



Spring 2012

Government Procurement Law Perspectives: Spring 2012

Government Procurement Law Program
George Washington University

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GW Law Welcomes Dan Gordon as Associate Dean for Government Procurement Law Studies

Dov Zakheim, Former DoD Comptroller, Discusses Afghanistan Reconstruction

On January 18, GW Law hosted Dr. Dov Zakheim, who held high-level positions in the administrations of Presidents Ronald Reagan and George W. Bush, under whom he served as Undersecretary of Defense and Comptroller. At the GW Law forum, Professor Joshua Schwartz introduced Dr. Zakheim, whose talk was drawn from his recent book, *A Vulcan's Tale: How the Bush Administration Mismanaged the Reconstruction of Afghanistan*. In his wide-ranging remarks, Dr. Zakheim discussed issues ranging from failures of contract management to the challenges of political appointees serving in positions focused on implementation, rather than drafting, of policy. The forum was open to the public, and GW Law students as well as others attended and submitted questions, which were fielded by Professor Steve Schooner and Associate Dean Dan Gordon.



PHOTO: CHRIS FLYNN

Associate Dean Daniel I. Gordon

On January 1, 2012, Daniel I. Gordon joined GW Law as the school's first Associate Dean for Government Procurement Law Studies. Before joining GW Law, he was the White House's Administrator for Federal Procurement Policy, a position to which President Barack Obama appointed him in November 2009 after he was confirmed by the U.S. Senate.



Dr. Dov Zakheim

Government Procurement Law Perspectives

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

ABOUT US

Established in 1960, GW's Government Procurement Law Program is the only one of its kind in the United States. As governments in the United States and abroad increasingly effectuate public policy through contracting, the program's internationally known faculty, myriad curricular offerings, and cutting-edge public programs are at the forefront of innovation in this crucial area of law. In addition to its rigorous academic course of study, the Government Procurement Law Program administers the McKenna Long & Aldridge "Gilbert A. Cuneo" Government Contracts Moot Court Competition and in conjunction with the ABA publishes the *Public Contract Law Journal*.

Dan Gordon, Associate Dean for Government Procurement Law Studies

Co-Directors of the Government Procurement Law Program:

Steven L. Schooner, Nash and Cibinic Professor of Government Procurement Law

Joshua I. Schwartz, E.K. Gubin Professor of Government Contracts Law

Christopher R. Yukins, Professor of Government Contracts Law

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FACULTY

Professor Laura Dickinson Discusses Prize-Winning Book, Role of Private Contractors

Professor Laura A. Dickinson, the Oswald Symister Colclough Research Professor of Law, discussed her book *Outsourcing War and Peace: Preserving Public Values in a World of Privatized Foreign Affairs* at a well-attended event held October 6, 2011, in the Jacob Burns Moot Court Room. Professor Dickinson's book won the 2011 IIT Chicago-Kent College of Law/Roy C. Palmer Civil Liberties Prize. Established in 2007, the award honors an exemplary work of scholarship exploring the tension between civil liberties and national security in contemporary American society.

During the October 6th event, Professor Dickinson explored the services that are now delivered by private contractors and the threat this trend poses to core public values of human rights, democratic

accountability, and transparency. Professor Steven L. Schooner moderated the program, and David Berteau, Senior Vice President and Director of the International Security Program at the Center for Strategic and International Studies and Director of the Procurement Round Table, served as discussant. The program was jointly sponsored by GW Law, the Procurement Round Table, and the American Bar Association's Public Contract Law Section's Battle Space Committee.

Professor Dickinson, who joined GW Law in 2011, is a graduate of Harvard University and received a J.D. from Yale Law School. She served as law clerk for Judge Dorothy W. Nelson of the U.S. Court of Appeals for the Ninth Circuit and Justices Harry Blackmun and Stephen Breyer of the Supreme Court of

See *Dickinson*, page 11



Professor Laura Dickinson signed copies of her book after her talk.

PHOTO: CLAIRE DUGGAN

FACULTY

GW Law Welcomes Back Bill Kovacic

This past fall, GW Law welcomed back Professor Bill Kovacic, who returns to the Law School after a distinguished career at the Federal Trade Commission (FTC), where he served as Commissioner from January 2006 to October 2011 and as Chairman from 2008 to 2009. Among other roles, he also was the FTC's General Counsel from 2001 through 2004. This service, as well as his far-reaching expertise and dedication to sharing his knowledge, makes him a sought-after instructor and a valued member of GW Law's faculty of real-world experts. Professor Kovacic is a well-known figure in the government procurement community due to his interest in, among other things, defense procurement, major systems acquisition, bid protests, and *qui tam* provisions of the False Claims Act.

"Bill Kovacic is a towering figure in the worlds of trade and competition law and policy, and he is that rare breed—someone who is both respected for his scholarly insights and his ability to translate his ideas into pragmatic solutions that help change the future," said Paul Schiff Berman, Dean and Robert Kramer Research Professor of Law. "His return to our faculty immediately catapults GW to international leadership on trade and competition law, and I look forward to building our Competition Law Center into the go-to place in the world for



PHOTO: CHRIS FLYNN

Professor Bill Kovacic

cutting-edge innovation in these areas so crucial to our economic future."

Professor Kovacic originally joined the GW Law faculty in 1999. Throughout his career, he has fostered innovation and solutions to antitrust and consumer protection issues worldwide, applying practical knowledge both to his role at the FTC and his role in the classroom. He has served as an adviser on antitrust and consumer protection issues to

See *Kovacic*, page 8

ALUMNI AND FRIENDS

New Member Joins Government Procurement Industry Advisory Board

The Government Contracts Industry Advisory Board (GCIAB) is pleased to welcome the General Dynamics Corporation to the board. The GCIAB members include legal and business leaders, select law firms, and companies who play an active role in helping to shape the future of the government procurement law program.

Other board members include:

- Arnold & Porter LLP
- The Boeing Company
- The Honorable Ruth Burg
- Crowell & Moring LLP
- Greenberg Traurig LLP
- Sy Herman
- Hogan Lovells
- Holland & Knight LLP
- J. Richard Knop
- Lockheed Martin Corporation
- McKenna Long & Aldridge LLP
- Microsoft Corporation
- Ralph C. Nash, Jr.
- Philip O. Nolan
- Alan Peterson
- Phelps Enterprises International
- Smith Pachter McWhorter PLC
- Venable LLP
- Wiley Rein LLP
- Womble, Carlyle, Sandridge & Rice PLLC

STUDENTS

GW Law Benefits from Student Chapter of the NCMA

GW Law is hosting a student chapter of the National Contract Management Association (NCMA). With more than 20,000 members, NCMA is a national organization comprised of business managers and attorneys involved in the federal government's annual purchase of more than \$530 billion in services, goods, and construction.

Participation in NCMA offers GW Law students the opportunity to engage in research,

public speaking, and networking. Students learn about current events and begin to bridge the divide between classroom education and the actual practice of law through applied knowledge. The student chapter is noteworthy because it involves a partnership between the Law School and the greater government contracts community.

In addition, GW Law students routinely publish in NCMA's *Journal of Contract Management* and are frequent winners



of the \$5,000 prize in NCMA's W. Gregor Macfarlan Excellence in Contract Management Research and Writing Program.

See *NCMA*, page 9

FACULTY

Judge Jeri Somers Assumes Greater Role on Adjunct Faculty



GW Law is delighted to welcome Judge Jeri Somers to the ranks of its adjunct faculty. In the spring semester of 2012, Judge Somers will teach Performance of Government Contracts, together with Professor Steven L. Schooner. Judge Somers is the Vice Chair of the U.S. Civilian Board of Contract Appeals. As a Federal Administrative Judge, she has presided over trials involving multi-million dollar contract disputes arising from all of the civilian federal agencies, including the U.S. Department of Transportation, the U.S. Department of Homeland Security, and the U.S. Department of Justice. Using her

See *Somers*, page 6

Associate Dean from page 1

“Dan Gordon has long been one of the worldwide leaders in this important field, and he is that rare person who can translate his experience and knowledge into learning and action,” said Paul Schiff Berman, Dean and Robert Kramer Research Professor of Law. “Our students will greatly benefit from his ‘insider’ perspective and his practical know-how. I am confident that the creation of this position signals to Washington and the world that now more than ever, GW Law is the premier place to study government procurement law and policy.”

Dean Gordon has indicated that he shares Dean Berman’s enthusiasm for the groundbreaking role. “While GW Law has a long history of excellence in the area of government contracts, adding the position of associate dean should provide opportunities for building on that history to take the Law School even further,” said Dean Gordon. “Ultimately, we will want to find new ways to reach students, including potentially nontraditional frameworks, and new ways to explore connections between government contracts law and other disciplines, such as corporate, public international, and anti-trust law.”

Dean Gordon added that his recent career experience will shape his approach to knowledge-sharing and program development at GW Law. “Procurement policy is

intertwined with procurement law, but seeing things from the policy side has enriched my understanding of the importance and the impact of procurement law,” he said.

In his role as the Administrator for Federal Procurement Policy, Dean Gordon helped develop and implement acquisition policies supporting more than \$530 billion of annual federal spending. Before being nominated by the President to serve as Administrator, he spent 17 years at the Government Accountability Office in various roles, ultimately serving as Deputy General Counsel and Acting General Counsel. Among his other work at GAO, he headed the bid protest unit for a number of years and served as counsel to the congressionally chartered Commercial Activities Panel, which looked into questions regarding the use of contractors and federal employees to provide commercial-type services. Before joining GAO, he served as a court law clerk at the U.S. Court of Appeals for the District of Columbia Circuit and then practiced for a number of years with a private law firm in Washington, DC. Dean Gordon has frequently testified on acquisition issues before Congress, and he has published law review articles and book chapters on various aspects of procurement law and policy. In addition, he has worked with many U.S., foreign, and international entities in efforts to improve acquisition policies, practices,

and training, including federal agencies, the World Trade Organization, the United Nations Commission on International Trade Law, and the World Bank.

While he is new to the role of Associate Dean, he is already familiar with the GW Law community through previous service as a member of its adjunct faculty. “GW Law is a world-class venue for teaching, research, and writing about government contracting. I am returning to a community that I know and cherish,” Dean Gordon said.

Program Co-Director Steven L. Schooner said he is joined by Co-Directors Christopher R. Yukins and Joshua I. Schwartz in his excitement at Dean Gordon’s arrival and in his enthusiasm for what Dean Gordon brings to the program and to the Law School. “I can’t imagine a more worthy successor to the Nash and Cibinic legacy than Dan Gordon,” Professor Schooner said, referring to program founders Ralph C. Nash, Jr., and John A. Cibinic, Jr. “He’s a gifted teacher, a natural mentor, an accomplished scholar, and he’s distinguished himself as one of the generation’s most significant leaders in public procurement law and policy.”

Dean Gordon holds a B.A. from Brandeis University, an M.Phil. from Oxford University, and a J.D. from Harvard Law School. He also has studied in Paris, France; Marburg, Germany; and Tel Aviv, Israel.

STUDENTS

GW Law Students Excel in Writing Competitions

GW Law students enjoyed particular success during 2011 in the major writing competitions related to government contracts. Students who wrote about their research in our Government Procurement Law Program earned \$21,000 in prize money last year, published numerous articles in the leading journals in the field, and earned the opportunity to present their research at major conferences. These successes demonstrate both the quality and commitment of GW Law's students, as well as the strength of the school's Government Procurement and Legal Research and Writing programs. In addition to gaining the expertise of the full-time faculty in both programs, GW Law's students benefit from a dedicated cadre of adjunct professors—practicing experts in their fields, many of whom are GW Law alumni—who work with and mentor students throughout the research and writing process.

See *Writing Competitions*, page 11



Timothy Bunting (LL.M. '13) (second from left) receives the First Place award for Graduate Research in the NCMA 2011 Macfarlan Excellence in Contract Management Research and Writing Program. Also pictured are NCMA President Charlie Chadwick; Rene Rendon, Professor at the Naval Postgraduate School; and NCMA Director Neal Couture.

EVENTS

GW Law Hosts Program with Transparency International



(left to right) Professors Laura Dickinson, Steve Schooner, Jessica Tillipman, and Christopher Yukins

On October 25, 2011, GW Law hosted a colloquium discussing Transparency International's Defense and Security Anti-Corruption Program. The event, held in the Jacob Burns Moot Court Room, featured discussions and comments from Mark Pyman, Director, Defence Counter Corruption Programme, Transparency International UK; Felicia Faragasso, Senior Counsel,

Director, International Law and Compliance, SAIC; Sue Ringler, Deputy General Counsel, Xylem Inc.; and Professors Christopher Yukins, Jessica Tillipman, Laura Dickinson, and Steve Schooner. Mark Pyman led the panelists in a discussion about Transparency International's efforts to build integrity and reduce corruption risks in defense and national security establishments throughout the world.

Paul Dembling's Legacy

Paul G. Dembling (J.D. '51) died on May 16, 2011, at the age of 91. His professional life was marked by national successes, and he had a long and committed relationship to the Law School.

As General Counsel to NASA's precursor, the National Advisory Committee for Aeronautics, Dembling helped shape the agency's legislative charter, the National Aeronautics and Space Act of 1958. In a 1992 interview featured in the NASA archives, he described the process of drafting the bill. "A lot of the policy aspects of it were done quickly," he said. "But the functions and the authorities that were embodied in that piece of legislation were well thought out and very well considered."

After NASA became operational, Dembling was one of its first employees, eventually becoming the agency's General Counsel. He also managed the agency's Legislative Affairs Office under Administrator James Webb and served as a Deputy Associate Administrator before retiring in December 1969. According to the *Washington Post*, as a top NASA leader



Paul G. Dembling

in 1969, he helped write the statement that Apollo 11 astronaut Neil Armstrong read as he took the first steps on the moon. "Of all the jobs I have had and things I have done, I am most pleased with the creation of the legislation for NASA," Dembling said in a 2002 interview. Later in his career, he served as the General Counsel of the General Accounting Office (now known as the Government Accountability Office).

In terms of government procurement law, Dembling is said to have offered a frank explanation of the history of what, over time, has become known as "other transactions authority" (OTA). Discussing his role in NASA's authorization statute, he is quoted as saying, "Well, I tried to cover everything else When somebody said, 'Suppose we have

.....
See **Dembling**, page 9

Somers from page 4

previous experience in the "Rocket Docket," where she practiced for several years as an Assistant U.S. Attorney, Civil Division of the U.S. Attorney's Office for the Eastern District of Virginia, Judge Somers has a reputation for expediting her docket of cases, as well as facilitating settlement through alternative dispute resolution.

Judge Somers is a retired Lieutenant Colonel in the U.S. Air Force Reserves, where, among other responsibilities, she served as a Military Trial Judge, hearing felony and misdemeanor cases involving military defendants. She also presided over complex drug cases; cases involving criminal uses of the internet, sexual assaults, and theft; and other cases involving a wide variety of crimes.

Before her appointment as a Federal Administrative Judge, Judge Somers was an active trial lawyer engaged in a civil and criminal practice, primarily in federal court. While serving on active duty with the U.S. Air Force as a Judge Advocate, Judge Somers tried countless criminal cases, both as a prosecutor and as defense counsel. In addition, she has litigated cases before the U.S. District Court for the Eastern District of Virginia and the U.S. Court of Federal Claims, as well as administrative forums, including the U.S. International Trade Commission, the U.S. Securities and Exchange Commission, the Armed Services Board of Contract Appeals, and the Merit Systems Protection Board. Judge Somers has argued dozens of appeals before the U.S. Court of Appeals for the Fourth Circuit and the U.S. Court of Appeals for the Federal Circuit.

Judge Somers has been an active member of the bar since 1986 and has held numerous bar leadership posts, including: President, the George Mason American Inn of Court; Chair, Professionalism Committee of the Virginia State Bar; Chair, Fourth District, Virginia State Bar Disciplinary Committee; Elected Member, Council of the Public Contracts Law Section, American Bar Association; Delegate of the Public Contract Law Section to the American Bar Association Commission on Minorities; Co-Chair of the Contract Claims and Disputes Committee of the Public Contract Law Section of the American Bar Association; Associate Editor, *Public Contract Law Journal*; Board Member of the Board of Contract Appeals Bar Association; and General Counsel for the Board of Contract Appeals Judges Association.

EVENTS

Moot Court Competition Scheduled for March and April

The 2012 McKenna Long & Aldridge “Gilbert A. Cuneo” Government Contracts Moot Court Competition will be held in March and April. The preliminary and semi-final rounds will be held at the Law School on March 24 and March 31. The final round will take place in April before a panel of practicing judges at the Howard T. Markey National Courts Building, across the street from the White House. This spring, 20 teams will face off in a case that, while the facts are fictitious, once again involves cutting-edge issues currently facing the public contracts bar.

Each year, one of the highlights of GW Law’s procurement law program is this competition. Sponsored and supported by the law firm of McKenna Long & Aldridge, the competition offers students the chance to put their research, writing, and oral advocacy skills to the test, arguing both sides of an appellate case before seasoned government contracts professionals.

In 2011, we achieved an all-time high of 52 student competitors. The judges in the final round, held on Thursday, April 7, 2011, were Judges George W. Miller, Jeri K. Somers, and Victor J. Wolski (see photo on page 4). After that final round, Amy Siadak and Ashley



Ashley Barbera (second from left) and Amy Siadak (second from right), 2011 Government Contracts Moot Court Competition winners, with Professor Steven Schooner and McKenna Long & Aldridge Partner Alison Doyle

Barbera (both J.D. '11) were selected as the winning team. Siadak is now an associate at the Denver office of McKenna Long & Aldridge, and Barbera is an associate at Smith Pachter McWhorter PLC in Vienna, VA. The other finalist team was Katherine Veeder and John Ziegler. Both Veeder and Ziegler are currently associates in the Washington, DC, office of McKenna Long & Aldridge. In addition to the finalists, awards were also presented for the best

government brief, best contractor brief, and best oralist, as well as for overall excellence, excellence in oral advocacy, and excellence in written advocacy.

Experienced practitioners interested in serving as volunteer judges are encouraged to contact Stephanie Allgaier, Staff Chair for the Competition, at 202.994.0715 or sallgaier@law.gwu.edu.

EVENTS

Extraordinary Externships in Government Procurement Law for GW Law Students

The strength of the Government Procurement Law program at GW Law is demonstrated by the unrivalled externship program available to our students. Over the past few years, GW Law students have obtained procurement-related externships at dozens of U.S. and international agencies. The many executive branch agencies that welcomed GW Law students have included various components of the Department of Defense, the General Services Administration’s Office of General Counsel, the Department of Justice, the Department of Homeland

Security’s Procurement Office, and the Department of Veterans Affairs. Local government offices, such as the District of Columbia’s Board of Contracting Appeals, also opened their doors to our students, as did international organizations such as the World Bank. **Judicial settings, including** the Civilian Board of Contract Appeals and the U.S. Court of Federal Claims, as well as legislative-branch offices, including the Senate Committee on Homeland Security and Governmental Affairs, have also hosted students from the Government Procurement Law Program. If you know of meaningful



opportunities for our students to learn through practice, or for additional information, please contact Dean Jessica Tillipman at 202.994.2896 or jtillipman@law.gwu.edu.

EVENTS

GW Law and Johns Hopkins Co-Sponsor Roundtable on Contractor Ethics

On January 25, GW Law joined with the Johns Hopkins Center for Advanced Governmental Studies to lead a roundtable discussion on “Evolving Issues at the Intersection of Contractor Personnel and Public Service Ethics.” Participants in this invitation-only event included Paul Verkuil, the head of the Administrative Conference of the United States (ACUS); Don Fox, Acting Director of the Office of Government Ethics (OGE); Steve Shaw, Air Force Suspension

& Debarment Official; Angela Styles (on behalf of DII); Alan Chvotkin (PSC); William T. Woods, Director for Acquisition and Sourcing Management, GAO; as well as other thought leaders from government, industry, and academia. Johns Hopkins’ professors Kathryn Wagner Hill and Dan Guttman were joined by GW Law faculty, Dean Dan Gordon, Steven Schooner, Laura Dickinson, Joshua Schwartz, and Jessica Tillipman. ACUS’s recent recommendations regarding contractor personnel

ethics, as well as a paper by Johns Hopkins Professor Guttman on “Government by Contract,” served as the springboard for a wide-ranging discussion that addressed contract management challenges, the impact of a weakened federal acquisition workforce, contractor ethics programs, and compliance failures on the part of both government and contractors. The participants agreed to explore the possibility of a follow-up program and publication of related papers.



Participants in the January 25 roundtable discussion. The event was a joint effort between GW Law and the Johns Hopkins Center for Advanced Governmental Studies.

Kovacic from page 3

the governments of Armenia, Benin, Egypt, El Salvador, Georgia, Guyana, Indonesia, Kazakhstan, Mongolia, Morocco, Nepal, Panama, Russia, Ukraine, Vietnam, and Zimbabwe. Since January 2009, he also has served as Vice Chairman for Outreach of the International Competition Network.

Upon his departure from the FTC, Professor Kovacic was presented with the 2011 Miles W. Kirkpatrick Award for Lifetime FTC Achievement. In his remarks made in presenting the award, FTC Chairman Jon Leibowitz noted that Professor Kovacic’s dedication and remarkable work “have made the FTC stronger, more nimble, and more effective.”

Longtime colleague and collaborator Professor Steven Schooner says he is honored to work with Professor Kovacic and that GW Law students are fortunate to learn from a world-renowned expert. “It’s hard for most people to grasp how much respect and admiration Bill commands around the world for his work with international organizations and developing nations. And it’s not just that he’s willing to spend inordinate amounts of time on airplanes, in airports, and in faraway places. Much more important, Bill understands the dynamics of law transfer; he recognizes the challenges that developing states face; he realizes that there’s a big difference between teaching and preaching; and his sincerity, warmth, and goodwill are infectious,” Professor Schooner said. “He’s long been a model for anyone who

travels the globe attempting to help states improve governance and, in so doing, enriches the lives of our global community.”

Although Professor Kovacic is enthusiastic about returning to the GW Law classroom, he has no plans of slowing down or foregoing other duties. “I am thrilled to return to the Law School. The University generously allowed me to work at the FTC for most of the past decade, and I look forward to applying what I have learned as a teacher and a researcher,” Professor Kovacic said. “Through the Competition Law Center, I expect there will be many excellent opportunities to engage our students and faculty and other GW departments in projects that will help improve the quality of competition law and policy at home and abroad.”

FACULTY PUBLICATIONS

Laura A. Dickinson, "Outsourcing Covert Activities," *Journal of National Security Law & Policy* (January 2012).

Daniel I. Gordon and Michael R. Golden, "Money Damages in the Context of Bid Protests in the United States," in Duncan Fairgrieve and François Lichère, eds., *Public Procurement Law: Damages as an Effective Remedy* (Hart, 2011), pp. 199-212.

William E. Kovacic, Robert C. Marshall, Leslie M. Marx, and Halbert L. White, Jr., "Plus Factors and Agreement in Antitrust Law," 110 *Michigan Law Review* (2011).

Steven L. Schooner, "Postscript: Defense to a Government Claim is a Contractor Claim," 26 *Nash & Cibinic Report* 6 (February 2012).

Robert D. Anderson, **Steven L. Schooner**, and Collin D. Swan, "Feature Comment: The WTO's Revised Government Procurement Agreement: An Important Milestone Toward Greater Market Access and Transparency in Global Public Procurement Markets," 54 *The Government Contractor* 1 (2012).

Steven L. Schooner, "A Random Walk: The Federal Circuit's 2010 Government Contracts Decisions," 60 *American University Law Review* 1067 (2011).

Joshua I. Schwartz, "Procurement in Times of Crisis: Lessons From U.S. Government Procurement in Three Episodes of 'Crisis' in the Twenty-first Century," in Sue Arrowsmith and Robert D. Anderson,

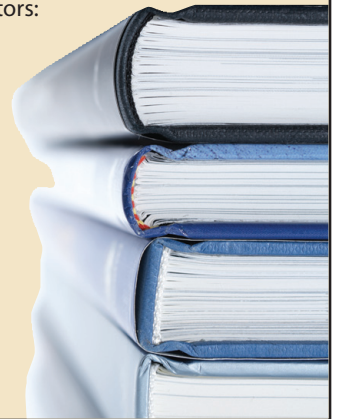
eds., *The WTO Regime On Government Procurement: Challenge And Reform* (Cambridge University Press, 2011), pp. 803-829.

Joshua I. Schwartz, "États-Unis/United States of America," in Rozen Noguellou and Ulrich Stelkens, with Hanna Schröder, eds., *Droit Comparé des Contrats Publics/Comparative Law on Public Contracts* (Bruylant, 2010), pp. 613-655.

Jessica Tillipman, "A House of Cards Falls: Why 'Too Big to Debar' is All Slogan and Little Substance," 80 *Fordham Law Review Res Gestae* 49 (January 2012), http://fordhamlawreview.org/assets/res-gestae/volume/80/49_Tillipman.pdf.

Jessica Tillipman, "The Foreign Corrupt Practices Act & Government Contractors: Compliance Trends and Collateral Consequences," *Briefing Papers*, No. 11-9 (September 8, 2011).

Christopher R. Yukins and Avi M. Baldinger, "Congress Considers Procurement Preferences for Medium- Sized Businesses, Though Concerns Persist Regarding International Trade Obligations," 53 *The Government Contractor* (2011).



NCMA from page 3

The DC Chapter—one of the organization's oldest and largest—hosts monthly dinner programs. For more than a year, GW Law students have presented a current events "Newsreel" at each of the chapter's monthly meetings. In preparation for his or her presentation, each student scours the news for significant legislative, regulatory, and judicial developments in government contracting. The student then meets with a faculty member to prioritize the news items; determine how best to introduce complex topics in an efficient manner; and package the information into a tight, informative, and entertaining presentation. The evening of the meeting, the student enjoys a nice meal and an opportunity to network with successful professionals, hone his or her public speaking skills in front of a large audience, and, of course, showcase the immense talent of GW Law's student body.

The Law School's affiliation with NCMA represents another opportunity for GW Law students to gain professional exposure to government procurement law and policy.

Dembling from page 6

this or that kind of a transaction?' I figured, it may not be covered under contracts, leases, and cooperative agreements. I couldn't think of any other terminology to use, so I used, 'Other transactions as may be determined or necessary in the conduct of its work.' So it was a sort of catchall phrase." OTA gave NASA a great deal of flexibility since the language effectively allowed NASA to acquire what it needed without being subject to the regular procurement statutes and regulations. Dembling's legacy lives on in the OTA authority, which is now used not only by NASA but by other agencies, such as the Department of Defense.

He valued his relationship with GW Law, where he taught an early course on the International Law of Air and Space, and he understood his place in history. Just over a decade ago, he established the Dembling NASA and Government Procurement Collection in GW's Jacob Burns Law Library. Among other things, he recorded his oral history in 2001, at the time he donated his papers to the Burns Library. Additional

information on this collection is available in the most recent issue of the library's newsletter, *A Legal Miscellanea*. For many years, Dembling was an active member of the Procurement Round Table (PRT), which strives to increase the economy, efficiency, and effectiveness of the federal acquisition system. In that connection, it is only fitting that the PRT meets monthly at GW Law.

Dembling's son, Ross, wrote a fascinating memorial for the most recent issue of the *Public Contract Law Journal* (volume 40, page 1139). Ross Dembling, also a GW Law alum, continues his father's legacy of public service as Deputy Chief Counsel at the Department of Homeland Security. While the most entertaining aspects of the memorial involve his father's recruitment as a Russian/KGB information source and the FBI's management of this "relationship," Ross Dembling emphasized his "father's chief lesson [and legacy] ... the importance of effective communication."

Paul Dembling was a model civil servant, dedicated to improving government service for the American public. We are proud that he was also a GW Law alum.

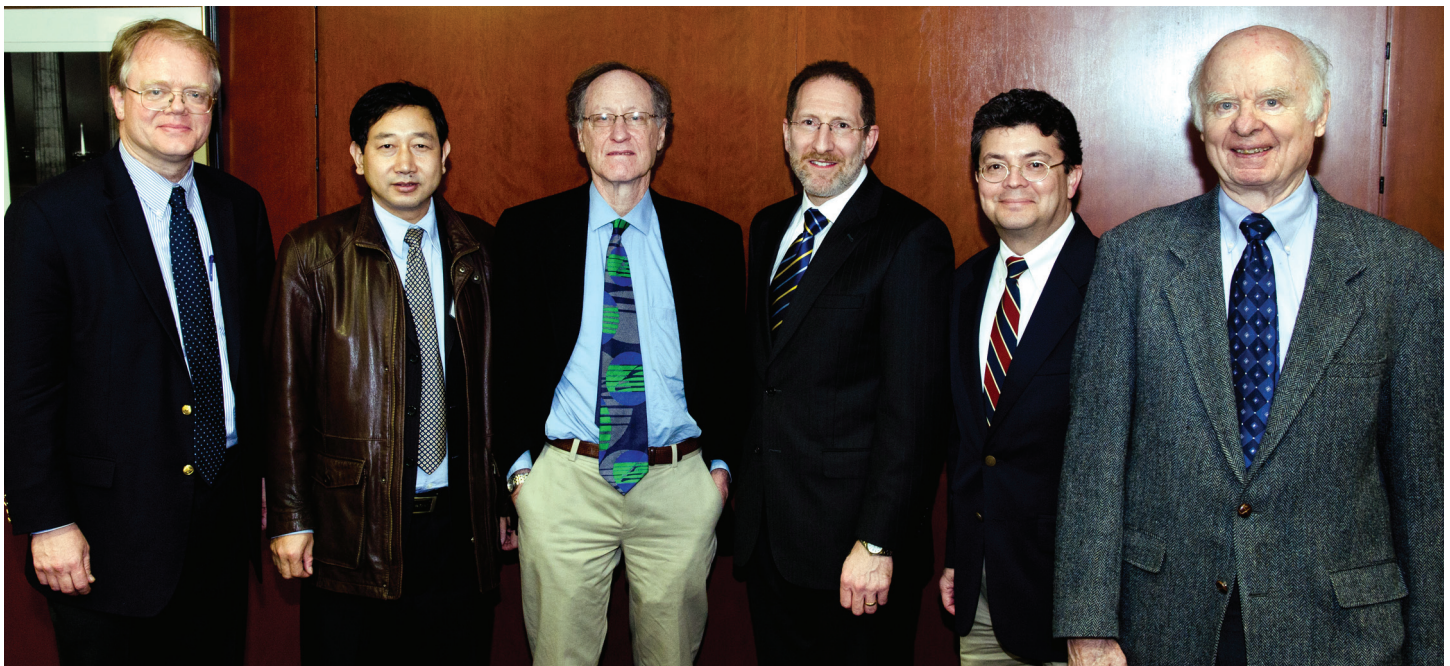
EVENTS

Colloquium on Law and Technology in the Federal Market Addresses Cloud Computing and Cyber Security

On December 1, GW Law convened a public colloquium addressing issues regarding law and technology in the federal market. The widely attended forum brought together key federal contracting agencies and other U.S. government officials, contractor representatives, attorneys, and scholars from the U.S. and abroad to discuss cutting-edge issues at the intersection of technology and procurement policy, both in the U.S. and abroad. Dean Paul Berman opened the program and welcomed the attendees, who included a good number of GW Law students. In the course of the all-day conference, attendees heard from the key players, including the outgoing Administrator for Federal Procurement Policy Daniel I. Gordon, now Associate Dean for Government Procurement Law at GW, as well as subject-matter experts from the Department of Defense, industry, and academia. Specific subjects addressed ranged from the legal and technical challenges associated with the

shift to cloud computing to international aspects of IT procurement. With respect to international issues, speakers from the United Kingdom and China shared their experiences and perspectives. GW Law Professors Steve Schooner and Christopher

Yukins facilitated the program, and Professor Joshua Schwartz also participated. Reflecting the technology focus of the program, GW Law distributed archival flash drives, rather than paper copies, containing an extensive library of forum materials to all attendees.



TOP PHOTO: Microsoft's Keven Hartley (J.D. '83) discusses cloud computing.

BOTTOM PHOTO: (left to right): Professor Christopher Yukins, GW Law; Professor Cao Fuguo, Central University of Finance and Economics, Beijing; Professor Steve Kelman, Harvard Kennedy School; Professor Steve Schooner, GW Law; Professor Rene G. Rendon, U.S. Naval Postgraduate School; and Professor Emeritus Ralph C. Nash, Jr., GW Law.

FEBRUARY—APRIL EVENTS

Colloquium on the Data-Rights Provisions in the 2012 National Defense Authorization Act

February 16, 2012 at 9 am
Jacob Burns Moot Court Room, GW Law

Panelists include experts from Capitol Hill, the Department of Defense, industry, and academia.

Annual Alumni and Friends Luncheon

February 24, 2012 at 1:15 pm
Diplomat Ballroom, Omni Shoreham Hotel, Washington, DC

The Government Procurement Law Program's Annual Alumni and Friends Luncheon will be held at the conclusion of the West Government Contracts Year-in-Review Conference.

Colloquium on Offsets in International Procurements

February 28, 2012, at 9 am
Faculty Conference Center, GW Law

The colloquium will be held in cooperation with the ABA Public Contract Law Section's International Procurement Committee and with the ABA Section of International Law's International Procurement Committee. Panelists include experts from the U.S. and abroad.

Lecture: Dr. Martin Burgi

March 15, 2012 at 9 am
Jacob Burns Moot Court Room, GW Law

Dr. Martin Burgi, Professor for German and European Public Law and Economic Constitutional and Administrative Law at the Ruhr University in Bochum, Germany, will speak about recent developments in European Union (EU) procurement law and the proposed revisions to the EU's Procurement Directive.



Lecture: The Honorable Jacques S. Gansler

April 5, 2012 at 9 am
Jacob Burns Moot Court Room, GW Law

The Honorable Jacques S. Gansler, the Roger C. Lipitz Chair in Public Policy and Private Enterprise at the University of Maryland School of Public Affairs and former Under Secretary of Defense for Acquisition, Technology, and Logistics, will speak about his new book *Democracy's Arsenal*.

Writing Competitions from page 5

2011 award winners included:

American Bar Association (ABA) Section of Public Contract Law 2011 Writing Competition:

- Division II (open to LL.M. candidates), First Place (\$5,000): **Hugh McClean**, "Defense Base Act Insurance: Allocating Wartime Contracting Risks Between Government and Private Industry"
- Division II, Second Place (\$2,500): **Philip Hadji**, "Death Benefits for Soldiers: A Case Study on the Department of Veterans Affairs and its Life Insurance Contract"
- Division I (open to J.D. candidates), First Place (\$5,000): **Collin D. Swan**, "Dead Letter Prohibitions and Policy Failures: Applying Government Ethics Standards to Personal Service Contractors"
- Division I, Second Place (\$2,500): **Katie John**, "Try Before You Buy: Saying 'Yes' to Free Product Testing and Reconciling the Tension Between Market Research and

Organizational Conflicts of Interest in Information Technology Acquisition"

- Division I, Third Place (\$1,000): **Sarah Fehm**, "From IPOD to E-Waste: Building a Successful Framework for Extended Producer Responsibility in the United States"

National Contract Management Association 2011 Macfarlan Excellence in Contract Management Research and Writing Program:

- First Place, Graduate Research (\$5,000): **Timothy Bunting**, "Lock-Out Specifications: An Argument for Systemic Reform"
- Honorable Mention: **Gregory Harding**, "Technological Solutions for Safeguarding the Federal Procurement System"

Many of these papers have been published or are forthcoming and can be found in the pages of the *Public Contract Law Journal*, the *Journal of Contract Management*, and *The George Washington Law Review*.

Dickinson from page 2

the United States. Prior to joining the faculty at GW Law, Professor Dickinson served as the Faculty Director of the Center for Law and Global Affairs and the Foundation Professor of Law at the Sandra Day O'Connor College of Law at Arizona State University. Previously, she was on the faculty of the University of Connecticut School of Law, where she taught from 2001 to 2008, and she was a Visiting Research Scholar and Visiting Professor in the Law and Public Affairs Program at Princeton University in 2006-2007. She served as a Senior Policy Adviser to Harold Hongju Koh, Assistant Secretary of State for Democracy, Human Rights, and Labor at the U.S. Department of State.

Professor Dickinson has served as a member of the Executive Council of the American Society of International Law and as Co-Organizer of the Collaborative Research Network on Empirical Approaches to International Human Rights Law, convened under the auspices of the Law and Society Association.

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