



FEDERAL CLAIMS BAR ASSOCIATION

Winter 2010 Newsletter

Letter from the Honorable Emily C. Hewitt, Chief Judge



I wish a happy and healthy New Year to the members of the United States Court of Federal Claims Bar Association. With my colleagues at the court, I look forward to the continuation of the court's vibrant partnership with the Bar Association in 2010.

The United States Court of Federal Claims Bar Association has the distinction of being the only voluntary bar in the nation with 501(c)(3) non-profit status. As the Bar Association's application for non-profit status states, the Bar Association is organized to "maintain and raise the standards of proficiency, integrity, and ethics in the

administration of justice before the United States Court of Federal Claims . . . through fostering continuing legal education."

The Bar Association's support for the court's practicing attorneys takes the form of meetings, conferences, legal education seminars, publication of the Bar Association's Practice and Procedure manual and quarterly publication of this Newsletter. In all these ways, the Bar Association helps establish and maintain the high standards of professional practice that characterize the bar of this court. Because practice at the Court of Federal Claims involves some of the most sophisticated civil litigation in the nation, it is highly desirable that members of the court's bar have the ready source of high-quality educational opportunities the Bar Association provides.

The judges of the Court of Federal Claims share the Bar Association's goal of strengthening practice standards through legal education in order to

SAVE THE DATES!

- Judge Edward J. Damich's Portrait Unveiling & Reception: April 7, 2010, 5:00 to 7:30 p.m., at the Dolley Madison House
- Law Day Observance Luncheon: May 7, 2010, 12:00 p.m. at the Willard Intercontinental.
- This year's Judicial Conference will take place at the courthouse on October 27, 2010 with an evening Reception/dinner at the Supreme Court. The court planning committee will be meeting with members of the Bar in February to finalize the program. Details to follow.

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enhance the practice of law not only in this court, but in the wider legal community. To this end, many judges of the court regularly provide academic instruction to law students and Continuing Legal Education (CLE) courses to practicing attorneys and participate in a wide range of other advisory, supervisory and educational activities. The following are several examples.

Judge Susan G. Braden is playing an advisory role to the American Law Institute as it redrafts the RESTATEMENT OF THE LAW THIRD, RESTITUTION AND UNJUST ENRICHMENT. She is also teaming with **Judge Thomas C. Wheeler** on February 18, 2010, to make a joint presentation on bid protests at the West Publishing Year-End Review Conference. As she has since the 1990s, **Judge Nancy B. Firestone** is co-teaching a Constitutional law seminar at Georgetown University Law Center focusing on the Fifth Amendment. For the Spring 2010 semester, Judge Firestone will be offering the course with Robert Meltz of the Congressional Research Service. **Judge Marion Blank Horn** continues as a member of the adjunct faculty at the George Washington University Law School, where she has pioneered courses in alternative dispute resolution and trial practice. In the Fall 2009 semester, **Judge Christine O.C. Miller** taught a six-week advanced legal writing course for second- and third-year students at the Howard University School of Law titled "The Legal Memorandum." During the past year, **Judge Wheeler** has been a guest lecturer at Georgetown University Law Center and the George Washington University Law School in numerous classes, including Government Contracts, Judicial Remedies, Bid Protests, and Litigating with the Federal Government. He has also participated on various CLE panels, including the Judicial Conferences for both the Federal Circuit and our court. This spring, **Judge Bohdan A. Futey** will teach a course titled "Comparative Legal Systems" to LLM students at the National University Kyiv Mohyla School of Law in Kyiv, Ukraine. Judge Futey also regularly participates in Rule of Law programs in both Ukraine and Argentina. **Judge Mary Ellen Coster Williams** is serving as an adjunct professor in Johns Hopkins University's masters program in law and government. And in November, Judge Williams moderated a panel at the ABA 2009 Fall Meeting on "Government Contracts Law Practice at the Federal Circuit: A Dialogue Between the Bench and Bar." I am pleased to mention also the

introduction to the court system that **Judge Lawrence S. Margolis** provided this January to young DC students. Working with his daughter, Aleta Margolis of the Center for Inspired Teaching, a resource center for DC public school teachers, Judge Margolis hosted twenty 3- and 4-year-old school children, accompanied by their family members and teachers, for a tour of his chambers and a courtroom and a discussion of the students' experiences at this court and elsewhere in the court system in DC. Each child left with his or her photograph wearing a robe and holding a gavel in the courtroom, providing an indelible image of their possible future roles in the justice system. Inspired teaching indeed!

I close with a spotlight on two of the court's signature annual events, neither of which could occur without the generous sponsorship and logistical support of the Bar Association. The first is **Law Day**, which we will celebrate with a luncheon at the Willard Hotel on Friday, May 7, 2010. Our honored Law Day speaker will be the **Honorable Elena Kagan**, Solicitor General of the United States. The second event is the court's **23rd Annual Judicial Conference**, which will be held on Wednesday, October 27, 2010, at the National Courts Building in Washington, DC. The Conference will provide a review of issues in the major areas of the court's jurisdiction. At the conclusion of the afternoon sessions, all participants are invited to attend a reception at the **United States Supreme Court**. Please mark your calendars for both events.

With all best wishes,
Chief Judge Hewitt

President's message

As my friends and colleagues on the Board of Governors for the Court of Federal Claims Bar



Association have heard me remark, we all are warmed by fires we did not build; we drink from wells we did not dig; we are shaded by trees we did not plant. So it is with me as I begin my term as president of your Bar Association. I reap the efforts that my predecessors

sowed, and I am profoundly grateful to them.

Melonie McCall did an outstanding job as your outgoing president, and I am awed by the shoes she has left for me to fill. Before her, I had the honor to serve under **Brad Fagg** and **Marc Smith**, both of whom remain as Governors who continue to share their judgment, experience and expertise with us.

Thanks to their leadership, I am able to report that your Bar Association is robust in membership and fiscally sound. In other words, we have the talent and the resources to make a significant impact in serving the Court community, fulfilling our educational mission, promoting excellence in advocacy before the Court, and facilitating the expedient administration of justice in cases litigated before the Court. A question to which we will direct ourselves during this year is how best to accomplish these objectives. On this, as on other matters, we welcome your input. And your leadership team including President-Elect **Bryant Snee** from Justice/Civil, Treasurer **Lew Wiener** of Sutherland, and Secretary **Rob Stewart** from Justice/Tax promises an active agenda. They will be supported in their work by new Board members **Mary Abate** from Justice/Tax, **Alan LoRe** from Justice/Civil, **Kevin Mullen** from the Government Contracts practice at Cooley Godward Kronish LLP and **Maureen Rudolph** from Justice/Environmental & Natural Resources Division. And we welcome back our returning Board members, **Tom Cullinan** of the Tax Practice Group at Sutherland, **Luke Levasseur** from Mayer Brown's Government Contracts litigation group, **Jennifer Spriggs** from Justice/Tax, **Franklin White** from Justice/Civil, **Jim Gette** from Justice/Environmental & Natural Resources Division and **Richard Rector** from DLA Piper's Government Contracts practice.

We will continue to offer our brown bag lunch series focusing on the Court's core jurisdictional subjects: Takings, Government Contracts and Indian Claims. We will continue to communicate with our membership through our Newsletters and the *Inside 717* publication, which provides timely information on new decisions of the Court and other significant developments relevant to all areas of the Court's jurisdiction.

We will continue our educational efforts through our recently created Writing Competition and our outreach to law students whose courses of study intersect with the Court's jurisdiction.

We already are working on our Law Day celebration, scheduled for May 7th and expected to include **Solicitor General Elena Kagan** as the featured speaker. And we are working with the Court on the planning of its next Judicial Conference, scheduled for October 27th here in the District of Columbia.

We will continue to work with the Court on amendments to its rules and on formulating best practices for the submission of electronic pleadings and exhibits, and administrative records.

I invite your active participation in these and other initiatives. I look forward to working with your Board of Governors and Officers, with the Court, and with our members to accomplish our goals and realize our mission. Please introduce yourself at one of our upcoming events, and please be sure to let me know (at president@cfcb.org) if you have any thoughts on our activities or on how we may serve you better.

Finally, please accept my thanks for the honor of serving you as your President.

Steven P. Hollman
President, Court of Federal Claims Bar Association

***Solicitor General Elena Kagan
Will Speak At Law Day
Observance on May 7th***



This year's Law Day Observance will be held on May 7, 2010 at the Willard Intercontinental at noon. The guest luncheon speaker will be the **Honorable Elena Kagan**, Solicitor General of the United States.

Elena Kagan was confirmed as the 45th Solicitor General of the United States in March 2009.

Prior to her confirmation, Elena Kagan was the Charles Hamilton Houston Professor of Law and the 11th Dean of Harvard Law School. During her nearly six-year tenure as Dean, Harvard Law

School expanded and enhanced its faculty, modernized its curriculum, developed new campus facilities, promoted public service, and improved the student experience.

A leading scholar of administrative law, Kagan came to Harvard Law School as a visiting professor in 1999 and became Professor of Law in 2001. While on the faculty, Kagan taught administrative law, constitutional law, civil procedure, and seminars on issues involving the separation of powers. She was appointed Dean of the Law School in 2003.

From 1995 to 1999, Kagan served in the White House, first as Associate Counsel to the President (1995-96) and then as Deputy Assistant to the President for Domestic Policy and Deputy Director of the Domestic Policy Council (1997-99). In those positions she played a key role in the executive branch's formulation, advocacy, and implementation of law and policy in areas ranging from education to crime to public health.

Kagan launched her academic career at the University of Chicago Law School, where she became an assistant professor in 1991 and a tenured professor of law in 1995. In 1993, Kagan received the graduating students' award for teaching excellence.

Kagan clerked for **Judge Abner Mikva** of the U.S. Court of Appeals for the D.C. Circuit from 1986 to 1987. The next year, she clerked for Justice Thurgood Marshall of the United States Supreme Court. She worked as an associate in the Washington, D.C. law firm of Williams & Connolly from 1989 to 1991.

Kagan received her bachelor's degree, summa cum laude, from Princeton in 1981. She attended Worcester College, Oxford, as Princeton's Daniel M. Sachs Graduating Fellow, and received an M. Phil. in 1983. She then attended Harvard Law School, where she was supervising editor of the Harvard Law Review, and graduated magna cum laude in 1986.

Photos From The Court Of Federal Claims' 22nd Judicial Conference In New Orleans



Membership Has Its Benefits



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