

Gov't Contracts Group Of The Year: Covington & Burling

By **Dorothy Atkins**

Law360, San Francisco (January 24, 2018, 3:02 PM EST) -- Covington & Burling LLP's government contracts practice group secured a \$6.8 billion procurement for UnitedHealth and its affiliates last year, while also helping a contractor fight off hundreds of class claims, landing it a spot among Law360's 2017 Government Contracts Groups of the Year.

After a nearly two-year battle that began in 2015, in which the firm successfully protested the contracts in a \$6.8 billion procurement for medical disability examinations of veterans, Covington landed 8 of 10 contracts awarded by the U.S. Department of Veteran's Affairs on behalf of UnitedHealth and its affiliates. The U.S. Government Accountability Office also ruled in Covington's favor in January 2017 after it secured the contracts, rejecting other challenges to the awards. The protesters appealed that decision, but dropped their challenge last summer.

"For me that really stands out," Covington partner Jay Carey said. "Both because the client won the contract and it was a significant procurement."

In July, Covington also scored another major win on behalf of KBR Inc., the largest contractor supporting troops in the Iraq and Afghanistan wars, in a contractor-on-the-battlefield tort case. The victory came in multidistrict litigation involving more than 800 plaintiffs who challenged KBR's use of burn pits to dispose of waste during those wars.

But a Maryland federal judge ultimately sided with KBR, finding that its use of open burn pits was a military decision and not KBR's decision. The judge also agreed with Covington's arguments that the claims were barred by the political question doctrine and preempted by the combatant-activities exception of the Federal Tort Claims Act.

Other big wins last year include preventing Plantronics from being barred from doing business with government agencies, helping a government contractor respond to a significant cybersecurity breach and successfully suing the General Services Administration over illegally debarring Ariel Friedler, the founder of Symplicity.

Although the group had a number of notable litigation victories, Jennifer Plitsch, partner and co-chair of



the firm's government contracts practice group, said she considers it a victory when they keep clients out of investigations and litigation over contracts. That way clients don't have to go through the expensive, protracted process of suing the government for money. The group achieved that goal many times last year, she said.

Part of their success is due to Covington's corporate lawyers working closely with the government contracts team in overseeing approximately 20 transactions per year, Plitsch said.

"They work together on the transactions and do their due diligence to avoid problems discovered past closing," she said.

Covington's government contracts group started small, with three to five attorneys, and slowly grew to 20. In 2015, Covington absorbed the core of the government contracts practice of the former McKenna Long & Aldridge LLP, effectively doubling the size of its government contracts group to 45.

Since then, the group has continued to grow, now having more than 50 attorneys based in its D.C. office. Today, the firm is large enough to have an expert for every subject who can efficiently answer any question that a client throws at them, Plitsch said.

Frederic Levy, partner and co-chair of the firm's government contracts practice group, added that the group is unique due to the breadth and depth of experience that its attorneys have, and its seamless interaction with other top-tier practice groups at the firm.

"I think we're a very cohesive practice group," he said. "It really incentivizes our lawyers to utilize everyone in the firm to the clients' advantage"

That cross-practice teamwork can be essential to clients, particularly in government contracts related to national security and the health care and life sciences industries, which often involve complex intellectual property and highly classified information, he said.

Today, Covington has more than 1,000 lawyers practicing in 12 offices around the world.

--Editing by Emily Kokoll.