



FEDERAL CLAIMS BAR ASSOCIATION

Fall 2009 Newsletter

Letter from Chief Judge Emily C. Hewitt



Members of the Bar Association, greetings. Fall of 2009 is a time of transitions and travel for the USCFC.

Transitions. August and September brought the arrival of the court's new roster of law clerks. The "Welcome Breakfast" on September 16,

sponsored by the Bar Association, gave our incoming clerks an opportunity to meet judges and clerks from other chambers, members of the court's administrative staff, and Bar Association officers, all while enjoying a delicious breakfast buffet.

We thank President **Melonie McCall** for her gracious welcome, and thank you all for your continued support of this event.

On September 10, 2009, **Hazel C. Keahey** was selected to serve as Clerk of Court of the United States Court of Federal Claims. Ms. Keahey assumed her duties on October 12, 2009. Ms. Keahey joins the court following 24 years at the United States Tax Court. She began her service at the Tax Court as a law clerk, first to **Special Trial Judge Francis J. Cantrel**, then to **Judge Perry Shields**. Her next thirteen years at the court were spent working as staff attorney in the Office of the Clerk of the Tax Court, where her primary responsibility was the management of the Tax

Court's general docket. In 2001, she was appointed the Tax Court's first General Counsel. In that position, she served as the Chief Judge's chief advisor on legal issues arising from the operations of the Tax Court, as liaison to Congressional committees – including the House and Senate Appropriations Committees, the Senate Finance Committee, and the House Ways and Means Committee – as legal advisor to the Tax Court's Legislation Committee, Rules Committee, and ad hoc task forces, and as manager of the Tax Court's career legal staff. Ms. Keahey also served as Acting Deputy Clerk of the Tax Court in 2005.

Ms. Keahey received her Bachelor of Science degree with highest distinction from the University of Southwestern Louisiana, her Juris Doctor degree from Loyola University School of Law (New Orleans), and her Masters of Laws in Taxation from Temple University School of Law. She is a native

Inside this Edition

President's Message	2
Interview with Chief Judge Hewitt	4
An Exciting Summer Of Brown Bag Lunches . .	5
Law Student Writing Competition 2009	6
Transcript Concerns?	8
Upcoming Events	8

of Lafayette, Louisiana and is married to Thomas M. Keahey, M.D.

Ms. Keahey looks forward to meeting and working with members of the USCFC Bar Association.

Ms. Keahey succeeds to the position of Clerk of Court following the service of **John S. Buckley** as Acting Clerk of Court from December 24, 2007 to October 11, 2009. At our meeting on October 8, 2009, the judges of the Court of Federal Claims recognized Mr. Buckley for his dedicated service and commitment to the court. We presented Mr. Buckley with an engraved Revere bowl and a framed copy of the court's resolution of appreciation and commendation. On October 11, 2009, Mr. Buckley rejoined the chambers of **Judge Edward J. Damich** as a career law clerk.

Travel. The court's annual Judicial Conference is fast approaching. The Court of Federal Claims and the Bar Association have partnered with Tulane Law School to combine the 22nd Annual Judicial Conference with the 58th Annual Tulane Tax Institute. The Bar Association is a key sponsor working to make this event a success, and I hope that many members will be joining us in New Orleans from October 28-30, 2009. The sponsors have created a Conference program to present the latest insight into tax policy issues being debated in our nation's capital. U.S. Court of Federal Claims judges will team up with federal tax policy experts to provide informative reviews of new tax statutes, regulations and decisions. There will be numerous opportunities to interact with our experts, ask questions and share ideas. If you have not yet registered to attend the Conference, please do so by October 21, 2009.

In addition to the Judicial Conference, we at the court look forward to working with the Bar Association on its regular educational presentations. The Bar Associations' planned October Brown Bag lunch on the topic of Fifth Amendment Takings is being rescheduled, and we look forward to holding that event at the court in December.

Please also note: to allow court staff to travel and to spend time with friends and family during the winter holidays, the court will be officially closed on Friday, November 27, 2009, Thursday, December 24, 2009, and Thursday, December 31, 2009.

Thank you and all best, Chief Judge Hewitt.

President's message



"Just as the vernal equinox opens the season for beginnings, optimism and aspirations, the autumnal equinox brings the season for assessment, reflection and acceptance." This quote is from the piece "Fall is a Time for Taking Stock" by newspaper columnist Darrell Norman. I couldn't agree more.

Fall is indeed a time for taking stock. As Mr. Norman says, Fall is a time to put aside the diversions of summer. It is a time to take stock of what we have accomplished and at what we have left undone. He suspects that the tendency to take stock in the Fall, the end of the growing season, is a vestige of the time when most people worked the fields all Summer and lived the rest of the year on what they managed to put away. Whatever the origin, Fall certainly feels like the natural time to assess where you have been and contemplate where you are going.

In that connection, I'd like to take this opportunity to take stock in the Bar Association's recent accomplishments and to recognize the Board and other members whose dedication and volunteer work made it possible. First, however, I would be remiss if I didn't mention the continued, unyielding support from the Court. As did **Chief Judge Damich**, **Chief Judge Hewitt** has attended Bar Association Board and other meetings and has invited Bar Association input on issues undertaken by the Court's various committees. The Bar Association appreciates the close relationship it maintains with the Court and the opportunity to serve as a Court resource.

So, where have we been? Building on the growth experienced under the leadership of its past presidents, most recently **Brad Fagg** and **Marc Smith**, the Bar Association continues to prosper, both in terms of membership and in its activities and projects. As of September 15th, our renewal membership is up 28 percent over that for the same period last year. Also, our overall membership has increased by 12 percent since January.

In May, thanks to former Board member **Mary Abate**, we debuted *Inside 717*, the reincarnation of our *Executive Summary* publication. Mary volunteered to become the editor-in-chief of our publication dedicated to summarizing significant rulings of the Court in April. She was later joined by **J. Reid Prouty**, who serves as deputy editor. Given full creative license, Mary revamped the publication. Under Mary's direction, the publication gained a catchy title, updated format, and expanded coverage. Mary has done an excellent job and the Bar Association is pleased that she continues to perform such an important role. **David Ricksecker** of Woodley & McGillivray recently joined the editorial board of *Inside 717*. David will work with **Doug Mickle** as a contributing editor on Pay cases.

On June 5, 2009, the Bar Association presented "Ask the Clerk's Office," the first of what has turned out to be an extremely successful Brown Bag Lunch Series. Other programs include our annual "Introduction to the Court of Federal Claims" program geared toward summer interns and associates, and programs on vaccine and government contracts. Kudos to Law and Practice Education Committee chair **James Gette** and the substantive committee co chairs--including **Alexis Babcock, Ron Homer, Alan Lo Re, and John McCarthy** -- for conceptualizing and arranging such relevant, lively discussions, several of which were oversubscribed. Thanks also goes to the individuals who have worked behind the scenes to make sure our Brown Bags run smoothly, **Acting Clerk of Court John Buckley** and **Acting Chief Deputy Clerk for Administration Carole Bailey** and their staff, as well as Bar Association Administrative Assistant, **Sandy LoJacono**.

By letter dated June 23, 2009, the Bar Association learned that it had achieved what may be its most significant accomplishment of the year, approval of its application to the IRS for tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code. Achievement of Section 501(c)(3) status was several years in the making and Bar Association owes a great deal of gratitude to its treasurer, **Lew Wiener**, and members of his firm, Sutherland Asbill and Brennan – especially **Dan Buchner** and **Brett Stohs** – who assisted the Bar Association in preparing and submitting the application. In addition to being exempt from Federal income tax, the Bar Association now qualifies to receive tax deductible bequests and

gifts. Other benefits conferred by 501(c)(3) status include exemption from sales tax and eligibility for bulk mailing rates and permits.

In July, the Bar Association launched its new website. Thanks to the dedication of our Communications Committee chair **Steve Gillingham**, and our administrative assistant, **Sandy LoJacono**, the revamp of our website is now a reality!

Also in July, the Bar Association continued to work with the Court to address issues of importance to practitioners. On July 9, 2009, members of the Rules Committee, chaired by **Don Grove** and **Marc Smith**, participated in a meeting of the Court's Rules Committee to discuss the related case rule. The judges sought to understand the nature of practitioners' concerns and agreed that further examination of the rule was warranted. Other Bar Association members in attendance were **Brad Fagg** and **Jeanne Davidson**. On July 20, 2009, Bar Association members participated in a meeting to discuss the Court's court reporting services. Responding to concerns about the quality and cost of the services by both practitioners and judges, Acting Clerk of Court **John Buckley** organized a meeting with the Deputy Clerk of Operations, **Lisa Reyes**, and various stakeholders. Although no specific resolutions were reached, the meeting served a means of opening a dialogue between the Court and practitioners about the myriad of problems experienced and for proposals of workable solutions.

Where are we going? The Judicial Conference is fast approaching. On Thursday, October 29, 2009, the Court will host its 22nd annual Judicial Conference as part of the Tulane Tax Institute which begins on October 28, 2009 in New Orleans, Louisiana. If you haven't done so already, please register. Bar Association members **Tom Cullinan**, **Lew Wiener**, and **Steve Frahm** are panelists. **Chief Judge Hewitt**, Judges **Firestone, Horn, Allegra, Block, Lettow, Miller and Wheeler** are also panelists.

Through the work of president-elect **Steve Hollman**, **Alexis Babcock**, **Luke Levesseur**, and **Bryant Snee** the Bar Association recently announced the creation of the U.S. Court of Federal Claims Bar Association Law Student Writing Competition. The competition is targeted at JD candidates and designed to encourage

scholarship on current topics that lie within the jurisdiction of the Court of Federal Claims. The Bar Association is prepared to award a cash prize of \$1,500.00 for the entry judged the best and a cash prize of \$1,000.00 for the entry deemed second best. It is anticipated that the winning entries will be posted on the Bar Association's web site. Students are encouraged to use papers prepared for classes and seminars as entries.

Finally, two other individuals must also be recognized: Bar Association Secretary, **Rob Stewart**, whose succinct, yet complete minutes allowed me to compile the foregoing list of Bar Association accomplishments, and **Franklin White**, the editor-in-chief of our newsletter who performs the unenviable job of compiling and editing all of the pieces that come together to make up the newsletter. Although I couldn't name them all, the Bar Association thanks each and every individual member and all members of the Court family who have contributed time and energy to the above mentioned activities and events. We look forward to your continued support and participation as we continue to grow as an organization.

Melonie J. McCall

President, Court of Federal Claims Bar Association

sweep of the hand she figuratively brushes the resume aside, "right place, right time," she insists. Indeed, as laser-like as her path to the Court's top position appears to be in hindsight, a visitor wonders how the variety of her accomplishments will shape her service as Chief Judge.

Smiling, Chief Judge Hewitt begins, "this is only my third job since law school." And, as a discussion of her childhood reveals, the call to leadership manifested itself early. "I wanted to be president of my high school when I was in fourth grade," she says. "So, when I got to high school, I was." So how did her theological training and interests bear upon her path to the top? It was through her collaboration on the 1973 book Women Priests: Yes or No?, an early resource concerning the ordination of women, that she learned that "advocacy was what I was put here to do." "It might be my best piece of advocacy," she says. That path led to the Union Theological Seminary and seminary teaching, but she ultimately decided that she was cut out to be "more in the fray." Accordingly, she applied for and was admitted to Harvard Law School.

Although the legal profession would claim her, it was her sense for business that led her to the Court. She cut her teeth in the law's commercial realm, chairing the real estate practice of a storied Boston law firm, and, when a new administration was looking for someone with a business mind to serve as counsel to the General Services Administration (GSA), the Judge was a natural choice. "GSA represents the crossroads of the government's business," she explains, "and prepared me well to comprehend the government as more than one agency." Thus, in 1993, she began what has been 16 years of government service. As General Counsel of GSA and a member of its management committee, she was no stranger to the Court of Federal Claims (although she notes that her job "was to help clients avoid litigation and stay out of the Court."). And, in 1998, when a seat on the Court became available, Judge Hewitt was eager to serve.

A conversation concerning her service as a judge makes it evident that, although she may have left the clerical life behind, Judge Hewitt she sees her role in government and as the Chief Judge as a calling also. Asked first about her day-to-day work on the Court, Judge Hewitt laughs, "writing and talking on the telephone." Asked for her "grand

Meet The Court

(An Occasional Series about the people of the Court of Federal Claims)



Tracing Chief Judge Emily Hewitt's professional milestones – Judge of the Court of Federal Claims; member of a committee of the Judicial Conference; General Counsel of the General Services Administration; partner and chair of the real estate department of a prominent Boston firm; faculty member at

Andover Newton Theological School; ordained Episcopal priest; Ivy League graduate (Cornell University and Harvard Law) – leaves little doubt why, in March 2009, President Obama designated her as Chief Judge of the Court of Federal Claims. (A detailed resume appears on the Court's website, www.uscfc.uscourts.gov/node/24). Yet, with a

plan,” she still demurs, invoking the “game is not about me” refrain of any good umpire. “My job,” she explains earnestly “is to ensure the judges are not worried about what the Chief Judge is doing and are allowed to do their work.” That is not to say that she believes she can stand still or is unaware of the significance of her duties, and can quickly tick off details that might interest any chief judge (expanding role of technology in the court room, rules development, active participation in the national judiciary).

“So, where is the balance,” the visitor wonders, “between the subtle approach to leadership and focus on details and the grander scheme of things?” She begins with the truly larger picture, noting “the disconnectedness people can feel from government.” But, she explains, the mosaic is made up of small efforts: “there are small things those with technical skills can do to increase the public’s confidence in government institutions, and they do so by ensuring those institutions function effectively.” Thus, her satisfaction of her past 16 years in government service, she explains, is “having been in a position to make a difference by ensuring that institutions we need are run smoothly and effectively.”

She goes on to discuss the Court’s burgeoning bid protest docket, a discussion that makes clear that although her focus is on the details, the intended effect is on the Court’s customers and the public. Her tone is animated, as she points out that the Court is the single forum for bid protests, an area where, she says, “so much is at stake.” She explains that the larger picture there is ensuring that the rules are “ground down to such a fine degree that decision makers can make good decisions.” What is important in the law, she explains, is “substantial predictability.”

And besides the evident satisfaction of being at the vortex of the Court’s development (“to the extent progress or change occurs, I am involved in it”), what are the daily pleasures? “The clerks are the real treasure of the job,” she responds, “a series of talented young people I work with daily” – and, she quickly adds, “an extremely supportive bar,” which she says, “is probably among the strongest bars in the United States.” In the end, she says, she will be satisfied “if people say the Court works in the public interest.”

Asked for advice for practitioners, she says the

Court is “always grateful when the parties have a story to tell, tell that story through a well-outlined brief, and include a clear statement of the relief sought.” “And, remember,” she adds, “the Court can rarely accept the brief of one party. Each contributes insights and perspectives that are valid, but one side must prevail. “Give the devil his due,” she says. “The more helpful brief is the one that acknowledges the strengths of an opponent’s argument and explains why, in the face of that argument, his or her client prevails.” In the end, she reminds, the decision must explain to the appellate court the choices the trial court made.

Not surprisingly, Judge Hewitt is no less active or demanding in her personal life. A competitive race walker who earned a United States Open race walking medal (deflecting a visitor’s admiration, she insists “you have to pick your races”), she still walks daily before coming to the office. With her characteristic zeal and attention to detail, she happily describes her training regimen, race times and the altitude she attained in a grueling hike during a recent vacation in the Grand Tetons.

And the visitor imagines that, had he asked, the Judge would have explained, “in hiking as in the professions, without preparation, the altitude is never achieved.”

An Exciting Summer Of Brown Bag Lunches

Typically, the Brown Bag lunch series slows down during the hectic summer months. Not this year. Over the past three months, the CFC Bar Association has hosted three capacity crowds at our educational lunches. Each session had a different focus, but all attracted substantial participation, included judges of the Court of Federal Claims, and involved lively presentations and discussions.

In July, a capacity crowd filled the Tayloe House at the Court for a session designed to introduce summer law clerks and interns, as well as young practitioners, to the various substantive practice areas of the Court. **Chief Judge Emily Hewitt** anchored a panel that included vaccine **Special Master Patricia Campbell-Smith**, and

practitioners from the private bar and the Department of Justice. Chief Judge Hewitt discussed the history of the Court, including a historical review of the first woman to practice before the Court, the jurisdictional reach of the court, and some suggestions for the soon-to-be practitioners in the crowd. Special Master Campbell-Smith addressed the Court's vaccine litigation and talked about her experience as a former clerk at the Court. The remaining panelists provided an introduction to the other practice areas of the Court: **Rich Rector** of DLA Piper discussed government contract and bid protest cases; **Richard Bowles** from the Department of Justice's Tax Division talked, not surprisingly, about tax issues; **James Gette** from the Environment & Natural Resources Division at the Department of Justice summarized the court's Fifth Amendment takings practice; and **Don Grove** of the Nordhaus Law Firm addressed the court's Indian claims jurisdiction and cases.

The dog-days of August saw a presentation at the Court on hot topics in vaccine cases, which arise under the National Vaccine Injury Compensation Program. Panelists included **Special Masters George Hastings and Denise Vowell, Kevin Conway** from the Conway, Homer and Chin-Caplan law firm, and **Lynn Ricciardella** from the Department of Justice. **Chief Special Master Gary Golkiewicz** served as the moderator. The panelists facilitated a lively conversation with the standing-room-only crowd, which included judges of the Court, special masters, attorneys for petitioners, attorneys from the Department of Justice, and employees from the Department of Health and Human Services. The discussion focused on topics pertinent to vaccine litigation, including interim fees, case processing issues, alternatives to Omnibus proceedings, and interpretations of the burden of proof under current case law. In concluding the program, the Chief Special Master encouraged attendees to continue working cooperatively to resolve issues relating to vaccine litigation, and offered the Court's assistance whenever possible.

Finally, a large crowd of government contracts practitioners gathered at the McGuire Woods law firm to hear from a distinguished panel, which included the **Honorable Francis M. Allegra**. The panel addressed the topic of "Challenging Past Performance Evaluations at the Court of Federal Claims." The panel was moderated by **Alan LoRe**,

an Assistant Director in the Commercial Litigation Branch of the Department of Justice, and **John E. McCarthy**, Counsel at Crowell & Moring. Panelists included **Donald E. Kinner** from the Department of Justice and **Adelicia Cliffe** an associate at Crowell & Moring. The panel highlighted recent decisions in which the Court of Federal Claims has come to the conclusion that it has jurisdiction over claims challenging adverse past performance determinations by agencies.

You should visit the CFC Bar Association web site regularly to keep track of upcoming educational programs like these. And, given the recent success of the programs, you are encouraged to register as early as possible.

***Court Of Federal Claims Bar
Association Law Student
Writing Competition 2009***

The Court of Federal Claims Bar Association proudly announces the creation of its Law Student Writing Competition. The Court of Federal Claims Bar Association (CFCBA) is a voluntary bar association made up of nationwide members who practice law in the areas that lie within the specialized jurisdiction of the Court of Federal Claims. The goal of this competition is to encourage law student scholarship on current topics that lie within the jurisdiction of the Court of Federal Claims.

The United States Court of Federal Claims, which hears claims against the United States, has existed in its current and predecessor forms for more than 150 years. The current court was created pursuant to Article I of the United States Constitution in October 1982 by the Federal Courts Improvement Act. Its predecessor, the United States Court of Claims, was created in 1855 when Congress established a court to hear private suits against the sovereign. The court is authorized to hear primarily money claims founded upon the Constitution, federal statutes, executive regulations, or contracts, express or implied-in-fact, with the United States.

The cases before the court are diverse. They include tax refund suits, government contracts, Fifth Amendment takings – which often raise

environmental and natural resource issues – civilian and military pay, intellectual property, Indian tribe, and Vaccine Injury Compensation matters.

Entries to the contest may discuss any topic that lies within the procedure, substance, or scope of the jurisdiction of the Court of Federal Claims. The rules of the contest appear below.

COMPETITION RULES

Eligibility:

Any law student in good standing currently enrolled at an ABA accredited law school may enter the competition. Students are permitted and encouraged to use papers that they prepared for law school courses and seminars during the Spring and Fall 2009 school semesters as their entries.

Deadline:

Entries must be received by **Thursday, December 31, 2009.**

Prize:

One cash prize of **One Thousand Five Hundred Dollars (\$1,500)** will be awarded to the entry deemed by the judges to be the best, and a **second cash prize of One Thousand Dollars (\$1,000)** to the entry deemed to be the second best. The winners will receive significant favorable publicity to the Court of Federal Claims and the members of the Court of Federal Claims Bar Association. It is anticipated that the winning entries will be published on the Court of Federal Claims website and the website of the CFCBA. The winners will be announced as soon as they are determined, but no later than March 1, 2010. The winners will also be recognized at the annual Law Day Celebration hosted by the Court of Federal Claims in May.

Submissions:

1. Submission of a paper in accord with these rules constitutes registration. Pre-registration is not necessary.

2. All papers should be prepared during the Spring or Fall 2009 academic semesters. Papers shall be the sole work product of the student. Normal comment and guidance by law school faculty is permitted.

3. Papers must address a topic that lies within

the substance, procedure, or scope of the specialized jurisdiction of the Court of Federal Claims.

4. Papers will be judged by selected members of the CFCBA. The papers will be judged generally on their substance, clarity, timeliness, and quality of argument. However details of form will not be ignored.

5. Papers will be judged anonymously. The entrant's name and school should not appear on the paper. (See instructions below.) Students shall inform the CFCBA of any change in contact information prior to the announcement of a winner. Only one entry per student is allowed.

6. Papers should be approximately 20 pages in length. Papers shall not exceed 25 pages, including footnotes. Papers must be typed in 12 point typeface (both text and footnotes), and double-spaced, on 8 ½ x 11 inch paper. Footnotes may be single-spaced. All citations and footnotes should be in accord with the current edition of *The Bluebook: A Uniform System of Citation*.

7. Submissions must be sent by e-mail to the CFCBA at sandy@cfcbar.org no later than 11:59 p.m., December 31, 2009. Questions should be directed to the same address.

Instructions for making a submission:

- a. Address the subject line of the e-mail as "2009 Law Student Writing Competition."
- b. Attach the e-mail as a PDF document.
- c. Do not include your name or the name of your law school within the paper. However, within your e-mail include:
 - i. Your name;
 - ii. Your contact information, including your e-mail address, mailing address, and telephone number;
 - iii. Your year in law school;
 - iv. Certification that you are a student in good standing and identification of the law school that you are currently attending;
 - v. Explanation of when and why you prepared the submission, e.g., for a law school course;

Briefs . . .

HAVE A COMMENT ABOUT HEARING TRANSCRIPTS?

Responding to practitioners' concerns about the quality and cost of the Court's reporting services, the Clerk's Office invites practitioners to report any significant concerns or comments to the Deputy Clerk for Operations, Lisa Reyes, via email at lisa_reyes@ao.uscourts.gov.



vi. Permission for the CFCBA and the U.S. Court of Federal Claims to publish the paper on their web sites and for the CFCBA to circulate the paper to its members.

d. Each submission should include a title, which shall appear on the first page of the submission. No separate title page should be sent.

8. The CFCBA reserves the right to screen entries and to limit the number of papers submitted to the judges for final decision. The CFCBA will confirm receipt of submissions within 10 business days.

9. Submissions will not be returned to authors. Submission of a paper grants the CFCBA the right to publish the paper on its website and in its newsletter. Previously published submissions will not be accepted. Failure of the student to preserve this grant may result in disqualification.

10. The CFCBA reserves the right to award only one prize or no prize, should there not be sufficient entries that, in the discretion of the CFCBA, merit an award.

Upcoming Events

REGISTER NOW

Registration is still open for the **Court of Federal Claims 22nd Judicial Conference**, which will be held on Oct. 28-30, at Tulane University in New Orleans, Louisiana.

To register online, please visit www.cfcbar.org. Space is limited so act now!

SAVE THE DATE

YOU ARE INVITED. Please join the CFC Bar Association during an early evening reception for its **Annual Meeting and Elections** on Wednesday, November 18, 2009. Location: Tayloe House, adjacent to the National Courts Bldg., 717 Madison Place, Washington, D.C.

Court of Federal Claims Bar Association Newsletter
Published Quarterly
Ed: Franklin E. White, Jr.

Officers

President – Melonie J. McCall
President Elect – Steven P. Hollman
Secretary – G. Robson (“Rob”) Stewart
Treasurer – Lewis S. Wiener
Immediate Past President – Brad Fagg
Ex Officio – Honorable Emily C. Hewitt

Board Members

Alexis Babcock
Tom Cullinan
James Gette
Steven J. Gillingham
Don Grove
Luke Levasseur
Jennifer D. Sprigs
Marc A. Smith
Bryant Snee
Richard Rector
Franklin E. White, Jr.
John H. Williamson

Edition: Fall 2009