



# For the People

The Midwest's premier government contracts firm shines in the affordable housing sector

Over the past decade, Minneapolis-based law firm Eckland & Blando has made a strong impact on legal issues involving government contracts throughout the United States. One of the landmark cases the firm's attorneys litigated, *Franconia Associates v. United States*, was a big win for rural affordable housing owners across the country.

The firm opened its doors in 2004 when partners Jeff Eckland and Mark Blando saw a need for a law firm headquartered in the Midwest that was dedicated to litigating against the federal government.

"We believe we are the only firm in the Midwest that was founded to specialize in government contract work," says Managing Partner Jeff Eckland. "We have expanded our practice into other areas as well, such as commercial litigation and maritime law, but our focus is on government contracts. We are quite unique in the Midwest just for that reason."

Even among other government contract law firms in the country, Eckland & Blando stands out for its commitment to its clients and its strong constitutional philosophy.

"Even if you look at other firms on the coasts, I think we are unique," Eckland says. "We have a very specialized niche, and we view ourselves as a firm that makes the government work better for its citizens. We recognize that the government is not always the enemy and is the progenitor and sometimes a major enforcer of our rights. For example, the Bill of Rights would not exist without Congress. But we can help make the government work for its people."

## FRANCONIA ASSOCIATES

Eckland and Blando built their reputation on the *Franconia Associates* case, which involved a dispute between rural affordable housing owners and the federal government that started in the mid-1990s.



**Eckland & Blando**

Partners :: Jeff Eckland and Mark Blando

Location :: Minneapolis, Minnesota



The case began because of the Emergency Low Income Housing Preservation Act of 1987 (ELIHPA), which took away the right of owners in the Department of Agriculture's Section 515 program to prepay their low-income housing mortgages. Before ELIHPA was enacted, owners in that program had entered into contracts that allowed prepayment without any restrictions and at any time. But after ELIHPA became law, the agency was no longer permitted to recognize those owners' contract rights.

As Blando explains, "that's what made the case really distinctive in government contract law. You have a contract that grants an important right, and then long after the contract is signed, Congress passes a law that tries to eliminate that right."

The firm's attorneys pressed these affordable housing owners' interests all the way to the U.S. Supreme Court, where the Franconia Associates case was argued in 2002, resulting in a unanimous victory for its clients. "The Franconia Associates case is the hallmark of our firm," Eckland says. "It's why we decided to form our own firm—to pursue that line of litigation. It has been ongoing since 1996, when I filed the very first lawsuit, and we are continuing to settle claims and litigate several aspects of those claims."

According to Blando, because ELIHPA remains on the books, affordable housing owners continue to file claims based on the result of the Franconia Associates case.

"Our firm has now represented over 2,000 of those owners," Blando says. "In negotiating those claims with the government, our main task is to calculate what each of our clients would have earned on the open market had they been permitted pay off their mortgages. In other words, what profits have they lost as a result of being stranded in the program?"

Eckland and Blando's passion for government contract law has fueled them throughout the Franconia Associates journey.

"We view ourselves as upholding the relatively unknown but very apt inscription found on the east pediment of the Supreme Court building: 'Justice the Guardian of Liberty,'" Eckland says. "We see ourselves as an entity that helps people acquire what is due to them from the government. When that takes the form of liti-

gation, we will litigate, but we are not averse to trying to come to some mutually convenient resolution. We do explore various types of alternative dispute resolution, such as arbitration or mediation or settlement proceedings. But when we have to, we litigate."

#### VARIED CONTRACT LITIGATION

Although Eckland & Blando is most well-known for litigating the Franconia Associates case (in fact, the firm was recently named a Law Firm of the Month by Attorney at Law Magazine), the firm has grown over the years and now works on a wide range of government contract and commercial litigation issues.

"We have handled many forms of contract litigation since Franconia Associates," Eckland says. "We also do various tort claims against the government, which have recently included pursuing a claim on behalf of the mother of a soldier in Iraq who was mistakenly notified that her son was killed. We have also represented a cattle rancher in Minnesota who was directed to feed his cattle through a government subsidy program. That led to the death of 200 head of his cattle."

Eckland & Blando also continues to do other meaningful work in the affordable housing sector.

"We deal with a lot of compliance issues, and much of that relates back to housing," Eckland says. "For example, we work with owners whose budgets have not been approved in a timely fashion, which always creates a problem for the owners of subsidized housing. We also deal with transfers of housing ownership and many other transactions."

Whether the firm is working on its landmark affordable housing litigation or handling what Eckland calls "day-to-day compliance issues," the team approaches each case with the same motivation of ensuring that its clients receive what the government owes them.

"We pride ourselves on having a very strong track record in litigation against the government," Eckland says. "And by 'the government,' I don't just mean the federal government, but also state and local governments. I think our track record speaks for itself, and it can stand up to the record of any government contract firm in the country." 



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