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Ashley N. Barbera Amen

Ms. Amen represents clients in the government contracts and construction practice areas. Her government contracts experience includes work on all phases of the disputes process, including drafting and submission of requests for equitable adjustment and claims, negotiation of change orders, and litigation before the Boards of Contract Appeals and Court of Federal Claims. Ms. Amen has also represented clients in prime-subcontractor disputes in state and federal courts. Additionally, she has counseled clients on matters such as review of prime and subcontracts, contract negotiation, bid protests, government audits, small business issues, costallowability, internal investigations, procurement fraud, mandatory disclosure, and contract interpretation issues. Ms. Amen has also served as seconded in-house counsel to multiple divisions of a FTSE 100 aerospace and engineering company, where she provided counseling on a broad array of government contracts matters.

Ms. Amen's construction experience includes work on federal and private construction disputes involving issues such as differing site conditions, defective specifications, constructive changes, public-private partnerships, variations in estimated quantities, mechanics liens, payment and performance bond issues, excusable and compensable delay, and liquidated damages. She has experience with a wide variety of construction projects, including highway, bridge, and building projects, a hydrant fuel system, and a solar power facility. Ms. Amen has assisted clients with the preparation and evaluation of requests for equitable adjustment and claims, as well as the resolution of construction disputes through negotiation, mediation, arbitration, and litigation. She has also assisted clients with the review and negotiation of construction contracts, using her experience with the disputes process to identify and avoid or mitigate risks in the contract drafting phase.

Ms. Amen has extensive experience with electronic discovery in litigation and alternative dispute resolution, ranging from small data collections to the collection and processing of nearly three terabytes of data. Ms. Amen utilizes her experience with cutting-edge electronic discovery tools to craft an efficient and cost-effect approach to e-discovery that is tailored to the needs of the client and the nature of the dispute.

Practice Areas

- Construction
- Government Contracts

Education

The George Washington University Law School (J.D., with honors, 2011)

- Winner, with awards for Best Oralist and Best Contractor Brief- 2011 Government Contracts Moot Court Competition
- Patricia A. Tobin Government Procurement Law Award
- Shapiro Public Interest Fellow

University of Maryland, Baltimore County (B.A., Political Science, Departmental Honors, *magna cum laude*, 2008)

Prior Legal Experience

Legal Intern, U.S. Department of Justice, Commercial Litigation Branch, National Courts Section

Bar Admissions

Commonwealth of Virginia

Court Admissions

Supreme Court of Virginia
U.S. Court of Federal Claims
U.S. District Court for the Eastern District of Virginia

Professional Memberships

American Bar Association

- Section of Public Contract Law
 - Contract Claims and Dispute Resolution Committee (Co-Chair, 2019-present; Vice-Chair, 2018-2019)
 - Young Lawyers Committee (Co-Chair, 2019-present; Vice-Chair, 2017-2019)
 - Introduction to Government Contracts Annual Program (Co-Chair, 2018)
- Forum on Construction Law

Publications, Presentations & Courses

Co-Author, Richard C. Johnson, Ashley N. Amen, Daniel H. Ramish, and Zachary D. Prince, *The Most Important Cost Cases of the 2010s - Decade in Review*, Briefing Papers Issue 20-3, February 2020.

Co- Instructor, Negotiations in Government Contracts, The George Washington University Law School, Fall 2019

Panelist, *Prime-Subcontractor Disputes: How to Avoid Them, and How to Resolve Them*, Panel hosted by the ABA Section of Public Contract Law, Contract Claims and Dispute Resolution and Subcontracting, Teaming, and Strategic Alliances Committees, December 11, 2019.

Co-Author, "Preparing the Complex Construction Case for Litigation," Chapter 15, *Construction Disputes: Representing the Contractor*, 4th Edition, 2019.

Co-Author, Richard C. Johnson and Ashley N. Barbera Amen, *Maropakis Strikes Again: ECC CENTCOM Constructors, LLC, ASBCA No. 60647*, Government Contract Costs, Pricing & Accounting Report, November 2018.

Panelist, *The Contracting Officer's Termination Decision Under the Contract Disputes Act*, Panel hosted by the ABA Section of Public Contract Law, Contract Claims and Disputes Resolution Committee, October 22, 2018.

Presenter, *Pricing Equitable Adjustments and Claims: Considerations Under the FAR, TINA, and FCA*, September 2018, Virginia State Bar.

Co-Author, Richard C. Johnson and Ashley N. Barbera Amen, *Stirring the Muddy Waters: The Federal Circuit's Decision in Securiforce Thickens the Confusion Surrounding Maropakis and Upsets Settled Law on Nonmonetary Claims*, 109 Federal Contracts Report 247, March 13, 2018.

Presenter, *Government Contract Basics: Claims and Disputes*, CLE hosted by the DC Bar, February 21, 2018.

Panelist, *Government Contract Claims 101*, Panel hosted by the ABA Section of Public Contract Law, Contract Claims and Dispute Resolution Committee and Young Lawyers Committee, February 14, 2018.

Co-Author, Richard C. Johnson & Ashley N. Barbera Amen, *Luna Innovations, Inc.: A Questionable ASBCA Decision on Stock Option Costs*, Government Contract Costs, Pricing & Accounting Report, January 2018.

Moderator, *E-Discovery in Government Contracts*, Panel hosted by the ABA Section of Public Contract Law, Contract Claims and Dispute Resolution Committee and Young Lawyers Committee, November 8, 2017.

Presenter, *Post-Sikorsky CDA Statute of Limitations Cases*, ABA Section of Public

Contract Law Council Meeting, Annapolis, MD, March 18, 2017.

Co-Author, Richard C. Johnson & Ashley N. Barbera Amen, *Muddying the Waters: Six Years of Confusion in the Wake of Maropakis*, 106 Federal Contracts Report 352, October 4, 2016.

Co-author, Richard C. Johnson & Ashley N. Barbera Amen, *Whose Burden Is It, Anyway?: Implications of the Federal Circuit Determination that the CDA Statute of Limitations Is Nonjurisdictional*, Government Contract Costs, Pricing & Accounting Report, January 2015.

Co-author, Richard C. Johnson & Ashley N. Barbera, *Running Out of Time: Rapidly Developing Case Law on the CDA Six-Year Statute of Limitations on Contractor and Government Claims*, 98 Federal Contracts Report 215, August 14, 2012.

Co-author, *Plain Meaning and Biased Decision Making: The 2011 McKenna Long & Aldridge "Gilbert A. Cuneo" Government Contracts Moot Court Competition*, 40 Pub. Con. L.J. 1081 (2011).