
Government Contract Claims and Litigation

Government Contracts

WilmerHale has the knowledge and experience to successfully develop and litigate government contract claims from initial submission to the contracting officer through appeal to the Court of Federal Claims or Boards of Contract Appeal, and if necessary, to the Federal Circuit. In addition to traditional government contract claims, our attorneys regularly represent clients on other types of litigation that arise from or involve government contracts, including prime-sub disputes, environmental matters and patent infringement suits.

While it is usually preferable for parties to resolve their disputes through negotiation, when negotiations fail, WilmerHale's government contract litigators stand ready to enforce and protect clients' rights. This does not necessarily mean that litigation automatically follows. We shape our strategy to meet our clients' needs, and to that end, actively consider mediation and other forms of alternative dispute resolution.

When ADR does not work, we are able to call on an extraordinary bench of experienced government contract litigators who also have a deep understanding of how the issues may be viewed by the Federal Circuit. When litigation moves to a federal court of appeals, few firms can match WilmerHale's capabilities and experience.

WilmerHale represents the full spectrum of government contractors, from emerging companies that consider themselves primarily commercial businesses, to multi-national, top-tier defense companies, and we have litigated a wide range of disputes, ranging from basic contract claims to complex patent infringement issues. We provide aggressive and creative advocacy across the broad spectrum of courts and forums where government contract disputes are litigated.

Experience

Represented a top-10 US defense contractor in a Federal Circuit appeal concerning privity rules in government contracting and the liability of the United States for subcontractor claims.

On behalf of a major provider of outsourcing services, secured a rescission of a termination for default of a \$290 million multi-year information technology contract.

Represented a defense communications systems supplier in a protracted dispute with the US Navy and Department of Justice over claims for environmental remediation costs at a government-owned facility, resulting in a court-approved settlement.

Resolved a government contract dispute involving the allowability of consulting fees for sales agent services in obtaining government contract awards.

Pursued a major defense contractor's breach of contract and fraud claims in federal court litigation alleging government contract accounting impropriety by the seller during a \$200 million acquisition of a satellite communications government contracting business.

On behalf of an international construction company, pursued government contract claims arising from the denial of payment requests on account of alleged violations of domestic manufacturing requirements in a US government-financed host country contract.

Prevailed on summary judgment on the eve of trial in state court litigation involving the defense of a \$100 million commercial damages claim alleging the improper exercise of fueling rights by an airport operator pursuant to government contracts with a local airport authority.

Defended a contractor in federal court litigation pertaining to the transfer of advanced weapons technologies under a technology transfer agreement.

On behalf of a telecommunications industry client, persuaded the Small Business Administration Office of Hearings and Appeals to reverse its previous ruling concerning our client's size status.