



John O'Connor

John O'Connor is a partner in the Washington office of Steptoe & Johnson LLP, where he practices in the Litigation Department. Mr. O'Connor focuses principally on civil litigation matters.

Commercial and Business Litigation

Mr. O'Connor regularly represents clients in a wide array of commercial and business litigation matters. These matters have included a number of lawsuits litigating disputes among corporate shareholders or members of limited liability companies over ownership and/or control of business operations, as well as disputes between companies and departing employees. Mr. O'Connor has represented corporate clients in complex contract disputes, including matters of contract construction and claims seeking to rescind or reform contracts based on unilateral or mutual mistake. Mr. O'Connor has represented corporate clients in pursuing fraud claims arising from business transactions, including representation of Motorola in its successful efforts to obtain a \$2.13 billion fraud judgment against the owners of a Turkish telecommunications company. In addition, Mr. O'Connor regularly represents clients in the petroleum industry in connection with disputes between franchisors and franchisees and the application of the Petroleum Marketing Practices Act (PMPA).

National Defense and Foreign Relations Litigation

Mr. O'Connor regularly represents defense contractors in a variety of matters relating to their performance of government contracts. These representations have involved defense of a government contractor against common-law tort claims, as well as claims brought under the Alien Tort Statute and Racketeering Influenced and Corrupt Organizations Act (RICO), arising out of the contractor's provision of personnel to support US military operations in Iraq. In the course of that representation, Mr. O'Connor has developed and pursued defenses based on the battlefield context of the conduct alleged, including defenses such as constitutional preemption of state-law tort claims, battlefield preemption, law of war immunity, derivative absolute official immunity, and the political question doctrine. In connection with this representation, Mr. O'Connor also conducted an internal investigation of the conduct alleged and coordinated responses to inquiries from Congress and various Executive agencies.

Mr. O'Connor also successfully defended a defense contractor, on derivative absolute official immunity grounds, against claims seeking to hold it responsible for injuries allegedly suffered by another contractor as a result of his client's provision of contract management services to the US Army. In addition, Mr. O'Connor has represented defense contractors in disputes with other contractors concerning the parties' respective obligations under contractor teaming agreements to jointly pursue government contract work. He also has successfully represented a client pursuing an expropriation claim against a foreign sovereign in proceedings before the International Centre for Settlement of

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Areas of Practice

Asbestos, Silica & Related
Bankruptcy Litigation

Commercial Litigation,
Insolvency & Creditors'
Rights

Environmental Coverage
Litigation & Counseling

Hazardous Products/Toxic
Torts Coverage Litigation
& Counseling

Insurance & Reinsurance
Litigation

Professional Liability

Business and Human Rights

Education

University of Maryland
School of Law, J.D., with
honors, 1995, Order of the
Coif, William Strobel
Thomas Prize

Syracuse University,
M.S.Sc., International
Relations, 1995

University of Rochester,
B.A., 1988

Bar & Court Admissions

District of Columbia

Maryland

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Investment Disputes.

Mr. O'Connor also has substantial experience in matters of military law. He has represented two government contractor employees in filing habeas corpus petitions in federal court challenging the US military's constitutional power to try them by court-martial. Both cases ended with military officials abandoning court-martial efforts shortly after Mr. O'Connor filed habeas corpus petitions on behalf of his clients. Prior to joining Steptoe, Mr. O'Connor served ten years on active duty in the US Marine Corps, including three years as a judge advocate, where he prosecuted more than 200 courts-martial on behalf of the United States. Mr. O'Connor has written numerous articles for legal publications on various matters of military and national defense law and has been a featured speaker on a number of topics in these areas.

Insurance Coverage Law

Mr. O'Connor regularly represents insurance companies in court cases and arbitrations concerning property and liability insurance coverage issues. These representations have involved disputes concerning the application of insurance policies to liabilities arising out of asbestos, silica, lead paint, environmental contamination, pharmaceutical products, and other toxic torts. Mr. O'Connor's insurance practice also encompasses representation of insurance companies in bankruptcy proceedings as well as against allegations of bad faith or violation of statutory claims-handling practices. Mr. O'Connor has written articles on insurance issues such as the rights of excess insurers with respect to underlying settlements, additional insured disputes, and the reformation of insurance policies due to mutual mistake. Mr. O'Connor also has been a featured speaker on a number of insurance-related issues for insurance industry audiences and other seminars.

Select Seminars & Events

"Asbestos Insurance Litigation," *HB Litigation Conferences' Audiocast*, August 10, 2011

Selected Publications

Testing Military Jurisdiction Over Contractor Employees
November 30, 2011, *Law360*

Government Contracts Advisory - Court to Consider Constitutionality of
Military Jurisdiction Over Civilian Contractor Employee Misconduct
November 23, 2011

Contractors and Courts-Martial
2010, *77 Tennessee Law Review* 751

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Contractor Tort Immunity Under the Law of Military Occupation
2009, 14 *UCLA J. Int'l L. & Foreign Aff.* 367

Foolish Consistencies and the Appellate Review of Courts-Martial
2008, 41 *Akron Law Review* 175

The Emoluments Clause: An Anti-Federalist Intruder In A Federalist
Constitution
1995, 24 *Hofstra Law Review* 89

Loose Canons: The CAAF's Flawed Approach to Construing Convening
Authority Actions
2007, 1 *Journal of Military & Veteran Law* 9

Statistics and the Military Deference Doctrine: A Response to Professor
Lichtman
2007, 66 *Maryland Law Review* 668