



U.S. COURT OF FEDERAL CLAIMS BAR ASSOCIATION



E-Newsletter
Winter Edition | February 2021

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@cfcbbar.org.

Need to join or renew your membership in the bar association? [Click here](#).

Letter from the Chief Judge



Members of the United States Court of Claims Bar Association,

I hope that you, your families, and your colleagues are well. This has been an exciting time at the Court of Federal Claims, as four new judges joined our ranks in December 2020. I had the pleasure of swearing in Judge Kathryn Davis on December 18th, Judge Stephen Schwartz and Judge Zachary Somers on December 23rd, and Judge T. Michael Dietz on December 29th. Currently, thirteen active judges and eleven senior judges serve the Court. With the confirmation of ten new judges over the last two years, we are better equipped to manage increasing filings before the Court, and promptly issue decisions.

Even in a virtual environment, the confirmation of so many new judges to our Court underscores the need to work closely with the Bar Association to ensure our judges and Bar members get to know each other. Our judges are excited to work with the Bar Association, and we have been collaborating with the Bar's Officers and Board to ensure judges are active participants in Bar activities,

including its brown bag lunches. We are excited about many of the events the Board is planning and look forward to working with you in the future.

Wellness, the subject of this month's newsletter, is a timely topic in this time of virtual court proceedings and balancing of personal and professional obligations. Attorney and judicial wellness are essential to our profession. Like many Bar members, several of our judges and court staff have school-aged children, and have been balancing virtual schooling, sharing of remote work-space with spouses, and handling their usual job responsibilities. As many judges have backgrounds in private practice and in Government, we understand and are mindful of the unique strains on litigators that accompany law practice during the pandemic and in a remote work environment. We have encouraged our judges and court staff to participate in various wellness programs and encourage practitioners to do the same. We also urge litigants reach out to the Court should they need extensions of time or require other accommodations. I am pleased, but unsurprised, to report that Bar members and the Court have continued to operate professionally and with mindfulness towards opposing counsel, judges, and staff, despite the many pressures on all during the pandemic.

Wellness of litigants and public safety remains of the utmost importance to the Court. Although access to the National Courts Building is currently still restricted, the Court has quickly adopted to remote technology and continues to conduct virtual trials, arguments, and conferences. This has allowed our Court of nationwide jurisdiction to permit counsel from across the country to safely litigate, without traveling to Washington, D.C. While we hope to resume in-person appearances later this year, we anticipate having many virtual/live hybrid proceedings, and have been preparing our courthouse technology accordingly.

We look forward to meeting with Bar members, both virtually and, hopefully, in person later this year, and introducing our new judges to you. In the meantime, we wish you, your colleagues, and your families a safe 2021, and thank the Bar for its professionalism and dedication over the last year.

Chief Judge Eleni M. Roumel

President's Message



Since 1987, members of the Court of Federal Claims Bar Association from both the private bar and the government have worked together to support the Court in administering justice between the United States and its citizens. Now, 34 years later, our mission is more important than ever.

In the midst of the COVID-19 pandemic, we catch up with colleagues over coffee between sessions at our Annual Judicial Conference, make new connections at happy hours sponsored by the Young Lawyers' Division, or get to know judges over lunch at our Law Day program. Instead, many of us now find ourselves working from home "offices" formerly known as the dining room table or the basement, while children attend virtual school in the background, and we see each other only through tiny computer cameras. But the bar association continues to work as collaboratively and collegially as ever to deliver valuable programming, bringing our members

together with the Court and its dedicated staff, even as we physically remain apart.

This year, we will help introduce to you the newest judges of the Court, bring you lively discussion from the Court and practitioners about what matters to you, and provide educational opportunities across a wide range of practice areas of expertise. Whether you're a long-time member of the bar association, or are handling your first case at the Court, I invite you to actively participate in bar association events. Attend upcoming virtual programs, read our newsletter to find out what's happening at the Court, and keep an eye on your email and this website for many other activities and programs. And, if you are interested in getting even more involved, we have many opportunities to do so. Now, more than ever, participate in the bar association can help you thrive professional and personally, to the ultimate benefit of the Court and all those who appear before it.

Allison Kidd-Miller
President, Court of Federal Claims Bar Association

Ask the Judge! Kathryn C. Davis

1. This month's newsletter is about wellness and balancing work/life in the midst of a pandemic. It has been said in the past that the legal profession has a crisis of stress. You've worked in private practice, for the US Department of Justice and as an Adjunct Law Professor, and now currently as a Judge on the US Court of Federal Claims. How do you balance your work, teaching and raising small children while staying (or trying to) balanced? What is the value of practicing wellness generally? And what are the specific benefits of it in the legal profession?

ANSWER: This past year has definitely shown me the importance of health and wellbeing. I know it's not always on the top of the to-do list, but it's difficult to do anything else (and do it well) if you aren't healthy in body and mind. Practicing wellness gives us the strong foundation we need to accomplish everything else in life. It's particularly important in the legal profession, because the practice of law can be physically/mentally draining at times. Creating healthy habits and finding healthy ways to manage stress can help fortify attorneys for the daily pressures of work.

For me, I feel most balanced when I'm able to impose some order on the chaos, which includes maintaining (as best as we can) a consistent routine. I also operate at my best when I'm getting adequate amounts of both sleep and exercise. I think another key to balance is asking for and accepting help when you need it, because juggling everything on your own is so hard.

2. Has your view of what is now called practicing wellness evolved as you transitioned into being a Judge during a pandemic? If so, how? What tips can you provide for balancing work/life during this time?

ANSWER: Transitioning to a new job—especially during a pandemic—is stressful. This process has taught me the value of healthy stress management. Let's just say, I've done a lot of running and a lot of meditating lately!

As for tips on work-life balance (now or in normal times), I'm not sure I have the secret. I will, however, humbly offer a few suggestions. (1) If you aren't in work-life nirvana right now, it's okay. All we can ask of ourselves is to try our best, and that may look different depending on the day. The lines between work and life have been impossibly blurred during the pandemic. Like most people, I'm taking it day by day and trying to approach my day in shorter blocks of time. (2) Make time to do the things that recharge your battery—whether that's before everyone in your house wakes up or after they go to bed, or while your kids are doing Zoom class. Find the time, set it aside, and use it for you. (3) Don't be too hard on yourself. There will be good days and not-so-good days; that's just life. Time is a limited and non-renewable resource, so tradeoffs are inevitable.

3. You've worked in both private practice and the government. What do you believe that experience will allow you to bring to your role as a judge in the US Court of Federal Claims?

ANSWER: Having worked in both the private and public sectors, I suppose I know what it's like for attorneys who work on both sides of the v. in this Court. I think that will help me better understand each side's positions. The 12 years I spent at DOJ handling civil litigation in district court also directly translates to my new role as judge, as the same or similar issues frequently come up in suits against the federal government.

4. What role does the Bar play in advocating or promoting wellness, either formally or informally?

ANSWER: Being part of a community has a positive effect on wellness, and that's exactly what the Bar provides. Just the simple act of bringing members together promotes personal connections and shared experiences, and it encourages something that's very important to me—civility. In addition to creating opportunities for members to support each other, the Bar also has a unique opportunity to serve as a resource, whether by offering members brown bags on wellness topics or connecting them with other organizations that can provide support.

5. What is the role of judges in promoting wellness among the Bar generally as well as in times of crisis, such as the recent COVID-19 pandemic?

ANSWER: After 15 years as a litigator, the last several years of which I've also been a working parent, I know how challenging it can be and especially during the pandemic. For me personally, I hope I can help foster wellness among the Bar by keeping in mind my own experience as a practitioner and managing cases, to the extent practicable, with the understanding that attorneys (like everyone else) have a lot on their plates.

Rapid Fire Round!

6. Mac or PC?

ANSWER: If this were a Mac v. PC commercial from the late aughts, I'd be the boring guy in a suit. In other words, "I'm a PC."

7. Top-three songs on your Spotify/i-tunes playlist?

ANSWER: I'm not a big playlist maker, so maybe I can just give you some of my favorite Sirius XM channels, which include Sirius XMU, 90s on 9, and Prime Country.

8. Boston Crab Cake, Philly Cheesesteak or DC Half-Smoke?

ANSWER: Cheesesteak, definitely! In particular, a cheesesteak from Jim's on South Street.

9. Guilty Pleasure television show or snack food?

ANSWER: This is probably broader than "snack food," but when I want to indulge my go-to is Tex-Mex. I grew up in Texas, so for me it's a comfort food.

10. Stay-at-Home Binge: books or television?

ANSWER: TV.

Ask the Special Master! Special Master Katherine E. Oler

1. This month's newsletter is about wellness and balancing work/life in the midst of a pandemic. It has been said in the past that the legal profession has a crisis of stress. You retired as a colonel from the Air Force after 21 years of service where you held positions as first chair felony prosecutor, a defense attorney, and a trial judge, and now serve as a Special Master in the Vaccine Injury Court with a substantial docket. How do you balance your work and raising children, who are remote-learning, while staying (or trying to) balanced? What is the value of practicing wellness generally? And what are the specific benefits of it in the legal profession?

ANSWER: I think the first step is to have a plan—and keep it. Balance isn't just going to happen, too many competing demands make that impossible. One of the best parts of serving in the Air Force was its commitment to spiritual, physical, and mental fitness. That meant we were expected to take time each day to exercise, be with our families, and decompress. Taking leave to recharge was also expected. To be sure, this wasn't always easy, but it set a standard that is part of the military's culture. I've grown to appreciate that culture even more since leaving the service.

2. Has your view of what is now called practicing wellness evolved as you transitioned into being a Special Master during a pandemic, when our worlds

became much more restricted? If so, how? What tips can you provide for balancing work/life during this time?

ANSWER: Maintaining wellness during the pandemic for me means having a routine and some long-range plans. I try to carve out some time each day for exercise. Last fall, my husband and I dedicated time in the mornings to go walking, and in the evenings my family shuts off social media during dinner. We also block time on the calendar for family vacations—which these days is often a staycation. But planning for time together, and then committing to it, helps keep us going when things are particularly challenging.

3. You've worked in nearly every arena in the Military Legal System. What do you believe that experience will allow you to bring to your role as a Special Master in the Vaccine Injury Court?

ANSWER: My work in the military criminal justice system, both as a prosecutor and a defense attorney, helped prepare me to serve as a criminal trial judge, and ultimately, as a special master. Even though I spent the majority of my litigation time as a prosecutor, my work as a defense counsel was just as important. It helped to balance my perspective, in part because I saw firsthand that some of the Airmen I represented were treated unjustly. This injustice wasn't something I necessarily would have expected had I not represented defense clients. My subsequent service as a trial judge was both challenging and rewarding. In particular, the most difficult aspect of that position was imposing sentence on young men and women for crimes they committed while serving our country. This part of the job didn't get any easier with time. One of the things I am most proud of is that both sides of the courtroom—prosecution and defense—considered me a fair, objective, and even-handed trial judge. I try to bring this sense of perspective and even-handedness with me to my work as a special master.

4. What role does the Bar play in advocating or promoting wellness, either formally or informally?

ANSWER: I think the Bar has an essential role supporting attorney wellbeing. It is uniquely suited to provide guidance, information, and help for members of our profession. Importantly, I think that role needs to grow. The impact of the Pandemic isn't known yet, but I suspect it will be extensive and enduring. We need to commit the necessary resources to what's going to be a continuing effort.

5. What is the role of special masters in promoting wellness among the Bar generally as well as in times of crisis, such as the recent COVID-19 pandemic?

ANSWER: We serve as leaders in our professional community—not just among our team, but for those who appear before us. For example, we have a duty to check on our colleagues' wellbeing, and make clear that if they're overworked, or facing difficulties, there is help available. This is a point that can't be made too often—especially in these times.

Rapid Fire Round!

6. Mac or PC?

ANSWER: PC

7. Top-three songs on your Spotify/i-tunes playlist?

ANSWER: The Weeknd Blinding Lights, Handel's Messiah, Pink Raise your Glass

8. Top-three favorite trips you've taken? Any recommendations? (when it's safe to travel again!)

ANSWER: Machu Picchu, South Africa, & Paris. There are so many places to see! When it is safe to travel, my family will visit Scotland.

9. Boot-camp workout or Orange Theory?

ANSWER: Orange Theory.

10. Stay-at-Home Binge: books or television?

ANSWER: TV

Ask the Staff!

Elizabeth "Lizzy" Robinson - Human Resources

1. This month's newsletter is about wellness and the law. Working in HR, you may have had experience in helping judges, lawyers, staff etc with issues including wellness issues. Tell us a little about what you do day to day, and how you view your role with respect to the overall operation of the Court?

ANSWER: I provide court employees, supervisors, and judges guidance on various HR topics including classification, pay setting, benefits, leave, recruitment, performance management, and employee relations. I serve as the court's leave administrator and handle all leave issues including voluntary leave donations and the new emergency COVID-19 leave.

I provide the new hire and benefit orientation for many of our incoming employees. Since we are usually the first face of the court, we try to make a good impression and demonstrate what a great court family we have. HR helps with the benefit enrollment process and any benefit issues that may arise throughout the year. In addition, many of our law clerks work for a short period, so we are constantly busy and help keep the train running for chambers.

2. Where are you from? How long have you worked at the Court? Where did you work before?

ANSWER: I am from the Northern Virginia area originally. I love the area so much that I decided to stay after college. I have worked at the court for 5 years now. Prior to that, I worked at the Administrative Office of the US Courts providing HR support for local HR court staff across the country.

3. Most of us have been adjusting to working remotely just since last March, how has HR adapted to teleworking? What has HR done to facilitate the needs of the Court in this time?

ANSWER: I believe teleworking periodically helped prepare us for the transition. HR can accomplish a majority of our tasks remotely now. We have successfully onboarded several new judges and their staff during this pandemic, many of them remotely. I must give a huge shout out to our amazing IT department for assisting with these remote set-ups. Working from home should be as seamless as working in the office and I think we have accomplished that.

4. You just bought your first house – which is a whole different level of stress in non-pandemic times. How did you maintain (or try to!) wellness and balance during that process in a pandemic?

ANSWER: I enjoy yoga, reading, and relaxing with my boyfriend Kent and dog Shae. We are doing a few home renovations, so helping with demolition has helped relieve some of that extra stress.

5. What is the role of HR generally as well as in times of crisis, such as the recent COVID-19 pandemic? What can the Bar do to assist HR during this time?

ANSWER: We keep emergency contact information for all the employees of the court. If something were to happen, we would notify the employee's point of contact immediately. The AO has been a great resource in offering emergency COVID-19 leave in case of illness to an employee or a family member. We also offer the Employee Assistance Program (EAP) program, which provides 24/7 confidential assessment, referral, and short-term consolations for any personal concern including: stress, grief, legal, financial, and more. It is available to all Federal employees, and they can be reached at 1-800-222-0364. HR sends out information and trainings regularly on these great resources.

Rapid Fire Round!

6. Mac or PC?

ANSWER: Mac

7. Top-three songs on your Spotify/i-tunes playlist?

ANSWER: Hurt Somebody – Noah Kahan and Julia Michaels, A Drop in the Ocean – Ron Pope, Come on Eileen – Dexys Midnight Runners

8. A lot of people adopted dogs during the pandemic, what are your favorite dog parks near you?

ANSWER: Montgomery county just opened a fantastic new dog park in Dewey Park. I take my dog Shae there once a week now.

9. Now that you have your first house are you modern farmhouse, Ikea minimalist, Architectural Digest Traditional, or other?

ANSWER: I like the modern farmhouse look. We will be renovating our kitchen with this style.

10. Stay-at-Home Binge: Netflix, Amazon Prime or Doom Scrolling?

ANSWER: Netflix

Well-Being Resources for Lawyers

[ABA Toolkit for Lawyer Well-Being](#) – A Comprehensive Toolkit for lawyers and law firms to support and develop wellness.

[The Path to Lawyer Well-Being](#)

[ABA Covid-19 Well-Being Resource Guide](#)

LOCAL WELL-BEING PARTNERS

[DC Bar Lawyers Assistance Program](#)

[Virginia Judges & Lawyers Assistance Program](#)

[Maryland Lawyer Assistance Program](#)

SMART PHONE APPS

**There are various apps and activity trackers on smart phones, watches, fitness trackers. The CFC Bar is not endorsing any particular app and provides a sample for reference only.

Meditation

[Headspace](#)

[10% Happier](#)

[Insight Timer](#)

Physical Activity

[StandUp!](#)

Gratitude

[Grateful-Gratitude Journal](#)

Cognitive Reframing-Managing Stress

[BetterHelp](#)

[Ginger.io-On Demand Mental Health Support](#)

Important Announcements from the Court

Please visit the home page of the Court's [website](#) for important announcements.

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