



Barbara G. Werther

Partner

Barbara Werther has more than 30 years of experience in construction and government contracts law. She has represented both contractors and owners in disputes regarding substantial claims for delays, acceleration, inefficiencies, default terminations and construction catastrophes, both in the private sector and on public projects. She has also represented both sureties and contractors in performance and payment bond disputes. Ms. Werther has handled construction claims for contractors in federal and state courts. She has litigated numerous claims for equitable adjustment, as well as bid protests and claims at the Boards of Contract Appeals and the Court of Federal Claims.

Ms. Werther has lectured extensively to clients and various trade associations on the subjects of scheduling, delays, inefficiencies, changes and differing site conditions, terminations for default, and the impact of environmental statutes on contractors. She was a speaker and panel moderator at the Annual Construction Superconference from 1991-2006 on a variety of construction law topics. She hosted the first Annual Women In Construction Conference in Washington DC in 2006, featuring the most well-respected women in construction as panelists, which continues to the present.

Ms. Werther has been recognized as one of the leading construction and government contracts attorneys in the US in the most recent editions of the *Best Lawyers in America*, *Chambers USA*, *Superlawyers* and *Washington DC Area's Best Lawyers*.

REPRESENTATIVE MATTERS

- *The Ryan Company v. Dept. of Navy*. Represented contractor in federal court in the District of Columbia. This was the first and only case in which the Court overturned the Navy contracting officer's non-responsibility determination and directed an award to the contractor.
- *Clark Construction Co. v. Liberty Mutual Ins. Co. et al.* Obtained rare summary judgment on behalf of plaintiff contractor in Eastern District of Virginia in a default termination case against a subcontractor.
- *Sentinel Industrial Contracting Corp. v. Kimmins Industrial Service Corp.* Obtained the largest jury verdict ever in a commercial case in Jackson County, MS, on behalf of a subcontractor on a complex project involving the dismantling of a fertilizer manufacturing facility.
- *Extended Stay America v. Quaker Window Products*. Successfully

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1299 Pennsylvania Ave NW
Washington, DC 20004
t. +1 202.383.6852
f. +1 202.383.6610

WertherB@howrey.com

ADMISSIONS

District of Columbia
Virginia

EDUCATION

The George Washington
University Law School (JD, 1978)

University of Pennsylvania (BA,
1975), *magna cum laude*

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settled a nine-figure claim for alleged defective windows where plaintiff had already prevailed in one trial and sought to enforce that judgment in 38 other lawsuits.

- *Titan v. Hunt Construction Company*. Defended claim for wrongful default termination by subcontractor and recovered for prime contractor nearly all costs, losses and expenses including attorneys' fees.
- *Confidential Construction Arbitration*. Construction arbitration representing contractor where contractor not only defeated all owner claims but also prevailed on affirmative damages.

COURTS & ADJUDICATIVE BODIES

- United States District Court for the District of Columbia
- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of Pennsylvania
- United States Court of Federal Claims
- Civilian Board of Contract Appeals
- Armed Services Board of Contract Appeals

PROFESSIONAL AFFILIATIONS

- American Arbitration Association, Arbitrator and Mediator, Construction Law Panel
- American Bar Association
- National Institute of Trial Advocacy (2006–present), Trainer

COMMUNITY SERVICE

- Executive Board, Leukemia and Lymphoma Society, 2005 to present
- Trustees' Council of Penn Women, 1984 to present
- University of Pennsylvania Lacrosse Board, 2004 to present

PUBLICATIONS & SPEAKING ENGAGEMENTS

BOOKS

Construction Law Handbook. Aspen Publishing (1999). Authored chapter on Terminations; updated annually.

Inside the Minds: Best Practices for Resolving Government Contracts Disputes. Aspatore Books (2009).

SPEECHES

"Women's Health Issues." Women In Construction Conference (2008). Panel moderator.

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"Are Women Good for the Construction Industry." Women In Construction Conference (2007). Panel moderator.

"Women as Negotiators." Women In Construction Conference (2006). Panel moderator.