
ABOUT THE EDITORS

Michael Branca is a partner in the Washington, DC office of Peckar & Abramson, P.C. He is a past chair of the Board of Governors of the Construction and Public Contract Law Section of the Virginia State Bar and is a past chair of the Government Contract Section of the Federal Bar Association. Mr. Branca received his BA degree from the University of Virginia and his JD degree from the Antonin Scalia Law School at George Mason University. He regularly counsels his clients with respect to all aspects of government contract law including bid protests on the front end of projects and claims on the back end. He also handles contractor integrity and compliance issues and federal and state false claims act matters. Mr. Branca is the editor of the Forum's *Construction Lawyer* journal, the co-author of the Thomson West treatise *Virginia Construction Law*, and also writes and lectures regularly on construction and government contract topics.

William E. Franczek is a partner with Vandeventer Black LLP where his practice focuses on construction law, public contract law, and alternative dispute resolution. He is a mediator and arbitrator for the American Arbitration Association (AAA), and on the AAA National Panel for Complex Construction and the AAA Construction Mega Project Panel. He is past chair of the ABA Forum on Construction Law Division 13—Government Construction, and is a member of the Governing Committee for the Forum. Mr. Franczek has been recognized as *Best Lawyer in America—Lawyer of the Year for Construction* in Norfolk, Virginia (2012, 2016), and as a Senior Statesman and Eminent Practitioner in *Chambers USA*. He is AV preeminent peer review rated by Martindale-Hubbell. Mr. Franczek earned his BS in civil engineering and JD from Syracuse University.

Todd Henry is a shareholder at Inslee Best Doezie & Ryder, P.S. in Bellevue, Washington. His practice involves the representation of clients in all aspects of construction law and litigation. He received his J.D. cum laude from Seattle University and is a member of both Phi Delta Phi and the Order of the Barristers. He is admitted to practice in both Washington and Idaho.

Mr. Henry is a frequent speaker to construction industry and business groups, serves on the faculty of the National Institute for Trial Advocacy, and is a member of the Washington State Bar Association's Construction Section

Council. He has published many articles on construction and construction law topics and has contributed to 14 books on construction law topics, including multiple editions of *Federal Government Construction Contracts*.

Paul Varela is the founder of Varela, Lee, Metz & Guarino, LLP, a national construction law firm with offices in Tysons Corner, Virginia, and San Francisco, California. Mr. Varela is an authority on complex construction contract dispute resolution and represents clients in the construction industry domestically and internationally, and has extensive experience representing federal government contractors. He is a frequent speaker and author on construction industry topics, is an active member of the ABA's Forum on Construction Law, is a past chair of the Washington Building Congress, and has been consistently recognized as a top lawyer by *Chambers USA*, *Best Lawyers*, *The Legal 500*, and *Super Lawyers*.

Barbara Werther is a partner at Troutman Sanders, LLP, and is head of the government contracts and construction group in Sedgwick's Washington, DC office. Ms. Werther is recognized as one of the leading construction and government contracts attorneys in the United States with more than 35 years of experience in construction and government contracts law. She has been resoundingly and consistently recognized as one of the top lawyers in construction law. Ms. Werther has lectured extensively to clients and various trade associations on a variety of construction law topics. Her expertise and experience is reflected in her comprehensive practice. She is known as an expert on contract terms and conditions for developers and owners, and focuses on contract drafting and negotiation. She also represents owners, contractors, and subcontractors in litigation involving scheduling, delays, inefficiencies, changes, differing site conditions, and terminations for default. In 2006, Ms. Werther hosted the first Women in Construction (WIC) conference in Washington, DC, by women for women in all aspects of the construction industry. Today, in its tenth year, the conference boasts 250 attendees, with an all-day event featuring five panels, a keynote speaker and a speaker/sponsor dinner the night before the conference.

ABOUT THE AUTHORS

Kathleen O. Barnes focuses on domestic and international construction contracting and federal government contracts. Ms. Barnes counsels and advises contractors, design engineering firms, construction managers, and owners in all phases of industrial, power, civil, transportation, and commercial construction in the United States and overseas. For more than 20 years, Ms. Barnes has represented clients at every stage of complex construction dispute resolution including claim preparation, negotiation and other informal ADR procedures, mediation, arbitration, and litigation in both federal and state courts. As an experienced construction litigator, Ms. Barnes also has represented clients in multi-party and other complex disputes in both international and domestic arbitrations before the American Arbitration Association, JAMS, and the International Chamber of Commerce.

Ms. Barnes has an active government contracts practice and counsels contractors and design engineers on a broad range of issues involved in government contract administration and compliance. She also has extensive experience litigating bid protests and government contract claims, having successfully represented her clients with claims involving research and development, information technology procurements and contracts for military and other applications. Ms. Barnes also is highly skilled in litigating and managing contractor claims for equitable adjustment and government claims of defective design and construction, false claims act violations, and violation of cost accounting standards before state and federal Boards of Contract Appeals and the Court of Federal Claims.

Adrian L. Bastianelli III is a partner in the Washington, DC office of Peckar & Abramson, P.C. where his practice focuses on government contracts, construction, and ADR. He is a former chair and Cornerstone recipient for the ABA Forum on Construction Law and a Fellow of the American College of Construction Lawyers. He is a past editor of the *Journal of the American College of Construction Lawyers*, *The Construction Lawyer*, *Construction ADR*, and *Federal Government Construction Contracts*. He was recognized by Who's Who Legal as the Construction Lawyer of the Year for 2015 and 2016.

Christopher M. Burke is a partner with Varela, Lee, Metz & Guarino, LLP. His practice focuses on the construction and engineering industry and federal government contracts. Mr. Burke represents owners, developers, contractors, subcontractors, engineers, and design professionals on both public and private contracts, from project inception through dispute resolution. He has substantial experience in international arbitration and has arbitrated multiple cases before the International Court of Arbitration of the International Chamber of Commerce, including one with amounts in dispute of over US\$1 billion. Mr. Burke has been recognized as a leader in the construction law field by *Chambers and Partners*, *The Legal 500 United States*, *Who's Who Legal*, and *Super Lawyers*. Mr. Burke is an active member of the ABA Forum on Construction Law where he serves as the co-editor of the *Division 13* newsletter and as a member of the Trial Academy Committee. Mr. Burke graduated cum laude from Yale University and earned his JD from the University of Virginia School of Law.

John Marshall Cook is a partner at Smith Pachter McWhorter PLC in Vienna, Virginia, where he has practiced for more than 23 years. Mr. Cook's practice concentrates on all phases of the construction process from project inception through dispute resolution. His list of representative projects includes a TNT plant, light rail transit systems, power plants, and food processing plants, among others. Mr. Cook has also served as project counsel for the construction of several large industrial facilities. He has extensive experience in cost and schedule analysis related to delay, disruption, inefficiency, and acceleration claims, and he has represented major national and international contractors, as well as local contractors, on a wide variety of construction and government contract issues. Mr. Cook received his BA from Haverford College and his JD from American University. He is a long-standing, active member of the ABA Forum on Construction Law. He currently serves on the Governing Committee of the Forum and co-chairs the Forum's 2018 Trial Academy.

Robert K. Cox is chair of Williams Mullen's Construction Practice Group. Since 1976, Mr. Cox has been a construction and surety law attorney, representing contractors, subcontractors, suppliers, owners, developers, and sureties on public, private, and P-3 projects inside and outside the United States. His legal practice includes preparation of construction contracts, advice on project performance issues, preparation of claims and requests for equitable adjustments, and defending against performance and damages demands. Mr. Cox has represented clients in mediations, arbitrations, at state and federal contract appeals boards, as well as in bench and jury trials in federal and state courts. Mr. Cox is also an arbitrator for the American Arbitration Association.

During his career, Mr. Cox has authored and co-authored chapters in construction law publications, including for the ABA Forum on the Construction Industry, *Federal Government Construction Contracts*, first and second editions, Chapter 18 Defective Specifications—Impracticability/Impossibility of Performance; as well as for the *Virginia Construction Law Deskbook*, Chapter 15, Project Scheduling, Delays and Time Extensions and Chapter 26, Subcontractors and Suppliers. Mr. Cox has also written and presented numerous papers to legal and industry organizations on such topics as courtroom strategy in qualifying, presenting, and defending expert witnesses; abuse of and abusive contract clauses; material and labor price escalation; the use and misuse of BIM technology in project design; the Integrated Project Delivery (IPD) system; and the scope of surety risks when bonding a P-3 project, among other topics.

Mr. Cox is a member and former chairperson of the Virginia State Bar Construction Law and Public Contracts Section, and is a member of the Maryland State Bar Construction Law Section. Publications such as *Best Lawyers in America*, *Chambers USA*, *Legal Elite*, *Super Lawyers*, and *The International Who's Who of Business Lawyers*, Construction Section, have included Mr. Cox in their listings of construction law attorneys. Mr. Cox received his undergraduate degree in economics from Cornell University and earned a JD with honors from George Washington University Law School. He is licensed to practice in Virginia, the District of Columbia, and Maryland.

W. Stephen Dale is a Senior Vice President and serves as the General Counsel for WSP in the United States and Latin America region. In that role, he has legal oversight of the company's operations in the United States and in Latin America including contracting, risk management, and disputes. Mr. Dale was formerly a partner with the law firm of Smith Pachter McWhorter, PLC, a construction and public contract boutique located in Tysons Corner, Virginia. While in private practice, Mr. Dale represented contractors and design professionals before federal, state, and regional tribunals in claims, arbitration, and litigation on large, complex infrastructure projects including rail transit, environmental remediation, mining, and highway, nuclear power, and waterway improvements. He has been a frequent speaker at industry conferences and is a member of the American Society of Civil Engineers, having served on the Board of Governors for the Construction Institute and the Committee on Professional Practice. Mr. Dale holds a Bachelor of Arts from the University of North Carolina and a Juris Doctorate from the University of North Carolina Law School.

D. Joseph Darr is a Florida bar board-certified construction law attorney at Moye, O'Brien, Pickert & Dillon, LLP. He graduated from the University of Florida College of Law in 2006 where he was on the Moot Court Team and

served as a teaching and research assistant to two professors. He has authored numerous articles and other materials, which have appeared in trade and scholarly publications, including articles in the *Construction Executive* magazine and a chapter regarding construction law in the United States for The European Lawyer Reference Series.

Mr. Darr's practice is focused on construction and commercial litigation in both state and federal courts. His experience includes representing contractors and sureties in construction and commercial disputes on large public infrastructure projects. His background also extends to other construction-related matters, including False Claims Act actions, bid protests, and employment law matters such as wage/overtime actions and retaliation claims. Additionally, he has had involvement in the contract drafting and negotiation process for several public-private partnership projects.

Daniel J. Donohue is a senior partner in the Washington, DC office of Polsinelli, P.C. His law practice concentrates on litigation of disputes arising from federal, state, and municipal contracts for construction, supplies, and services. He advises clients on government contracts compliance issues and tries government contracts disputes in the Boards of Contract Appeals and the Court of Federal Claims. Mr. Donohue is a 1975 graduate of the College of the Holy Cross in Worcester, Massachusetts, and received his JD from the Catholic University of America, Washington, DC.

Brian R. Dugdale is a partner with Varela, Lee, Metz & Guarino, LLP, where his practice focuses on the construction and engineering industry and federal government contracts. Mr. Dugdale represents owners, developers, contractors, subcontractors, engineers, design professionals, and sureties in all phases of public and private projects from contract inception through alternative dispute resolution and litigation. Mr. Dugdale has broad experience assisting federal government contractors with submission of REAs and certified claims, negotiating and litigating against the federal government, bid protests and compliance with the Federal Acquisition Regulation, as well as in handling construction disputes in the private sector. Mr. Dugdale is a member of the ABA Forum on Construction Law, and has spoken on and authored articles for various publications on federal government contracts issues, including *The Construction Lawyer* and the ABA Forum's *Division 13* newsletter. He has been recognized as a *Super Lawyers Rising Star* in 2015 and 2016. Brian earned his BA from the George Washington University and his JD from the University of Connecticut School of Law.

Susan Elliott is an associate in Peckar & Abramson's Washington, DC office, where she regularly represents clients in construction litigation, surety, real estate, and construction and government contract matters. Ms. Elliott brings extensive transactional real estate experience to the firm, having worked in

the legal department of a high-profile architecture firm based in Los Angeles. There, Ms. Elliott was responsible for drafting owner-architect and architect-consultant agreements, license and vendor contracts, and intellectual property agreements for a wide range of architectural projects both within the United States and abroad.

For several years, Ms. Elliott also worked within the legal department of an international hotel company headquartered in the Washington, DC metropolitan area, where she performed due diligence regarding hotel franchise license and management agreements, and managed law suits and claims for the department's litigation practice group. Her prior experience also includes working in the legal department of one of southern California's largest commercial office property owners, where she drafted hundreds of commercial office leases, amendments, subleases, consents, assignments, and license agreements for over one hundred office properties throughout the region.

Donald Gavin is an arbitrator-mediator with Gavin ADR, LLC. He was the senior contract and construction partner at the large national law firm of Akerman LLP in their Washington, DC and Vienna, Virginia, offices. He serves on arbitration tribunals and panels internationally and domestically for the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the International Centre for Disputes Resolution (ICDR), the American Arbitration Association (AAA), and for ad hoc proceedings. He was for many years a named partner in Wickwire Gavin PC, a large construction boutique law firm. He is a representative of the Board of Governors of the American Bar Association to the National Construction Disputes Resolution Committee (NCDRC), a past national chair of the Section of Public Contract Law of the American Bar Association (ABA PCLS), a Fellow of the American Bar Foundation (ABF), a Fellow of the American College of Construction Lawyers (ACCL), a Fellow of the International Academy of Construction Lawyers (IACL), a past member of the Board of Governors of the Bar Association of the United States Court of Claims, a member of the Chartered Institute of Arbitrators of London (CIArb), and a certified mediator of the International Mediation Institute (IMI). He has been active and an officer in the International Construction Projects Committee (ICP) of the International Bar Association (IBA) and has been called upon to address meetings of the IBA in Singapore, Buenos Aires, Madrid, Vancouver, Tokyo, and Chicago. He is regularly recognized by relevant publications to include *Best Lawyers*, *Who's Who*, *Super Lawyers*, and *Chambers*. He has been on arbitration tribunals and panels determining large-energy-related disputes to include oil, gas, wind, electricity production, and defective work; and has handled disputes involving drilling, pipelines, refineries, nuclear energy, ports, upstream and downstream facilities, chemical and glass production, infrastructure, and public waste removal, as well as commercial contract disputes. He is frequently called upon to help resolve disputes between prime contractors and subcontractors, suppliers and joint

venture partners on public and private work. He is recognized for his many publications contributing to the literature of public and construction contracting. He holds a BS in economics from the Wharton School, a JD from the Law School of the University of Pennsylvania, and an LLM in public procurement law from the National Law School of George Washington University.

Ryan M. Gilchrist is an associate in the Seattle office of Oles Morrison Rinker & Baker LLP, where he counsels contractors and subcontractors in government contracts disputes and on a wide variety of legal issues in the construction industry. His articles frequently appear in Oles Morrison's government contracts blog, *The Procurement Playbook* (www.procurementplaybook.com). Mr. Gilchrist received his JD from the University of Washington. During law school, he served as a judicial extern for the Honorable Kenneth L. Schubert of the King County Superior Court and was a managing editor for the *Washington International Law Journal*. He holds a BA in international studies from the University of Washington.

Elizabeth M. Gill is a vice president, deputy general counsel with CACI International, Inc., a \$3.7 billion corporation supporting critical missions for intelligence, defense, homeland security, healthcare, and federal civilian customers. Prior to her position at CACI, Ms. Gill practiced at the firms of Holland & Knight, LLP, Patton Boggs, LLP, and Wickwire Gavin P.C. advising clients on all aspects of federal government contracts law.

Ms. Gill is a member of the Virginia Bar Association, the DC Bar Association, and the Board of Contract Appeals Bar Association. She currently serves on the steering committee of the DC Bar Government Contract and Litigation Section. Ms. Gill received her law degree from the American University Washington College of Law and bachelor's degrees in economics and political science from the University of Richmond.

Kevin P. Gilliland is an associate in Sedgwick LLP's Los Angeles office with extensive experience in commercial and construction litigation. Mr. Gilliland seeks unique solutions to complex disputes in order to achieve cost-efficient results that meet his clients' goals. He has a proven track record of negotiating and settling contentious lawsuits, and delivers results if negotiations falter. His practice includes all aspects of civil litigation, representing clients in state and federal courts, mediations, arbitrations, and administrative proceedings. Mr. Gilliland specializes in litigating domestic and international multi-party construction disputes across the United States. As a lawyer and a former project engineer, he has worked on major projects involving residential and commercial developments, highways, schools and universities, hospitals and medical office buildings, military bases, airports, solar plants, and public infrastructure.

Dirk D. Haire is the managing partner of the Washington, DC office of Fox Rothschild LLP. Mr. Haire practices in the areas of government contracts and construction law, with a focus on federal construction bid protests, CDA claims litigation, audits, investigations, and defense of contracted-related prosecutions. Mr. Haire is a graduate of George Washington University Law School.

Lori Ann Lange is a partner in the Washington, DC office of Peckar & Abramson, P.C., where she specializes in counseling government contractors in all aspects of contracting with the federal government from proposal preparation to claims resolution as well as corporate compliance. Ms. Lange has written extensively on government contracts and construction law issues and is a former revision author of McBride & Touhey's *Government Contracts*. She also is a contributing author to *Construction Checklists, State-by-State Guide to Construction Contracts and Claims, State-by-State Guide to Architect, Engineer, and Contractor Licensing, Construction Checklists, and Construction Claims Deskbook*. Ms. Lange co-authored *Construction Briefing Papers on Recovering Delay Damages for Home Office Overhead and Innovative Financing for Infrastructure Project*. She received her BA and JD degrees from the George Washington University.

Adam K. Lasky is a partner in the Seattle office of Oles Morrison Rinker & Baker LLP, where he focuses his legal practice on helping clients win and navigate government contracts. Mr. Lasky has extensive experience litigating bid protests and has prevailed in multiple protests before the U.S. Court of Federal Claims and GAO. In addition, Mr. Lasky counsels government contractors on a variety of contract administration and regulatory compliance issues, and represents contractors pursuing and litigating claims. Mr. Lasky has written numerous articles on government contracts, including *A Practitioner's Road Map to GAO Bid Protests* (The Construction Lawyer 2010), and he is the editor of Oles Morrison's government contracts blog, *The Procurement Playbook* (www.procurementplaybook.com). He has been recognized as "Rising Star" in government contracts by Washington Super Lawyers in each of the past four years. Mr. Lasky received his JD, cum laude, from the University of Minnesota Law School, and holds a BA in economics and political science from the University of Washington.

Michael C. Loulakis is the founder of Capital Project Strategies, LLC, a specialized consulting firm that provides strategic procurement, contracting, and risk management advice to clients that develop and construct capital projects. He has provided services on some of the country's most complex public sector design-build projects, with particular focus on transportation and water/wastewater sectors. Mr. Loulakis has been an active member of the Design-Build Institute of America (DBIA) for almost 25 years, including playing a

lead role in the development of DBIA's model contracts and best design-build practices. In recognition for his contributions to the design-build industry, Mr. Loulakis was the 2013 recipient of DBIA's lifetime achievement award, the Brunelleschi Medal. He is a Fellow in the American College of Construction Lawyers, a member of the National Academy of Construction, and a member of the board of directors of the Water Design-Build Council. Mr. Loulakis has written several books on design-build, and has co-authored *Civil Engineering* magazine's monthly legal column since 1981. He holds a civil engineering degree from Tufts University and a law degree from Boston University School of Law.

David C. Mancini is co-chair of Troutman Sanders's Construction Practices Group. His practice concentrates on contract claims and disputes, with primary emphasis in the areas of construction, engineering, government contracts, and aerospace. As the need for his services often arises during troubled projects, Mr. Mancini frequently works closely with client project teams to understand, assess, and respond to problems during performance. These efforts typically resolve disputes without the need for litigation.

Mr. Mancini assists clients in contract drafting and negotiations, project risk assessments and allocations, and business strategy and training. He has been recognized in *Chambers USA*, *Best Lawyers in America*, *Law360*, and by Super Lawyers as an outstanding attorney. He was also an integral member of the law firm practice groups that were awarded the 2008, 2010, and 2012 Chambers USA Award for Excellence in Construction and was similarly recognized by *The Legal 500* and *Law360* for superior experience and client service.

Arnie B. Mason is a partner with Williams Mullen in its Tysons, Virginia, office. Mr. Mason focuses his practice on construction law and represents clients in all phases of a construction project. He has extensive experience with preparing and negotiating construction contracts; preparing, litigating, and mediating complex construction claims on federal, state, and private projects; in addition to advising on various types of issues that arise from the pre-bid stage through dispute resolution. Mr. Mason has been recognized as an up and coming construction attorney by *Chambers USA*.

Mr. Mason serves on the Board of Governors for the Construction Law & Public Contracts Section of the Virginia State Bar. He has written several articles on varying topics of interest to the government contracts and construction law community, which have appeared in various publications, including the *William & Mary Law Review*, *Government Contracts Service*, *Construction Claims Advisor*, *Law 360's* Expert Analysis section, the *Virginia Bar Association Journal*, and the Virginia State Bar Construction Law and Public Contracts Section newsletter. Mr. Mason also regularly lectures on topics of interest to the construction community, including presentations on construction contracts, differing site conditions, defective specifications, unabsorbed

home office overhead claims, M/DBE programs, false claims, and claims and dispute resolution procedures under different types of standard form construction contracts.

Timothy D. Matheny is the managing partner of the Dallas Texas office of Peckar & Abramson, P.C. Prior to joining the firm, Mr. Matheny was a judge advocate on active duty with the U.S. Air Force and retired from the Reserve in December 2007 in the rank of Lieutenant Colonel. Since leaving active duty in 2000, Mr. Matheny has concentrated his practice in construction disputes and litigation, specializing in all phases of public procurement law, including bid and proposal preparation, contract award controversies, performance-related disputes, and contract claims. He received his BA in history from the University of Texas – Arlington; a JD from the University of Tulsa College of Law; and an LLM from the United States Army Judge Advocate General’s School in military law with a specialty in government procurement. Mr. Matheny has authored numerous articles on various aspects of public procurement and is a frequent speaker concerning alternative project delivery methods, sovereign immunity, and other public procurement issues in Texas. Mr. Matheny is admitted to practice in Oklahoma and Texas. He is a past council member of the Texas State Bar Construction Law Section, past chair of the Dallas Bar Association Construction Law Section and currently serves on the board of the Design Build Institute Southwest Chapter and TEXO.

Lauren P. McLaughlin is a founding partner of BrigliaMcLaughlin, PLLC and represents owners, contractors, subcontractors, and sureties in all aspects of public and private construction projects. Ms. McLaughlin has been recognized as a *Super Lawyer* for Construction Litigation, and her law firm has been identified for its expertise in both *Chambers USA* and *U.S. News & World Report* as one of the best construction law firms in Virginia. Ms. McLaughlin is regularly invited to speak to industry and professional organizations such as the Structural Engineers Association (SEA), Building Envelope Contractors Association (BECA), Surety Claims Institute, and the Mechanical Contractors Association of America (MCAA). Ms. McLaughlin is a board member to the American Subcontractors Association of Metro-Washington (ASA). She is also on the Board of Governors for the Virginia State Bar Construction Law and Public Contracts section and is the Chair of the Virginia Bar Association Construction Section.

Jim Moye is the founding partner of Moye, O’Brien, Pickert & Dillon, LLP. He graduated from the University of Florida in 1981 and is licensed in Florida, Georgia, and Texas. He is also on the roll of Solicitors of England and Wales. He is board certified in construction law by the Florida Bar and is AV rated by Martindale-Hubbell. Mr. Moye was named Best Lawyers’ 2017 Orlando Construction Litigation “Lawyer of the Year” and Moye, O’Brien,

Pickert & Dillon, LLP was named Construction Law Firm of the Year for North America (Legal Awards 2016) by *Lawyer Monthly*, a worldwide legal publication.

Mr. Moye founded Moye O'Brien as a boutique construction law firm almost 28 years ago and has developed it into a nationally recognized firm serving its clients throughout the United States and internationally. His unyielding devotion to his clients, meticulous attention to detail and expertise in construction law is evidenced by his clients' trust in him handling their transactional matters and problem resolution needs on mega projects (several hundred million to several billion dollars).

Rae D. Mueller is an associate with Varela, Lee, Metz & Guarino, LLP, where her practice focuses on construction and government contracts litigation. Ms. Mueller has represented owners, contractors, subcontractors, and design professionals across a range of public and private power, infrastructure, and commercial projects in the United States and abroad. Ms. Mueller is a member of the ABA Forum on Construction Law and Section of Public Contract Law, and has authored articles on government contracts issues for the Forum's *Division 13* newsletter. Ms. Mueller graduated from Emory University with a BA in art history and earned her JD from the Washington and Lee University School of Law.

James Nagle is a nationally renowned expert and has written six books on federal contracting: *Nash, Cibinic and Nagle, Administration of Government Contracts*, fourth edition (2006); *Whelan & Nagle, Cases and Materials on Federal Government Contracts*, third edition (Foundation Press 2007); *Federal Procurement Regulations: Policy, Practice and Procedures*, (ABA Press 1987); *How to Review a Federal Contract and Research Federal Contract Law*, second edition (ABA Press 2000); *Federal Construction Contracting* (Wiley Law Publications 1992); and *The History of Government Contracting*, third edition, written under a grant from the National Contract Management Association (NCMA), (George Washington University Press, 1999) (Government Training Inc., 2012). He has co-authored and co-edited *Washington Building Contracts and Construction Law* (Butterworth (now Aspen) Publishers 1994). Besides being a contributing author to six other books, his over 80 articles on subjects as diverse as protests, changes, terminations, claims, and the Federal Acquisition Regulation have appeared in such publications as the *Public Contract Law Journal*, *Military Law Review*, *NCMA Journal*, and *Contract Management*. He has also written *1948: The Crossroads Year*, a history of that momentous time.

The former chief of the Logistics and Contract Law Branch of the Department of the Army Staff and a trial team chief in the Army's Contract Appeals Division, Mr. Nagle has extensive experience in supply and services, international, major system, and construction contracts. He has litigated in numerous appellate and trial level federal courts, boards of contract appeals, the GAO, and the SBA. Besides representing contractors, he has mediated disputes between

both the government and the prime and the prime and its subcontractors. Other lawyers often consult Mr. Nagle on government contracts, and Mr. Nagle has been used as an expert witness by the United States Department of Justice, prime/general contractors, and subcontractors in criminal and civil cases, in federal and state courts and arbitrations, and in judge alone and jury trials.

Jaimee L. Nardiello, partner at Zetlin & De Chiara LLP, represents members of the construction industry including design professionals, owners, contractors, and construction managers in dispute resolution, commercial litigation, and contract negotiation. In addition, she advocates on behalf of design professionals in complex intellectual property disputes.

Ms. Nardiello frequently speaks and writes on construction industry topics. Recently, she spoke on contract administration at the ABA Forum on Construction Law, regional program; and on preliminary hearings and scheduling orders for the litigation seminar “The Anatomy of a Construction Arbitration.”

Ms. Nardiello is the immediate past chair of the design division of the American Bar Association Forum on Construction Law. She is the president-elect of CREW and a past fellow of the American Bar Association’s Construction Industry Forum.

Ms. Nardiello was recognized by *Who’s Who Legal* as one of the leading construction attorneys in the United States. She also was named a *New York Metro Super Lawyer* (2013–2016), having been named a *New York Super Lawyers Rising Star* in 2011 and 2012. Ms. Nardiello was included in *Engineering News-Record’s* Top 20 Under 40 list.

Andrew D. Ness is a partner at Jones Day in Washington, DC. Mr. Ness assists owners and contractors with troubled projects, solving complex construction and design-related issues without need for formal dispute resolution whenever practicable. In litigated matters, he has served as lead counsel on a wide variety of large construction disputes that were resolved in federal and state courts and via domestic and international arbitrations. Mr. Ness also has extensive experience in resolving disputes through the use of mediation and other alternative dispute resolution techniques, and he has drafted and negotiated design, EPC, and construction contracts for a wide range of major projects around the world.

Mr. Ness additionally has extensive experience with U.S. government projects and contracting issues. The projects that he has assisted encompass a broad range of energy, industrial and process, government, institutional, commercial, and building projects across the United States and numerous other countries in Europe, South America, Asia, and the Middle East.

Mr. Ness was co-leader of the teams that received the 2008 and 2010 Awards for Excellence in construction by *Chambers USA*. He was named by *Best Lawyers* as Lawyer of the Year in construction law for the District of Columbia for 2012, and was also named one of the ten “most highly regarded individuals”

in the International Who's Who of Construction Lawyers 2012. Mr. Ness has a bachelor's degree in electrical engineering, with distinction, from Stanford University, and is a magna cum laude graduate of Harvard Law School. A frequent author and speaker on a variety of construction law topics, Mr. Ness was the 2012–13 chair of the ABA Forum on Construction Law.

Lindsay M. Paulin is an associate in the Government Contracts practice in the Washington, DC office of Gibson, Dunn & Crutcher LLP. Ms. Paulin represents government contractors in disputes before federal courts, boards of contract appeals, and administrative agencies. She also counsels clients on matters concerning contract negotiation and performance, mergers and acquisitions, and alleged violations of the False Claims Act. Ms. Paulin received her BA in international affairs summa cum laude from the George Washington University, where she was elected to Phi Beta Kappa. She received her JD from the George Washington University Law School, where she was elected to the Order of the Coif and served as an editor of the *George Washington Law Review*. Ms. Paulin has written and lectured on various government contract issues.

Meredith R. Philipp is an associate with Troutman Sanders LLP. Ms. Philipp's primary area of practice is construction litigation and contract drafting. She represents general contractors and owners, in both the prosecution and defense of claims on public and private construction projects. In her construction practice, she has represented and counseled contractors and in cases involving federal and state Miller Act and Prompt Payment Act claims, complex contractual disputes, delay claims, structural defects, government contracts, surety claims, and mechanic's liens.

Lawrence M. Prosen is a partner with Kilpatrick, Townsend & Stockton LLP, resident in its Washington, DC office. He is a member of the firm's Infrastructure and Engineering Team and leads its Government Contracts sub-team. Mr. Prosen concentrates his practice in the areas of construction litigation, government contracts, and architects/engineers errors and omissions. Holding a degree in architecture, Mr. Prosen has represented some of the largest construction contractors and subcontractors in the United States in both domestic and foreign projects ranging in value to well in excess of \$500 million. He has represented clients in all aspects of bench and jury trials, as well as administrative appeals at various levels of county, state, and federal tribunals, arbitrations, and mediations. Larry has tried dozens of cases before the federal and state Boards of Contracts Appeals and arbitrated many cases to a successful decision. He has extensive experience in bid protests, having represented parties in well over 100 protests at the federal, state, and local levels of government. Mr. Prosen has also represented owners, prime contractors, and subcontractors in all aspects of contract development, negotiation, and

disputes. A member of the AAA Panel of Construction Neutrals, Mr. Prosen is also the ABA Section on Litigation's representative to the National Construction Dispute Resolution Council and has sat as a mediator and arbitrator in many cases. He has written extensively and spoken nationally on all aspects of federal government construction contracts and construction litigation disputes issues. Mr. Prosen is also a founding editor in chief of the *American Journal of International Construction Arbitration & ADR*. He is ranked by *Chambers USA*, *Best Lawyers in America*, *Washington, D.C. Super Lawyers*, as well as *Euro-Money's Expert Guides* and the *Legal 500*. Larry graduated from the University of Maryland at College Park undergraduate and from the Catholic University of America Columbus School of Law.

Steven L. Reed is senior counsel in the Atlanta, Georgia, and Washington, DC offices of Smith, Currie & Hancock LLP. In addition to pre- and post-award disputes resolution work as an advocate, Mr. Reed has mediated or arbitrated about 60 cases. Mr. Reed graduated from the University of Georgia School of Law and earned his BS degree, magna cum laude, in physical geography, from the University of Georgia. Mr. Reed opened Smith Currie's Washington, DC office in 2008. He joined Smith Currie in May 2007, after retiring from his position as an administrative judge, Armed Services Board of Contract Appeals (ASBCA), in May 2006. He previously served on the Corps of Engineers Board of Contract Appeals (ENG BCA). Mr. Reed worked overseas as a trial attorney for the Corps of Engineers and served in the U.S. Army on active duty from 1972, and in the reserves, retiring as a Colonel and Chief Senior Military Judge, U.S. Army Reserve, in 2002. He is admitted to practice in the State of Georgia and the District of Columbia. Mr. Reed is a general editor and author of several chapters in Smith Currie's *Federal Government Construction Contracts—A Practical Guide for the Industry Professional*, second edition.

Laurence Schor is a founder and senior member of Asmar Schor & McKenna, PLLC in Washington, DC. He concentrates his practice on all phases of construction and government contracts law counseling and claim development and has represented large and small business clients in arbitrations, before boards of contract appeals, and in courts across the United States, Europe, and the Middle East. Mr. Schor served as the assistant general counsel for NASA Support in the office of the Chief Counsel, United States Army Corps of Engineers, and as an attorney-advisor at the Marshall Space Flight Center for NASA. He has authored articles, book chapters, and course manuals on government contracts and construction topics and lectured for professional groups on issues arising in these areas. He is an active arbitrator and mediator.

Mr. Schor is a member of the bars of the District of Columbia, Maryland, and Texas, and a member of the American Bar Association, Public Contract Law Section, where he chaired the Construction Committee and also served as

budget and finance officer on the governing Council. He is a member and lecturer for the ABA Forum Committee on the Construction Industry, and is also a member of the Federal Bar Association. He is a founding member, served on the Board of Governors, and as the President of the American College of Construction Lawyers.

Mr. Schor holds a bachelor's degree in business administration from Southern Methodist University; a law degree from the University of Texas, Austin, School of Law; and a master of laws degree with an emphasis in government procurement from George Washington University. Mr. Schor was named as one of the top ten construction lawyers in the Washington, DC metropolitan area by his peers as noted in *Chambers USA*; *America's Best Lawyers for Business*; was recognized in *Best Lawyers in America*, *Who's Who Legal*, the *International Who's Who of Business Lawyers*; *Super Lawyers for the Washington, DC-Baltimore Metro area*; and is listed in *Who's Who in America*, *Who's Who in American Law*, and *Who's Who in the World*.

Stephen B. Shapiro is firm-wide practice group leader for Holland & Knight LLP's Construction Industry Practice Group and a partner in its Washington, DC and New York offices. Building on 30 years of experience representing contractors and public and quasi-public owners, Mr. Shapiro has developed in-depth knowledge of federal, state, and international government contracts. He is a member of the Associated General Contractors of Metropolitan Washington, DC, and is a frequent speaker on topics relevant to the government contracts and the construction industry. Mr. Shapiro is a graduate of the George Washington University Law School.

Aaron P. Silberman is a shareholder at Rogers Joseph O'Donnell in San Francisco, California. He specializes in government contracts and construction counseling and litigation involving federal, state, and local public projects. His work includes evaluating, negotiating, and drafting solicitations, proposals, and bids; negotiating and evaluating contract terms; litigating bid protests; investigating and litigating claims for delay, disruption, payment, defects, and false claims; and advising and representing clients about contract terminations, debarments, bond requirements, liens and payment issues, and disabled access issues. He is an officer and in 2017-18 will chair the ABA Public Contract Law Section, and is a past chair of its Construction Division. He is a former Governing Committee member and chaired the Specialty Trade Contractors & Suppliers Division of the ABA Forum on the Construction Industry, and chaired AGC-California's Legal Advisory Committee and its San Francisco Bay Area District Board of Directors.

Richard F. Smith is senior counsel to the Vienna, Virginia, firm of Smith Pachter McWhorter PLC. Mr. Smith is a fellow in the American College of Construction Lawyers and a fellow in the College of Commercial Arbitrators.

Twice he has been chair of the Construction and Public Contracts Section of the Virginia State Bar, and has been on the boards of the American College of Construction Lawyers, the Construction and Public Contracts Section of the Virginia Bar Association, and the ABA Forum on the Construction Industry. He received his BS from Wake Forest University, his LLB from the University of Virginia, and his LLM in government procurement from George Washington University. Mr. Smith has been in private practice for more than 45 years and has an active ADR practice, having served as a mediator, arbitrator, project neutral, and DRB member on over 275 disputes. He is the editor of the Virginia CLE *Construction Law Deskbook*.

Angela Richie Stephens is a member of Stites & Harbison PLLC. She practices in the firm's Construction Law Group, where she frequently consults with steel fabricators and members of the structural steel industry in connection with contract drafting, Buy America and Buy American Act questions, federal contracting, collection actions, and defense of defective work claims. Based in Louisville, Kentucky, Ms. Stephens is admitted to practice in Kentucky, West Virginia, and Illinois, but works on behalf of clients across the country. Ms. Stephens graduated from engineering school with high honors, then obtained her law degree magna cum laude from the University of Louisville's Brandeis School of Law. Ms. Stephens also is currently a member of the Governing Committee of the ABA Forum on Construction Law, which represents roughly 6,000 members and associates drawing from all types of construction practice.

Michael L. Sterling is the managing partner of Vandeventer Black LLP, where he focuses on resolving complex construction, public contracts, and business disputes, and he serves as an American Arbitration Association (AAA) arbitrator and mediator. He is a *Best Lawyer in America—Construction*; *Virginia Business Magazine Legal Elite—Mediation, Arbitration and Construction*; a *Virginia Super Lawyer—Construction*; and he is peer rated AV in Martindale-Hubbe. Mr. Sterling is a member of the American Bar Association Forum on Construction Law, a member of the Public Contract Law, Dispute Resolution, State and Local Government Law Sections, and a Fellow of the National Contract Management Association (NCMA). Mr. Sterling earned his BA in economics from Lawrence University and his JD from the College of William & Mary.

Michael M. Suga is a partner with Varela, Lee, Metz & Guarino, LLP. His practice focuses on the construction and engineering industry and federal government contracts. Mr. Suga represents owners, contractors, subcontractors, and design professionals on large construction projects in both the public and private arenas. He has represented clients in various state and federal courts, as well as in ADR mediation and arbitration proceedings. Additionally,

Mr. Suga has provided advice and representation to clients during contract negotiations and during project execution in order to protect and preserve client rights, while minimizing or avoiding claims and disputes. Mr. Suga is a member of the ABA Forum on Construction Law and has authored articles in various publications including *Construction Briefings* and *ECA Magazine*. Mr. Suga earned his BA from SUNY Stony Brook, and his JD from the University of Washington.

Lynn P. Thompson is a partner at Biggs, Ingram & Solop, PLLC, located in Jackson, Mississippi. She has practiced extensively in the areas of government contracts (federal, state, and local), construction law, commercial litigation, and small business consulting for nearly 25 years. Ms. Thompson represents large and small businesses that do business with the federal and state governments and subcontractors and suppliers who do business with prime contractors. She has extensive experience in bid protests at the General Accountability Office and the Court of Federal Claims and in “status” protests before the U.S. Small Business Administration, Office of Hearings and Appeals. She also represents contractors and subcontractors in preparation of requests for equitable adjustments and in disputes, claims, “pass-through” claims, and appeals before the various boards of contract appeals and the Court of Federal Claims.

Ms. Thompson began her legal career as an attorney-advisor with the U.S. Department of Commerce in Washington, DC in 1992, moving into the private side of government contracts in 1995. She was graduated summa cum laude from Emory College of Emory University in 1988 (BA, history) and in 1992 from Emory University School of Law (JD). Ms. Thompson is AV rated by Martindale-Hubbell, listed in *Best Lawyers* for construction law, and is licensed in Georgia, Virginia, and Mississippi.

Brian P. Waagner is a partner in the Washington, DC, office of Husch Blackwell LLP. Mr. Waagner has more than 20 years of experience representing contractors and subcontractors on matters arising from the award and performance of government construction contracts. In addition to bid protests, claims litigation, and False Claims Act matters, Mr. Waagner advises clients on complex contract administration and compliance issues unique to federal government contracts. Mr. Waagner received his undergraduate degree from the University of Georgia and his law degree from Cornell Law School.

Joseph D. West is the former co-chair of the Government Contracts Practice Group of Gibson, Dunn & Crutcher LLP, an international law firm with offices in 19 cities worldwide. He is resident in the firm’s Washington, DC office.

Mr. West graduated magna cum laude from Villanova University in 1971 with a bachelor of civil engineering degree, and was elected to Tau Beta Pi (national engineering honorary) and Chi Epsilon (national civil engineering honorary). In 1977, he graduated from the George Washington University Law School, with high honors, where he was elected to the Order of the Coif and was an editor of the *George Washington Law Review*. He is also a registered professional engineer in the State of Virginia.

Mr. West has written and lectured extensively on various government, construction, and commercial contract issues. He is currently a member of the American Bar Association Forum on the Construction Industry (member of the Forum's Governing Committee from 2008 to 2011; chair of the Forum's Steering Committee of Division 1 (Dispute Avoidance & Resolution) from 2002 to 2004), as well as the Public Contract Law and Litigation Sections (formerly co-chair of the Public Contract Law Section's Debarment and Suspension Committee; former vice-chair of the Section's Pro Bono and Acquisition Reform and Emerging Issues Committees). He is the former co-chair of the Steering Committee of the DC Bar Government Contracts and Litigation Section, a former member of the Board of Governors of the Virginia State Bar Construction and Public Contract Law Section, and he currently serves on the Advisory Board of Thomson Reuters' *The Government Contractor*. In November 2004, he was named by *The Legal Times* as one of Washington's "Top Twelve Federal Procurement Attorneys," and in September 2006, he was selected by *The Washington Business Journal* as the city's "Top Government Contracts Lawyer."

David B. Wonderlick is a partner with Varela, Lee, Metz & Guarino, LLP. His practice focuses on the construction and engineering industry and federal government contracts. Mr. Wonderlick has represented contractors, sub-contractors, suppliers, owners, developers, sureties, and public agencies on projects involving the construction of conventional and nuclear power plants, wastewater treatment facilities, highways and bridges, dams, professional sports stadiums, airport facilities, mass transit systems, ports, hotels, military facilities, and housing complexes. He also has substantial experience with overseas construction, including both public and private contracts. Mr. Wonderlick has been recognized by *The Legal 500 United States* as a leader in the construction law field. He is an active member of the ABA Forum on Construction Law, and serves as a frequent author and lecturer on construction law topics. Mr. Wonderlick graduated summa cum laude from Susquehanna University and earned his JD from the College of William and Mary School of Law, where he served as managing editor of the *William and Mary Law Review*.