

## Identifying **12** Leading Government Contracts Lawyers

**O**f all the legal fields, the practice of government contracts is especially closely tied to Washington, D.C. No matter where their home base of operations is located, companies wishing to sell goods and services to the federal government find themselves coming to the capital for legal talent.

Among the best are the 12 lawyers identified in this *Legal Times* Leading Lawyers report, part of a series on the D.C. area's top practitioners. Obviously, there are skilled federal procurement lawyers who didn't make our short list. But when government contractors want to protest a bid, challenge Uncle Sam's cost accounting, or defend against default terminations, these 12 names get mentioned most often.

How were they chosen? *Legal Times* started with our newsroom's knowledge of the government contracts practice. Then we solicited suggestions from readers. Finally, freelance reporter Jenna Greene interviewed dozens of experts—private practitioners, in-house counsel at government contractors, and academics—with knowledge in the field. The final decisions were made based on our reporting.

Although the chosen dozen represent a range of expertise and practice with 12 different law firms, we found some interesting links: Many of them have



spent time in the military—not surprising when one considers the power of Defense Department purchasing. And quite a few began their careers at the law firms of Jones, Day, Reavis & Pogue (now Jones Day) and Sellers, Conner & Cuneo (now McKenna Long & Aldridge).

This report, sponsored by Beers & Cutler, is the last in the 2004 series. In 2005, the Leading Lawyers reports will delve into the fields of antitrust, energy, tax, and food and drug law. More details about these upcoming special features (including how to nominate candidates for consideration) are available at [www.legaltimes.com](http://www.legaltimes.com).

# Leading LAWYERS

**Legal Times Identifies Twelve of the D.C. Area's  
Top Federal Procurement Attorneys**

## John Pachter

**Smith, Pachter, McWhorter & Allen**

With his roster of big clients—and big wins—John Pachter is proof that you don't have to work at a mega-firm to succeed as a government contracts lawyer.

A name partner at 20-lawyer Smith, Pachter, McWhorter & Allen in Tysons Corner, Va., Pachter counts as clients such companies as MCI Inc., the Titan Corp., and Alliant Techsystems Inc. "We think we can handle just about anything," he says.

In fact, being small has its advantages: The firm has relatively few client conflicts. As an added bonus, when big-firm lawyers are conflicted out of handling a matter, Pachter is often at the top of their referral list.

"When people send clients to us . . . we try to do our best and then return them," Pachter says. "We're not out to take anyone's client."

Not that Pachter, 63, and his partners—including Jonathan Shaffer, Stephen Knight, and Richard Johnson—need hand-me-downs for business.

"They do very good work," says Jon Spear, MCI's vice president of law and public policy. For the past two and a half years, Pachter has advised the company on a variety of government contract-related matters.

"He is dedicated to his work and his client's cause," Spear says. "He is flexible and practical in working to achieve deadlines and client goals, and to meeting the sometimes unique requests of corporate counsel."

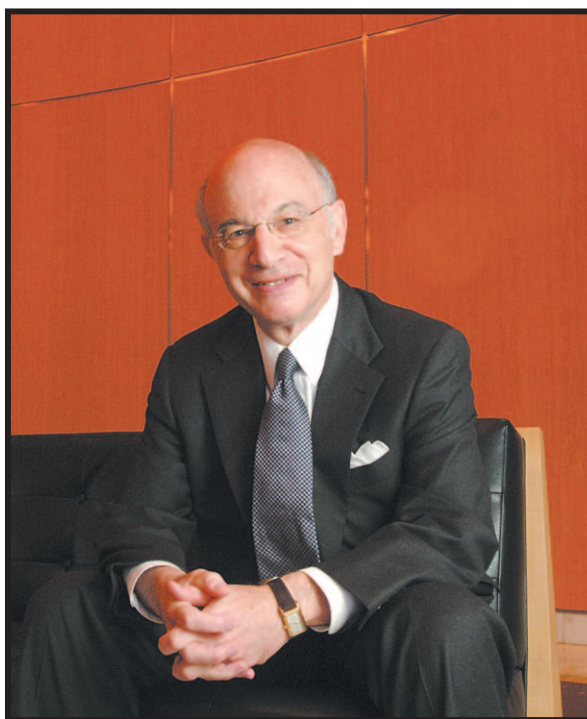
Pachter, who received his J.D. from George Washington University in 1966, got his start in the field as an Army Judge Advocate General officer assigned to the Pentagon. While still in the service, he earned an LL.M. in government procurement law from GW in 1970, and also worked as a trial attorney in the Army's Contract Appeals Division.

Upon discharge, Pachter joined the now-defunct D.C. firm of vom Baur, Coburn, Simmons & Turtle in 1971. He later moved to D.C.'s Sellers, Conner & Cuneo (now McKenna Long & Aldridge).

Then in 1986, Pachter was one of seven co-founders of the

firm now known as Smith, Pachter, McWhorter & Allen. "We wanted to be smaller, less-regimented, with more freedom and less bureaucracy," he explains.

Pachter is currently representing the University Research Co. in a bid protest against the Department of Health and Human Services. The company lost a contract to operate a clearing-house providing information to the public on substance abuse and mental health issues.



ROBERTO WESTBROOK

Another recent matter was an appeal to the D.C. Contract Appeals Board on behalf of Business Softworks. The company's contract to upgrade the automated payroll processing system for D.C. agencies was terminated in 2000.

Over the years, Pachter has also been a leader in the American Bar Association's Section of Public Contract Law, which he chaired from 1991 to 1992. He went on to head the section's preparation of comments on the government's 1997 rewrite of Part 15 of the Federal Acquisition Regulation, the basic rules governing negotiated procurements. "Our work helped shape a great debate over how far the government should go in eliminating rules governing

competition in the name of efficiency," he says.

When Pachter thinks about what makes his work satisfying, he remembers a case he won years ago.

He represented Federal Food Service Inc., which had been debarred from receiving contracts by the Department of Labor for allegedly failing to pay about \$3,000 in vacation pay—a tiny sum compared to the company's multimillion-dollar payroll. In a 1981 decision from the U.S. Court of Appeals for the D.C. Circuit, Pachter vindicated the company. It was the first reversal in federal court of a Service Contract Act debarment.

"During a trip I took to South Florida to visit Harold Gelber, the president of the company, his father, Ira Gelber, asked to see me," Pachter recalls. "He said, 'I want to shake the hand of the man who gave me back my good name.'"

"When you know you've done something like that for somebody, it's rare," says Pachter. "It makes you feel like, 'Gee, it's all worth it.'"