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(Upper left) For the program's 50th anniversary, 500 alumni and friends gathered at the historic Mellon Auditorium on Feb. 18 for an elegant gala. Government Procurement Law Program co-directors Chris Yukins, Steven Schooner, and Joshua Schwartz celebrate with Jeannette Cibinic, wife of the late John Cibinic Jr., and Ralph C. Nash Jr., program co-founders. (Left) Hon. Daniel I. Gordon, administrator of the Office of Federal Procurement Policy, was the night's special guest and keynote speaker. He is a former adjunct professor in the program. (right) Professor Steven Schooner, co-director of the Government Procurement Law Program (far right) Professor Emeritus Ralph C. Nash Jr.



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BUYING POWER

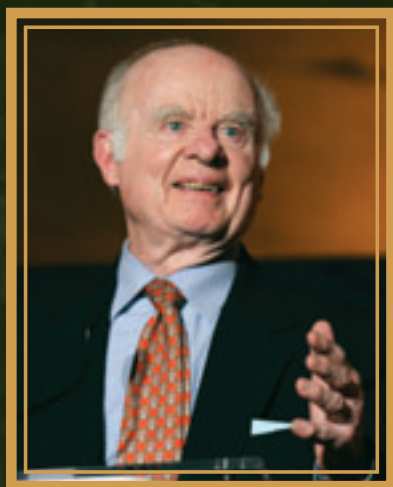
GW's Government Procurement
Law Program celebrates 50 years

By Carrie Madren

Fifty years ago, GW Law made history. Ralph C. Nash Jr. and John Cibinic Jr. founded GW Law's legendary Government Procurement Law Program, which forged a new academic discipline that was only beginning to surface in the legal world.

Until then, experts say, the field was commonly thought of as a combination of contract law, regulatory law, accounting, and public, social, and economic policies.

"What Nash and Cibinic did was basically bring order to an academic discipline where people hadn't necessarily carved it out very well yet," says GW Law professor Steve Schooner, co-director of the Government Procurement Law Program. "They published the leading textbooks in the field, trained an entire generation of attorneys and practitioners, and they were actively involved in policy-making, which is a big part of what we do today."



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John Pachter, JD '66, LLM '70, enjoys the gala with Leslee Bellucie and husband J. Richard Knop, JD '69.

This year, GW celebrates the 50th anniversary of this groundbreaking law program. The program is recognized as unequivocally the best of its kind in the country and is among the top two programs in the world, along with the University of Nottingham, professor Schooner says. GW's government procurement law offerings attract students from around the world, some of whom stay to work in D.C. while others launch their careers in far reaches of the globe, advising on purchases that shape international affairs.

BIG MONEY

Federal government procurement is a necessary, and expanding, area of law. Last year, it totaled some \$530 billion worth of supplies (from office supplies to nuclear subs and aircraft carriers), services (from janitorial services to private security in Iraq), research development (from nuclear research to satellites), and construction (from federal courthouses to military barracks). The biggest slice of the U.S. budget pie goes toward defense and military operations.

The GW Government Procurement Law Program also has international ties and applications, as every country has

expensive procurement needs, too. "In Europe, the market accounts for about 1.5 trillion euros a year in public procurement," professor Schooner says. "Around the world, and particularly in developing countries, government procurement tends to account for anywhere from 15 percent to 22 percent of the GDP, so it's a really big business."

Law students and lawyers go into government contracts for a variety of reasons, explains professor Schooner, who pursued his LLM in government contracts at GW Law during the 1980s, part time, when he was on active duty in the Army. He joined the faculty in 1998. "The government buys the coolest and best technology in the world—all the fancy weapons systems, airplanes, nuclear submarines," he says. "The government is always in business and always has needs."

GW's Washington, D.C., location provides a convenient starting point for government contracting, with government agency headquarters just blocks away.

"It's a time of unique opportunity for students," says GW Law professor Chris Yukins, who became interested in government contracts law as a young associate in a Washington law firm and joined the GW faculty in 2002. "The field is rapidly globalizing, and at the same time, the federal procurement budget continues to grow and provide broad career opportunities for students and graduates."

A LONG HISTORY

Emeritus professors Nash and Cibinic set the standard for government procurement law that has been passed on to students, faculty, and staff. These days, faculty members and alumni have traveled around the world to advise foreign governments on the intricacies of government buying.

Seeds of the program germinated back in 1959 when the Law School asked professor Nash whether he thought government contracting was a viable field that would support work from an academic view. “I thought it was,” professor Nash says. “They decided it was worth a try and brought me over to see if it would work.”

During the Korean War in the 1950s, he explains, there was a big build up of procurement to support the war, then procurement stabilized during the start of the Cold War. “We never would have guessed it would boom into the thing it is now,” says professor Nash, who had been an adjunct before 1960, when he was brought in full time to jump start the Government Procurement Law Program. Since the program had to be self-supporting, professor Nash decided to offer continuing education courses as well as begin publishing casebooks and textbooks in the field.

“I started out in 1961 with a two-week course, and in those days, I don’t think anyone was giving short courses in government contracting. There turned out to be a pretty good market,” says professor Nash, who began writing brief books on government procurement called monographs that sold for a few dollars. GW Law co-sponsored a conference on government contracting—the only public conference at the time—with the Federal Bar Association. Also in 1961, professor Nash teamed up with Henry Kaiser, who published a periodical called *Government Contractor*, and had Mr. Kaiser teach one of the classes for the two-week course.



John Cibinic Jr.'s son, John, BBA '86, MBA '93, and Jean Cibinic greet professor emeritus Fred Lees and his daughter, Lisa.

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Professor Nash’s short course continued each semester for four or five years, he recalls, and John Cibinic Jr. joined the team in 1963. Professor Cibinic had attended night school at GW Law and earned his JD in 1960. He remained on the Law School faculty until 1993—the same year that professor Nash retired—teaching courses in contracts, remedies, and professional responsibility and several master’s courses in government procurement law. He also taught government procurement for U.S. agencies and professional programs as well as authored and co-authored many important pieces of literature in government contracting. After 30 years of teaching at GW, professor Cibinic remained active in the government procurement community and, along with his colleague Ralph Nash, was awarded a GW Distinguished Alumni Award in 2002. Professor Cibinic passed away in 2005.

A specialized LLM degree was added in 1962 and continues to attract experienced attorneys and fresh JD graduates alike. “Our LLM group was small and consisted primarily of attorneys working for a federal agency,” recalls Richard Bednar, who graduated from the evening program in 1969 and is a former director of the

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Hon. Jeri K. Somers, vice chair of the Civilian Board of Contract Appeals; Hon. Victor J. Wolski, U.S. Court of Federal Claims; and John Howell, LL.M. '79, of Sullivan & Worcester chat during the reception.

Government Procurement Law Program. “What made the experience a rich one was our very close relationship with Ralph Nash and John Cibinic. Ralph and John were faithfully present, often in tandem, and always available to talk after class. We were made to feel very special. They took a special interest in our success and both nudged and encouraged us to complete the work.”

In the early 1960s, recalls Mr. Bednar, the federal government was deep into systems procurement, with the NASA space program, the Navy nuclear program, and more. “Additionally, the Truth in Negotiations Act of 1962 almost immediately brought a lot of work for government contract lawyers,” Mr. Bednar says. “The war in Vietnam required heavy federal contracting, which again required competent lawyers.”

As the program progressed, professor Nash recalls, they realized that most of the people who attended the continuing education classes were not lawyers. “Government contracting is an interesting area, in that the actual negotiation of the contracts is done by nonlawyers,” known as contract specialists or contracting officers, who get legal advice, he says. “They still need that education.”

In the 1970s, the Air Force started sending five or six students a year as full-time master’s candidates, says professor Nash, a tradition that’s continued. Professor Nash still writes *The Nash & Cibinic Report*, which he co-wrote with professor Cibinic starting in 1987. In the mid-1990s, GW Law began a partnership with the American Bar Association to co-publish the *Public Contract Law Journal*, the premier journal in the field of public contract law. Students gain valuable experience publishing in the journal, and the student editor-in-chief receives the Roger Boyd scholarship that pays partial tuition.

Although the continuing education classes are no longer at the Law School, the JD and LL.M. programs continue to thrive.

GOING STRONG

The Government Procurement Law Program continues to grow, and each year one of the program’s crowning annual events is the McKenna, Long & Aldridge Gilbert A. Cuneo Government Contracts Moot Court Competition, which brings in top lawyers in the field as volunteer judges. “A lot of senior members of the community come in and participate,” professor Schooner says. “Students get exposed to them, and it’s a great networking and career-building opportunity.”

After a half-century of collecting important texts, the Law School’s library also boasts the best government contracts collection in the world, professor Schooner says.



Location has also vaulted the program to success: Students find that being in D.C. helps them to make contacts with local employers who hire government procurement lawyers. “Washington is, of course, the center of the action on federal government contracts law,” says Joshua Schwartz, co-director of the Government Procurement Law Program and the E.K. Gubin Professor of Government Contracts Law. “All of the branches of government are here. All of the specialized components of government that address the issues of government procurement are here. This means unparalleled internship and part-time job opportunities when you are a student. There is simply no other location to be if one is serious about government contracts law.”

This year, for the first time, GW will be co-hosting an international symposium in Germany in cooperation with Ruhr University in Bochum. The symposium will feature a comparative review of major emerging issues in international law, such as issues involving contractors accused of corruption, which is emerging on both sides of the Atlantic, professor Yukins says.

The program is also currently raising money for the creation of the Nash and Cibinic Government Contracts Industry Chair position. So far more than a million dollars has been collected on the way to the \$2.5 million goal that will support the chair position.

At any given time during the year, there are about 100 students taking government contracts courses for both JD and LLM degrees; about 20 master’s students specialize in government procurement each year. Courses include Formation of Government Contracts, Comparative Public Procurement, and Performance of Government Contracts. The Law School doesn’t track the number of graduates who focus on government contracts, but the library has shelves of government contracts theses and a large alumni community that attends events, all of which attests to the popularity of the program.

The Government Contracts Alumni Interest Group “is the Law School’s first alumni group with a subject matter focus,” professor Schooner says. In addition, the Facebook group Government Contracts at GW Law connects law alumni with jobs, news stories, links, and upcoming programs.

For the program’s 50th anniversary, the annual alumni luncheon was replaced by a gala dinner that was the largest the Law School has ever hosted, with about 500 alumni and friends gathering at the historic Mellon Auditorium to celebrate the milestone.



Professor Steven Schooner and Kent Morrison of Crowell & Moring join present and former Roger Boyd Scholars Adelicia Cliffe, JD '06; Ryan Roberts, JD '10; and Tara Ward, JD '09. Named in memory of Roger Boyd, this stipend supports the student editor-in-chief of the Public Contract Law Journal.

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MOVING FORWARD

Government procurement as a field has changed since 1960, when GW’s program started: “The government bought things back then—construction, buildings, weapons—and did a lot of development work but didn’t buy services,” professor Nash recalls. Back then, agencies were supposed to be staffed sufficiently to do their jobs. “That idea began to go out of vogue in the late ’70s and early ’80s, and now the government is buying a huge amount of services.”

Some estimates figure that more than half of the federal government’s work is performed by contractors and about half of contracting work is buying services, professor Nash says. “So the question is, ‘How much service contracting are we willing to do?’” He sees a pullback in the near future from service contracting, and more government hires. Professor Nash also predicts that in the next five years the Department of Defense will scale back its purchase of goods after the war supplies are replenished.

Even so, the country will always need expert lawyers to advise the federal government and its contractors in legally spending billions. Many of those lawyers will still learn the ropes in GW Law’s carefully constructed program. Professor Schwartz emphasizes that the program has enormous value from the progressive internationalization of government procurement law.

“We are a magnet for students and visiting scholars from around the world. At the same time, we are now able to prepare our students for practice in a world where procurement is a global function,” professor Schwartz says. “While the precise contours of the program will change over time, our students can be sure that wherever the challenges of the future lie, our program will be engaged with them long before they are generally recognized.” **GW**



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