Richard J. Webber

COUNSEL

Rick entered the field of government contracts more than 30 years ago from a litigation perspective.



Practices

Government Contracts

Education

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Princeton University, AB

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Rick began his career in the US Department of Justice defending the government in contracts and statute-based claims. Since joining Arent Fox, his government contracts litigation practice has been diverse, with extensive experience in claims, bid protests, construction disputes litigation, and False Claims Act cases. Rick's practice also includes counseling on a diverse range of subjects and the conduct of investigations related to alleged false claims, employee misconduct, and accounting irregularities.

Rick has also brought and defended actions between private litigants in contract and other disputes, construction matters, employee non-competition agreement violations, and business torts. These matters have included a number of arbitrations, as well as jury trials. He has participated in many mediations, sometimes involving multiple parties. He has argued appellate cases in the Second, Fourth, District of Columbia, and Federal Circuits.

Rick advises clients on matters of contract interpretation and drafting, subcontracting, teaming agreements, non-disclosure agreements, labor laws, and small business issues. He assists companies in the handling of government investigations and mandatory disclosures. He also interacts with agency attorneys in the government to resolve issues confronting his clients.

Some specifics:

Bid Protests

Rick has handled over 125 bid protests in various fora. He has a finely tuned sense of what arguments are available in any given circumstance and how they have been received by GAO and the Court. His trial and appellate experience is particularly advantageous in GAO hearings and Court arguments.

Claims and Terminations

Rick has prepared a very large number of REAs and claims on behalf of clients. He has been successful in asserting creative theories for recovery – *e.g.*, mutual mistake of fact, reformation, duress, implied duty of good faith and fair dealing, ratification, misrepresentation, waiver, and more. In addition he has litigated many construction claims, presenting expert testimony in critical path delay analysis, inefficiencies, and acceleration. He has prepared convenience termination settlement proposals and successfully challenged default terminations.

Other Representations

Rick has assisted clients in a wide range of other contract issues, including: defense of False Claims Act cases, internal investigations, due diligence reviews, mandatory disclosures, applications to DHS for Safety Act Designation and Certification, labor issues, small business issues such as size protests, suspension/debarment actions, organizational conflicts of interest, and many more.

Previous Work

After clerking for the trial and the appellate levels of the US Court of Claims (now the US Court of Federal Claims and the Federal Circuit, respectively), Rick joined the Civil Division of the US Department of Justice and spent the following five years defending the government in a variety of litigations, both in trial and on appeal.

Professional Activities

Rick was the chair of the Federal Contract Claims and Remedies Committee of the America Bar Association's Section of Public Contract Law from 1987-91. Thereafter, he served as chair of the ADP Procurement Committee of the Federal Bar Association's Government Contracts Section from 1992-94, then chair of the Government Contracts Section from 1994-96, and chair of the Alternative Disputes Resolution Section from 2002-03. He has authored papers and spoken at numerous conferences.

Bar Admissions

District of Columbia

Maryland

Court Admissions

US Court of Federal Claims

US Court of Appeals, Federal Circuit

Supreme Court of the United States

US Court of Appeals, District of Columbia Circuit

US Court of Appeals, Federal Circuit

US Court of Appeals, 4th Circuit

US District Court, District of Columbia