

CLIENT ALERT

NAFI Or Not, Contractors Can Sign Away Their Right To Appeal

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In *The Minesen Co. v. McHugh* (Mar. 2, 2012), a majority panel of the Federal Circuit held that the contractor had waived its right to appeal by agreeing to the contract's disputes clause, which stated that ASBCA decisions were final "and are not subject to further appeal." While this decision involved a contract with a NAFI, the majority decided the issue by assuming the Contract Disputes Act applied, and so its reasoning would seem to apply to any contract with similar language. For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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