

Q&A With DLA Piper's Richard Rector

Law360, New York (September 29, 2010) -- Richard P. Rector is a partner in DLA Piper LLP's Washington, D.C., office and chairs the firm's government contracts practice. He focuses his practice on federal, state and local procurement issues. He litigates bid protests and contract actions against public entities throughout the U.S. He also counsels clients on public procurement issues, including the negotiation and performance of complex IT contracts.

Prior to entering private practice, Rector worked in the defense industry for eight years in business development and legal positions.

Q: What is the most challenging case you've worked on, and why?

A: As a young partner, I had a case in which there was a lot of money at stake, the legal claims were complex and each side had substantial teams of lawyers. Our client was GTE Corp., which had built the Consolidated Space Operations Center for the U.S. Air Force in Colorado Springs, Colo.

The work had expanded significantly over the life of the contract, and the client had claims of about \$100 million for changes, delays and disruption caused by the Air Force. Once we filed suit, the Air Force filed counterclaims that were valued — remarkably! — at about \$100 million, so the case got a lot of attention from both sides.

I was responsible for managing our team of six very talented lawyers on a day-to-day basis, which meant overseeing voluminous discovery, dealing with a healthy motions practice and developing trial strategy for multiple claims.

Fortunately for the client (not to mention the lawyers' personal lives), the case settled with a significant payment to GTE just prior to the first set of scheduled trials.

The case was challenge at the time, but in hindsight I was lucky to have it so early in my career. I learned some great lessons about working with adversaries, colleagues and clients — things I still apply today.

Q: What accomplishment as an attorney are you most proud of?

A: I'm proud to be leading a practice that has a terrific reputation within the government contracts bar, but that also offers a truly collegial work environment. I know that sounds like blather to some, but it's no joke.

I have five kids, so I've had my share of struggles in balancing family and "big firm" work commitments. Fortunately, the leaders of the practice have always valued and encouraged life outside the firm, and we have always been a fairly tight-knit group. I'm glad to be building on that tradition and offering young lawyers the same supportive environment that I enjoyed.

Q: What aspects of law in your practice area are in need of reform, and why?

A: Government contracting needs less reform, not more. It's already highly regulated, with 2,000-plus pages of regulations at the federal level that cover every aspect of contract formation and administration.

Unfortunately, it's also an area that attracts the attention of Congress every year, so there are constantly new laws aimed at streamlining, reforming, closing loopholes, requiring more transparency, etc.

We don't need more laws to make government programs work more effectively and finish within budgets. We need more honest communication between industry and government, at the front end of programs, regarding realistic requirements and realistic costs.

Q: Where do you see the next wave of cases in your practice area coming from?

A: In federal contracts, two significant trends will be emerging over the coming years. First, the federal government will be "insourcing" work — bringing back into the government certain types of work that were outsourced to contractors over the past 10 years.

Second, acquisition budgets will be shrinking or static, particularly in the defense agencies. For industry, that means fewer contract opportunities and probably a thinning of profit margins, which in the past has resulted in more bid protests and litigation.

So I think we'll see an uptick in those areas.

In state and local government contracts, I think the unprecedented budget pressures that many governments are feeling could have the same effect. Competition will sharpen, and companies will be less willing to walk away from a lost opportunity.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: Abraham Lincoln and Nelson Mandela immediately come to mind, because I respect lawyers who are tough advocates but who know there's a time — and a value — to being magnanimous.

In my personal experience, Judge Eric Bruggink at the U.S. Court of Federal Claims is as thoughtful and incisive a lawyer as I have ever encountered. He's ruled for me and against me in cases, but his decisions are always fair, well-reasoned and focused on the real issues in the case.

I also like one of his personal practices, which is to ask each of the lawyers in a case to explain the other side's position fairly and honestly. It's tough to do, but it helps frame the case and focus the issues in dispute.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: I'd say three things:

- Learn the business of government contracting as much as the law. It will help you speak the client's language and understand the pressures that the client faces. It will also help you give quick, practical advice.

- Be a leader within the public contracts bar. It's a relatively small community, but it is unusually active and friendly. Take advantage of the chance to work with jurists, academics and practitioners from both industry and the government. It will make you a better advocate.

- Less is more. Neither clients, nor judges, have time for ponderous analyses that address every issue. Focus on the key issues, and get to the point.