

Government Contracts MVP: Latham's Kyle Jefcoat

By Rae Ann Varona

Law360 (October 11, 2023, 1:19 PM EDT) -- Kyle Jefcoat of Latham & Watkins LLP has made the most of his transition to the government contracts field from serving in the Air Force Judge Advocate General's Corps, helping secure big results for clients like a \$5 billion Navy construction deal protest win for SLS Federal Services LLC and Carlyle's \$4.2 billion buy of ManTech, earning him a spot among Law360's 2023 Government Contracts MVPs.

His biggest accomplishment this year:

Jefcoat served as lead partner representing Texas-based government contractor SLS Federal Services LLC in its protest over a Navy contract for global emergency construction services that was worth a potential \$5 billion.

Latham hauled the federal government into the U.S. Court of Federal Claims in September 2022, arguing that the Navy failed to comply with multiple federal acquisition regulations, particularly on how it evaluated bidder prices and the Navy's duty to conduct discussions with bidders for the deal.

By January, the Court of Federal Claims sided with SLS, ruling that the Navy had improperly analyzed price reasonableness when it failed to request or evaluate pricing information. The court further ruled that the Navy awarded six contracts without adequately justifying its decision not to conduct discussions.

Jefcoat said that when the U.S. Department of Defense is required to engage with offerors on their proposals has been an ongoing issue for large procurements.

"So this was very helpful," he said of the case. "Essentially, the court said they have to have discussions almost every time, which they had not done here."

There was also a procedural aspect to the case, Jefcoat said, with arguments in the dispute that SLS filed its protest too late.

But Jefcoat and his team again got SLS to prevail on that issue.



Why he's a government contracts attorney:

The government contracts field wasn't something Jefcoat initially thought he'd be practicing in.

He never took a government contracts course in law school, nor did he do any government contracts deals in his four and a half years in the Air Force Judge Advocate General's Corps as a captain, his first job out of law school, where he mainly prosecuted criminal cases.

But when later joining Latham as a general litigation associate, the Duke University School of Law alumnus got staffed on a government contract case — particularly a bid protest, which he had realized was more fast-paced.

"I liked that," Jefcoat said. "I thought that was much more exciting and fun than kind of long-drawn-out litigation when you're dealing with document productions."

With protest decisions frequently being made in 100 days, Jefcoat said he found the speed to be exciting.

The more Jefcoat got into government contracts, he said the more it became clear to him that this was the area he wanted to be in.

In addition to the quick pace, Jefcoat said he liked the field because it still allowed him to be a generalist, giving advice on mergers and acquisition deals, general compliance advice, and even intellectual property advice.

"Yeah, it's one subject area — government contracts — but I get to be a generalist that does transactions, that does compliance work, that does litigation," Jefcoat said. "And I think that's really interesting."

Other notable deals he's worked on:

From coming to Latham and the world of government contracts as a beginner with most of his legal experience in litigation, Jefcoat said he's since seen his practice grow to include a lot of transactional work.

"I've been really satisfied with that work, much more than I thought I would have when I was really junior," Jefcoat said.

Jefcoat has also since worked with private equity clients on huge transactions, like private equity giant Carlyle. Jefcoat served as the lead government contracts partner in advising the investment firm's \$4.2 billion acquisition of government contractor ManTech, which provides advanced mission-focused technology solutions and services.

Earlier this year, Jefcoat also advised Carlyle and another private equity firm, Stellex Capital Management, on the sale of ship repair and specialty fabrication servicer Titan Acquisition Holdings to an affiliate of Lone Star Funds.

Last year, Jefcoat played a key role in advising light helicopter manufacturer MD Helicopters on its \$210 million debt-for-equity sale. He also took the lead earlier this year in getting the U.S. Army Corps of Engineers to take corrective action and engage in discussions with construction company client SLSCO

Ltd. in its challenge against the USACE's decision to eliminate it from competing for a procurement contract valued at potentially \$7 billion.

What motivates him:

Getting good results for clients is Jefcoat's biggest motivation as a lawyer.

"Clients come to us when they have something really important to them and it's very satisfying and motivating to be able to try to help them and fill those needs," Jefcoat said.

Jefcoat said that often means reaching out to colleagues in other areas of expertise and working with them to make sure they can fulfill their client's needs.

"You never know where the intersection is going to be," Jefcoat said. Working on deals could easily mean working with antitrust attorneys or intellectual property attorneys, he said.

"It's really interesting to have these opportunities to interact and form teams, which in my experience, have always been collaborative and accommodating [with] everybody trying to work together to provide the best service for the clients," Jefcoat said.

His advice to junior attorneys:

Taking advantage of mentorship opportunities is one thing Jefcoat says could be very helpful for junior attorneys.

Jefcoat said he was lucky to end up with a mentor at Latham who was not only willing to work with him and teach him the law of what was then for him the new world of government contracts, but also to show him the ropes around the firm and the way it works.

As he's gotten older, Jefcoat said there are many senior attorneys at Latham who are willing to engage with their juniors and give them needed information and guidance.

"As a junior attorney, it's important to kind of see those opportunities for mentorship and reach out and take them," Jefcoat said.

--As told to Rae Ann Varona

Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2023 MVP winners after reviewing more than 900 submissions.