Joseph D. West

Partner

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Washington, D.C.



Joe West is a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher and former co-chair of the firm's Government Contracts Practice. For over 40 years, Joe has concentrated his practice on contract counseling, compliance/enforcement, and dispute resolution. He has represented both contractors (and their subcontractors, vendors, and suppliers) and government agencies, and has been involved in cases before various United States Courts of Appeals and District Courts, the United States Court of Federal Claims, numerous Federal Government Boards of Contract Appeals, and both the United States Government Accountability Office and Small Business Administration.

Joe's practice spans multiple industries including aerospace and defense, information technology, professional services, banking and financial institutions, pharmaceuticals and medical devices, telecommunications, and construction and architecture/engineering. He enjoys an exceptional reputation for his expertise in government contracting. Joe was awarded a Peer Review Rating of "AV Preeminent" by *Martindale-Hubbell* for 34 consecutive years (1991- 2024) and is regularly recognized as one of the top government contracts lawyers nationwide by *Chambers USA – America's Leading Business Lawyers* (2005 - 2026) and recognized by *The Legal 500* for Government Contracts (2025 - 2026). *Washington DC Super Lawyers* ranked Joe in the Government Contracts practice area for 18 consecutive years (2007 – 2024), and has named him as one of the "Top 100" Washington, DC lawyers across all practice areas multiple times. *Chambers USA* has also recognized Joe as one of the leading construction lawyers in the nation. He has received repeated recognitions from *The Legal Times, Washington Business Journal*, and *The Washingtonian Magazine*. In addition, Who's Who Legal recognized Joe in its inaugural 2023 edition of *Who's Who Legal Thought Leaders: USA,* which features "practitioners at the apogee of the US legal market."

Joe has particular expertise in compliance and enforcement matters and has led numerous internal investigations. He has handled dozens of "mandatory disclosure" matters before numerous agency Inspectors General and published the initial *Briefing Paper* on the subject. Additionally, he has defended Civil False Claims Act charges brought by qui tam relators and the Department of Justice. Joe has developed compliance programs for corporate clients and conducted corresponding training.

Joe's practice also focuses on suspension and debarment. He has successfully represented clients in various industries (e.g., defense, telecommunications, construction, and pharmaceutical manufacturing) in formal suspension and/or debarment proceedings and in their continuing relationships with agency debarment officials.

On national security issues, Joe has worked closely with companies in satisfying the requirements of the National Industrial Security Program overseen by the Defense Counterintelligence and Security Agency (formerly the Defense Security Service) in conjunction with foreign investments or acquisitions. He has also advised numerous companies as to dealing with foreign investment in U.S. companies, including filings with

Capabilities

Government Contracts
False Claims Act / Qui Tam Defense
International Arbitration
Litigation
Mergers and Acquisitions
National Security
Transportation and Space
White Collar Defense and Investigations

Credentials

Education

George Washington University - 1977 Juris Doctor

Villanova University - 1971 Bachelor of Civil Engineering

Admissions

Virginia Bar

District of Columbia Bar

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the Committee on Foreign Investment in the United States (CFIUS), and he has expertise and published a number of pieces regarding matters involving the Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR). Joe also has in-depth experience with all types of ADR and he regularly works on claims analysis, development, negotiation and resolution by litigation, if necessary.

Joe has litigated (for both plaintiffs and defendants) numerous award challenges in Federal Courts and before the Government Accountability Office. Joe is also the author of several articles, and he has lectured extensively on the government's use of Past Performance Information as the most significant non-price evaluation factor in the source selection process. In addition to handling disputes, Joe has vast knowledge of terminations, having spent over three years working on the largest default termination in government contracts history. He has also successfully negotiated and litigated numerous default and convenience termination disputes.

Within the area of construction and engineering, Joe has provided contract expertise on project finance disputes in numerous countries and worked with international arbitration partners on major construction disputes under ICSID and UNCITRAL rules. Additionally, he has handled a variety of prime-sub issues including work with clients to negotiate all types of subcontract, vendor and supplier agreements and litigated disputes arising out of subcontracts and teaming agreements.

Representative Client/Matters

- Represented CH2M Hill (now owned by Jacobs Engineering) in connection with Air Force, EPA and GSA contracts
- Represented Cisco Systems in connection with government enforcement actions against some of its resellers
- Represented Fluor Corporation in connection with internal reviews of several projects
- Represented Fluor Corporation with respect to contract disputes in Afghanistan
- Represented Bank of New York Mellon with respect to its agreements with the Department of the Treasury to provide cash management services
- Represented Northrop Grumman in a dispute with major subcontractors over the design and development of the B-2 stealth bomber
- Represented Parsons Corporation's Infrastructure and Technology Group with respect to contracts with the U.S. Air Force
- Represented the U.S. Navy in the largest default termination in Government Contracts history; led a team that devoted 20-lawyer years annually to this effort for almost 4 years
- Represented the United States Postal Service in defending its award of a $7 billion contract to Federal Express to carry Express and Priority mail
- Provided Government Contracts expertise to a multi-disciplinary team that worked with the Secretary of Health and Human Services on anti-terrorism issues for Wyeth (formerly American Home Products)

Joe graduated with high honors from the George Washington University Law School in 1977, where he served as Editor of *The George Washington Law Review* and was elected to the Order of the Coif. He graduated *magna cum laude* from Villanova in 1971 with a Bachelor of Civil Engineering degree, where he was elected to Tau Beti Pi and Chi Epsilon (Engineering and Civil Engineering honor societies respectively).

Joe is a registered Professional Engineer in the Commonwealth of Virginia and served four years as an officer in the United States Navy Civil Engineer Corps. He has held (and is presently qualified to hold) top secret and special access security clearances and is a member of the bars of the Commonwealth of Virginia and the District of Columbia.

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Professional Affiliations

- Member, American Bar Association Public Contract Law and Litigation Section (Vice Chair of the Public Contract Law Section's Pro Bono Committee from 1999 - 2002, Vice Chair of that Section's Acquisition Reform and Emerging Issues Committee from 2006 - 2008, and Co-Chair of the Section's Debarment and Suspension Committee from 2009 – 2012; Vice Chair of the Committee from 2013 to present)
- Member, American Bar Association Forum on the Construction Industry (Member of the Forum's Governing Committee from 2008 - 2011; Chair of the Forum's Steering Committee of Division 1 (Dispute Avoidance and Resolution) from 2002 - 2004)
- Co-Chair, Steering Committee of the Government Contracts and Litigation Section, District of Columbia Bar (2004 - 2006)
- Member, Board of Governors of the Construction Law and Public Contracts Section, Virginia State Bar (1997 - 2003)
- Fellow, American College of Construction Lawyers (1999 – 2021); member of the College's Board of Governors (2014 – 2017)
- Member, Advisory Board of Thomson/Reuters/West's *The Government Contractor* (formerly owned by Federal Publications, Inc.) (1995 -2024)
- Member of, and Certified as a Professional Contract Manager by, the National Contract Management Association

Representative Professional Writings

- "Federal Government Reviews of Contractor Past Performance," the *Journal of the American College of Construction Lawyers*, Volume 10, Number 1, Winter 2016 (with Erin N. Rankin)
- "Dealmaker's Guide to National Security Implications Of Foreign Investment In U.S. Government Contractors," *Briefing Papers, Second Series* (with Judith A. Lee, Jose W. Fernandez, Andrea F. Farr, and Stephenie Gosnell Handler), Thomson Reuters, 2015
- "National Security Implications of Foreign Investment in U.S. Government Contractors/Edition II," *Briefing Papers, Second Series* (with Judith A. Lee, Jose W. Fernandez, Annie Yan, and Sarah B. Gleich), Thomson Reuters/West, 2014
- "The Environmental Protection Agency's Suspension and Debarment Program," *Briefing Papers, Second Series* (with Raymond B. Ludwiszewski, Robert F. Meunier, and Carey A. Fenton), Thomson/Reuters/West, 2013
- "The Federal Awardee Performance and Integrity Information System," *Briefing Papers, Second Series* (with Diana G. Richard and Owen F. Whitehurst), Thomson/Reuters/West, 2011
- "The Reasonableness of Liquidated Damages Provisions – Why Only the Look Back Approach Can Prevent Windfalls," the *Journal of the American College of Construction Lawyers*, Volume 4, Number 1, Winter 2010 (with Michael B. Hissam)
- *Federal Government Construction Contracts*, *Second Edition*, published by the American Bar Association Forum on the Construction Industry in 2010 (co-edited with Michael A. Branca, Aaron P. Silberman, John S. Vento, Adrian L. Bastianelli, III and Andrew D. Ness) (and co-author with Christyne K. Brennan of chapter on "Termination for Convenience")
- "Contractor Business Ethics Compliance Program and Disclosure Requirements," *Briefing Papers, Second Series* (with Diana G. Richard, Karen L. Manos, Christyne K. Brennan, et al.), Thomson Reuters/West, 2009
- "Postemployment Conflict of Interest Restrictions on Former Employees of the Executive Branch," *Briefing Papers Second Series*, (with Diana G. Richard and

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Christyne Brennan), Thomson Reuters/West, 2009

- *The Construction Law Handbook Second Edition*, published by Aspen Law & Business/Wiley Law Publications in 2008 (co-author with Christyne K. Brennan of chapter on “The Use of ADR in Federal Claims”)
- *The Virginia CLE Desk Book on Construction Law*, published by Virginia Continuing Legal Education in 2008 (co-author with Christyne K. Brennan of chapter on “Federal Public Construction”)
- “National Security Implications of Foreign Investment in U.S. Government Contractors,” *Briefing Paper Second Series*, (with Judith A. Lee, Christyne K. Brennan, Dave M. Wharwood and Patrick F. Speice, Jr.), West Group, 2007 - *Thomson West*
- “Suspension and Debarment,” *Briefing Papers Second Series,* (with Timothy J. Hatch, Christyne K Brennan and Lawrence J.C. Van Dyke), West Group, 2006 - Thomson West
- “U.S. Export Control Compliance Requirements for Government Contractors” *Briefing Papers, Second Series* (with Judith A. Lee and Jason A. Monahan), West Group, 2005 - *Thomson West*
- *Federal Government Construction Contracts,* published by the American Bar Association Forum on the Construction Industry in 2003 (co-edited with Adrian L. Bastianelli, III and Andrew D. Ness), author of chapters on “Termination for Convenience” and “Past Performance Information”
- *The Construction Law Handbook,* published by Aspen Law & Business/Wiley Law Publications in 1999, author of chapter on “The Use of ADR in Resolving Federal Construction Contract Disputes” - *Wolters Kluwer Law & Business.*
- *Design-Build Contracting Claims,* published *by Aspen Law & Business/Wiley Law Publications* in 1999 (co-edited with Barry B. Bramble) (author of chapter on “Claims and Dispute Resolution in Federal Design-Build Projects”) - Wolters Kluwer Law & Business.
- *“*Past Performance,” *Briefing Papers, Second Series,* (with Robert Wagman, Jr.), West Group, 1999 - *Thomson West*
- *“*Contract-Related Statutes of Limitations*,*” *Briefing Papers, Second Series* (with Susan B. Cassidy), West Group, 1997 - *Thomson West*
- “Practical Advice Concerning the Federal Government’s Termination for Convenience Clause,” *The Construction Lawyer (Volume 17, Number 4; October 1997) - American Bar Association.*
- “The Use of Past Performance Information in the Source Selection Process: How the Skeletons in Your Closet Can Scare Away Government Business*,*” *Contract Management* (with Aseem V. Mehta*), NCMA;* December 1996 [This article received NCMA’s Charles J. Delaney Memorial Award for the best article published by NCMA during 1996 - National Contract Management Association.]

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