

My Sixty Years as a Public Contract Lawyer : The Enriching Life of George Martin Coburn 1923-2011: The Enriching Life of George Martin Coburn: 1923 - 2011



This book recounts my personal life from birth in 1923 to 2011 and my professional life for 60 years as a public contract lawyer from 1949 to 2011. The first dozen of these years I was a government lawyer mostly in Washington and then from 1962 in private practice there. The detailed subheadings of the seven parts of the contents separate the personal from the professional. The professional life starts in the Navys Office of the General Counsel from 1949 to 1962. Early on was my finding legal authority in June 1950 for the emergency telephone ordering of hundreds of surplus WWII aircraft fuel drop tanks to fill with napalm for our carrier pilots to drop on the advancing North Korean who were overrunning South Korea which they did in the nick of time with devastating effectiveness to stop that advance. Following the usual protracted procedures for competitive bidding would have prevented that outcome. I edited the first textbook on government contract law. The GPO published it for public purchase in 1959. I stipulated the facts in a court case challenging the legality of the Navys revocation of a security clearance of a company engineer that was based on information he had no opportunity to confront, resulting in a landmark Supreme Court decision in 1959 that the Navy had no authority to do this and leading to a comprehensive reform of the procedures for granting and revoking industrial security clearances by the government. I participated in the successful legislative effort to overturn a final attempt by the Navy Judge Advocate General to take over the functions of the Navy OGC. Entering private practice of public contract law with former Navy General Counsel Trowbridge vom Baur in Washington 1962 began my life with three law firms over the next 30 years until 1992 when I became a solo practitioner, retiring at 88 in 2011. We soon represented a number of shipyards

with large losses on their contracts for which the Navy was liable. With the help of the accounting firm Arthur Andersen to quantify the extent of that liability we were able to settle a \$110M claim for \$96.5M which led to our representing other shipyards with similar claims, again with help of Arthur Andersen. This led to an exploding growth in consulting services by the accounting firms and their offshoots. We persuaded the Armed Services Board of Contract Appeals to enforce a tentative \$62M settlement of a shipbuilding claim on the basis of equitable estoppel, a major precedent. Among other cases, I litigated a defective pricing claim, the award of a major Navy shipbuilding contract, overturning the debarment of company officers, overturning the Navys revocation of its acceptance of production aircraft engines for an alleged latent defect, the default termination of a construction contract and the takeover surety, and the termination of a large indefinite quantity contract due to a negligent estimate of the excessive anticipated quantities to be ordered. I have protected contractors line-item pricing from public disclosure and advised on the remedies for disclosure. I helped obtain Supreme Court review of a Court of Claims decision overturning the finality of administrative decisions favorable to contractors. The Court reversed that decision in 1972. My personal life includes a privileged upbringing and schooling. I had Army service in intelligence and counter-intelligence work in 1944 and 1945 in England, France and Germany. I recount the rigors of the Harvard Law School experience after the war and my life in Philadelphia in 1949-51 and thereafter in Washington. In 1959 Don Ellington and I began living in a committed relationship until his death in 2005. Its disclosure in 1962 compelled my resigning from the Navy and led to good luck in being able to grow in the private practice of law. I sum up the huge changes in public contracting and in our lives over the past 60 years and

the growing acceptance of gays and even gay marriage.

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