

## Gov't Contracts Group Of The Year: Crowell & Moring

By **RJ Vogt**

*Law360, Los Angeles (January 19, 2018, 3:07 PM EST)* -- After a year in which Crowell & Moring LLP helped create a public-private partnership worth over \$45 billion and defended a \$17 billion health care contract, it's no surprise that one of the legal world's best-known firms earned a place among Law360's Government Contracts Groups of the Year.

Representing AT&T Inc., the firm's government contracts team in March helped secure a 25-year deal to build a nationwide public safety broadband network for first responders. Daniel R. Forman, co-chair of the firm's government contracts practice area, said the program was a really interesting contract that came out of the 9/11 Commission, spurred by communication issues during rescues inside the World Trade Center.

Forman said Congress had set aside "a fairly significant chunk of spectrum" to build a dedicated network for the first responders — but that what made the contract even more attractive was the fact the partnering provider would be able to commercialize the spectrum when it wasn't needed for national disasters.

"Think about it as like, you're driving your car on a two-lane road and all the sudden it's an eight-lane highway," Forman said. "It's a massive amount of spectrum that these vendors would have paid lots of money for just in auction."

The agreement spurred protests claiming the government had broken discussions laws by exchanging information with AT&T that it should have shared with all the other vendors. Had their communications been deemed such discussions, Forman said other providers would have had a chance to revise their proposals.

"Preventing the court from finding that these [communications] were discussions was a really big challenge," he said. "I would say if you look at all the cases where the court has been asked to decide whether something constituted discussion or not, this was about as intense a communication as you can get before it's actually a discussion."

The group's other clients include Lockheed Martin, BAE Systems and Health Net, who Crowell & Moring's Amy Laderberg O'Sullivan — a 2017 MVP — helped defend from protests over a \$17



billion U.S. Department of Defense health care contract award. Peter Eyre, co-lead partner in Crowell & Moring's government contracts practice area, said his team had to beat back multiple protests at both the U.S. Government Accountability Office and Court of Federal Claims to get the protest denied in May.

"The contract is one of the largest, most significant contracts issued by the DOD," he said. "These protests tend to be very large, very complex."

But government contracts work isn't all about bid protests and landing contracts — Crowell & Moring also played an instrumental role in multiple acquisitions last year that involved some of its long-term clients, including Hewlett Packard Enterprise.

The IT giant closed an \$8.5 billion merger with Computer Sciences Corp. in April to create a consolidated entity named DXC Technology, which the firm said expects public sector sales exceeding \$5 billion worldwide. Eyre said multiple members of the group's 60-strong attorney team worked closely with internal and external advisers to handle all government contract matters during the transaction.

"When you do that kind of deal there are lots and lots of detailed government contracts issues: from performance to compliance to contract innovation and modification," he said. "One of the things that is most notable is the number of other advisers, law firms, consultants, financial advisers that are involved in this kind of a transaction."

In addition to its headline-making work, Eyre noted that some of the firm's most important work occurs in the confidential areas of investigations, suspensions and crisis management. He said Crowell & Moring does a lot of work helping companies navigate the web of government regulation, stakeholders, enforcement and more.

"Those are some of our most important successes for our clients: things that are big issues that are resolved quietly and without a lot of attention," Eyre said. "That's something that we've done well for many years and is a very important part of our portfolio."

Is it ever tricky, trying to win bids from government agencies that occasionally conduct investigations against your own clients?

"We are very mindful that our clients' biggest customer is the U.S. government, so in everything we do we are mindful of working collaboratively, being reasonable, being professional and not burning bridges," Eyre said. "That's how our clients have to proceed and we take that role very seriously."

It's a role the firm has played since its origins in 1979 as an Washington, D.C.-based offshoot of Jones Day. Forman said Crowell & Moring started as a primarily government contracts shop, and that the rest of the firm's practice groups grew around the government contracts client base.

"Now we've become a full-service firm, where we have practice groups generating their own clients, but the government contracts [group] remains the centerpiece of the law firm," Eyre said. "It is one of our most important practices — some would say it continues to be our marquee practice."

--Editing by Catherine Sum.