



**James F. Nagle, Esq.**

**James F. Nagle, Esq.** is nationally renowned for his expertise in federal procurement and acquisition, particularly in the area of construction law. His extensive experience includes work with supply, services, international, major systems, and construction contracts. The subject matter of the cases he has been involved with run the gamut from nuclear waste, Department of Energy contracting, artillery shells, housing maintenance contracts, government radar bases, military security gates, piers, and all manner of disputes between prime/general contractors and their subcontractors, especially those which involve application of federal principles invoked under flow-down clauses. He is an experienced mediator, arbitrator, litigator, teacher, and expert witness. Mr. Nagle is held in the highest regard by counsel for his integrity, fairness, and objectivity.

#### **ADR Experience and Qualifications**

- Mediated and arbitrated disputes involving public contracts, Federal acquisition, and stimulus funds; disputes involving complex issues of Procurement and Public contract law; disputes between the government and the prime; and disputes between the prime and its subcontractors on domestic and international projects
- Mediated a case involving Washington State Consumer Protection Act
- Mediated claim for damages due to plaintiff's loss of its IDIQ contract with the U.S. State Department
- Arbitrated multi-million dollar international dispute through the International Chamber of Commerce between prime and subcontractor on a federal contract in Afghanistan
- On tripartite arbitration panel for an engineering matter involving change of drawings, plumbing and hvac.
- Conducted mini-trial involving contracts for the fabrication of duplex stainless steel transuranic waste containers. Claimed issues were with machining and welding during the process and defective drawings.
- Handled many cases involving surety issues and bid protests
- Worked on major (eight to nine figure) multi-party disputes involving power plants, aerospace, munitions, energy, nuclear, remediation, environmental, manufacturing, supply, and services
- Possesses significant experience in large complex cases involving defective pricing, terminations for convenience or default, breach of contract and warranty, fraud, False Claims Act, excusable delays, federal cost principles, CPM scheduling and analysis, lost productivity, and disruption; invoking the following clauses and doctrines, Changes, Constructive Changes, Delays, Schedules, Differing Site Conditions, Defective Specifications, and Superior Knowledge
- An expert in contract law, worked exclusively in government contracting for the last 30 years; eleven years for the U.S. Army and the last 19 years with the law firm of Oles Morrison Rinker & Baker

#### **Honors, Memberships, and Professional Activities**

- Recognized as a "Super Lawyer" in the Construction/Surety area by *Washington Law & Politics*, 2007-2010
- Recipient of the Federal Bar Foundation Award for Distinguished Accomplishment in the Study of Procurement Law
- Recipient of Life Services Award, Boards of Contract Appeals Bar Association
- Fellow and member Board of Governors, American College of Construction Lawyers
- Fellow and former member Board of Directors, National Contract Management Association (NCMA)
- Founder and past chairman, Public Contract Law Committee, ABA's General Practice Section
- Past President, Boards of Contract Appeals Bar Association
- Member, King County Bar Association; Washington State Bar Association, Construction Law Section; District of Columbia Bar Association; American Bar Association, Public Contract Law Section
- Listed in *Who's Who in American Law* and *Who's Who in America*
- Listed in *International Who's Who for Construction Lawyers*

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*Recognized as a "Super Lawyer" in Construction/Surety by Washington Law & Politics, 2007-2010*

*"I've heard many people say they were sorry they litigated. I've never heard anyone say they were sorry they settled a matter through ADR."*

#### **Case Manager**

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**Publications****● Books**

- Co-author with Whelan, *Federal Government Contracts, Cases and Materials*, 3rd Edition, Foundation Press, New York, 2000
- Co-author with Nash and Cibinic, *Administration of Government Contracts*, 4th Edition, 2006
- *How to Review a Federal Contract and Research Federal Contract Law*, Second Edition, ABA Press, 2000
- *The History of Government Contracting*, Second Edition, by George Washington University Press, 1999
- Co-author and co-editor, *Washington Building Contracts and Construction Law*, Butterworth Legal (now Aspen) Publishers, 1994
- *Federal Construction Contracting*, Wiley Law Publications, 1992
- *Federal Procurement Regulations: Policy, Practices and Procedures*, ABA Press, 1987

**● Articles**

- Written over 80 articles in nationally distributed publications on subjects as diverse as protests, changes, terminations, claims, and the Federal Acquisition Regulation; a complete list of publications is available upon request
- Member, Board of Editors, *NCMA Journal*
- Book Review Editor, *Public Contract Law Journal and The Construction Lawyer*

**Background and Education**

- Mediator and Arbitrator, JAMS, 2009-present
- Partner, Oles Morrison Rinker & Baker, 1990-present
- Chief of the Logistics and Contract Law Branch of the Department of the Army Staff, 1988-1990
- Trial Team Chief in the Army's Contract Appeals Division, 1982-1985
- Ethics Adviser with the Office of Chief of Staff of the United States Army, 1988-1990
- Judge Advocate General Corps, 1970-1990
- S.J.D., in government contracts, George Washington University National Law Center, 1986
- LL.M., George Washington University, 1981
- J.D., Rutgers University, 1973
- B.S., Georgetown University School of Foreign Service, 1970