

MVP: Crowell & Moring's Amy Laderberg O'Sullivan

Law360, New York (December 18, 2017, 5:16 PM EST) -- Crowell & Moring LLP's Amy Laderberg O'Sullivan had a busy year in bid protests, including helping to defend a \$17 billion defense health contract award and successfully representing Experian in an unexpectedly high-profile dispute over an IRS identity verification deal, landing her among Law360's 2017 Government Contracts MVPs.

WHY SHE'S A GOVERNMENT CONTRACTS ATTORNEY:

In a not-uncommon story for government contracts attorneys, O'Sullivan came to her practice area "by accident," exposed to it after initially believing she wanted to pursue commercial litigation when she joined Crowell & Moring as an associate. Pursuing government contracts-related work "sounded terrible," she noted, with a laugh.

"And what I found very quickly was the experience, the responsibility, the amount that I was able to learn in such a short period of time was exactly what I thought I wanted out of commercial litigation," she said.

The rapid-fire nature of bid protest work, where O'Sullivan largely focuses her practice, was another key draw for wanting to pursue government contracts work.

"You actually get the reward of resolution in 100 days, versus languishing and being involved — particularly as an associate — solely on discovery," she said. "For bid protests, I view that as a key advantage — all of the discovery burden really is on the government. I get to be on the receiving end and figure out arguments, and theories, and identify facts. So it [offered] accelerated opportunities, and I jumped on it."

HER BIGGEST CASE THIS YEAR AND OTHER NOTABLE WORK:

The MVP logo features the letters 'MVP' in a blue, serif font. The letter 'V' is partially enclosed by a red circle with an upward-pointing arrow on its right side.

**Amy Laderberg
O'Sullivan
Crowell & Moring**

O'Sullivan's past year has been a busy one, both successfully defending and challenging a number of contract awards on behalf of clients, including — for example — working as part of a Crowell & Moring team that successfully defended a \$17 billion U.S. Department of Defense health care contract awarded to Health Net Inc., and representing Synergy Solutions Inc. in three separate forums to defend both bid and size protests over the U.S. Department of Energy's Personnel Security Program, with the related decisions addressing important affiliation issues for Alaska Native corporations.

But the protest that unexpectedly attracted the most attention was an otherwise-standard dispute between her client, and contract awardee, Experian and rival Equifax over an Internal Revenue Service deal for taxpayer identity and verification services. Amid briefing on the protest in July, Equifax publicly revealed a massive data breach affecting tens of millions of people, and all of a sudden the dispute became a focus of public — and congressional — attention.

"That is a story about a case that becomes immediately transformed in the public eye, and the eyes of Congress, because of intervening circumstances," she said.

As such, there was a new urgency brought to the dispute, with lawmakers scrutinizing a bridge contract awarded to Equifax amid the protest. O'Sullivan and her team had to deal with the complications of those congressional inquiries, and work out how to best support IRS counsel as an intervenor defendant.

"Technically, it wasn't related to what we were litigating over, which was not really about the data breach, but evaluation of proposals that had been submitted," O'Sullivan said. "But you don't litigate in a vacuum."

Ultimately, the protest was decided in Experian's favor in mid-October.

HER BIGGEST CHALLENGE THIS YEAR:

O'Sullivan has been the lead counsel for TRAX International Corp. in multiple rounds of bid protests involving an Army support services contract and related corrective action, a dispute that has stretched multiple years and is yet to be fully resolved.

The case, which has involved litigating in several different forums, has the potential to impact an important and long-standing TRAX contract, and has helped to highlight to O'Sullivan the value of understanding how what happens in litigation can affect a client's business more broadly. It has also been a lesson in persistence, she noted.

"We have been in ongoing rounds of bid protest litigation over this, prevailing every single round, and each time you want to sit there and recognize that snapshot or moment as a victory, but also with the recognition from our perspective that it's not a true win, until our client is able to compete in a fair competition and win the contract," O'Sullivan said.

WHAT MOTIVATES HER:

Given the type of work large firms generally are involved in, and the hours that those attorneys put into

that work, it is that ability to “make a difference” as well as the chance to work with the other attorneys at Crowell & Moring that motivate O’Sullivan in her work.

“I truly enjoy working with those around me,” she said. “We are collaborative, creative. It is not a territorial firm, or practice, and I get exposure to working with lots of different people.”

Additionally, as a partner and lead counsel in a number of cases — as well as chair of the firm’s diversity council — she has also appreciated the chance to be able to bring the work of women attorneys to the forefront.

“I’ve been very proud of the fact that in a number of my litigation wins in the past year we’ve had all-female teams,” she said. “And it’s not meant to be an exclusion to anybody else; it’s just nice to be able to say we are able to do that because of our focus on diversity and having enough very talented people that we can field a well-rounded team from the top all the way to the bottom, with focuses on diversity.”

— *As told to Daniel Wilson*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2017 MVP winners after reviewing more than 1,000 submissions.

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