

---

## Wednesday, March 4, 2009

### 5:30–7:30 **Optional Practicum on the New FAR Mandatory Disclosure Rule and Its Implementation**

This *optional* Practicum will focus on the new FAR Mandatory Disclosure Rule, 73 Fed. Reg. 67064, which took effect on December 12, 2008. Government and contractor representatives will discuss the Rule and the Government's and contractors' efforts to implement it. They will explore:

- Procedures established for making and investigating disclosures under the Rule.
- Retroactive “look-back” requirement for violations or overpayments that occurred before the Rule took effect.
- Meaning of “credible evidence” and “significant overpayment” and how those terms relate to other terms in the FAR.

- Requirement of “full cooperation” with any Government investigation of the violation or overpayment, and how that requirement interplays with the attorney-client privilege and the work product doctrine.
- Practical impact of the Rule's enhanced compliance awareness program and internal control system requirements.

**Robert K. Huffman**, *Moderator*

Akin Gump Strauss Hauer & Feld, LLP  
Washington, DC

An agency Inspector General representative

An agency Suspension and  
Debarment Official

A contractor in-house counsel

A nominal fee of \$35 will be charged to help defray additional program costs for CLE and written materials.

---

## Thursday, March 5, 2009

### 7:15–8:15 **Registration and Continental Breakfast**

### 8:15–8:30 **Opening Remarks and Introductions**

**Michael W. Mutek**, *Chair*  
Section of Public Contract Law  
Raytheon Company  
Garland, TX

**Sharon L. Larkin**, *Co-Chair*  
Federal Procurement Institute  
U.S. Government Accountability Office  
Washington, DC

**R. Stephen Ayers**, *Fellow*  
*National President*  
National Contract Management Association  
SAIC  
San Diego, CA

### 8:30–10:00 **Going Abroad? An Introduction to European Procurement Practice**

- U.S. bid protest vs. European “challenge” procedures
- European and U.S. practices in representing public and private interests—a comparative analysis of approaches to conflicts
- Rapidly converging transatlantic markets—defense and beyond

- Culture clashes: Common transatlantic pitfalls—and how to avoid

**Christopher Yukins**, *Moderator*

Associate Professor of Government  
Contract Law  
George Washington University  
Law School  
Washington, DC

**Berthold Mitrenga**

Beiten Burkhardt  
Nuremberg, Germany

**Michael Bowsher, QC**

Monckton Chambers  
London, England

**Ohad Soudry**

Hammonds  
Brussels, Belgium

**Philippe Oudinot**

Arnold & Porter LLP  
Washington, DC

**Dr. Sabine Pellens**

LindenPartners  
Berlin, Germany

### 10:00–10:15 **Networking Break**

---

**10:15–11:45 Going Green? Current Issues and Initiatives**

- Lessons learned from green initiative attempts
- Are ESPC contracts passé?
- Can acquisition processes and goals achieve operational energy use?
- Are “credits” for green initiatives effective?
- Green initiatives on the procurement horizon

**Paul E. Pompeo**, *Moderator*  
Arnold & Porter LLP  
Washington, DC

**Eric Cho**  
Counsel (Minority Staff)  
Senate Committee on Homeland Security  
and Governmental Affairs  
Washington, DC

**Eryn Robinson**  
Professional Staff Member  
House Armed Services Committee  
Washington, DC

**Aaron P. Silberman**  
Rogers Joseph O’Donnell  
San Francisco, CA

**Mark Wagner**  
Vice President, Government Relations  
Johnson Controls, Inc.  
Washington, DC

**12:00–1:30 Construction Luncheon—Economic Crunch Time: Where Is U.S.-Funded Construction Headed?**

This luncheon is *optional*. No seminar-sponsored luncheon is scheduled.

- Ramifications of major government investment
- Procurement methods for major infrastructure funding
- Running low on funds: contracting and performance issues
- Is public construction an alternative market for commercial contractors?

**W. Stephen Dale**, *Moderator*  
Smith Pachter McWhorter, PLC  
Vienna, VA

**Edward G. Gallagher**  
General Counsel  
Surety & Fidelity Association of America  
Washington, DC

**Carol S. Clark**  
HNTB Federal Services Corporation  
Kansas City, MO

**Bryant Farland**  
Skanska USA Building  
Rockville, MD

**1:45–2:15**

**Going Across Borders? The Offshoring of American Government**

An analytic discussion of the legal issues addressed in the Paper awarded First Place in the 2008 *Public Contract Law Journal* Writing Competition.

**Christyne K. Brennan**  
Managing Editor  
*Public Contract Law Journal*  
Washington, DC

**Michael Zuckerman**  
Writing Competition Winner  
Cornell University Law School  
Ithaca, NY

**2:15–3:45**

**Going to Protest? The Evolving Process at GAO**

- Procedural and substantive developments in task order protests
- Practical considerations of electronic record development
- Effective use of reverse discovery
- Significant developments in protective orders, timeliness and redactions

**Michael R. Golden**, *Moderator*  
Managing Associate General Counsel  
for Procurement Law  
U.S. Government Accountability Office  
Washington, DC

**Glenn G. Wolcott**  
Deputy Assistant General Counsel  
U.S. Government Accountability Office  
Washington, DC

**Thomas P. Humphrey**  
Crowell & Moring LLP  
Washington, DC

**Helaine (Lannie) G. Elderkin**  
Deputy General Counsel  
CSC  
Falls Church, VA

**Gena E. Cadieux**  
Assistant General Counsel for  
Procurement & Financial Assistance  
U.S. Department of Energy  
Washington, DC

3:45–4:00

**Networking Break**

4:00–5:30

**Going for Compliance? More Contractor Costs and Risks**

- Cost of ethics and compliance programs, including mandatory fraud disclosure
- Limits on “excessive” pass throughs
- Requirements of the FY 2009 National Defense Authorization Act
- Cost challenges surrounding contractor rebates

**Robert A. Burton**, *Moderator*  
Venable LLP  
Washington, DC

**Greg S. Bingham**

Vice President  
The Kenrich Group  
Washington, DC

**John T. Jones, Jr.**

Associate General Counsel  
General Dynamics C4 Systems, Inc.  
Scottsdale, AZ

**Rebecca E. Pearson**

Venable LLP  
Washington, DC

---

## Friday, March 6, 2009

---

7:15–8:15

**Registration and Continental Breakfast**

8:15–8:30

**Opening Remarks and Introductions**

**Annejanette Kloeb Heckman**, *Co-Chair*  
Federal Procurement Institute  
EDS  
Herndon, VA

**Kent R. Morrison**, *Co-Chair*  
Federal Procurement Institute  
Crowell & Moring LLP  
Washington, DC

8:30–10:00

**Going to the Cloakroom? Issues on the Hill**

- Proposals to end cost reimbursement contracting
- The future of commercial item contracting
- Transparency initiatives and the effect on proprietary information
- Oversight and accountability

**Angela B. Styles**, *Moderator*  
Crowell & Moring LLP  
Washington, DC

**Kristen Ittig**  
Arnold & Porter LLP  
McLean, VA

**Cathy Garman**  
Professional Staff Member  
House Armed Services Committee  
Washington, DC

**Jonathan L. Etherton**  
President  
Etherton and Associates, Inc.  
McLean, VA

10:00–10:15 **Networking Break**

10:15–11:45

**Going to Confession? Internal Investigations**

- Whether and when to conduct
- Determining the scope and who should investigate
- Pros and cons of preparing a report
- Need to cooperate and what it entails
- What is remediation?

**Frank Razzano**, *Moderator*  
Pepper Hamilton, LLP  
Washington, DC

**Marvin G. Pickholz**  
Duane Morris, LLP  
New York, NY

**Jane Wexton**  
Wexton Advisors, Inc.  
New York, NY

**L. James D’Agostino**  
Greenberg Traurig LLP  
McLean, VA

12:00–1:30

**Luncheon**

Speaker not yet confirmed

1:30–3:00

**Going to Court? The State of Procurement Law**

- When should the Government be treated as would a private party?
- To what extent should APA and common law principles be imported?
- Are standards for recovery of breach damages clear and proper?
- How have the COFC and the Boards fared at the Federal Circuit?
- Are courts engaging in proper fact finding?

**Judge Mary Ellen Coster Williams,**

*Moderator*

U.S. Court of Federal Claims

Washington, DC

**Judge Thomas C. Wheeler**

U.S. Court of Federal Claims

Washington, DC

**Judge Candida S. Steel**

Civilian Board of Contract Appeals

Washington, DC

**Jeanne Davidson**

Director, Commercial Litigation Branch,

Civil Division

U.S. Department of Justice

Washington, DC

**W. Stanfield Johnson**

Crowell & Moring LLP

Washington, DC

**Akerman Senterfitt Wickwire Gavin, P.C.**

**Akin Gump Strauss Hauer & Feld LLP**

**Arent Fox LLP**

**Argy, Wiltse & Robinson LLP**

**Arnold & Porter LLP**

**Barnes & Thornburg LLP**

**Beers + Cutler**

**The Boeing Company**

**Cooley Godward Kronish LLP**

**Crowell & Moring LLP**

**Dickstein Shapiro LLP**

**Diepenbrock Harrison**

**DLA Piper US LLP**

**Fried, Frank, Harris, Shriver & Jacobson LLP**

**FTI Consulting**

**Gibson, Dunn & Crutcher LLP**

**Greenberg Traurig LLP**

**Hogan & Hartson LLP**

**Holland & Knight LLP**

**Jackson Kelly PLLC**

**Jenner & Block LLP**

**K&L Gates LLP**

**The Kenrich Group**

**Kirkland & Ellis LLP**

**Kroll**

**Lockheed Martin Corporation**

**Mayer Brown LLP**

**McAleese & Associates, P.C.**

**McGlinchey Stafford PLLC**

**McKenna Long & Aldridge LLP**

**Miller & Chevalier Chartered**

**Morrison & Foerster LLP**

**Navigant Consulting, Inc.**

**Northrop Grumman Corporation**

**Oldaker Belair & Wittie, LLP**

**Peckar & Abramson PC**

**Pepper Hamilton LLP**

**Perkins Coie LLP**

**Pillsbury Winthrop Shaw Pittman, LLP**

**Raytheon Company**

**Reed Smith LLP**

**Rifkin, Livingston, Levitan & Silver, LLC**

**Rogers Joseph O'Donnell**

**Rossi & Meagher LLP**

**Seyfarth Shaw LLP**

**Sheppard Mullin Richter & Hampton LLP**

**Smith, Currie & Hancock LLP**

**Smith Pachter McWhorter, PLC**

**Spriggs & Hollingsworth**

**Steptoe & Johnson LLP**

**Teledyne Technologies Incorporated**

**Thompson Coburn LLP**

**Venable LLP**

**Vinson & Elkins LLP**

**Watt, Tieder, Hoffar & Fitzgerald, L.L.P.**

**Wiley Rein LLP**

**Womble Carlyle Sandridge & Rice**

**3:00-3:15**

**Networking Break**

**3:15-5:15**

**Going Straight? Current Issues in Professional Ethics**

- The duty to protect client confidences
- Where is attorney-client privilege under pressure?
- How do you protect client confidences and maintain the privilege?
- Is there a role for Congress in protecting the privilege?

**Alison L. Doyle, Moderator**

McKenna Long & Aldridge LLP

Washington, DC.

**James J. Graham**

Trial Attorney, Fraud Section

Criminal Division

U.S. Department of Justice

Washington, DC

**Peter B. Hutt II**

Akin Gump Strauss Hauer & Feld LLP

Washington, DC

**Wallace E. "Gene" Shipp, Jr.**

Bar Counsel

District of Columbia Bar

Washington, DC

**5:15-7:15**

**Cocktail Reception**

We gratefully acknowledge the contributions from the following sponsors to help defray the costs of all of the Section's quarterly Receptions this year: