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Todd M. Garland

Mr. Garland practices in government contracts and construction law, specializing in contract claims and disputes with the federal government. He represents contractors in bid protests at the Government Accountability Office (“GAO”), U.S. Court of Federal Claims, agency level, and in state-level protests. His practice includes commercial litigation involving prime-subcontractor disputes in federal and state courts, contract interpretation, DCAA audits, and cost allowability issues. Additionally, Mr. Garland defends contractors facing white collar issues involving anti-corruption and the civil False Claims Act. He has extensive experience at the boards of contract appeal and has litigated complex commercial cases in state and federal courts. During law school, Mr. Garland worked for a private security contractor that performs in contingency contracting environments.

His extensive experience at the boards of contract appeal includes representation of a Fortune 200 company defending against \$70 million in claims by the Department of Defense (“DoD”), and representing another Fortune 200 company with almost \$60 million in claims against DoD. He has litigated complex commercial cases in state and federal court, such as representation of a prime contractor arising from a \$1 billion, 29-mile highway project, and representation of one of the world’s largest engineering companies sued in federal court for the allegedly defective design of a \$15 million sewer project.

Mr. Garland has represented clients in state and federal courts, including representation of a subcontractor in a \$150 million dispute involving an advanced missile system used by the U.S. Air Force and Navy, and allied militaries.

He helped a prime contractor defend against a subcontractor’s action seeking \$25 million in damages for breach of contract, unjust enrichment, and violation of the Virginia Business Conspiracy Statute, obtaining dismissal or summary judgment on all counts. *Shee Atika Languages, LLC v. Glob. Linguist Sols., LLC*, 2014 WL 3810289 (E.D. Va. Aug. 1, 2014), *aff’d* 601 F. App’x 224 (4th Cir. 2015).

Mr. Garland was selected as a finalist for the 2018 ABA Forum on Construction writing competition.

Practice Areas

- Construction
- Government Contracts

Education

University of Louisville Brandeis School of Law (J.D., *cum laude*; Moot Court Board; May 2012)
College of William and Mary (B.A., Public Policy, 2003)

Bar Admissions

Commonwealth of Virginia
District for Columbia

Court Admissions

Supreme Court of Virginia
District of Columbia Court of Appeals
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Federal Circuit
U.S. District Court for the District of Columbia
U.S. District Court for the Eastern District of Virginia
U.S. Court of Federal Claims

Publications and Presentations

Jonathan D. Shaffer and Todd M. Garland, *Bid Protests in the Commonwealth of Virginia*, Va. Bar Assoc. Construction Law & Public Contracts Newsletter No. 74 (Spring 2019)

John S. Pachter and Todd M. Garland, *The Most Important Government Contracts Related Decisions of 2018*, ABA Section of Public Contract Law (Dec. 2018)

John S. Pachter and Todd M. Garland, *Recent Decisions Bode Well for False Claims Act Defendants*, Law360 (Feb. 4, 2019)

John S. Pachter and Todd M. Garland, Bloomberg Insight: *High Court's Expected Decision Good Sign for False Claims Act Defendants*, Bloomberg Federal Contracts Report (Feb. 5, 2019)

Jonathan D. Shaffer and Todd M. Garland, *GAO Reminds Pentagon: Use of OTAs Not Unfettered*, 109 Fed. Cont. Rep. (BNA), (June 26, 2018)

Armani Vadiie and Todd M. Garland, *The Federal Government's "Other Transaction" Authority*, 18-5 Briefing Papers (April 2018)

Todd M. Garland, *Warning to Contractors: Be Careful When Designating Key Personnel in Proposals*, ABA Forum on Construction Division 13 Newsletter (Apr. 2018 Vol. 5, Issue 5)

Todd M. Garland, *Contractors Beware: Disqualification When Key Personnel Become Unavailable*, Washington Contractor Magazine (Annual Awards Issue)

Jonathan D. Shaffer and Todd M. Garland, *But I Thought I Won? Procurement Cancellation Under the Virginia Public Procurement Act*, Virginia Bar Association Journal (Vol. XVI Spring 2018)

John S. Pachter and Todd M. Garland, *Fifth Circuit Decision Reinforces Need for Anti-Kickback Act Compliance*, 109 Fed. Cont. Rep. (BNA) 33 (Jan. 9, 2018)

Performance Evaluation Challenges: What's new?, The Procurement Lawyer (Vol. 53, No. 1 Fall 2017)

Erica J. Geibel and Todd M. Garland, *Prior Material Breach and Laguna Construction: Adding Forfeiture to the Government's Arsenal*, ABA Forum on Construction Division 13 Newsletter (Dec. 2016)

Todd M. Garland, *Virginia Supreme Court Declares Teaming Agreement to be Unenforceable "Agreement to Agree,"* 69 Va. Bar Assoc. Construction Law & Public Contracts Newsletter (Fall 2016)

John S. Pachter and Todd M. Garland, *Kickbacks Result in Forfeiture of Claim*, 106 Fed. Cont. Rep. (BNA) No. 13, at 377 (Oct. 11, 2016)

John S. Pachter and Todd M. Garland, *When Does a Company "Knowingly" Violate the Anti-Kickback Act?*, 106 Fed. Cont. Rep. (BNA) No. 9, at 265 (Sept. 13, 2016)

Erica J. Geibel and Todd M. Garland, *Recent Developments in Foreign Corrupt Practices Act Enforcement*, ABA Young Lawyers Division Litigation Committee Newsletter (Summer 2016)

John S. Pachter and Todd M. Garland, *A Sensible Outcome for False Claims in Universal Health Services*, 106 Fed. Cont. Rep. (BNA) No. 4, at 97 (July 26, 2016)

John S. Pachter and Todd M. Garland, *A Look at False Claims Act Cases Through Scalia's Lens*, 105 Fed. Cont. Rep. (BNA) No. 14, at 310 (Apr. 12, 2016)

Passing-Through Claims on Federal Contracts, ABA Federal Procurement Institute (Mar. 2016)

John S. Pachter and Todd M. Garland, *Encouraging Signs for False Claims Act Litigation: Recent Decisions Aligned to Guide Supreme Court Review*, 105 Fed. Cont. Rep. (BNA) No. 3, at 67 (Jan. 26, 2016)

Co-Author, Smith Pachter McWhorter PLC *False Claims Act Practice Guide* (2016 to 2019)

Contributor, *Guide to Fixed-Price Supply Subcontract Terms and Conditions* (5th ed. ABA Section of Public Contract Law, 2016)

Contributor, *Guide to Services Subcontract Terms and Conditions*, (2nd ed. ABA Section of Public Contract Law, publication forthcoming)

Associate Editor, *BCA Bar Journal* (Summer 2017 to Present)

John S. Pachter and Todd M. Garland, *The Most Important Government Contracts Related Decisions of 2015 to 2018*, American Bar Association Section of Public Contract Law

Contributor, Chapter 4 – Terminations, ABA Public Contract Law Section *Deskbook on Contract Claims and Disputes* (publication forthcoming)

Finalist, ABA Forum on Construction Law 2017 Writing Competition

Presenter, Jonathan D. Shaffer and Todd M. Garland, *Government Contracts Basics: Bid Protests* – District of Columbia Bar (May 16, 2018)

Presenter, Todd M. Garland, *Bid Protest Basics* – Clear Law Institute (March 12, 2019)

Co-Presenter, *Conflicts of Interest in Federal Contracting*, Department of Energy Contractor Attorneys' Association Spring 2019 Conference (May 2, 2019)

Co-Presenter, *Price/Cost Realism in Federal Procurement*, National Contract Management Association—D.C. Chapter (May 28, 2019)

Presenter, *Price and Cost Realism in Government Contracting*, Federal Publications Seminars (August 21, 2019)