On September 29, 2016, the Government Procurement Law Program welcomed to campus alumna Sandy Fenske, Vice President and General Counsel of Sikorsky. The event was the second in a series of symposia sponsored by the Public Contracts Law Journal (PCLJ) and co-sponsored in conjunction with the Government Contracts Student Association and the Law Association for Women at GW Law.

Earlier in the year, we hosted Barbara Humpton, President and CEO of Siemens Government Technologies.

As symposium editor for the PCLJ, Lea Reizman, 3L, had the honor of interviewing Ms. Fenske. “I had so much fun doing it and am personally really proud of it. I think all the students left feeling inspired and positive about entering a field with leaders like Ms. Fenske,” said Ms. Reizman.

Ms. Fenske described her career path as anything but linear. While at GW Law, she was not part of the government procurement program, but early in her career, opportunities presented themselves and she wasn’t afraid to get out of her comfort zone. “Ms. Fenske really impressed upon me that once you have your foot in the door, you can get your career going by making connections. Meeting often with mentors is hugely important.”

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Faculty Focus

Government Procurement Law Program Expands Its International Work

Christopher Yukins, Lynn David Research Professor in Government Procurement Law

The Government Procurement Law program faculty is expanding its work around the world, with three main goals: to enhance its teaching in comparative and foreign procurement law, to broaden opportunities for our students, and to help build capacity in the United States and abroad.

The program’s international work grew gradually, first through a comparative course taught in the 1990s by John Cibinic and William Kovacic, and then through a seminar in comparative and international public procurement law that Daniel Gordon, former Associate Dean for Government Contracts, and Christopher Yukins, Lynn David Research Professor in Government Procurement Law, developed over a decade ago and that is still being taught today.

The comparative course in turn highlighted the need for training in issues likely to face U.S. companies abroad, issues such as export controls and multilateral banks’ procurement rules. The program, therefore, launched a course on foreign contracting, with Allen Green and Chris Yukins, based on Allen Green’s book International Government Contracts Law (West). At the same time, Jessica Tillipman, Assistant Dean for Field Placement, and Chris Yukins were building a highly successful course in anti-corruption and compliance, which reviews anti-corruption issues that contractors (and other firms) deal with around the world, from the United Kingdom to Brazil to China.

Our students gain a richer understanding of federal procurement law (the traditional heart of the program) by comparing common rules and principles from other systems. They are also gaining broader exposure to foreign procurement law. A number of professors and procurement lawyers from abroad, including Andrea Sundstrand of Stockholm University (who visits for two weeks every year to teach on European procurement law), have joined us to teach our students in foreign law. That initiative in foreign law will likely accelerate, thanks to the program’s expanding international reputation, which draws in scholars from around the world. At the same time, professors in our program teach in foreign institutions to reinforce international cooperation in procurement law teaching. Last year, for example, our professors taught at universities in China, France, Italy, Romania, South Africa, and the United Kingdom.

The program’s emphasis on “global” training creates opportunities for our students, who can enter practice with a working understanding of leading foreign procurement systems and, importantly, a more nuanced understanding of U.S. procurement law. That training gives them a competitive advantage in the U.S. legal community and, to an increasing extent, makes it possible for our students to work with multinational firms and international institutions.

All of this feeds directly into our program’s mission to improve procurement systems, here and abroad. Our program faculty regularly engage with foreign procurement lawyers and officials to discuss next steps in procurement; in recent years, we have connected with officials from countries as diverse as Bhutan, Botswana, Brazil, China, the Dominican Republic, The Gambia, Myanmar (Burma), the Philippines, and Serbia. Because our faculty and students can bring an increasingly global perspective to problems in other countries, our program plays an ever more important role in improving procurement systems around the world.

EDITOR’S NOTE: Please see also Selected Scholarly Publications & Presentations (pp. 9-10)

Ms. Fenske urged us to have confidence to make that leap.”

Ms. Fenske also impressed upon the audience her pride in the work she has done as head of a diversity and inclusion project at Sikorsky’s parent company, Lockheed Martin. She demonstrated the empathy of a skilled leader by asking herself what it must feel like to be a person in the lower ranks of the organization, worrying about perceptions about their race, gender, or orientation. At the close of the program, one audience member from a law firm thanked Ms. Fenske for her diversity and inclusion efforts and noted that Sikorsky’s advances had led her firm to make changes to demonstrate that its values mirror those of its clients.

The Government Procurement Law Program is committed to continuing its support of women in the field. At this year’s Women in Government Contracts (WIG) event, held at the end of March, Jessica Tillipman, Assistant Dean for Field Placement, and Professor Karen Thornton announced plans to create an advisory board to pave the way for a new GW Law WIG student/alumni group. Stay tuned for more information.
Professor Schooner Enumerates Presidential Conflicts of Interest

Professor Steven L. Schooner, the Nash and Cibinic Professor of Government Procurement Law, has been active in the national conversation about Donald Trump’s potential conflicts of interest as President. In addition to his opinion pieces, co-authored with former colleague, Daniel I. Gordon (formerly Associate Dean for Government Procurement Law), which were published days after the election, Professor Schooner has been cited as an expert by top news outlets. He recently participated in a faculty panel discussion about the Trump administration’s impact on wide-ranging legal issues from U.S.-China relations, to energy and environmental rulemaking, to the prohibition under the GSA’s hotel lease against any elected official of the government of the United States benefiting from the lease. “It’s a win-win,” Professor Schooner says. “If you use the space, you’re entertaining people on the president’s property, and if you don’t, you’ve basically just funneled the money to the president and the president’s family.”

In addition to appearing in the media, the work of Professor Schooner and Daniel Gordon has been cited in several letters from members of Congress and public interest groups who are now probing the issue. Read, watch, and listen to learn more about how the work of Professor Schooner and Dan Gordon is influencing the debate at www.law.gwu.edu/professor-eyes-potential-presidential-conflicts-interest.

Dean Tillipman Quoted in New Yorker

Jessica Tillipman, Assistant Dean for Field Placement, worked extensively with reporter Adam Davidson as he developed an in-depth story for the March 13 issue of The New Yorker, “Donald Trump’s Worst Deal.” Dean Tillipman is quoted several times in the article. Her expertise in the Foreign Corrupt Practices Act is highlighted as part of the reporter’s analysis of possible violations by the Trump Organization in the branding and technical advice it provided as part of a hotel deal in Baku, Azerbaijan. Read the story on the New Yorker’s website at www.newyorker.com/magazine/2017/03/13/donald-trumps-worst-deal.
Alumna Danielle Conway, Dean of University of Maine, Visits Campus

Distinguished alumna and Dean of the University of Maine School of Law Danielle M. Conway, LLM ’96, joined fellow alumnus Michael Anderson (left) and Professor Christopher Yukins (right) in February 2017 to videotape the ABA Public Contract Law Section’s online training program in State and Local Procurement Law. The training, which Mike Anderson is coordinating, will be offered through the ABA Public Contract Law Section and Dean Conway’s law school. Dean Conway also visited Professor Yukins’ State and Local Procurement Law course, for which her textbook, *State and Local Government Procurement*, is required reading. Bear the Dog also visited campus.

NCMA Chapter Recognizes GW Alumni

Last year, the National Contract Management Association’s (NCMA) D.C. Chapter awarded three GW alumni its Outstanding Academic Achievement Awards. Greta Iliev (JD ’16) received an award for third place, and Matthew Michaels (JD ’16) took second place. The first prize winner was Ilana Jolson (MSGC ’16) of the Master of Science in Government Contracts Program.

“Obviously, we’re proud of our students, and we’re grateful to NCMA for supporting education in the field of government contracts generally, and of course, we’re ecstatic to see our excellent students recognized by NCMA’s D.C. Chapter,” said Steven L. Schooner, Nash and Cibinic Professor of Government Procurement Law. “We’re particularly pleased to see NCMA recognize the achievements of students from both our law and business programs.”

The Washington, D.C., chapter of NCMA is one of the oldest and largest in the country. Its awards recognized the students for outstanding academic achievement in a degree or certificate program directly related to the field of acquisition.

Coalition for Government Procurement Dinner

Professor Steven L. Schooner, keynote dinner speaker Harvard University Professor Steven Kelman, Professor Karen Thornton, and former Murray Schooner Scholar and alumnus Nathaniel Castellano at the Coalition for Government Procurement dinner in November 2016. The following day, Professor Schooner delivered the conference keynote address.
From Government Contracts to Food Blogging: An Alumna Makes an Exciting Career Move

Lisa Lin, JD ’13, created her popular food blog Healthy Nibbles and Bits shortly after graduating from GW Law. Her interest in food began at a young age when her mother taught her how to cook, but she never thought this childhood hobby would lead to a career. When she became a student at GW Law, food blogs caught her attention. Often the healthier and cheaper option, making recipes from food blogs allowed Ms. Lin to avoid eating out.

Eventually, she decided to merge her interest in cooking and blogging into launching her own food blog. In an age of self-promotion, it can be a challenge to distinguish a new blog from established websites. Ms. Lin explained that it took time—three years—and hard work for her blog to reach success. In the beginning, she was not profiting from her blog, nor was she an active social media user.

“I share healthy recipes, and I also want to make them approachable. I am not using extravagant ingredients to make my dishes healthy. I want to make sure that I show my followers and readers that making healthy meals is easy and accessible to many people. I try to simplify my recipes as much as possible,” Ms. Lin said. She now has more than 11,000 followers on social media and explains that the way she manipulates the use of color in her photos draws people in. “When you make healthy foods beautiful, people are more inclined to follow and replicate what you do.” As a result, her recipes have been featured by leading media outlets, such as Buzzfeed, Huffington Post, and Self.

As an entrepreneurial law graduate, Ms. Lin uses her law degree frequently in her business matters, noting that her law degree gave her the confidence to negotiate contracts with companies using her original content. Her next venture is to publish a book of her recipes. “I would love to write a cookbook on the history of Chinese food. This would allow me to learn more about my heritage and the food I grew up with. Plus, it is something tangible that will make me feel like I have some sort of authority in the food world.”

Visit her blog at healthynibblesandbits.com.

News

The Nash and Cibinic Report Turns 30

The Nash and Cibinic Report, which was inaugurated in 1987 by Professors Ralph C. Nash, Jr., and John Cibinic, Jr., GW’s legendary government contracts law team, celebrates its 30th anniversary this year. The monthly report remains a staple in the libraries of government contracts lawyers, providing analysis of current federal procurement issues by leaders in the field.

The report was the brainchild of Henry Keiser, who founded Federal Publications, a publisher of newsletters, textbooks, and other government procurement and public contract law materials, shortly before Professor Nash founded the government contracts program at GW Law in 1960. The two collaborated on conferences and courses during the first 15 years of the program. After Mr. Keiser sold Federal Publications, he was interested in establishing a new publication in the field of government contracts. Despite wondering whether “there would be enough to write about,” Professors Nash and Cibinic agreed to give it a try. “It worked out well in that it gave us an opportunity to tell it the way we saw it in contrast to the books that try to tell it as it is,” Professor Nash said. “Obviously, neither of us ever conceived that it would go on for 30 years, but I have found it so enjoyable that I can’t stop. So we will continue on for the foreseeable future.”

The Nash and Cibinic Report Roundtable, a symposium held annually in early December in Washington, D.C., led by Professor Nash and Vernon Edwards, brings together a group of procurement experts to discuss six current issues in an open environment that encourages participation from attendees. The roundtable was developed in the same spirit as the report, providing a forum for candid, timely discussion of current issues by experts in the field, with a practical takeaway for government contracts lawyers.
On February 17, the Government Procurement Law Program leadership hosted its annual Alumni and Friends Luncheon at the Omni Shoreham Hotel. As in past years, the event was marked by warmth and conviviality, with laughter and chatting mixing with the job-related networking so valued by attendees—especially GW Law students!
Stephanie Allgaier, Director, Graduate Student Services

Jeremy deRoxas, LLM '12

Paul Khoury, Government Contracts Advisory Board Chair, JD '86, and Justin Haselden, LLM candidate

Peter Vint, LLM '90, Gary Boyle, and Professor Emeritus Ralph Nash, JD '57

Maria Swaby, LLM '07, and Greg Parks, LLM candidate

Nicole Giles, 2L, Ariel Stevenson, 2L, Melanie Baker, 2L, Jimmy He, 2L, and Corey Garlick, 2L

Stephanie Allgaier, Director, Graduate Student Services

Jeremy deRoxas, LLM '12

Paul Khoury, Government Contracts Advisory Board Chair, JD '86, and Justin Haselden, LLM candidate
Student Focus

Parker Lewton Wins ABA’s Public Contract Law Writing Competition

Parker Lewton, 3L, won first place in Division I of the 2016 ABA Section of Public Contract Law Writing Competition. The writing competition provides monetary awards to law students and young lawyers for outstanding papers that address a topical issue of interest to the public contract and grant law community. Mr. Lewton wrote about the intersection of government contracting and refugee resettlement in his paper “From the Mouth of a Shark: Refugee Resettlement and the Need for Procurement Contracts.”

The United States provides assistance to international and nongovernmental organizations, such as the United Nations High Commissioner for Refugees and the United Nations Children’s Fund. The government also works with nine nonprofit, voluntary agencies, commonly referred to as VOLAGs, which assist in resettling refugees domestically; however, commentators have questioned the commitment and motives of these agencies.

“Our government gives money to these intermediary agencies, who in turn, are responsible for resettling refugees. My paper addressed this government-intermediary relationship and the legal instrument through which the relationship is formed: the cooperative agreement,” Mr. Lewton explained.

Mr. Lewton found his inspiration in the immigration work he did before attending law school. “I sat down and tried to identify the point at which immigration law and government contracts intersect, which led my research ultimately to the area of refugee resettlement. The more I explored the topic, the more exciting it became,” Mr. Lewton said.

In March, Mr. Lewton presented his research to an audience of more than 200 judges and practitioners at the 23rd Annual Federal Procurement Institute in Annapolis, MD. He added, “I hope those in attendance were as excited about my research as I am, and I hope that it will prompt what I feel is a much needed conversation.”

Meet Our Student Scholars

Kelsey O’Brien, Roger Boyd Scholar

“I came to GW Law with an interest in government contracts based on my work as a project manager for a federal contractor. This interest continued to grow through internships at the U.S. General Services Administration and the Civilian Board of Contract Appeals while in law school. I took over as Editor-in-Chief of the Public Contract Law Journal during my 2L year. As Editor-in-Chief, I gained lots of management experience overseeing numerous publications, including the publication of my own note on cooperative agreements. GW’s government procurement law program has provided me with an exceptional foundation for practice. After graduation, I will work for Fox Rothschild’s government contracts litigation group.”

Krista Nunez, Murray Schooner Scholar

“I first became interested in government contracts in Professor Schooner’s first-year contracts course, which I really enjoyed because of my bachelor’s degree in business administration. Internships at the Department of Homeland Security Office of the General Counsel for Procurement and Acquisition and then at the U.S. Court of Federal Claims for Judge Wheeler further solidified my interest. I’m now a Note Editor for the Public Contracts Law Journal and have a forthcoming publication with the journal on the use of the Department of Defense’s other transaction authority in the cybersecurity/technology industry. I also competed in and won the Dentons Government Contracts Moot Court Competition, which was a real highlight of my law school career. The whole experience in the government procurement law program has been more than I ever would have imagined. Our exceptionally experienced and knowledgeable faculty are so invested in students’ success. After graduation, I will be working for Foley & Lardner’s government contracts and FDA-regulatory group.”
Selected Scholarly Publications & Presentations

Presentations


In June 2016, Steve Schooner traveled to Brasilia, Brazil to offer the keynote presentation “Panorama of Government Procurement: From Theory to Practice” at the annual forum of the National Council of State Secretaries of Administration (CONSAD).

In July 2016, Steve Schooner (below, third from right, seated) discussed “Defence Procurement: Global Issues” at the University of Rome Tor Vegata Global Procurement Conference in Frascati, Italy.

In August 2016, Jessica Tillipman presented to Kenyan government officials on Risk Mitigation and Anti-Corruption Tools in Government Procurement as part of the U.S. Trade and Development Agency Global Procurement Initiative.

In September 2016, Steve Schooner joined Dan Gordon (right) to make a series of presentations in Mexico City for the U.S. Trade and Development Agency program on “Obtaining Value in Public Works Procurement.”

In October 2016, Steve Schooner made presentations before the World Trade Organization and the Arab Monetary Fund Regional Workshop on Government Procurement for Arab and Middle East Countries (AMEC) in Abu Dhabi, United Arab Emirates.
In October 2016, Chris Yukins (above) hosted a discussion at the law school on legal issues relating to UN procurement with Benedetta Audia, legal advisor to the United Nations Office for Project Services (UNOPS).

In November 2016, Steve Schooner gave the opening lecture on government contracts at the 2016 New Developments Course at the Judge Advocate General’s Legal Center and School in Charlottesville, Va.

He also discussed “The Pendulum’s Swing? Twenty Years After the Acquisition Reform ‘Reinvention’” at the 44th Annual Symposium on Government Acquisition in Huntsville, Ala.

In December 2016, Steve Schooner and Chris Yukins (below) made a number of presentations on public procurement-related topics at the Workshop on Obtaining Value for Money sponsored by the U.S. Trade and Development Agency Global Procurement Initiative, in Panama City, Panama.

In December 2016, Steve Schooner was keynote speaker at the XII Annual Conference on Government Procurement in the Americas in Montego Bay, Jamaica.

In January 2017, Steve Schooner discussed conflicts of interest and the ethical obligations of executive branch personnel during a luncheon panel hosted (simultaneously in D.C. and New York City) by Yale Law School’s Media Freedom and Information Access Clinic and the Abrams Institute for Freedom of Expression.

In February 2017, Chris Yukins hosted a live webcast, International Procurement Markets: What’s Next? The distinguished panel of experts from around the world discussed the latest developments in international procurement, and how to prepare for a rising tide of protectionism in global markets. Panelists included Brenda C. Swick, Partner, Dickinson Wright, Toronto; Andrea Sundstrand, Professor, Stockholm University; Michael Bowsher QC, Barrister, Monckton Chambers, London; and Pascal Fritton, Partner, Blomstein, Berlin.

In March 2017, Jessica Tillipman recorded an online course on Institutional Anti-Corruption Mechanisms, as part of the State Department’s Speakers Bureau. (yali.state.gov)

In March 2017, Steve Schooner and Jessica Tillipman made a series of presentations to Columbian government officials for the U.S. Trade and Development Agency Global Procurement Initiative.

In April 2017, Jessica Tillipman will moderate a panel discussion, titled Navigating Conflicts of Interest in the New Administration, at the Federal Circuit Bar Association’s Government Contracting Symposium.

In May 2017, Jessica Tillipman and Chris Yukins will brief Dean Luis Franceschi and a 20-person delegation from Strathmore University Law School, Nairobi (www.law.strathmore.edu) on issues of corruption and compliance. They were asked by the U.S. Embassy in Nairobi to assist, based on a prior presentation given by Dean Tillipman.

Publications


International Affairs Forum, 7 “Corruption: An Interview with Jessica Tillipman” 21 (Fall 2016) ia-forum.org/Files/Fall%202016%20IA%20Forum.pdf

eight years at the Corps, she moved to the U.S. Government Accountability Office, where she served as Deputy Assistant General Counsel to the Defense Capabilities and Management team, providing legal counsel on numerous DOD procurement program audits requested by the House and Senate Armed Services Committees.

In 2008, she responded to Professor Steven L. Schooner’s invitation to serve as an adjunct to the Public Contract Law Journal and found her true calling. Since joining the full-time legal writing faculty as Associate Director for Upper-Level Writing in 2009, Professor Thornton has trained and supported dozens of JD, LLM, and MSGC students as they write and publish in the field of government contracts law. Her own scholarship has resulted from significant study of the pedagogy related to legal professional development. She is a frequent presenter at legal writing and professional development conferences.

Below, Professor Thornton discusses her new role.

Q: Can you discuss your position and what will be some of your responsibilities?
Thornton: It’s my dream job. As program director, I’ll be responsible for administering the LLM Program in Government Contracts and supervising student work in the program, assisting with the administration of the master of science in government contracts program, coordinating alumni outreach and advancement, organizing and participating in numerous conferences, overseeing student competitions and awards, and assisting in the management and supervision of the Public Contract Law Journal and the Journal of Contract Management.

I’ll wear many hats, which means I’ll have the pleasure of collaborating with our peerless faculty and staff in the library, career center, admissions, alumni office, and more. I know my colleagues share my goal of making the government procurement law experience one that shapes our students into leaders in the legal profession. And of course, building partnerships with our alumni, advisory board, and professional network will be a big part of that.

Q: What are you most looking forward to in this position?
Thornton: For me, becoming program director is like coming home. I’ve never been shy about saying I have felt more connected to the law school community here, during and after my years as an LLM candidate, than I do to my JD institution. There is something undeniably special about GW Law’s community and within that, the government procurement law community is one of the most well-established and generous in its mentorship and support of current students and alumni. I’m very excited to champion this program.

Q: How do you envision the program in the next five years?
Thornton: I’m thrilled to have been entrusted to take the program into its next generation. The pillars of the program that Professors Nash and Cibinic created still stand strong in the 21st century marketplace. Among other things, I’m keen to explore online learning and demonstrate that with the pedagogical strength of our faculty we can leverage technology to provide all the rigor and analytical training of the traditional classroom through an online LLM degree. I see limitless opportunities to partner with state universities and local governments, and grow our community through the use of technology.

Q: How will your previous experience in government contracts and at the law school affect the program?
Thornton: Over the past eight years, I’ve found great fulfillment in researching, writing, and teaching at the intersection of professional development and legal writing. I’ve especially enjoyed my work with the student members of the Public Contract Law Journal, whose writing, editing, and production team management experience builds the professional qualities employers value most.

The ABA recently published new requirements for experiential learning, a space I’ve been writing and teaching in for years. I’m excited to partner with our full-time and part-time faculty to integrate experiential learning opportunities into our government contracts course offerings and help create new courses, to include a skills course focused on written and oral advocacy before the courts and boards of contract appeals.

Support the Government Procurement Law Program

The Government Procurement Law Program at GW Law continues to grow and prosper, thanks to the generous financial support of alumni and friends. Gifts to the Program support institutional priorities including financial aid, academic programs, and faculty resources.

For more information visit www.law.gwu.edu/give or contact Margie Shepard, Director of Major Gifts, Law Development, mshepard@law.gwu.edu.
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