

## Philip A. Nacke

### Partner/Retired

Washington, D.C.



Philip Nacke is a retired partner with Foley & Lardner LLP and was a member of the firm's Commercial Litigation, Government Procurement, and Appellate Practices. His practice focused on federal government litigation and included government contract litigation, natural resource valuation litigation, federal administrative litigation, and Fifth Amendment takings claims.

In the government contracts field, Philip has appeared before the U.S. Court of Federal Claims, the Government Accountability Office, and the Small Business Administration in a variety of matters ranging from pre-award and post-award bid protests, to challenges to procuring agency overrides of the CICA automatic stay, to small business size protests, to claims, monetary and non-monetary, by and against contractors. Notable in the latter category has been representation of a southeast Alaska forest products company in multiple damage suits for breach of contract arising under a unique 50-year contract with the U.S. Forest Service, resulting in recoveries exceeding \$145 million.

Philip also litigated a wide range of matters in the courts and before arbitral panels dealing with timber and timberland valuation, the legality and interpretation of federal statutes and administrative regulations, questions of federal preemption of state and local law, endangered species designations, inverse taking claims, timberland mismanagement claims, Native American law issues, and commercial contract interpretation.

Philip is a former president of the Court of Federal Claims Bar Association and also has served on that court's Advisory Council. He has spoken before industry and judicially sponsored gatherings on such topics as valuation law, the effective use of expert witnesses, and environmental issues. Philip assisted in planning, and was one of several moderators at, a Court of Federal Claims sponsored symposium titled "When Does Retroactivity Cross the Line? Winstar, Eastern Enterprises and Beyond," the proceedings of which are published in 51 *ALA. L. REV.* 933-1379. With his partner Steve Lambert, he is co-author of *Federal Condemnation of Private Forestlands – The Search for Just Compensation*.

In recognition of his achievements, Philip was Peer Review Rated as AV® Preeminent™, the highest performance rating in Martindale-Hubbell's peer review rating system.

Philip received his undergraduate degree from the University of Tennessee (B.A., 1969; Phi Beta Kappa) and his law degree from Georgetown University Law Center (J.D., 1972), where he was managing editor of the *Georgetown Law Journal*. He is a member of the District of Columbia Bar and is admitted to practice before the Supreme Court of the United States, the U.S. Courts of Appeal for the Fourth, Sixth, Eighth, Ninth, District of Columbia, and Federal Circuits, the U.S. District Court for the District of Columbia, the U.S. Court of Federal Claims, and the U.S. Tax Court.