

Rising Star: MoFo's Damien C. Specht

By Christine Powell

Law360, New York (May 3, 2016, 9:42 PM ET) -- Morrison & Foerster LLP partner Damien C. Specht has served as the primary government contracts lawyer in more than 50 mergers and acquisitions with a combined value of more than \$3 billion, earning him a spot among the top government contracts attorneys under the age of 40 honored by Law360.

One of Law360's Rising Stars, Specht, 35, who recently joined MoFo after more than eight years at Jenner & Block LLP, described himself as having a "policy bent" and said he enjoys the process of navigating laws and regulations, lending to his decision to pursue a law degree through George Washington University's government contracts program and his quick ascent to success while working in the field.

But he said working closely with his clients and the reward of seeing them succeed is what truly drives the passion he has for his practice.

"It's not exactly that I'm passionate about the law or the regulations. What I'm passionate about is helping people who are struggling with those things," Specht said, adding that he thinks his clients "get that impression that I'm right there in the trenches with them and that I want them to succeed as much as they want to succeed."

Although his practice is diverse, he primarily represents private equity investors, such as Cerberus Capital Management LP, who he guided through its more than \$1 billion acquisition of contractor DynCorp International Inc.; companies known as "strategics," which already have a presence in the field but are looking to grow, such as General Dynamics, who he represented in its \$960 million acquisition of health care provider Vangent Holding Corp.; and small businesses looking to sell, such as health care information technology solutions provider 2020 Co. LLC, which he worked with on its sale to Acentia LLC.

Working with each kind of client is fulfilling in different ways, Specht said, noting how impressively sharp private equity investors are and the incredible depth with which strategics understand their businesses. And working with small business entrepreneurs sometimes leads to "the single largest payday of their entire lives," he said.

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Damien Specht
Morrison & Foerster

Specht said he takes significant pride in helping direct some of the federal government's money toward those small businesses by helping them comply with the "somewhat shocking" number of regulations they are required to understand.

The expertise Specht has gained representing small businesses led to an opportunity to help write an amicus brief on behalf of more than 40 members of Congress, which was filed last year in a suit that's still pending before the U.S. Supreme Court.

The dispute, between Kingdomware Technologies Inc. and the U.S. Department of Veterans Affairs, concerns whether the agency is required to prioritize veteran-owned small businesses, or VOSBs, in all of its procurements.

The amicus brief Specht helped pen argued the Veterans Benefits, Health Care and Information Technology Act of 2006, which some of the members of Congress who signed the brief helped pass, explicitly limited the VA's discretion when it comes to steering contracts to VOSBs, despite the agency's contention that it need only prefer such companies up to the point where its participation goals are met.

The experience was "a very interesting insight into the legislative process," Specht said.

Specht was also called upon by SIGA Technologies, the only producer of smallpox antiviral for the Strategic National Stockpile, to help maneuver the complicated crossroads of bankruptcy and government contracts law. In April, SIGA won approval of its restructuring plan, clearing its path to emerge from Chapter 11.

He said he aided SIGA in mitigating the government's concerns, including stressing that there would be no interruption in the production of the antiviral and that the bankruptcy process was only a temporary measure.

Representing his clients in those kinds of high-stakes matters is one of the exciting parts of the job, Specht said.

"A lot of what we do is incredibly important to national security," he said. "It's not all pens and pencils."

--Additional reporting by Jonathan Randles and Bryan Koenig. Editing by Katherine Rautenberg.