



U.S. COURT OF FEDERAL CLAIMS BAR ASSOCIATION



E-Newsletter

Winter Edition | March 2015

Dear Member,

We hope you enjoy our E-Newsletter. If you have any questions or comments or would like to submit an article for the newsletter, please email newsletter@cfcbar.org.

In This Issue

- Letter from the Chief Judge
- President's Message
- 27th Annual Judicial Conference
- Court Video Programs

Upcoming Events



[May 12: Law Day Observance Luncheon](#)

[Sep. 24: 28th Annual Judicial Conference](#)

Letter from the Chief Judge



*Chief Judge
Patricia E.
Campbell-Smith*

Members of the United States Court of Federal Claims Bar Association, greetings and a belated happy new year. I look forward to the continuation of the court's vibrant partnership with the Bar Association in 2015.

Before looking forward, allow me to indulge in a couple of highlights of the past few months. On November 17, 2014, the court celebrated the 27th Annual Judicial Conference. It was an incredibly successful event, with over 300 registrants, that culminated with remarks by Kenneth R. Feinberg of Feinberg, Rozen. Please see the article providing more information about the event in this newsletter.

On January 5, 2015, my colleagues and I were pleased to welcome to the bench Judge Lydia Kay Griggsby. Judge Griggsby joined the court after serving as the Chief Counsel for Privacy and Information Policy for the Senate Judiciary Committee.

And now, looking forward, I am excited to contemplate the range of joint activities in store for the court and the Bar Association in 2015. In coordination with Bar Association

President Mary Abate, the court has established its theme for 2015: "Founding Principles." Motivated by the 160th anniversary of the founding of the court's predecessor, the United States Court of Claims, we are planning a number of events that will explore the founding principles of our nation's legal system and our court's jurisprudence.

The first of these events will be the court's annual Law Day luncheon to be held at the Willard Hotel on May 12, 2015. The theme for this year's Law Day is "Magna Carta: Symbol of Freedom Under Law." Our honored Law Day Speaker will be Professor A.E. Dick Howard, White Burkett Miller Professor of Law and Public Affairs at the University of Virginia School of Law. Among other notable accomplishments and honors, Professor Howard has recently served as a member of the advisory board convened by the Library of Congress to plan its upcoming exhibition, "Magna Carta: Muse and Mentor," and, as such, is perfectly suited to address this year's law day theme.

In addition to our annual judicial conference already scheduled for Thursday, September 24, 2015, we hope to plan a few other unique and historically themed events this year. You must stay tuned to learn more about those.

Best wishes, I look forward to seeing many of you at our court or an event soon.

Patricia E. Campbell-Smith
Chief Judge

President's Message



Mary M. Abate

As you know, the Court of Federal Claims Bar Association is unique, as the only such entity with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code. The Bar Association's Articles of Incorporation set out ten purposes that form the basis for its qualification as a tax-exempt entity. Number three on that list is "To preserve and promulgate the heritage and tradition of the Court of Federal Claims and its predecessor Court, the United States Court of Claims."

In 1978, Part Two of the History of the Court of Claims was published in Volume 216 of the Court of Claims Reports. Judge Marion Bennett, writing at page 171, explicated the fundamental reasons why the Court's heritage must be preserved and honored:

In this, the 20th century, most of the people of the world do not live in countries where human rights are respected and where there is political liberty. . . . In these vast areas of the world, where millions would doubtless have just and judicially remediable complaints against their governments, there are no courts of claims. Such a court is the flower of a free society. As long as enough of our citizens love liberty more than life, some form of a court of claims will endure and the Government will be accountable to the people, for the people are sovereign. . . . In this role it has been said of the Court of Claims: "It holds and speaks a nation's conscience." The court has accepted these definitions of its mission. Free from local influences, mobile, . . . assisted by an outstanding bar, it works diligently to do equal justice "For the Republic and for its Citizens," as its official seal says. Its history shows that the court has satisfied this challenge so far. We leave it to other historians to show how well it meets the needs of the Republic in the future.

It is good to reflect on those words, to remember that today's private and government practitioners also have a mission to strive for equal justice, and to believe that future

historians will justifiably relate that the 21st Century Court of Federal Claims, "assisted by an outstanding bar," embodies the principles of its esteemed predecessor.

Warm regards,

Mary M. Abate, President
Court of Federal Claims Bar Association

27th Annual Judicial Conference

On Monday, November 17, 2014, the court's 27th Annual Judicial Conference was held at the National Courts Building at 717 Madison Place, NW, and the W Hotel at 515 15th Street, NW. With over 300 registrants, the conference was the biggest yet.

The morning program at the court focused on the Vaccine Program. Chief Special Master Denise Vowell delivered the Office of Special Masters annual update, and Special Master Thomas Gowen moderated a panel titled *Life Care Plans: Issues & Opportunities*, which focused on the process of preparing a life care plan in the Vaccine Program compared to the process in traditional personal injury cases.

At mid-morning, the focus of the conference shifted to the court's jurisdiction over military pay and disability claims. Judge Elaine Kaplan moderated a panel titled *Military Disability Claims & Opportunities for Pro Bono Work in the Court of Federal Claims*, which discussed the practical aspects of representing military veterans before both administrative tribunals and the court. The panel discussed potential ways to reform the adjudication system and engaged with attendees regarding how to attract private counsel to provide representation to veterans on a pro bono basis. That theme was continued in a special working lunch co-sponsored by the Bar Association's Newly Admitted Lawyers Division and the National Veterans Legal Services Program, where attorneys who practice in the field shared their experiences and strategies for working with military and veteran plaintiffs.

Following a midday break, the conference reconvened at the W Hotel down the street. Chief Judge Patricia Campbell-Smith kicked off the program with welcome remarks that were followed by the presentation of four concurrent panels:

Attorney's Fees Under EAJA, FLSA, Uniform Relocation Assistance Act, & the Vaccine Act: moderated by Judge Marian Blank Horn, this panel covered issues related to plaintiffs' requests for attorney's fees in cases filed before the court.

Review of Significant Court of Federal Claims Cases in the Supreme Court & Federal Circuit: Leading scholars from Georgetown University Law Center's Supreme Court Institute and The George Washington University School of Law provided an inside look at key Supreme Court and Federal Circuit decisions from the past year.

The Evolving Concept of "Property" in the Courts: This panel moderated by Judge Victor Wolski examined the concept of "property" and how it has expanded over the years to include a variety of tangible and intangible property rights that are affected by a variety of factors.

Emerging Issues in Vaccine Damages Calculations: Moderator Special Master Christian Moran led this panel in a discussion of recent developments in the scope of damage awards in the Vaccine Program.

Following spirited hospitality and introduction of the court's 2014-15 Advisory Council, the program was brought to a close by keynote speaker Kenneth R. Feinberg of Feinberg, Rozen, an expert in the area of alternative dispute resolution. Mr. Feinberg shared anecdotes regarding his involvement in a number of high-profile matters as a mediator, including the Federal September 11th Victim Compensation Fund of 2001, claims against BP connected to the Gulf Coast oil spill, and claims against General Motors related to faulty ignition switches.

The conference was sponsored by the court, the Court of Federal Claims Bar Association, the Department of Justice, and was made possible with the generous support of the following co-sponsors: Maglio, Christopher & Toale, Marzulla Law, Mayer Brown, Morgan Lewis, Rawls McNelis + Mitchell, Shoemaker, Gentry & Knickelbein, and Sutherland Asbill & Brennan.

Please hold the date for the court's 28th Annual U.S. Court of Federal Claims Judicial Conference, which will take place at the court and the nearby National Press Club on September 24, 2015.



Court Video Programs

The court is pleased to share with the Bar Association two video programs produced by the Federal Judicial Center highlighting the work of the court. At your convenience, please view the program by visiting <http://www.cofc.uscourts.gov/videos>.

Find Us On Facebook

The Bar Association has a Facebook page where we will post the latest news, events and other important information. Click on the link below and when you get to our page click "Like" so you can stay informed.



Bar Leadership

Officers	Board of Governors	Honorary Governors
President Mary M. Abate President-Elect Altom Maglio Secretary Bill Bergmann Treasurer Matthew Solomson Immediate Past President Lewis Wiener	James Boland John Burd Jeffrey Chiow James Connor John Fargo Allison Kidd-Miller Ellen Lynch Patricia McCarthy Edward Passarelli Ryan Pyles Kristine Tardiff Anuj Vohra	Honorable Patricia Campbell-Smith <i>Chief Judge</i> Hazel C. Keahey <i>Clerk</i> U.S. Court of Federal Claims

The CFCBA Quarterly Electronic Newsletter is published as a free service for members of the U.S. Court of Federal Claims Bar Association. The Newsletter is for general information only and is not legal advice for any purpose. The CFCBA does not assume liability for the accuracy of the information provided.

U.S. Court of Federal Claims Bar Association
 Ben Franklin Station
 P.O. Box 7614
 Washington, DC 20044
 phone: 202-220-8638

[Forward email](#)



This email was sent to sandy@cfcbbar.org by sandy@cfcbbar.org | [Update Profile/Email Address](#) | Rapid removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).



US Court of Federal Claims | Ben Franklin Station | P.O. Box 7614 | Washington | DC | 20044