



U.S. COURT OF FEDERAL CLAIMS BAR ASSOCIATION



E-Newsletter

Winter Edition | February 2016

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.

Upcoming Events



[May 2-3 Law Day Observance Luncheon and 28th Annual Judicial Conference](#)

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Letter from the Chief Judge



*Chief Judge
 Patricia E.
 Campbell-Smith*

Greetings, members of the United States Court of Federal Claims Bar Association. I hope that those of you who are located in Washington, DC, fared well through the historic snowstorm of 2016, and that nationwide, members of the Bar Association are looking forward to the year ahead.

The court is pleased to welcome back to the bench for 90-day periods of recall service Senior Judges Loren A. Smith, Robert H. Hodges, Jr., Robert J. Yock, and Bohdan A. Futey. Judge Smith returned to the court on January 19 and Judge Hodges returned on February 1. Judge Yock and Judge Futey are expected to return on April 1 and April 18, respectively. I have recalled these judges to active service under 28 U.S.C. § 178(d) to address the court's ongoing resource constraints. I very much look forward to working with these colleagues once again, and I am confident that members of the bar will be favorably affected by their return.

We are now approximately three months away from our annual highlight events: the court's 2016 Law Day Observance Luncheon to be held at the Willard Hotel on Monday, May 2, and the rescheduled 28th Annual Judicial Conference to be held at the National Press Club on Tuesday, May 3.

The theme for this year's Law Day is "Miranda: More than Words." For up-to-date

information about Law Day and to register for the luncheon, please [click here](#).

We are in the process of finalizing the revised agenda for the court's Judicial Conference. We are fortunate that a majority of the speakers who were slated to be with us last September are able to join us in May, with one notable addition: Captain Narayan Nair, M.D., Department of Health & Human Services, who will discuss the July 29, 2015 Notice of Proposed Rulemaking and the proposed amendments to be made to the Vaccine Injury Table. For more information about the Judicial Conference and to register, please [click here](#).

In closing, I'd like to express my sincere sorrow at our community's recent loss of Thomas Madden. We enjoyed working with Tom for many years and in his many roles; most notably, he served as President of the Bar Association in 2000. He additionally spent many years as a member of the Bar Association's Board of Governors as well as a valued member of the court's Advisory Council. We offer our deepest condolences to Tom's family, colleagues, and friends.

Best wishes to all of you, and I look forward to the continuation of the court's vibrant partnership with the Bar Association in 2016.

Patricia E. Campbell-Smith
Chief Judge

President's Message



Altom M. Maglio

As a member of the Court of Federal Claims Bar Association, you are one of a very elite group. You attended and graduated from law school. You either passed the bar or are presently clerking for the Court of Federal Claims. Unless you are part of the judiciary, you likely practice before the Court. If so, you care enough about your practice before the Court to join our Bar Association.

Unfortunately, members of the public that are aware of the existence and role of the Court of Federal Claims are also very much a select few. Too many in the public are unaware of our Court's important mission. Even among lawyers, the Court and its purpose are too often a mystery.

We can all do our part to help solve that mystery. And we should - justice requires it. A Court as important as the Court of Federal Claims must not be a secret. As part of its mission this year, the Bar Association is working to educate the public about the Court and the important role it plays in our justice system. I thus encourage you to write and speak about the Court, its history, purpose, and jurisdiction.

Opportunities to write and speak abound. Write an article about the Court and your practice area for your state bar. Speak to a local law school about the history and jurisdiction of the Court. Write an article for a trade journal on issues before the Court impacting their industry.

Importantly, don't keep your writing or speech to yourself. Please send any successes to your Newsletter editor James Connor, James.Connor@usdoj.gov, so that he can include an announcement in this Newsletter. In addition to fostering ideas for writing or speaking opportunities, this will help us keep track of our progress.

This is an important issue that each of us can help solve. We're all counting on you.

Altom M. Maglio
U.S. Court of Federal Claims Bar Association
president@cfcb.org

Court of Federal Claims Bar Association Joins With the Federal Circuit Bar Association to Sponsor Webcast on Tucker Act Pay Claims



On January 14, 2016, the Court of Federal Claims Bar Association co-sponsored an interesting and informative webcast on "Military, Civilian, and Judicial Pay Claims." With the help of moderator Steve Gillingham, Assistant Director, United States Department of Justice, the esteemed panelists introduced listeners to several lesser-known areas of the Court's practice. Former adversaries Christopher Landau, Partner, Kirkland & Ellis LLP, and Misha Preheim, Senior Trial Counsel, Department of Justice, gave the audience a behind-the-scenes peek into the Constitutional claims at issue in the judicial pay case, *Beer v. United States*, 696 F.3d 1174 (Fed. Cir. 2012)

(*en banc*). Expertly weaving together interesting case examples and a big picture overview of the law, Molly Elkin, Partner, Woodley & McGillivray, and Hillary Stern, Senior Trial Counsel, Department of Justice, provided an engaging overview of civilian pay cases, including the exploding area of Fair Labor Standards Act litigation. And military pay specialists Raymond J. Toney, The Law Office of Raymond J. Toney and Douglas Mickle, Assistant Director, Department of Justice, expertly introduced listeners to the complex and unique substantive and procedural features of military pay claims. The Court of Federal Claims Bar Association thanks the Federal Circuit Bar Association for hosting this fantastic panel, and looks forward to co-sponsoring additional events in the future!

2015-2016 Law Student Writing Competition



Our annual law student writing competition is underway! Submissions from law students are due by July 15, 2016 and the winner will receive a cash prize of \$3,500. We have already started receiving submissions and encourage all Bar Association members to publicize the competition at law schools. This is a great way to provide law students with an opportunity to learn about our Court's diverse practice areas while also contributing their own perspectives on topics within

the Court's jurisdiction. Complete rules can be [found here](#) and submissions may be submitted via email to sandy@cfcbbar.org.

Thanks For Your Service Lew!



At the Bar Association's annual meeting last November at the Dolley Madison House, we celebrated Lewis S. Weiner's illustrious 20 year-service on the Bar Association's Board of Governors. Lew, a partner at Sutherland Asbill & Brennan LLP, served on the Board from 1996 through 2015 and held every position, including President-Elect, President, Immediate Past President, Secretary, Treasurer and Board member. The Bar Association presented Lew with a mounted and engraved crystal bowl to show our appreciation for Lew's exemplary work on the Board. We are sad to see him leave, but are

thankful for all of his great service, and look forward to continuing work with him as a Bar Association member!

Bar Association's Young Lawyers' Division Holds Happy Hour

The Young Lawyers' Division happy hour earlier this month was a smashing success! The Mardis Gras themed party, hosted by Blackfinn, featured Mardis Gras decorations, food and

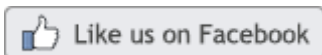


drink, and, of course, beads. Over 40 lawyers attended this popular event, including Special Master Brian Corcoran and Altom Maglio, President of the Court of Federal Claims Bar Association. A great time was had by all, and we look forward to the next YLD event!



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