

MEDIA MENTION

Rand Allen and Kara Sacilotto Discuss Backlogged Docket at Armed Services Board of Contract Appeals

Bloomberg BNA's Federal Contracts Report
March 11, 2014

Wiley Rein Government Contracts Practice partners Rand L. Allen and Kara M. Sacilotto were quoted extensively by *Bloomberg BNA's Federal Contracts Report* in a March 10 article on the backlogged docket for the Armed Services Board of Contract Appeals (ASBCA).

The *Bloomberg BNA* article refers to a recent article Ms. Sacilotto wrote for Wiley Rein's *Government Contracts Issue Update* newsletter that discusses the statistics on the number of cases pending before the ASBCA as of the end of fiscal and calendar year 2013. According to *Bloomberg BNA*, the ASBCA is experiencing such a heavy backlogged docket that it could take two years or more to resolve claims through litigation. Mr. Allen—who chairs the Practice—suggested that one possible reason for the influx of appeals in recent months is budget constraints that limit an agency's resources to settle a case.

"Contracting officers and program managers just have less flexibility in terms of finding money to pay claims," Mr. Allen also told *Bloomberg BNA*. "Moving to an appeal takes pressure off the program, at least in the short term. Litigating just costs the government time."

Mr. Allen and Ms. Sacilotto also discussed differences between litigating claims before the ASBCA and prosecuting bid protests at the Government Accountability Office, the planning of a litigation strategy, and the use of alternative dispute resolution (ADR).

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Ms. Sacilotto said parties should strongly consider ADR, which the ASBCA promotes, in lieu of litigating cases to completion, because “the goal of ADR is to reach a resolution less cost-intensively and more quickly than if you litigated.”

“In a negotiated settlement, nobody gets everything they want, but they get some things,” Ms. Sacilotto added. “That’s good for party relations if you’re going to continue doing business with each other.”

[Click here to read the entire *Bloomberg BNA* article.](#)