Claims in a Tucker Act case challenging the Department of Homeland Security's alleged illegal exaction of fees for H-1B petitions. He additionally represented employers in prevailing wage disputes in connection with the H-1B program. Earlier in his career, Geoff practiced employment-based immigration law with a large U.S. law firm and a boutique immigration firm in Philadelphia.

## ***Credentials***

### **Education**

- J.D., 2006, Temple University, Beasley School of Law
- M.A., 1996, Temple University
- B.A., 1994, Sarah Lawrence College

## **Bar Admissions**

- Maine
- Pennsylvania
- New Jersey

## **Court Admissions**

- U.S. District Court for the District of Columbia
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the District of Nebraska
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Western District of Wisconsin
- U.S. Court of Federal Claims
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- District of Columbia Court of Appeals
- U.S. Court of Appeals for the Federal Circuit

## ***Affiliations***

### **Professional Activities**

- Maine State Bar Association
- American Bar Association
  - Administrative Law & Regulatory Practice Section
  - Labor & Employment Law Section

## ***Insights***

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## **Fisher Phillips Continues Growth Momentum in Portland, Maine**

Geoffrey Forney, Christopher P. Stief

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