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Government Procurement Law Perspectives: Spring 2014

Government Procurement Law Program
George Washington University

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PERSPECTIVES

Nash Gift Furthers Fund for Government Procurement Law Associate Deanship



Interim Dean Gregory Maggs, Gwen Nash, Ralph Nash, and Associate Dean Daniel I. Gordon

Interim Dean Gregory E. Maggs reports that fundraising to endow the position of Associate Dean for Government Procurement Law continues apace. In December Professor Emeritus Ralph E. Nash and his wife Gwen made a generous pledge of \$100,000, which the law school will match dollar for dollar. Recognizing the Nashes' generosity, Interim Dean Maggs said, "For the co-founder of GW's Government Procurement Law Program to make such an extraordinary gift bears witness to the depth of Professor Nash and his wife's commitment to the Program, and we are deeply grateful." Associate

Dean Daniel I. Gordon commented, "We are humbled by the magnitude of the Nashes' gift. It is yet another example of the historic role that Ralph Nash has played for decades, and it reminds us how much his leadership has shaped GW's Government Procurement Law Program." Margie Shepard of the Development Office points out that Ralph and Gwen Nash used tax saving planned giving strategies to maximize the benefit of their gift. Those interested in learning more about Tax Wise Planned Giving strategies are encouraged to contact Ms. Shepard at mshepard@law.gwu.edu or 202.994.0287. ■

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FACULTY PROFILES

Q & A with Judge Jeri K. Somers, Professorial Lecturer in Law

Jeri K. Somers is a judge on the U.S. Civilian Board of Contract Appeals, where she has served as Vice Chair since 2008.



Now that she has been teaching as an adjunct faculty member at GW Law for several years, we asked her to respond to some questions about her experience with us and our students.

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Faculty profiles

A Conversation with Assistant Dean Jessica Tillipman

Jessica Tillipman, JD '03, is the law school's Assistant Dean for Field Placement and, as a Professorial Lecturer in Law, co-teaches the Government Contracts Anti-Corruption and Compliance Seminar. She joined the faculty in 2008 after practicing government contract law and white collar criminal defense at Jenner & Block and clerking with Judge Lawrence S. Margolis, JD '61, of the U.S. Court of Federal Claims.

Tell us about the Government Contracts Anti-Corruption and Compliance Seminar. What do you most enjoy about the teaching experience?

I am really proud of our course. When Professor Chris Yukins and I created the course in 2009, in many ways it was the first of its kind in legal education. As this area of the law has become more

popular, the class has evolved and grown significantly in size. In fact, last semester we had students from at least seven different countries in addition to our U.S. students. We've had some really positive experiences with exercises that we have integrated into the curriculum. In these exercises, students have the opportunity to negotiate with the Justice Department, create a corporate compliance program, and participate in a suspension and debarment proceeding. In addition to this practical experience, we invite leading anti-corruption experts to these classes to provide students with feedback and practical advice.

I find the students' enthusiasm for the course incredibly rewarding. It has also been gratifying to see the impact of the course on our students' careers. We have been fortunate to watch many of them become anti-corruption practitioners after graduation.

Outside of the classroom, you've become quite active on the Foreign Corrupt Practices Act (FCPA) Blog at FCPABlog.com. How did you get started?

The blog has been a wonderful experience. Like many FCPA practitioners, I started reading the blog when I was an associate at Jenner & Block. I remained a fan and dedicated reader after joining the GW Law faculty. A few years ago, I read numerous posts on the blog from guest contributors arguing that contractors who violate the FCPA should be mandatorily debarred. I was appalled by the misinformation in these posts, so I contacted the editor and asked if I could write a response piece defending the U.S. discretionary suspension and debarment system. The debarment "debate" on the blog received a lot of attention and was well-received by the government contracts community. A few months later, when the blog's founder invited me to contribute regularly as an editor, I jumped at the chance.

Blogging has been an amazing experience. It is a quick and relatively low-maintenance way to share your ideas with the public. It also allows you to reach a greater number of people in real-time. It's no surprise that many more people

are willing to read a 500-word opinion piece than a lengthy law review article. The feedback I have received from the readers, including many from outside the United States, has been gratifying. It has been exciting to watch some of the posts take on a life of their own—prompting media inquiries, academic debate, and industry programming.

In addition to your role in the Government Contracts Program, you run the law school's externship program. Tell us about your experience.

I was thrilled to take over as the head of the Field Placement Program (formerly Outside Placement Program) in 2008. It's a wonderful experience, and it reflects why so many students come to GW and D.C. to study law. When I was a law student, participating in the Program was a highlight of my law school education.

I joined the law school during a time

"We have been fortunate to watch many of [our students] become anti-corruption practitioners after graduation."

of transition at GW and in the legal market, and we saw our program enrollment explode during my first few years. On average, 150 to 200 students enroll in the program every semester (fall, spring, and summer—the program is year-round). I think students now realize that obtaining practical experience during their law school career is critical to their marketability after graduation.

The program also provides a wonderful platform to connect students with our amazing community of talented, experienced, and dedicated alumni. There has been tremendous growth in the number of government contracts opportunities over the past few years.



Assistant Dean Jessica Tillipman

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Student Profiles

Kristine R. Hoffman Awarded the First Murray J. Schooner Scholarship

Kristine R. Hoffman, an Air Force attorney who has served in Iraq and Germany, as well as at various Air Force bases around the United States, has been awarded the law school's first Murray J. Schooner Scholarship for Government Procurement Law. The Murray J. Schooner Scholarship was established last year and is supported by gifts from the Government Contracts Advisory Board members, alumni and friends of the Government Procurement Law Program, and Schooner family members.

Having earned her JD degree at the University of Missouri Law School, Ms. Hoffman is currently enrolled as an LLM degree candidate in the Government Procurement Law Program. Below, she responds to some of our questions:

How did you get into the world of government contracting?

I first became interested in government contracting in 2001 when I moved to Hill Air Force Base in Utah. I had spent the majority of my time in the Air Force up to that point doing military justice—criminal law. I was looking for something new and made a deal with my boss at the time—I would work military justice for six months and then he would move me into government contracts. Hill has a large government contracts mission and an office full of really bright civilian government contracts attorneys. It was a great opportunity to learn a new area of the law. However, it wasn't until my deployment to Iraq in 2009, where I worked on contracts and fiscal law, that I decided I wanted to specialize in

government contracts. Upon my return I requested my next assignment be JAQ, the Air Force's Commercial Law and Litigation Directorate.

How did you come to GW's LLM program?

When I arrived at JAQ, I was assigned to the Source Selection Branch. Wanting to learn more about source selection, I found a course offered by Federal Publications Seminars that was taught by GW Law Professor Emeritus Ralph Nash, and I registered for it. While on a break during one of our classes, Professor Nash asked if I had attended the program at GW, and when I said I had not, he told me that I really needed to. I had certainly thought about it before, but didn't see how I could possibly fit it into my life and my budget. When I returned to work the next week and discussed it with some colleagues, the overwhelming response was along the lines of "You have to go, Professor Nash said you need to go!" Within a month I was sitting in Professor Schooner's Performance of Government Contracts course.

How has your experience at GW been so far?

I have had an amazing experience at GW. I've enjoyed every minute of every class.

"I have had an amazing experience at GW. I've enjoyed every minute of every class. (Although, I admit, I had to get over the fear of trusting technology with my online final exams.)"

(Although, I admit, I had to get over the fear of trusting technology with my online final exams.) I've been pleasantly surprised with how accessible the professors have been and how much they want each student to succeed. There is an emphasis on learning about the field and not just about the law. I'm also thrilled with the quality and diversity of the students in the program. The different experience levels and backgrounds add so much to discussions. Also, knowing about the various career paths in government contracts and hearing from experts in those fields is incredibly insightful. At the risk of understatement, let me say

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Associate Dean Daniel I. Gordon, Advisory Board Chairman Paul Houry, Kristine Hoffman, and Professor Steven Schooner

Profile: George Petel, Editor-in-Chief, *Public Contract Law Journal*

George Petel, JD '14, the current Roger Boyd Scholar at the law school, has served as the Editor-in-Chief of the student editorial board of the *Public Contract Law Journal* (PCLJ) since last spring. Associate Dean Daniel I. Gordon, who taught Mr. Petel and for whom Petel worked as a research assistant, noted that “both in and outside class, George has consistently demonstrated intellectual curiosity and focus.”

Mr. Petel came to the law school with a background in economics, in which he majored at Swarthmore College, and he became a certified public accountant when he worked in private industry. He attributes his initial interest in procurement law to Professor Steven Schooner’s IL Contracts Law course, where what he describes as “Professor Schooner’s infectious enthusiasm” for government contracts law—which Schooner referred to as “the field involving things that go BOOM”—permeated the course. Mr. Petel says that his very positive experience with Professor Schooner persuaded him to focus on obtaining membership on the PCLJ and to pursue the practice area in his job search.

His experience as a member of the PCLJ and as a research assistant to Associate Dean Gordon helped Mr. Petel appreciate what he calls “the tremendous task of academic writing.” He also credits his predecessor, Sonia Tabriz, as well as Professor Christopher Yukins for inspiring him to seek a leadership position on the student editorial board. Describing his tenure as the Editor-in-Chief of the PCLJ as “a rewarding and humbling experience,” Mr. Petel says it drove home for him what an exceptional opportunity service on the PCLJ represents for GW Law students. Professor Yukins, one of the journal’s faculty advisors has called the PCLJ “the law

review in North America in the field of public procurement,” and Mr. Petel says his service as Editor-in-Chief has been the most important part of his law school career. While he recognizes that the Government Procurement Law Program as a whole shaped his GW experience, he views his work on the PCLJ as having played a formative role. To students thinking of service on the PCLJ, Mr. Petel points out that membership can present an invaluable opportunity to hone writing and researching skills as well as to network with leading practitioners. He also notes that membership offers opportunities for students to publish their notes, either in the PCLJ or elsewhere.

Mr. Petel points with pride to the PCLJ’s position at the center of sophisticated discussions underlying many of the most important public procurement

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“My time as Editor-in-Chief turned out to be a crash course in everything from price realism analysis to bid protests in the European Union to audits by the Defense Contract Audit Agency.”

.....

issues here and abroad, as well as its practical importance to the field. As he notes, “My time as Editor-in-Chief turned out to be a crash course in everything from price realism analysis to bid protests in the European Union and audits by the Defense Contract Audit Agency.” Just as important for him, and equally positive, have been the interactions with the outside editorial board. He describes Editor-in-Chief Patricia Wittie as “a great leader,” and expresses gratitude for her tireless efforts to solicit ideas for



Roger Boyd Scholar George Petel

articles from senior practitioners in the ABA Section of Public Contract Law. According to Mr. Petel, the challenge is often to persuade practitioners, who have tremendous ideas, to take the time to translate those ideas into articles for publication in the PCLJ.

Interacting with those practitioners who do submit articles for publication has been a highlight of Mr. Petel’s tenure as Editor-in-Chief. He recalls one encounter at the ABA Annual Meeting in San Francisco in August 2013 when he spoke as part of a group of students before the Council of the Section of Public Contract Law. The group’s presentation—based on work done in Professor Christopher Yukins’s seminar on state and local procurement—addressed ways in which to update the ABA’s Model Procurement Code. After the Council meeting, Mr. Petel had a conversation with Couch White’s David G. Anderson, whose article the PCLJ staff members were editing for publication in the winter 2014 issue. During GW Alumni Week some time later, Anderson visited the PCLJ’s new offices in the Law Learning Center, and spent time sharing with PCLJ members some of his experiences practicing in government contracts. Mr. Petel described Anderson’s interest, as well as his encouragement and career advice for PCLJ staff as “affirming my great respect for the government procurement bar and its unique collegiality.”

George Petel has accepted an offer to join Advisory Board member Wiley Rein LLP as an associate in the fall of 2014, where he intends to practice in the field of government contracts. ■

Portrait of an MSGC Student: Cherri Barksdale



Cherri Barksdale

This year, the law school welcomed its first class of GW School of Business students studying government procurement law as part of their master of science in government contracts (MSGC) degree program. One such student is Cherri

Barksdale, who is slated to graduate from the MSGC program in 2015. Ms. Barksdale holds a BS in public administration from Virginia State University and currently works as a contracts administrator for Pacific Architect and Engineering (PAE), where she provides operational contract support for construction logistics, global operations maintenance, training, and global stability support in more than 45 countries. At

Ms. Barksdale is part of a team that supports a foreign project portfolio valued in excess of \$400 million.

PAE, Ms. Barksdale is part of a team that supports a foreign project portfolio valued in excess of \$400 million, supporting critical operations in some of the world's most challenging environments.

A native of South Boston, Virginia, and resident of Washington, D.C., Ms. Barksdale began her contracting career with Military Personnel Services Inc. There, she managed a portfolio of fixed-price, indefinite-delivery, indefinite-quantity, and time and material professional services contracts supporting the U.S. Department of Defense. To further advance her skills as a contracting professional, Ms. Barksdale recently joined the Washington, D.C., Chapter of the National Contract Management Association. When she is not providing foreign contract support,

Ms. Barksdale leads PAE's running team, enjoys modern dance, participates in local service programs, and is an avid clarinet instrumentalist.

Ms. Barksdale credits the unique teaching style and vast breadth of professional and practical knowledge that MSGC law and business school faculty bring to the classroom with making the degree program such a valuable experience. After graduation, she is determined to use that experience to continue to tackle the world's problems, one contract at a time. ■

GOVERNMENT PROCUREMENT LAW PERSPECTIVES

Government Procurement Law Perspectives is published by the Government Procurement Law Program at The George Washington University Law School.

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Associate Dean for Government Procurement Law Studies

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Joshua I. Schwartz

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Student News

MSGC Student Receives NCMA Scholarship

Eric Braese, a student in the interdisciplinary MSGC program, has been selected to receive the first annual National Contract Management Association (NCMA) Tysons Corner Chapter Scholarship. Mr. Braese is a contract administrator with URS Federal Services, Inc. in Chantilly, Virginia, and has been in the contracting field for more than seven years. He is a graduate of NCMA's Contract Management

Leadership Development Program and has served on the board of directors of the NCMA Tysons Corner Chapter.

The scholarship was established by the NCMA Tysons Corner chapter to support and recognize GW students in the MSGC program who are members of the chapter. Mr. Braese was honored at the NCMA Tysons Corner Chapter dinner meeting on January 28. ■

Jessica Tillipman Q&A from page 2

Students rave about their experiences working in leading government contracts agencies and organizations. And, yes, if our readers are interested in supervising externs (and enjoying the fruits of their labors), they should contact me at jtillipman@law.gwu.edu or Megan McGrath in Career Services at mcmcgrath@law.gwu.edu.

Before returning to GW full-time, you were an associate in Jenner & Block's D.C. office. What did you enjoy most about private practice?

I really enjoyed working with my colleagues at Jenner. The work was incredibly sophisticated, and I always worked on substantive and interesting projects (well, at least most of the time). As I explain to students, one of the best aspects of joining a government contracts

“My experience writing client advisories and articles helped to nurture a scholarly writing habit that has been critical to my professional development. In fact, during my final year at Jenner, I authored my first Briefing Paper on the Foreign Corrupt Practices Act—an article that my students now read in our course.”

practice is the variety in your work. You don't have to work exclusively on transactional projects or litigation. As a government contracts attorney, you are exposed to a wide range of practice areas—including protests, mergers and acquisitions, client counseling, suspension and debarment, and white collar defense, among others—because government contracts is such a broad field,

encompassing hundreds of billions of dollars of government business dealings.

I also considered myself fortunate to be a member of Jenner's white collar group. It was a particularly interesting time to be a part of that group because the DOJ was ramping up enforcement of the FCPA around the time that I joined the firm. My experience working on FCPA investigations and compliance matters has greatly influenced my work at GW.

My experience writing client advisories and articles helped to nurture a scholarly writing habit that has been critical to my professional development. In fact, during my final year at Jenner, I authored my first *Briefing Paper* on the Foreign Corrupt Practices Act—an article that my students now read in our course.

What do you miss the most about private practice?

The thing that I miss most actually surprises me. When I was at the firm, I would spend most of my day sitting quietly in my office, working on various matters. I was always thrilled when I could attend a meeting or event (or anything that would break up the day). Now that I am at GW, I spend my entire day in back-to-back meetings and at events, lunches, and conferences. Some days, I would give anything to be back in that quiet office!

What was the best aspect of clerking at the Court of Federal Claims?

The best part of my clerkship was working for Judge Lawrence Margolis. I greatly admire him, and he was an incredible mentor. Working for him significantly improved my writing skills, and I credit him with helping me to be more clear and concise. He recently retired, and I was fortunate enough to join in the celebration of his career on his last day at the court with family, friends, and former clerks.

As a GW Law alum, what experience contributed the most to your career?

That's an easy one—working as Professor Steve Schooner's research assistant. When I started law school, I

“I also credit Professor Schooner with encouraging me to publish a scholarly article during law school, advice that I now give to my own students.”

was convinced that I would become a prosecutor; in fact, I interned several times with the Justice Department during law school. I had never heard of the government contracts field when I applied to be his research assistant for the summer following my 1L year. I worked ridiculous hours that summer—more than 70 hours per week—because I was also working full-time for Judge Ricardo Urbina of the D.C. District Court, which was also well worth it. Despite my lack of sleep that summer, the experience was incredibly rewarding, and it changed my life.

I will never forget when Professor Schooner assigned a few basic articles about government contracts and then asked me what I thought about the field. I said: “it's like contracts on crack!” And, yes, I still feel that way! I spent my three years at GW working with Professor Schooner on various projects and even chaired the government contracts moot court competition—by myself! These days, two students annually manage the competition. I also credit Professor Schooner with encouraging me to publish a scholarly article during law school, advice that I now give to my own students. Thanks to his advice, during my 3L year I published an article about purchase card fraud in the U.K.-based comparative journal, the *Public Procurement Law Review*. If Professor Schooner hadn't introduced me to the field, I can't imagine where I would be today. I am incredibly grateful that I was lucky enough to be at GW Law and ambitious (or crazy) enough to seek out these experiences. ■

Jeri K. Somers Q&A from page 7

How did you come to teach at GW Law?

From personal experience, I have always believed in the importance of good teachers and mentors to success in life and career. As a result, I have strived throughout my career to be both an educator and mentor regardless of my “day job.”

My first position teaching arose from an opportunity to teach government contracts to contracting officers while serving in the U.S. Air Force at Royal Air Force Upper Heyford in Oxfordshire, England. During the same period, I taught aviation law and insurance law to military members through Embry Riddle University. Later, upon returning to the Washington, D.C., area to work for the U.S. Department of Justice, I taught paralegal studies at the University of Maryland’s University College.

I started teaching at GW Law five years ago, beginning with Scholarly Writing. Since then, I have taught courses for student staff members of the Public Contract Law Journal (PCLJ) and the Federal Circuit Bar Journal (FCBJ). Later, I was invited to co-teach Performance of Government Contracts in the spring of 2012 along with Professor Steven Schooner. For the past two summers, I co-taught the Craft of Judging, a co-requisite class for students completing a judicial externship, with Judge Denise Lind. I have found the experience of teaching at GW Law extremely gratifying.

What do you find most satisfying about teaching at GW Law?

The most satisfying aspect of teaching at GW Law is that I get to both educate and mentor extremely bright and energetic

“In terms of my career more broadly, I am fortunate to have held a wide variety of positions.”

students and introduce them to the world of government contracts. I am always struck by the enthusiasm of many of the students at GW, and I find it extremely rewarding to see them succeed in the field of federal procurement law. Over the past couple of years I have seen several of my students start out knowing nothing whatsoever about government procurement, only to discover a passion for the subject through coursework and journal membership. When they follow this passion into the field, I often continue to see them as colleagues at bar events; they even appear before me at the U.S. Civilian Board of Contract Appeals on occasion.

Could you tell us a bit about your career path, and, in particular, how you got into government procurement law?

My final active duty assignment while serving in the Air Force was as a trial attorney defending the Air Force in proceedings brought by contractors at the Armed Services Board of Contract Appeals. In 1991, upon transferring from active duty to reserve duty, I became a trial attorney in the Commercial Litigation Branch of the Civil Division at the Department of Justice. As lead attorney representing the United States, I litigated government contract claims before the U.S. Court of Federal Claims and the U.S. Court of Appeals for the Federal Circuit.

In terms of my career more broadly, I am fortunate to have held a wide variety of positions. I started out as an active duty Air Force JAG officer, served as a trial attorney in the Civil Division at the Department of Justice, as an Assistant U.S. Attorney in Alexandria, Virginia, and as an attorney in private practice. I have tried to balance my career with other important aspects of my life, including raising my teenage daughter, engaging in teaching, mentoring, and volunteer activities, and participating in fun activities such as golf.

Do you have any advice for students thinking about practice in government procurement law?

At the most practical level, students should be persistent in learning the

“From personal experience, I have always believed in the value of good teachers and mentors to success in life and career. As a result, I have strived throughout my career to be both an educator and mentor regardless of my ‘day job.’”

technical jargon of government contracts. It can be daunting at first, but important to success in the field. Understanding the lingo is essential when networking, allowing you to understand what government procurement practitioners are talking about when they talk among themselves! I advise students in the Washington, D.C., area to take full advantage of the exceptional opportunities available here. They should attend the networking lunches and seminars sponsored by organizations such as the Public Contracts Law Section of the American Bar Association and the Board of Contract Appeals Bar Association, to name just a couple. Most of these types of events are free to law students.

Another unique aspect of this area is the vast availability of internship programs in federal agencies and courts. For example, the Civilian Board of Contract Appeals has an excellent legal internship program where interns learn by working for judges on actual cases. The practical experience gained by students and the contacts made through networking opportunities provided during the internship are key to finding a good position in this very challenging employment environment.

Ultimately, every single federal, state, and local government agency procures goods and services. Practitioners focusing in the government contract area are clustered here in Washington, D.C., so if a student wants to practice government contract law, this is the place to be. Washington, D.C., is truly the land of opportunity for this specialty. ■

Selected Faculty Publications and Activities

Professor **Laura Dickinson** recently published an article in the *Emory Law Journal*, titled “Regulating the Privatized Security Industry: the Promise of Public/Private Governance.” The article assesses the potential of the governance mechanism that will implement and oversee the new International Code of Conduct for Private Security Contractors, drafted to effectuate the Montreux Principles for private industry.



Joshua Schwartz

Associate Dean **Daniel I. Gordon's** article, “Bid Protests: The Costs are Real, But the Benefits Outweigh Them,” 42 PUB. CONT. L.J. 489 (2013), was reprinted in full in the September and October 2013 issues of *Contract Management*, the magazine of the National Contract Management Association, as well as in the December 2013 issue of *The Clause*, the publication of the Boards of Contract Appeals Bar Association, Inc. The article was also reported on by Bloomberg on March 4, 2013, in an article titled “Protest Don't Result in U.S. Contract Reversals,” reprinted in the Washington Post on March 11, 2013.

Professor **Steven Schooner's** “Editor's Note: Reflection on Comparative Public Procurement Law,” at 43 PUB. CONT. L.J. 1 (2013), introduced, among others, articles by alumni Collin D. Swan, “Lessons From Across the Pond: Comparable Approaches to Balancing Contractual Efficiency and Accountability in the U.S. Bid Protest and European Procurement Review Systems,” 43 PUB. CONT. L.J. 29 (2013), and Keith M. Lusby, “Improving the Effectiveness of State Bid Protest Forums: Going Above and Beyond the Agreement on Government Procurement and Adopting the ABA's Model Procurement Code,” 43 PUB. CONT. L.J. 57 (2013).

Professor **Joshua Schwartz** has written a chapter titled “International protection of foreign bidders under GATT/WTO Law” for the book *Internationalization of Public Contracts*, edited by Mathias Audit and Stephan Schill, forthcoming from Bruylant. Professor **Christopher Yukins** is submitting an accompanying chapter on procurement-related measures under NAFTA and the proposed Transatlantic Trade and Investment Partnership (T-TIP).

Assistant Dean **Jessica Tillipman** spoke at the Food & Drug Law Institute's Advertising and Promotion Conference in September about the Foreign Corrupt Practices Act. In November she presented during a program titled, “Integrity in Aid-Financed Procurement—A Look at Anti-Corruption Standards for Aid-Financed Procurement,” during the World Bank Group's Law, Justice and Development Week in November.

Steven Schooner and MSGC Program Director **Neal Couture** co-wrote an article, “The Contract Management Body of Knowledge: Understanding An Essential

Tool for the Acquisition Profession,” which was published in the December 2013 issue of *Contract Management*.

Laura Dickinson spoke about her book, *Outsourcing War and Peace* (Yale 2011), at a conference at Ohio State University.

Daniel I. Gordon spoke at World Bank programs on procurement issues in Geneva and Tunis in November.

Christopher Yukins taught a weeklong course in September on anti-corruption and procurement at the International Anti-Corruption Academy, just outside Vienna, Austria. In December he spoke in London at a webinar on the new European Union procurement directive. During that same week, he joined a comparative law symposium on public contract administration held at the Institute of Political Studies (Sciences Po), a leading institution of higher education in Paris.

Jessica Tillipman and **Christopher Yukins** moderated two panel discussions during a day-long conference titled “The International Fight Against Corruption: Are the OECD and UN Conventions Achieving Their Objectives” at GW Law in December.

Neal Couture presented a seminar in August on “Higher Education Management in America” for faculty and staff of the Guangzhou University of Traditional Chinese Medicine at the George Washington University Center for Excellence in Public Leadership.



Steven Schooner

Daniel I. Gordon, Steven Schooner, and **Christopher Yukins** made presentations at the Law School in December to a delegation from the Ministry of Finance of the People's Republic of China. The three speakers donated their fees for the lectures to the Government Procurement Law Program's Roger Boyd Scholarship Fund.

Steven Schooner delivered the keynote address, "Combating Corruption in Public Procurement: Global Challenge, Domestic Concerns and Solutions," at the Latin America and Caribbean Regional Forum on "Tackling Corruption and Collusion in Public Procurement: Latin America and the Caribbean" in Panama City, Panama in September. In October he presented a keynote luncheon address at the Coalition for Government Procurement's 2013 Fall Training Conference, "The New Federal Market," in Falls Church, Virginia. In November he discussed "Failed Government.... Budget Uncertainty.... Declining Spending... And Business As Usual" at the Army Judge Advocate General School's annual symposium, now called the "Contract and Fiscal Law New Developments Course" in Charlottesville, Virginia. In December he gave a luncheon talk to the Procurement Division of the National Defense Industrial Association in Washington, D.C.

Neal Couture's paper, "Dealing with the Unexpected: Resilience in Career Actors," was accepted for presentation at the Academy for Human Resource Development Conference of the Americas to be held in February in Houston, Texas.

Jessica Tillipman presented at the Board of Contract Appeals Bar Association Annual Conference during a program titled, "Protecting the Whistleblower" in December. She also spoke about the Foreign Corrupt Practices Act at the Food & Drug Law Institute's Enforcement, Litigation and Compliance Conference, in a panel discussion titled "Criminal and Civil Enforcement: Domestic and International Developments."

Steven Schooner and **Daniel I. Gordon** spoke at procurement workshops conducted in China in September by the World Trade Organization. Professor Schooner spoke in Xi'an, while Associate Dean Gordon spoke in Beijing. While in China, Associate Dean Gordon also made a presentation to graduate students and met with the dean at the Central University for Finance and Economics; Professor Cao Fuguo, a regular lecturer and former Fulbright Scholar at the Law School, was his host.

Jessica Tillipman, Christopher Yukins, and **Steven Schooner** spoke in September at a colloquium on cross-debarment held at GW Law. They also discussed related suspension and debarment issues at the Inter-American Development Bank in December. ■



Jessica Tillipman, Juan Ronderos, Frank Fariello, Christopher Yukins, Pascale Dubois, Frederic Levy, and Duc Nguyen, at the Cross-Debarment Colloquium.

Program News

USTDA-GW Partnership Announced

Initiative will share best practices with emerging economies



THE GEORGE
WASHINGTON
UNIVERSITY
WASHINGTON, DC

The U.S. Trade and Development Agency (USTDA) and The George Washington University signed a memorandum of understanding in July establishing a partnership to develop the USTDA's Global Procurement Initiative. The Initiative is designed to share best practices in procurement with officials from emerging economies in order to foster fair and transparent procurement systems that use best-value determination and life-cycle cost analysis. Training activities will be tailored to decision makers responsible for procurement in high-tech infrastructure sectors such as energy, transportation, and telecommunications.

"Low-cost procurement methods limit the opportunities for U.S. companies to compete in emerging markets," said USTDA Director Leocadia I. Zak. "Procurement systems that use a best-value determination will help to level the playing field for high-quality, high-value goods and services provided by U.S. companies. A predominant focus on low-cost procurement methods often leads countries to acquire goods and services that fail to meet their long-term objectives over the life of the investment. A more sophisticated analysis of the total cost of ownership can lead to smarter, longer-term investments with overall savings to our partners overseas."

"The George Washington University has made a commitment to preparing students for an increasingly globalized society," said Interim Dean Gregory Maggs. "In keeping with this goal, we are very pleased to partner with the USTDA to promote best practices in government procurement. Drawing on the

knowledge and experience of GW Law's Government Procurement Law Program, the Global Procurement Initiative will provide information and resources for countries with emerging economies to help them make optimal use of spending on public contracts and obtain the best value for their citizens."

The faculty of GW's procurement law program will guide the Initiative's curriculum. Associate Dean Daniel I. Gordon and Professor Christopher Yukins have been actively involved in the Initiative since its launch. In August they both participated in a roundtable with industry and other stakeholders that covered different ways of taking cost or price into account in procurements. In November, they had a telephone conference with USTDA officials and procurement officials from Botswana in which the participants discussed the challenges that the Botswanan procurement system faces and ways for the Global Procurement Initiative to engage with the Botswanan government. In particular, the participants discussed the possibility of GW's procurement law program helping to train Botswanan procurement officials.

In December Associate Dean Gordon joined Andrea Lupo, USTDA's Director for Global Programs, at an international roundtable in Toronto discussing innovation and procurement, which was hosted by the Conference Board of Canada. The roundtable focused on government procurement of innovative healthcare products, and participants shared the experiences of their home countries and provinces in the introduction of innovative medical equipment. ■

Kristine R. Hoffman from page 3

that I have not been disappointed with my choice to attend the program.

How, if at all, have your GW studies helped you in your work, and how may they help you in the future?

My classes at GW have reinforced my practical experience in the Air Force and have given me additional resources and tools for resolving issues. I can't begin to count the number of times I've sat through what I thought was an "academic" lecture or discussion only to find the exact same issue raised at work the next day or the next week. It's a great motivator to know that what I learn is so immediately useful to my work. I've even had colleagues in my office ask my opinion on a matter because they knew I had just taken a course about a particular issue.

Where do you expect your career to take you next?

I will be retiring from active duty next year and hope to find a challenging and rewarding position in government contracts. I am confident that my LLM in Government Procurement will help me in the next stage of my career.

Any advice for someone considering enrolling in the Government Procurement Law program?

My advice is to jump in with both feet. There's so much to learn and experience in this program! ■

Support the Government Procurement Law Program

The Government Procurement Law Program at GW Law continues to grow and prosper, thanks to the generous financial support of alumni and friends. Gifts to the Program support institutional priorities including financial aid, academic programs, and faculty resources.

For more information visit www.law.gwu.edu/give.

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Professor Dickinson and Students Draft Report on Private Military and Security Contractors

This past fall, Professor Laura A. Dickinson worked with a team of students from her government contracts seminar on a special policy project aimed at shifting the legal regime for private military contractors operating around the world. The regime, known as the Montreux Principles, is a significant step forward on the regulation of private military contractors. A collaboration among the U.S., Swiss, British, and other governments, along with industry and human rights and humanitarian law groups such as the International Committee for the Red Cross, the



Roshanne Katouzian, JD '15, Todd Hanks, LLM '14, Professor Laura Dickinson, and George Petel, JD '14

Montreux Principles lay out a set of best practices for governments when entering into and overseeing military contracts.

Professor Dickinson supervised a team of five students who drafted a section of a so-called “shadow report” evaluating governments’ implementation of the Montreux Principles five years after their adoption. The report was a joint initiative of a consortium of

academics and civil society groups, and was circulated at Montreux Plus Five, an intergovernmental conference held in Geneva this past December, to take stock of the Montreux process. The students who worked on the report are Elizabeth Confalone, Sariana Garcia Ocasio, Todd Hanks, Roshanne Katouzian, and George Petel. A link to the report can be found at <http://ihrib.org/montreux-years/>. ■

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