Hon. Jeri Kaylene Somers, (Ret.)

Washington, District of Columbia

Primary Areas of Expertise

Government Contracts Construction Commercial IT and Technological Disputes Administrative Law/Fed Agency Labor and Employment

Professional Summary

Retired federal Administrative Judge with 18 years of adjudicative experience on the Civilian Board of Contract Appeals (CBCA), presided over complex, high-value government contracts and construction disputes routinely exceeding $10 million. Now serves as a neutral arbitrator on the American Arbitration bringing to each case the discipline, procedural command, and analytical rigor developed over nearly two decades on the federal bench.

Current Employer-Title

Somers ADR PLLC - Independent Arbitrator and Mediator The Foreign Service Grievance Board - Member

Profession

Attorney, Educator, Judge

Work History

Member, Foreign Service Grievance Panel, 2023-Present; Member, Military Justice Review Panel, 2022-2025; Partner, The Potomac Law Group, 2022-2023; Partner, Jenner & Block, 2021-2022; Chief Judge/Chair, US Civilian Board of Contract Appeals, 2003-2021; Counsel, Miller & Chevalier LLP, 2001-2003; Assistant US Attorney, Office of the US Attorney - Eastern District of Virginia, 1994-2001; Trial Attorney, US Department of Justice - Civil Division, 1991-1994; Military Judge/JAG, US Air Force, 1986-2007. Has served as sole arbitrator, party-appointed arbitrator, and panel chair, conducting full evidentiary hearings - both in-person and via virtual platform - and issuing reasoned and standard written awards. Is experienced in managing complex, document-intensive proceedings, including prehearing conferences, scheduling orders, dispositive motion practice, expert witness management, and e-discovery disputes. Construction, and Government Contracts Rules and Procedures. An experienced arbitrator and panel chair, has led numerous high-value arbitrations involving construction and commercial contracts, professional services, and business transactions, including international matters. Recognized for a deep understanding of the legal, technical, and financial dimensions of complex disputes. *Construction Experience Provided legal counsel to Department of Defense entities and litigated cases involving major construction projects such as military base housing, runways, roads, and infrastructure renovations. As a federal judge, mediated and resolved cases concerning delay damages, design-build projects, project management, and technical analyses related to critical path, concrete and steel work, pile driving, mechanical and Accordingly, If you have any electrical systems, roofing, and pavement. Oversaw and decided disputes involving government buildings, embassies, military installations, Veterans Administration hospitals, laboratories, educational facilities, and Department of Energy nuclear sites. Handled complex construction claims including fraud, business torts, liquidated and punitive damages, delay and disruption, lost productivity (Eichleay formula), change orders, hurricane-related losses, insurance coverage, surety bond and indemnity claims, as well as terminations for convenience and default. Known for resolving technically demanding construction and contract disputes with fairness, precision, and efficiency. *Information Technology / Technology Services

Experience

presiding over IT and technology services contract disputes, including software development failures, system integration claims, SaaS and cloud services breaches, and DoD IT contracts subject to DFARS cybersecurity and data rights clauses. Managed complex, document-intensive proceedings with competing technical expert testimony. *Administrative Law / Federal Agency Disputes

Experience

adjudicating disputes under the Contract Disputes Act. Brings institutional knowledge of agency decision-making, procurement regulatory compliance, APA standards of review, and FEMA Stafford Act disaster relief procurement disputes - expertise unavailable from arbitrators without a federal judicial background. *Labor & Employment / Federal Sector Employment Disputes: Member of the Foreign Service Grievance Board (FSGB), adjudicating grievances filed by Foreign Service Officers under the Foreign Service Act of 1980. Presided over disciplinary, termination, performance, and

assignment disputes, applying federal employment law and agency personnel regulations. Brings federal sector labor adjudication experience that bridges employment and administrative law - a combination unavailable from most labor arbitrators. *340 Drug Pricing Disputes Neutral arbitrator with direct experience presiding over 340B drug pricing disputes between pharmaceutical manufacturers and covered entities. Experienced in the PHS Act Section 340B framework, HRSA OPA oversight, contract pharmacy disputes, manufacturer pricing restrictions, duplicate discount and diversion allegations and the intersection of 340B obligations with Medicaid best price rules.

Mediator Experience

Mediated more than 100 disputes arising under the Contract Disputes Act and over 50 additional cases as an independent mediator and arbitrator involving federal agencies, prime contractors, subcontractors, and sureties. These complex, often multimillion-dollar cases involved claims for additional work, design changes, unforeseen conditions, and delay or disruption damages. Each required deep understanding of government contract principles, technical construction issues, cost accounting, and critical path analysis. Many mediations extended over multiple days and included expert testimony and detailed examination of drawings, specifications, and project schedules. Representative Issues Successfully mediated: a construction dispute involving international complex construction project; an Handled as a Mediator international federal services contract involving contract interpretation issues; a federal highway dispute involving an alleged differing site condition; a dissolution of a partnership and many others. Accordingly, If you have any Mediator Style & Process Mediation is a confidential, collaborative process that helps parties resolve disputes efficiently and Preferences constructively. Ms. Somers brings more than three decades of experience - including eighteen years as a Federal administrative judge - to her mediation practice, where she focuses on complex commercial, government contracts, and construction matters. Ms. Somers combines facilitative and evaluative techniques to guide parties toward resolution. She tailors her approach to each dispute, encouraging open communication, creative problem-solving, and realistic case assessment. Her engaged, persistent style helps parties move past impasse and reach durable, mutually beneficial agreements. Before mediation, Ms. Somers conducts confidential pre-session discussions and reviews written submissions to understand each party’s perspective. During mediation, she may begin with a joint session to define issues, followed by private caucuses to explore solutions and exchange offers. Most of her cases result in final, binding settlements. When negotiations stall, Ms. Somers employs proven techniques such as bracketing, mediator’s proposals, neutral evaluations, or expert input. She never uses coercion - only sound judgment and patience to help parties achieve resolution. Technology Proficiency Extensive experience with conducting hearings and mediations with Zoom and other online platforms.- Uses artificial intelligence tools to summarize meetings and streamline review of documents as appropriate and in accordance with ethical guidelines. Has in-depth experience with E-Discovery and ESI issues. Is accessible for in-person, virtual, and hybrid proceedings on a national basis.

Education

United States Air War College (1996); American University Washington College of Law (JD-1986); George Mason University (BS-1983).

Professional Licenses

Admitted to the Bar: Virginia (1986), District of Columbia (1991); U.S. District Court: Eastern District of Virginia, District of Maryland; US Court of Appeals: Federal Circuit, 4th Circuit; U.S. Court of Military Appeals; U.S. Court of Federal Claims; U.S. Supreme Court.

Professional Associations

George Washington University Law School, member, Government Contracts Advisory Board; Member, Virginia Bar Association, special issues committee; Public Contract Law Section; Associate Editor, Public Contract Law Journal ; Fellow of the American Bar Foundation; International Ombuds Association (2023-Present); Advisory Member, U.S Court of Federal Claims (Alternative Dispute Committee). Other affiliations include the National Bar Association; Northern Virginia Black Attorney’s Association and the Asian American Pacific Bar Association. Community Organizations: Chair, Arlington Food Assistance Center, (2015-present); Board Member, Girl Scout’s National Capital Region (2020-Present). Recent Publications & Panelist, 2026 ABA Forum on Construction Law, 2026 MidWinter Conference - Mediation in Public Speaking Engagements Construction Projects; Panelist, ABA Fidelity and Surety Law 2026 Midwinter Conference - Judicial Tips from the Bench; 2025 Cuneo Lecturer -2023 New Developments Court, US Army JAG School; Panelist - ABA Forum on Construction Law - How to Dance with the Feds - ADR in Government Disputes; Co-Chair, ABA 2022 Federal Procurement Institute, Annapolis, Md, March 2022; Panelist - Judges’ Panel, ADR before the Boards of Contract Appeals and the Court of Federal Claims at Fox Rothchild Federal Contracts Symposium, 2021; Panelist, ABA Live Webinar: Public Contract Law (PCL) Federal Accordingly, If you have any Procurement Institute (FPI) - Ethics from the Judicial Perspective, 2021; Panelist, ABA PCL/FPI - Best tips for ADR, 2018; Panelist, ABA PCL - Contract Performance Issues, 2017; Panelist, Bd of

Contract Appeals Bar Asso. - ADR Techniques, 2016. Publications: The Modernization of Government Contract Appeals and the Federal Circuit, 69 AM. U. L. REV. 1056 (2020) Foreword: The Boards of Contract Appeals: A Historical Perspective, 60 Am. U. L. Rev. 745 (2011) From JAG to Judge, Perspectives, Vol. 16, No. 4, Spring (2008).

Locations

Where Parties Washington, DC., and the DC metropolitan region. Will Not be Charged for Travel Expenses Citizenship United States of America Compensation Hourly Rate: $795.00 Daily Rate: Not provided Study Rate: $795.00/hr Cancellation: Not provided Cancellation Period: Not provided Comment: No charges will be assessed for travel time in Washington DC/Baltimore metropolitan area. Travel time outside those areas are assessed on a case-by-case basis and charges are only for time not productively used for work matters. Travel expenses exceeding $75 will be supported by receipts.

Languages

English Accordingly, If you have any