

2010-2011

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www.abanet.org/contract/home.html

What does a public contract lawyer do?

We litigate

In federal and state courts and administrative tribunals:

Breach of contract claims
Criminal matters
Labor and employment law
Bankruptcies

Statutory violations
Constitutional issues
Rights in intellectual property
Contract formation issues

We counsel

Defense contractors and defense agencies

Civilian contractors and civilian agencies:

- ◆ Department of Homeland Security
- ◆ Department of Health & Human Services
- ◆ NASA
- ◆ Department of Justice
- ◆ Bureau of Indian Affairs

State procurement offices and agencies

Recipients of federal and state grants, including
universities and non-profits

We analyze

Contract and regulatory issues
International procurement issues
Corporate compliance programs

We follow the money

Through federal appropriations law

Through cost accounting issues

Through complex financing arrangements

Through privatization of government jobs

Through fraud, bribery and kickback investigations

We work in all industries

Computers and information technology

Missiles and aircraft carriers

Space hardware and satellite software

Land management and fire suppression

Cutting edge research and development

Drugs and pharmaceuticals

Construction and insurance

Leasing and military housing

Fishing and marine life

What does a public contract lawyer do?

We take our work seriously

From a lawyer in a small firm:

Two years into my government contracts practice, I was working on an injunction to prevent performance of a state contract for telecommunications services. The partner in charge was out of town, and I found myself arguing for a stay of the performance of a \$1 billion contract!

From a lawyer in a large law firm:

We assisted the world's largest vaccine manufacturer in negotiating a contract with the National Institutes for Health, for research and development of an inactivated virus vaccine against SARS.

From a government lawyer:

I once tried a contract dispute in Korea involving a portion of a U.S.-government-owned oil pipeline leased to a Korean oil company. Flying along the pipeline in a helicopter, climbing into storage tanks, and researching the international agreements on how it was built, were not only exciting ways to learn what I needed for the trial, but a fascinating look at how public contract law and international relations mesh in many ways.

From a lawyer in a small firm:

Most of my practice concentrates on designing and defending affirmative action programs in public contracting. One of my cases is currently pending before the U.S. Supreme Court.

From a lawyer in a large law firm:

We represented a Fortune 100 defense contractor in negotiating the structured financing aspects of an agreement to sell 48 F-16 fighter jets to the Government of Poland for an aggregate purchase price of approximately \$3.5 billion.

But we also have some fun

From a former Defense Department lawyer:

In my prior life, I negotiated an indemnification clause with a pirate to reimburse him for losing his boat when he went to a very dangerous location at our request to gather information.

From in-house counsel for a Fortune 150 company:

Our customer, a government agency, wanted us to provide three elephants for the agency's parade to improve morale among agency and contractor employees. This was outside the scope of our contract, but we agreed to absorb the cost of the elephants. However, my accounting department wanted to know whether the costs of associated insurance and disposal of pachyderm poop could be charged to the government agency under the terms of our contract. (The answer was "no.")

From a lawyer in a large law firm:

We were at a hearing and the government witness testified, colloquially, that a certain proposal was so bad that "this dog won't hunt." The court reporter transcribed it as "this dog won't hump."

From a law professor with a checkered past:

As a Justice Department attorney handling a garden-variety defective roof case, I flew to Guam to inspect the site, review documents, and interview the government witnesses. I then flew to Alaska to review contractor documents and for depositions. The travel was great, but it wasn't nearly as exciting as my work with nuclear submarines or.... Oh, and did I mention my job at the White House?

From a lawyer in a large firm:

I represented a movie studio in negotiating an agreement with the Navy to allow the film crew to have access to ships and aircraft in connection with the movie "Top Gun." This required understanding the limits of the government's ability to provide indemnification, and evaluating ways of reducing the studio's risk of loss in the event of an accident.