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Government acquisition regulations and procedures are extremely complex and confusing. Judges, juries, and arbitrators need to understand the best practices that underlie and guide the procurement process through expert testimony.

Robert A. Burton
Partner

Government Contracts Expert Witness

For clients requiring the assistance of an expert witness, Crowell & Moring's Government Contracts Group partner Robert A. Burton is a nationally-recognized federal procurement professional, an expert witness on government contracts issues in federal court and arbitration proceedings, and a leader who assists government contractors with navigating the complex and rule-driven procurement process.

Depth of Experience

As an expert witness, Rob testifies on best practices and policies underlying the federal acquisition regulations and contract clauses. He has testified on behalf of government contractors and government entities at both the federal and state levels. He is uniquely qualified to provide testimony on government contract issues because of his 35 years of experience in federal acquisition, including his service in the Executive Office of the President as the Acting and Deputy Administrator of the Office of Federal Procurement Policy (OFPP), the top career procurement official in the U.S. Government.

Relevant Experience

- Chair, Federal Acquisition Regulatory Council
- Chair, Chief Acquisition Officers Council
- Principal spokesperson for government-wide acquisition policies and reform proposals
- Representative on the Defense Acquisition Regulation (DAR) Council
- Senior acquisition counsel and business advisor to the Defense Contract Management Agency (DCMA)
- Board of Directors and Fellow, National Contract Management Association (NCMA)
- Fellow, National Academy of Public Administration (NAPA)
- Senior Advisor to Government Executives, Partnership for Public Service

Examples of Testimony

Rob's testimony is frequently related to prime-subcontractor disputes under federal contracts. Topics on which Rob has testified include:

- The purpose, operation, and practical application of the Federal Acquisition Regulation (FAR), including FAR contract clauses
- Differences between government and commercial contracts
- Responsibilities and duties of prime contractors under the FAR and other applicable policies
- Ethical standards applicable to government contractors, including conflicts of interest rules

Contact



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- Practical application of FAR data rights policies
- A prime contractor's discretion in selecting subcontractors
- Practical application of FAR competition requirements to subcontracts issued under government contracts
- The government contract closeout process
- Operation of contractual payment clauses
- Public-private competition policies and procedures used by federal agencies
- Applicability of Small Business Administration (SBA) regulations and policies, including the SBA rules governing the limitations on small business subcontracting
- FAR cost principles and contract administration process

Forums

Rob has testified as an expert witness in the following forums:

- The London Court of International Arbitration
- The International Court of Arbitration
- The American Arbitration Association
- U.S. District Courts
- State Courts

Why Use Expert Testimony?

Litigators find it extremely helpful to have expert testimony on the procedures and best practices associated with the federal procurement process. Many judges, arbitrators, and juries are unfamiliar with the reasoning behind the federal procurement rules and policies, and expert testimony provides valuable insight into the complex and often misunderstood federal acquisition system. This insight has proved valuable to the trier of fact in cases that Rob has served as an expert witness.

Rob played a role in developing and applying many of the government-wide procurement rules and policies and can speak credibly about them because of his long career in federal acquisition and his senior leadership role in the Office of Federal Procurement Policy.

About Us

Crowell & Moring is an international law firm with approximately 550 lawyers representing clients in transactional, regulatory, litigation, and arbitration matters. The firm is internationally recognized for providing innovative approaches to legal and business challenges, as well as creative alternative fee arrangements that demonstrate its personal investment in its clients' success. The firm has also been recognized for its ongoing commitment to *pro bono* service and diversity. Crowell & Moring has offices in Washington, D.C., New York, Los Angeles, San Francisco, Orange County, London, and Brussels.

About Our Government Contracts Practice

With a 40-year history and a team of lawyers who are bar and industry leaders, Crowell & Moring LLP's Government Contracts practice, with our unrivaled depth and history of successes, is widely recognized as the best in the business. Whatever the issue, our 60+ government contracts lawyers have the experience and expertise to tackle it – from contract formation issues and business and compliance strategies; to bid protests, contract interpretation, and performance disputes; to the intricacies of government cost accounting; and to post-performance audits, investigations, and defense of fraud allegations, including “bet the company” suspension and debarment representation. Ranked as a top tier practice, *Chambers USA* describes us as a practice that “continues to be held in high esteem by the government contracts sector and handles an array of matters” and as “the gold standard in this area.”