

## Richard D. Kelley

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### PRACTICE AREAS

Appellate Practice  
Construction  
Employment  
Alternative Dispute Resolution  
Commercial & Civil Litigation  
Copyright/Trademark  
Government Contracting

### INDUSTRIES

Construction  
Government Contracting  
Real Estate Development & Investment

### EDUCATION

George Mason University  
School of Law, J.D., 1999

- Student Body President, George Mason Inn of Court
- Vice Justice, Moot Court Board
- News and Opinion Page Editor, *The Docket*
- George Mason University School of Law Patriot Award
- Tried cases under a third year practice certificate at the Alexandria Public Defender's Office
- Howard Fellowship for

Richard Kelley is a shareholder with Bean, Kinney & Korman. His practice focuses on complex civil litigation, alternative dispute resolution and government contracts. In each area of his practice, Rich is known for his ability to aggressively and tenaciously represent his clients, while still being mindful of the professionalism, good will and practical business solutions that are paramount in the business world and legal profession.

As a litigator, Rich has extensive experience in business and construction litigation as well as alternative dispute resolution. Rich regularly litigates and advises clients on matters involving contract disputes, business torts, construction and building compliance issues, commercial landlord/tenant disputes, intellectual property rights, trade secrets, defamation, non-compete clauses and other restrictive covenants and employment issues. Rich's clients include large and small business entities, developers, architects, contractors, banking and financial institutions, homeowners associations and individuals. Over the past twenty years, Rich has developed a strong practice and reputation in all Northern Virginia state and federal courts and has successfully argued numerous appeals before the Virginia Supreme Court and the Fourth Circuit Court of Appeals.

In his government contracts practice, Rich advises clients on joint venture agreements, teaming agreements, contract negotiations, intellectual property and data rights, bid protests, CPAR issues, suspension and debarment issues, False Claims Act and qui tam actions, HR and employment matters, and agency disputes, investigations and compliance issues. Rich's clients include small, medium and large government contractors of all classifications, and Rich has represented them in state and federal courts, in mediation and arbitration proceedings, and before various government agencies.

Rich also works closely with his clients to understand their goals, create the proper organizational documents to fulfill those goals, and guide them in conducting their business through potential mergers and acquisitions, which Rich and his transactional team have handled for many government contractors over the years.

Public Interest Law

- Association of Public Interest Law Fellowship

George Washington University, Legal Studies, *summa cum laude*, 1995

James Madison University, B.A., *cum laude*, 1993

**BAR & COURT ADMISSIONS**

Virginia, 1999

Supreme Court of Virginia

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the Eastern District of Virginia

U.S. Bankruptcy Court for the Eastern District of Virginia

**CLERKSHIPS**

Law Clerk to the Honorable Arthur B. Vieregg of the 19th Judicial Circuit of Virginia, 1999 – 2000

Judicial Intern to the Honorable Michael P. McWeeny of the 19th Judicial Circuit of Virginia, 1998 – 1999

In addition to his government contracts and litigation practice, Rich testifies as an expert witness on the reasonableness and necessity of attorneys' fees.

Prior to joining the firm as a shareholder, Rich was an attorney at Reed Smith LLP.

**Click below to watch video:**

**Ep. 1: When to Consider an Award Protest**

**Honors**

Arlington Magazine, Top Attorney - Government Contracts, 2019

Virginia Business, Legal Elite in Alternative Dispute Resolution, 2016

**Representative Experience**

**Government Contracts**

- Represented government contractor in AAA arbitration involving a fifteen million dollar prime/sub dispute regarding breach of contract, tortious interference and ostensible contracting issues. All issues settled favorably to client.
- Represented government contractor in U.S. District Court for the Eastern District of Virginia in an eight million dollar matter involving claims for breach of contract, breach of fiduciary duty, violations of the Trade Secrets Act, fraud, quantum meruit and unjust enrichment. Won motion to dismiss on seven of the eight counts, and settled the eighth count favorably to client.
- Represented government contractor in U.S. District Court for the District of Colorado in a three million dollar prim/sub contract dispute. All issues settled favorably to client.
- Represented government contractor in U.S. District Court for the District of Maryland in a prime/sub dispute regarding improper termination of a six million dollar contract. Matter settled favorably to client within one week of filing the complaint.
- Represented government contractor in U.S. District Court for the Eastern District of Virginia in a six million dollar prime/sub dispute involving breach of contract and injunctive relief. Won motion for injunctive relief and settled remaining issues favorably to client.
- Represented government contractor in a prime/sub dispute in U.S. District Court for the Eastern District of Virginia in a matter involving breach of contract and emergency injunctive relief. Won motion defeating request for emergency injunctive relief and case settled favorably to client within one week of the emergency injunction hearing.

- Represented government contractor in U.S. District Court for the Eastern District of Virginia in a matter involving Title VII and §1981 claims for discrimination and retaliation. Won case on summary judgment and won follow up appeal in the Fourth Circuit Court of Appeals.
- Represented government contractor in suspension and debarment matter before the Department of the Air Force. After a hearing with Assistant Deputy General Counsel Santos, all further proceedings were terminated and the client's status was restored in full.
- Represented government contractor in a successful bid protest against the Department of Justice and Booz Allen Hamilton.
- Represented government contractor in a successful bid protest against the National Institute of Health.
- Represented government contractor in a successful challenge to contractor performance assessment report.
- Represented government contractor with various issues related to Department of Labor and Office of Federal Contract Compliance Programs. All matters dismissed and closed without action taken against client.

## Litigation

- Represented Five Guys in its only jury trial to date, winning a six-day jury trial in Fairfax County Circuit Court related to a potential investor and involving various contractual and business tort issues totaling fifteen million dollars. Won follow up appeals in the Virginia Supreme Court.
- Represented international business consultant on series of issues including breach of contract, tortious interference with contract and tortious interference with prospective business advantage. Won jury and bench trials in Fairfax County Circuit Court.
- Represented developer in Loudoun County Circuit Court and U.S. District Court for the Eastern District of Virginia on issues related to easements and land use disputes concerning a one hundred and thirty million dollar development in Loudoun County. All issues settled favorably to client.
- Represented a developer in a series of cases involving contract and covenant interpretation, property owners associations, construction and building compliance, and compliance with the Fair Housing Act. Won a nine-day bench trial in Loudoun County Circuit Court. Won summary judgment in Loudoun County Circuit Court and the follow-up appeal to Virginia Supreme Court. Won summary judgment in U.S. District Court for the Eastern District of Virginia and a subsequent appeal to Fourth Circuit Court of Appeals. Won motion to dismiss in Loudoun County Circuit Court.
- Represented developers in the U.S. District Court for the Eastern District of Virginia and Arlington County Circuit Court in series of cases involving purchase agreements, the Interstate Land Sales Full Disclosure Act and other contract issues. All cases were won on motions to dismiss/summary judgment/demurrer. Rich prevailed on subsequent appeals to Virginia Supreme Court and Fourth Circuit Court of Appeals.
- Represented a financial institution in U.S. District Court for the Eastern District of Virginia and Fourth Circuit Court of Appeals in a case involving contract interpretation, damages and civil procedure. Summary judgment was affirmed.
- Represented a developer in cases involving commercial landlord/tenant disputes in Fairfax County Circuit Court. Prevailed on dispositive motions and recovered all attorneys' fees.
- Represented a builder/architect in U.S. District Court for the Eastern District of Virginia on several cases involving architectural copyright infringement and breach of contract. All cases settled favorably for the client during or before mediation with the court.
- Represented an electrical engineering company in U.S. District Court for the Western District of Pennsylvania in software copyright infringement litigation and other state law claims. Matter settled favorably to client.

- Represented a country club in a 24-day, \$5.6 million construction arbitration against a general contractor. Client received a favorable award from AAA.
- Represented a developer in \$3.6 million construction mediation against general and subcontractors. Matter settled favorably for client.
- Represented a building owner in Culpepper County Circuit Court in a \$10 million construction litigation against the architect and general contractor. Case settled favorably for the client in mediation.

## Published Articles

Authored articles published in The Legal Times and Virginia Lawyer's Weekly.

## Speaking Engagements

7th Annual NoVA B2G Matchmaking Conference & Small Business Expo  
Inova Center for Personalized Health, Fairfax, VA, May 7, 2019

SECAF Awards Gala  
McLean, VA, May 2, 2019

Diversity in the Legal Profession and Beyond  
George Mason American Inn of Court, January 23, 2018

## News

Bean, Kinney & Korman Represents E.F. Johnson Company in \$20M Bid Protest  
August 18, 2021

Bean Kinney & Korman Represents Highlight Technologies, Inc. in a Sale to an Employee-Owned Stock Ownership Plan  
April 22, 2021

Twenty-six Attorneys from Bean, Kinney & Korman Recognized as Top Attorneys by *Arlington Magazine*  
October 18, 2019

Richard D. Kelley was quoted in "GAO Upholds Challenge To Booz Allen's DOJ Award" in LAW360  
March 3, 2017

Richard Kelley Joins Firm as Shareholder  
August 1, 2012

Featured in the Washington Business Journal and Virginia Lawyer's Weekly for e-discovery and issues related to the Interstate Land Sales Full Disclosure Act and property owners associations.  
July 17, 2011

## Professional & Community Affiliations

American Bar Association

Fairfax Bar Association

Federal Bar Association

Virginia Bar Association

George Mason American Inn of Court (Programs Chair)

Fairfax Choral Society (Past Chairman, Board of Directors)

Northern Virginia Chamber of Commerce (Member)