

Leading LAWYERS

Legal Times Identifies Twelve of the D.C. Area's Top Federal Procurement Attorneys

Marcia Madsen

Mayer, Brown, Rowe & Maw

When a father-son software company with just eight employees took on the U.S. Navy in 2001, it might have looked like a lopsided fight. But the company found a way to even the odds: It hired Marcia Madsen.

Earlier this year, Madsen, a partner in the D.C. office of Mayer, Brown, Rowe & Maw, won the case for Bellevue, Wash.-based Data Enterprises of the Northwest, successfully arguing that the Navy breached a contract by wrongfully disclosing proprietary software documentation to Data Enterprises' competitor. The February 2004 decision from the General Services Board of Contract Appeals could net the tiny company millions in damages.

The odd David aside, Madsen's clients are more often the corporate Goliaths.

Example No. 1 would be the Lockheed Martin Corp. In 2001, when Madsen left D.C.'s Miller & Chevalier, where she chaired the government contracts department, to join Mayer, Brown, where she chairs the homeland security practice, she kept Lockheed as a major client. That same year, Madsen served as lead counsel for the company in a fight with the Northrop Grumman Corp. over a U.S. Army sub-contract for the Theatre High Altitude Area Defense—or, as it is more commonly known, Star Wars. The companies eventually settled the matter.

More recently, she represented Lockheed in a successful protest of an Army contract involving precision-guided mortar munitions. The contract had been awarded to Alliant Techsystems Inc. (ATK), but in May the General Accounting Office (now the Government Accountability Office) sustained Lockheed's protest. The GAO ruled that the Army "failed to conduct meaningful discussion with regard to projected ownership costs and improperly credited ATK's proposal with performance that ATK did not propose."

Maryanne Lavan, vice president of ethics and business conduct at Lockheed, describes Madsen as "a very good protest lawyer. It's one of her specialties. . . . She's really responsive and offers practical advice."

Another major client is Verizon. Madsen represented the company's predecessor, Bell Atlantic, when it was awarded a multi-billion-dollar contract to provide local telephone service to every federal agency in the D.C. metropolitan area. The contract was

protested by WinStar Federal Services. Verizon prevailed before the GAO in 2001 and holds the contract to this day.

To Stephen Bozzo, associate general counsel at Verizon, Madsen's great strengths as a lawyer are clarity and candor. "She understands well the position of the client, and she is absolutely forthright in her advice," he says, adding, "She has a good practical grasp of agencies and their various requirements—not just the stuff in the regulations, but how it's practically applied."

Madsen, 56, was drawn to government contracts law as a result of her experience working on Capitol Hill in the 1970s for then-Rep. Joseph McDade (R-Pa.), who was a senior member of the House Appropriations Committee.

"I didn't realize how much [appropriations law] I internalized," she says. When she joined the D.C. office of Morgan, Lewis & Bockius as an associate in 1980, she found co-workers coming to her with appropriations-related questions and, as she puts it, she "kind of bumped into" government contracts.

Madsen received her J.D. from American University's Washington College of Law in 1976, and earned an LL.M. from Georgetown University Law Center in 1980.

To her, passion is the key ingredient for success as a government contracts lawyer. "Some people probably think it's deadly boring," she says. "I don't. You have to have a passion for it."

Madsen adds, "It's a great area of practice for someone who likes a lot of variety. You work across all kinds of industries. There's something fresh all the time."



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