

DAVID B. ROBBINS, Partner

David B. Robbins is a partner and co-chair of the firm's Government Contracts Practice. Mr. Robbins is an experienced litigator, investigations lawyer, and strategic business counselor with a broad skillset focused on ethics, compliance, M&A/diligence, investigations, crisis management, and enforcement defense for government contractors, grant recipients, and regulated industries.

Mr. Robbins advises clients on a range of litigation matters, including civil False Claims Act defense, claims, requests for equitable adjustment, whistleblower reprisal defense, and prime/sub disputes. He also handles matters involving high-stakes, complex internal investigations, mandatory disclosures, claims, trade secrets litigation, ethics/compliance, conflicts of interest, fraud and public corruption defense, bid protests, General Services Administration (GSA) Schedule contracting, Procurement Integrity Act, Anti-Kickback Act, and suspension and debarment.

As a trusted business advisor, Mr. Robbins provides strategic advice to executives and in-house counsel on their most pressing business needs, including M&A due diligence, mitigating issues found during diligence, and post-merger integration. Mr. Robbins actively counsels companies concerning COVID-19 incident response and the provision of COVID-19 countermeasures such as vaccines and PPE to the US government. Mr. Robbins has represented audit committees and special board committees in high stakes, government-facing matters. In *Chambers USA*, clients describe him as a “[c]reative strategic thinker,” emphasizing that “he finds opportunities where other lawyers have given up.”

Mr. Robbins is a former Air Force General Counsel's office senior lawyer where he ran the global Air Force's Procurement Fraud Remedies Office and served as acting Suspending and Debarment Official and Deputy General Counsel (Contractor Responsibility). Mr. Robbins advised Air Force, Defense, and Intelligence Community senior leaders on a wide range of acquisition issues. During his tenure, he and his teams were responsible for approximately 1,000 fraud cases and 600 suspension/debarment cases per year. Mr. Robbins also co-ran the Department of Defense Procurement Fraud Working Group, a collection of agents, lawyers, auditors, and acquisition officials who gathered monthly to discuss best practices and set standards, with an intense focus on False Claims Act matters. He was also a member of the Interagency Suspension and Debarment Committee. These two committees coordinated the operations of the government's procurement and grant fraud organization, setting practices that remain in use today.

Mr. Robbins frequently speaks and publishes on government contracts topics, including in Thomson Reuters Government Contracts Year in Review. He is the primary author and editor of the ABA Publications peer-reviewed book, *The Procurement Fraud Guidebook: System, Stakeholders, and Response Strategies*.

Mr. Robbins earned his BA from Yale University and received his JD and MBA from the University of Maryland.



DAVID B. ROBBINS Partner

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PRACTICE GROUPS

Government Contracts
Investigations, Compliance and Defense

EDUCATION

University of Maryland School of Law, JD
University of Maryland, College Park, MBA
Robert H. Smith School of Business
Yale University, BA

Air War College Professional Military
Education

ADMISSIONS

District of Columbia, 2005

Maryland, 2003

COURT ADMISSIONS

US District Court, District of Columbia

US District Court, District of Maryland

False Claims Act Litigation and Investigations

- Successfully defended a major services contractor in parallel False Claims Act and criminal investigations.
- Successfully defended private company in False Claims Act investigation alleging overseas contract noncompliance.
- Successfully defended a surety company in a nationwide False Claims Act investigation.
- Successfully defended manufacturer in False Claims Act case alleging quality failures.
- Successfully defended manufacturer in a False Claims Act case alleging pricing issues.
- Successfully defended multiple small businesses during False Claims Act investigations, resolving several with full declinations, and achieving a favorable settlement in the one matter where a declination did not occur.
- Investigated and defended False Claims Act allegations discovered by client during pre-sale diligence; investigated, mitigated, and resolved allegations permitting sale of company.
- Successfully defended a major services contractor in a False Claims Act case alleging time mischarging.
- Successfully defended multiple *qui tam* actions filed against clients in the construction industry.
- Active False Claims Act defense efforts include clients in services contracting, insurance / reinsurance, cybersecurity / information protection, healthcare, construction, manufacturing, insurance, and small business set-aside markets and industries.

Litigation

- *Ficarra v. SourceAmerica* (EDVA 2020), motion to dismiss with prejudice granted in whistleblower reprisal case.
- *Ficarra v. SourceAmerica* (EDVA 2019), motion to dismiss granted in whistleblower reprisal case.
- *Advanced Systems Technology and Management, Inc. v. Guan* (EDVA 2018), preliminary injunction granted in theft of trade secrets case.
- *JBL System Solutions LLC v. Williams, et al.* (EDVA 2019), precedential decision that proposed debarments are sufficiently final agency action to confer jurisdiction under Administrative Procedure Act.

White Collar Criminal Defense and Investigations

- Successfully defended allegations of part substitution, major fraud against the United States, and criminal false claims.
- Successfully defended executive against allegations of FCPA, money laundering, and Procurement Integrity Act violations.
- Successfully defended company from allegations of criminal fraud in the disaster recovery contracting industry following issuance of target letter. No prosecution resulted.
- Successfully defended services contracting industry executive after receipt of target letter from US Attorney's office. Moved the executive from a target to a cooperating witness through multiple proffer sessions.
- Successfully defended several senior executives of services industry contractors following various allegations of criminal fraud.
- Active white collar criminal defense matters include clients in the services contracting, manufacturing, parts supply, and foreign military sales markets and industries.

- Routinely engaged as counsel to special committees of boards of directors to advise the board concerning risks in white collar matters.

Internal Investigations

- Investigated allegations of accounting, pricing, and expense-related misconduct in multi-year contract. Successfully resolved matter through contract modification and ratification of prior conduct, including payment to contractor of outstanding invoices.
- Investigated allegations of improper use of foreign nationals and non-US citizens on government contracts. Successfully resolved allegations through contract administration and ratification of prior conduct.
- Conducted multiple investigations into allegations of bribery and Anti-Kickback Act violations, successfully preventing company liability in each instance.
- Investigated allegations of misconduct and human trafficking in international contracting.
- Investigated various matters alleging misconduct in supply chains, including suspected Anti-Kickback Act violations, sham suppliers, counterfeit parts, and supplier cost and pricing misconduct, among others.
- Investigated allegations of Foreign Corrupt Practices Act and United Kingdom Bribery Act violations by foreign subsidiaries of US-based companies.
- Investigated and successfully defended whistleblower reprisal allegations before multiple agencies including Department of Defense and NASA.
- Investigated and defended allegations of collusion in contract formation in construction-related contracts for civilian agencies.
- Investigated and defended allegations of Buy America Act and Trade Agreements Act violations in military department contracts.
- Routinely sought by special committees of boards of directors to advise the board concerning internal investigations.

Suspension/Debarment Defense

- Successfully resolved dozens of suspensions and proposed debarments. Managed advance communications (including proactive disclosures as well as responding to Show Cause Letters and Requests for Information) with DoD and Civilian Debarment Officials concerning internal investigations, including allegations involving key senior executives.
- Successful representations include matters before: Departments of the Air Force, Navy and Army; Department of Homeland Security; Defense Logistics Agency; General Services Administration; Environmental Protection Agency; various Intelligence Community agencies; Department of Education; Department of Energy; Federal Highway Administration; Federal Transit Administration; and the World Bank, among others.

Transactions

- Regularly leads government contracts related due diligence for corporate transactions on both the buy side and the sell side, in the public and private markets.

Service to the Bar

- American Bar Association, Public Contract Law Section
Past Co-chair, Ethics, Compliance & Professional Responsibility Committee
- Montgomery County Council's Procurement Task Force
Chair, 2015
- National Association of Surety Bond Producers, Attorney Advisory Council

Publications

- Co-Author, Client Alert: White House Doubles Down on Private Sector Outreach for Cybersecurity Push, June 8, 2021
- Co-Author, Client Alert: Biden Administration Expands Cybersecurity Requirements for Government Contractors that Are Likely to Have a Broad Impact on the Private Sector, June 2, 2021
- Co-Author, Client Alert: "Five Key Federal Grants Compliance Tips as COVID-19 Comes More Under Control", March 18, 2021
- Co-Author, "Time for Hard Questions about Suspension and Debarment," *Law360*, January 27, 2021
- Co-Author, Client Alert: Key Developments in the FY 2021 National Defense Authorization Act, January 22, 2021
- Co-Author, Client Alert: NISPOM (Plus Updates) to be Codified in Regulation, December 31, 2020
- Co-Author, "Suspension and Debarment: FY 2020 By The Numbers," *Law360*, November 6, 2020
- Co-Author, Client Alert: Cybersecurity as Acquisition Differentiator: New CMMC and Cybersecurity Interim Rule, September 30, 2020
- "Tips for Government Contractors Using CARES Act Funds," *Bloomberg Law*, September 11, 2020
- Co-Author, Client Alert: OMB Seeks Comments on How Future National Security Risks Will Be Removed from the Government Contracts Marketplace, September 2, 2020
- Client Alert: Government Grant Recipients May Not Acquire Certain Chinese Telecommunications Products, August 24, 2020
- Co-Editor, Client Alert: DOD Issues Final Guidance Implementing Section 3610 of the CARES Act, August 19, 2020
- Co-Author, "Capturing The Benefits Of Mandatory Disclosures While Minimizing The Risk Of Privilege Waiver," *The Government Contractor*, August 12, 2020
- "Challenges for Contractors in the COVID-19 Era: Protecting Rights and Maximizing Recoveries," *West Law Briefing Papers Second Series*, July 29, 2020
- Co-Author, Client Alert: Sweeping New Interim Rule Further Implements Ban on Targeted Telecommunications and Video Surveillance Companies, July 22, 2020
- False Claims Act Risk and the Paycheck Protection Program: Common Sense Approaches to Minimize Risk, *Surety Bond Quarterly*, July 21, 2020
- Co-Author, "Invoicing Tips to Help Gov't Contractors Avoid FCA Liability," *Law360*, July 16, 2020

- Co-Author, “Guarding against False Claims Act Risk: Your Good Relationship with Your Customer Is Not Enough,” *The Government Contractor*, July 8, 2020

Speaking Engagements

- “Government Contracts 101,” MyLawCLE, April 29, 2021
- “Helping Principals (and Sureties!) Mitigate False Claims Act Risk,” NASBP, March 24, 2021
- Panelist, Defense Strategies, Federal Bar Association 2021 Qui Tam Conference, February 19, 2021
- Panelist, “Investigations, Disclosures, Suspension and Debarment,” PubKGroup, January 25, 2021
- Panelist, Top Issues Affecting Government Contractors in FY21, Public Contracting Institute, October 22, 2020
- “PSC, Jenner, and DoD Attorney To Dissect DoD’s Section 3610 Policies and More,” Professional Services Counsel, October 21, 2020
- COVID-19 Era Contracting: Protecting Rights and Maximizing Recoveries, Jenner & Block, October 06, 2020