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.

Need to join or renew your membership in the bar association? Click here.

Letter from the Chief Judge

I am pleased to invite you to attend the May 1, 2018 Law Day luncheon of the United States Court of Federal Claims at the Hamilton Hotel, located at 600 14th Street N.W., Washington, D.C. Our Honored Guest Speaker will be Solicitor General Noel Francisco. After serving as a Law Clerk to the late Associate Justice Antonin Scalia, Solicitor General Francisco began legal practice with the law firm, now known as Cooper Kirk, that litigated the Winstar cases before the Court. Thereafter, Solicitor General Francisco served as Associate Counsel to President George W. Bush and later as Deputy Assistant Attorney General, Office of Legal Counsel, in the Department of Justice, before joining the Jones Day law firm as Chair of the Government Regulation Practice. We believe Solicitor General Francisco will bring a unique perspective to this year's Law Day theme, "Separation of Powers: Framework for Freedom." Please be sure to register ASAP through the Website link or by calling Aimee Snow at telephone number (202) 357-6416.

At the luncheon Registration Desk, you also will have an opportunity to join the CFC Bar Association on site and obtain the newest SIXTH Edition of the "CFC DESKBOOK FOR PRACTITIONERS" --- an essential reference source for all lawyers who practice before the Court.

As you will see from the most recent Court statistics, the first half of fiscal year 2018 concluded with 462 General Jurisdiction cases filed to date. As such, the Court anticipates this docket will reach the highest level ever in the past 12 years. Likewise, the Court received 87 bid protests during this period, so the bid protest docket is also poised to exceed all past records. Despite this increased case load, I am pleased to report that ALL...
judges are current and, to date, the Court has issued 221 published, precedential opinions which continues the trend set in fiscal 2017. If the Judges' production continues at this pace, the number of published precedential opinions also will exceed a 12 year high. To compensate for having 6 current active judge vacancies, I recalled 6 Senior Judges this fiscal year, each of whom agreed to assume a 100% docket. Although the Court has not missed a beat, like district courts across the country, we look forward to having nominees confirmed.

On another front, I am pleased to report that on March 24, 2018, Judge Lydia Griggsby received the 2018 Ebene' Image Award for Judicial and Community Service from The National Coalition of 100 Black Women, Inc. Northern Virginia Chapter, at a luncheon held at the Army Navy Club.

And, on March 2, 2018, I received an Award from the Howard University School of Law at the Fifteenth Annual Intellectual Property and Social Justice Conference: "In Recognition and Appreciation for Uncompromising Commitment to Teaching, Mentoring, and Inspiring nascent and accomplished Members of the Bar; to the Progressive Interpretation, Implementation, and Advancement of Intellectual Property Law; and to Inculcating the Highest Aspirations for Equal Access to Justice and Public Service throughout the Legal Profession."
At the Award Ceremony Professor Lateef Mtima added: "Year after year, Chief Judge Braden makes a personal effort to connect with our students...to explore a wide variety of practice fields of which they may have been unaware--she's determined to spark their professional and intellectual curiosity."

Both of these events are noted in the PRESS OFFICE section of the Court's Web Site, together with press reports about decisions of the Court. This is a new feature on the Web Site that is updated daily with items of interest to your practice and clients. For example, recent Press Office posts include articles about takings cases handled by Judge Nancy Firestone and Senior Judge Loren Smith. In addition, recent presentations made by Judge Elaine Kaplan and Senior Judge Futey, respectively in London, United Kingdom and Kiev, Ukraine, are featured. Be sure to check out these postings every week to learn about the work of the Court's Judges.

Finally, the Court's website has a link to a number of significant rule proposals, including a new Appendix containing proposed Patent Rules. Please review and provide your comments.

See you on May 1.
President's Message

Welcome to the Court of Federal Claims Bar Association! It is my great honor to serve as the 31st President of this distinguished institution. The Court of Federal Claims is unique, in its historic heritage dating back to 1855, its nationwide jurisdiction, and its role as "the People's Court" in adjudicating claims against the United States that are brought by its citizens. Our Bar Association is unique as well, as it is comprised of both private practitioners, representing the claimants, and Department of Justice attorneys, representing the government. All of us have the same goals: professional development, getting to know our colleagues a little better outside of the courtroom, and working together to advance the administration of justice. The Court actively participates in many of our events in order to further these goals.

Practice before the Court of Federal Claims historically has been remarkable for its civility and the high quality of the attorneys who practice there. Participation in the Bar Association's activities not only provides opportunities for members to interact with judges and Court staff, but fosters this spirit of civility by bringing private and government practitioners together to accomplish common goals. As we become more internet savvy, we have begun to make our events such as our Brown Bag seminars available over the internet so that members can participate from anywhere in the country. And our recently formed Young Lawyers Division has sponsored many social events to encourage our members to get to know one another.

This year promises to be a very exciting year for the Bar Association. Please feel free to e-mail me directly if you are interested in becoming involved in the Court of Federal Claims Bar Association at president@cfcbar.org. I look forward to working together and meeting you at our events.

Best regards,

Bill Bergmann
President, U.S. Court of Federal Claims Bar Association

Law Day - Did You Know?

Law Day had its origin in 1958, when President Dwight D. Eisenhower established Law Day by issuing a Proclamation. Every President since then has issued an annual Law Day Proclamation. For a more recent example, click here for President Donald J. Trump's Law Day Proclamation for 2017.

On April 7, 1961, Congress passed a Joint Resolution requesting the President to issue a Proclamation each year and provides that Law Day:

"is a special day of celebration by the people of the United States ... in appreciation of their liberties and the reaffirmation of their loyalty to the United States and of their rededication to the ideals of equality and justice under law in their relations with each other and with other countries; ... for the cultivation of the respect for law that is so vital to the democratic way of life ... inviting the people of the United States to participate in suitable exercises and activities designed to develop a better understanding of the principles of our Constitution and laws."
States to observe Law Day, U.S.A., with appropriate ceremonies and in other appropriate ways, through public entities and private organizations and in schools and other suitable places."

Each year, Law Day events and programs are planned and carried out by bar associations, courts, and various educational entities. The theme for this year’s Law Day is "Separation of Powers: Framework for Freedom." To celebrate, we are honored to welcome Solicitor General Noel Francisco, our keynote speaker at our annual Law Day Luncheon, held this year on May 1, 2018 at the Hamilton Hotel, 1001 14th St NW, Washington, DC 20005. [Click here for more details and registration information.]

Young Lawyers' Division Law Day Happy Hour

Where: Woodward Table, 1426 H Street, NW

When: Tuesday, May 1, 2018 at 5:30pm - 7:30pm

The Young Lawyers Division of the Court of Federal Claims Bar Association is hosting a Law Day happy hour on Tuesday, May 1, 2018. Light food will be provided and drink tickets will be available on a first come first serve basis.

This event is open to all CFC Bar Association members, who are encouraged to bring along prospective members. We hope to see you there!

[Click here to register]

2017 Carole Bailey Scholarship Winner

The Bar Association is thrilled to announce Safa Ansari-Bayegan as the winner of the 2017 Carole Bailey Scholarship, a $5,000 scholarship awarded annually to a law student with a demonstrated commitment to public service in honor of the Court’s former Chief Deputy Clerk of Administrative Services, Carole Bailey, who retired in 2011.

Safa is currently a first-year law student at Berkeley Law School. Before law school, she graduated summa cum laude from the University of Houston and received a Master's of Science in Human Rights from the London School of Economics and Political Science. In addition to Safa's impressive academic background, her commitment to public service, riveting personal essay, and glowing recommendation letter stood out among the other 66 well-qualified applicants for the scholarship.

As an undergraduate student at the University of Houston, Safa interned with the Texas Defenders
Safa Ansari-Bayegan

Service, an organization that provides representation to indigent death row defendants. Through that internship, she investigated several death penalty cases, including interviewing witnesses, jurors, and family members, as well as conducting extensive research. "Safa's work on one particular Texas death penalty case led to extraordinary results, a 2017 opinion from the Supreme Court of the United States, 

Buck v. Davis, 137 S. Ct. 758 (2017),

that ultimately led to a reversal of a death penalty sentence. Safa personally discovered the facts underlying an ineffective assistance of counsel claim discussed in the Supreme Court's decision, facts that had not been discovered in the previous 13 years of litigation. She also attended the October 5, 2016 oral argument at the Supreme Court.

"I want to thank the Court of Federal Claims Bar Association for the generous Carol Bailey scholarship," Safa said when we caught up with her recently. "The scholarship has helped allow me to pursue a career in public service, including an upcoming summer internship with the Southern Center for Human Rights," which, among other things, provides legal representation to people facing the death penalty in the Southern United States.

Congratulations Safa!

Brown Bag Lunch Program on Witness Prep

Please join us for the latest in our series of brown bag luncheon programs, which will focus on an important aspect of litigation: preparing fact and expert witnesses for deposition and trial testimony. The program will include practice tips and ethical considerations for this important aspect of litigation. Panelists for the event include Judge Loren A. Smith, Altom Maglio of the law firm Maglio Christopher & Toale, P.A., and Kirsten L. Wilkerson, Assistant Director in the Department of Justice's Torts Branch, Environmental Torts Section. Frank Singer, Senior Litigation Counsel in the Environmental and Natural Resources Division of the Department of Justice, will moderate the event.

The program will be held on Wednesday, May 16th, from 12:30 pm until 1:30 pm at the offices of the Federal Circuit Bar Association, 1620 I St NW, Suite No. 801, Washington, DC 20006 and will also be shown by webcast. Registration details to follow shortly.

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.

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