

**John S. Pachter**

Partner  
Smith Pachter McWhorter PLC  
8000 Towers Crescent Drive, Suite 900  
Vienna, Virginia 22182  
Telephone: (703) 847-6300  
Fax: (703) 847-6312  
[jpachter@smithpachter.com](mailto:jpachter@smithpachter.com)



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**Practice Focus**

Government Contracts

**Representative Experience**

A practitioner of government contract law for more than 40 years, Mr. Pachter has engaged in substantial litigation before the Boards of Contract Appeals, the United States Court of Federal Claims, Federal District Courts, and the United States Court of Appeals for the Federal Circuit. He has prosecuted bid protests before the General Accounting Office, the General Services Board of Contract Appeals, the United States Court of Federal Claims and Federal District Courts.

Mr. Pachter’s practice has involved dispute resolution in all areas of government contract law, including prime-subcontractor disputes, both in litigation and under alternative dispute resolution procedures.

In the bid protest area, Mr. Pachter’s practice has involved agency best value determinations, past performance, meaningful discussions, task order contracts, sample task issues, organizational and personal conflicts of interest, cost realism analyses, competitive range controversies, technical evaluations, bid mistakes, and other issues.

Mr. Pachter has represented a number of clients in the debarment area, and obtained the first reversal in federal court of a Service Contract Act debarment. *Federal Food Service, Inc. v. Donovan*, 658 F.2d 830 (D.C. Cir. 1981).

He has also represented and counseled clients on fraud and compliance investigations, audits, corporate governance and ethics, and defense of qui tam actions. Other work has included defective pricing, cost determination, requests for equitable adjustment, licensing of intellectual property, subcontractor performance issues, small and small disadvantaged business matters, terminations for default and convenience, GSA schedule

contracts, task order contracting, multiple awards, commercial products and requests for government information.

In 2004, the Legal Times recognized Mr. Pachter as a Leading Lawyer in Government Contracts. He has also been listed in Virginia Super Lawyers, and in Chambers USA, America's Leading Lawyers for Business.

### **Education**

George Washington University (J.D., with honors, 1966)

George Washington University (L.L.M. in Government Procurement Law, 1970)

Tulane University (B.A., 1963)

### **Professional Qualifications**

Former Faculty Member, George Washington University Law School, Government Contracts Program.

The George Washington University, Dept. of Engineering Administration, School of Engineering and Applied Science; Professorial Lecturer, 1974-1980

U.S. Army, Judge Advocate General's Corps, 1966-1970; Trial Attorney (Contract Appeals Division), 1969-1970

### **Publications**

#### **Author:**

*Set-Off As a Means of Collecting Government Contract Claims*, 3 Public Contract L. J. 163 (1970);

*Government Collection Techniques*, The Government Contractor Briefing Papers, No. 75-6 (December 1975);

*The Equal Access to Justice Act - A Step Forward*, ABA Public Contract Newsletter, Vol. 16, No. 2, January 1981;

*Certification of Subcontractor Claims*, ABA Public Contract Newsletter, Vol. 19, No. 1, Fall 1983;

*An Assessment of Bid Protests Under the CICA*, Contract Management (September 1985);

*The Need for a Comprehensive Judicial Remedy for Bid Protests*, 16 Public Contract L. J. 47 (1986).

*What is a Procurement? And Why Can't DOD and the Courts Get It Straight?*, 34 Public Contract L.J. 1 (2004)

#### **Co-author:**

*Extraordinary Relief from Runaway Inflation -- A New Look at Public Law 85-804*, National Contract Management Journal (Fall 1974);

Law for Engineers, The George Washington University (1975);

*Recovering Legal Fees Under EAJA* (82-2 Briefing Papers, Federal Publications, April 1982);

*The CACI Decision -- The Risk That Lack of a Delegation of Procurement Authority Voids the Contract*, 61 Federal Contracts Report 514, The Bureau of National Affairs,

Inc., April 18, 1994; *Techniques for Applying Eichleay Overhead Recovery to Manufacturing Contracts*, 63 Federal Contracts Report 104, The Bureau of National Affairs, Inc., January 23, 1995;  
Feature Comment - *Past Performance As An Evaluation Factor - Opening Pandora's Box*, 38 Government Contractor 280, June 12, 1996;  
*Jumping On (or Off) the Eichleay Bandwagon: Do We Have a Sticky Wickham?* (31 Procurement Lawyer, 4, 1996);  
Feature Comment - *Source Selection Provisions of the FAR Part 15 Rewrite -- A Train Wreck Avoided*, 39 Government Contractor 578 ( December 10, 1997);  
*The FAR Part 15 Rewrite*, Briefing Papers 2d, No. 98-5 (April 1998);  
Feature Comment – *Past Performance As An Evaluation Factor-Getting It Right*, 41 Government Contractor 1 ( January 6, 1999);  
*Medicare Contracting Reform, New Opportunities New Risks*, 83 Federal Contracts Report 598, The Bureau of National Affairs, Inc., June 21, 2005;

### **Professional Memberships**

Virginia State Bar;  
District of Columbia Bar;  
Federal and American Bar Associations (Chair, Section of Public Contract Law, 1991-1992; Section Delegate, ABA House of Delegates, 2005-present); National Contract Management Association (Editor, NCMA Journal, 1983-1988; Mid-Atlantic Regional Vice President, 1981-1983; President, Washington D.C. Chapter, 1979-1981);  
Advisory Board, Federal Contracts Report, The Bureau of National Affairs, Inc.