



# U.S. COURT OF FEDERAL CLAIMS BAR ASSOCIATION



E-Newsletter  
Fall Edition | September 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](mailto:newsletter@cfcbbar.org).

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

## Letter from the Chief Judge



Well, it's autumn, and even for those of us who are empty nesters and haven't ourselves attended school in many years, September evokes feelings of new beginnings. Not to belabor the obvious but these past eighteen months or so have been a challenge. And while many of us are back in our offices on a more regular basis, and the Court has started to hold in-court proceedings with greater frequency, things are still hardly back to "normal." But maybe that's not an entirely bad thing. I think we can all agree that there have been many lessons learned from the pandemic. I hope that we can reflect on those lessons in the coming months and adapt them to our new normal going forward.

In the meantime, we plan to go ahead with our annual judicial conference on October 27, albeit on a virtual basis as we did last year. Judge Tapp has taken the lead this year and has already lined up some terrific programs, including among others, a keynote speech on cybersecurity and the courts by Mark Lanterman, a renowned expert in the field and member of the faculty of the Federal Judicial Center; a session on ethical developments in the pandemic; and concurrent sessions on a number of topics of interest to the CFC Bar, including basic concepts in epidemiology for vaccine practitioners, and indigenous people

litigation. Unfortunately, the pandemic will once again keep us from holding an official social event, but let's hope for better days ahead, with an in-person Law Day this spring, and in-person judicial conference to follow next fall. Stay well and keep the faith!

Chief Judge Elaine D. Kaplan

## President's Message



I have a challenge for you. The theme of our current newsletter is civics--the study of the rights and duties of citizenship. Today's civics-related headlines are discouraging. Civic engagement in our communities is declining, confidence in government is low, and civics education is lacking. As "officers of the court" who understand and appreciate more than most about rights and duties in our democracy, I believe that each of us has the ability and, might I suggest, the duty to foster civics education and civic engagement in our communities.

Accordingly, I challenge you to **take one step** to be more engaged in your community. It can be a small step or a large one. Volunteer for that pro bono project that always sounded interesting, but you never felt you had the time to do. Talk with someone who doesn't share your views. Run for office. You decide.

Your deadline is Wednesday, **October 27th**, the date of the Court of Federal Claims Judicial Conference. Let me know what one step you took, and I will celebrate our successes at the conference (anonymously, if you prefer). You can reach me through our contact form at <http://cfcb.org/contact-us>.

And, of course, don't forget to register for the United States Court of Federal Claims' 32nd Annual Judicial Conference by [clicking here](#). I'll see you virtually on Wednesday, October 27, 2021.

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

## Ask the Judge! Thompson M. Dietz

1. This month's newsletter is about Civics. Derived from the latin word "civicus" meaning relating to a citizen, Civics, is defined as the study of the rights and obligations of citizens in a society. It is commonplace these days to see lively discussions and declarations about the rights of citizens, but less so the obligations or responsibilities of citizens. What role does the legal profession play in civics and civic engagement? What about the judiciary?

ANSWER: Members of the legal profession are intimately involved in helping citizens understand our laws, including our rights and responsibilities under those

laws, and pushing for appropriate reforms and improvements to our laws as our circumstances change. The legal profession provides citizens with access to our legal system, assists citizens with pursuing legal rights and enforcing legal responsibilities, and works to ensure the proper administration of justice. Most important, even when passionately challenging our laws or pushing for reforms, members of the legal profession should always demonstrate a shared respect for our legal system and promote peaceful civic engagement.

I believe that the judiciary's role in civics and civic engagement is to be independent, open-minded, and objective when interpreting laws and making rulings in individual cases. The judiciary can ensure that an individual is given an opportunity to be heard and that an individual's complaints and circumstances are given a full and fair analysis in reaching conclusions. Regardless whether civic engagement is calm or contentious, the judiciary must remain focused on its primary role, which is to hear and resolve matters fairly and in accordance with our laws.

2. Has your view of the rights and obligations of citizens changed as you transitioned into being a Judge during a pandemic? If so, how?

ANSWER: I do not think my transition to being a Judge has affected my view of the rights and responsibilities of citizens, but I do think the pandemic has affected my view. During the pandemic, I have developed an increased awareness of the complexity of our society, the wide spectrum of perspectives on common issues, and the shared challenges that we face as citizens. As a citizen, I think it is too early to tell what lasting impacts, if any, the pandemic will have on our society and the rights and responsibilities of citizens; but however it turns out, I will continue to strive to exercise my rights in a responsible manner and to show respect for other citizens who may view our rights and responsibilities as citizens differently.

3. You've worked as in-house counsel, particularly in the field of government contracts. What are the civic responsibilities of lawyers, government and private sector, who practice in federal litigation? Do lawyers, generally, have more civic responsibilities than non-lawyers in society?

ANSWER: I believe that lawyers, whether private sector or government, are responsible for ensuring that citizens understand our laws and our legal system. A lawyer ensures that his or her client understands their rights and responsibilities under the law and guides the client through our legal system in an honest, passionate, and efficient manner. I believe that lawyers assume greater civic responsibilities than non-lawyers because of a lawyer's unique role in our society. If done for legitimate purposes, lawyers should be viewed as public servants when advising a client on our laws, negotiating with third parties in resolving disputes, engaging in our legal system to advance a client's interests, and participating in the administration of justice. Lawyers are also in a unique position to identify areas of our laws and legal system that warrant improvements or reforms.

4. What role does the Bar play in advocating or promoting Civics?

ANSWER: As an organization, the Bar is well-positioned to educate individual lawyers on matters of common interest and push for reforms based on shared

perspectives and experiences. The Bar can leverage the combined knowledge and resources of its members to advance the administration of justice. The Bar helps maintain high standards of practice and ethics, which, in turn, increases the confidence that citizens have in our legal system. The Bar also provides a forum for honest and robust engagement on legal topics that ultimately affect citizens. These undertakings by the Bar have direct and indirect impacts on civics and civic engagement in our society.

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

ANSWER: I believe that the role of a judge is to resolve matters before him or her in a fair and objective manner in accordance with the law. A judge should not waver in performing this role in times of crisis. A judge's role is even more important in times of crises. The way a judge operates and the reasoning behind a judge's decisions promote civics and contribute to civic engagement in our society. Judges should strive to grow and preserve the confidence that citizens have in the judiciary and our legal system.

### **Rapid Fire Round!**

6. Mac or PC?

ANSWER: Mac for personal, PC for business.

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

ANSWER: I do not have top songs. I mostly tune to Indie Folk Revival Radio, New Orleans Jazz Radio, or a particular artist station on Pandora or iHeart.

8. South Carolina BBQ or a New Orleans Muffaletta?

ANSWER: As a native New Orleanian, Muffaletta.

9. Favorite Guilty Pleasure song, tv show or movie?

ANSWER: Cooking, travel and real estate shows.

10. Best wisdom from an unexpected source?

ANSWER: To listen. In conversations, my daughter often tells me that I didn't listen to her, and she's often right.

## **Ask the Staff Attorney!** **Jocelyn McIntosh**

1. This month's newsletter is about Civics. Derived from the latin word "civicus" meaning relating to a citizen, Civics, is defined as the study of the rights and obligations of citizens in a society. It is commonplace these days to see lively discussions and declarations about the rights of citizens, but less so the

obligations or responsibilities of citizens. What role does the legal profession play in civics and civic engagement? What about the judiciary?

ANSWER: The legal profession, and in particular the judiciary, play a pivotal role in civics and civic engagement. In my view the legal profession (those who study and practice law as a vocation) and the judiciary (those who ensure adherence to the law) have a unique responsibility to remain constantly mindful of civics and participate in civic engagement given how closely intertwined the law is with civics. It follows that both those engaged in the legal profession and again, in particular the Judiciary, have a professional obligation to promote justice and ensure the law is upheld.

2. Can you explain the role of the staff attorneys and how they came about?

ANSWER: At OSM, staff attorneys play many roles, including assisting the Chief Special Master with the procedural management of Special Processing Unit (“SPU”) cases and Pre-Assignment Review (“PAR”) cases, assisting in the review of Attorneys’ Fees and Costs (“AFC”) applications, performing legal research and writing on behalf of OSM, assisting the Chief Special Master with office management, and assisting OSM prepare for bar-related functions such as Judicial Conferences and brown bag presentations.

I’m not sure how the staff attorney role came about, but OSM has always had staff attorneys since I joined the office almost 15 years ago – ofcourse the staff attorney office at OSM has grown with the large increase Program cases over recent years and the development of the SPU, PAR, and AFC units.

3. Prior to becoming an OSM staff attorney, what did you do? What are the civic responsibilities of lawyers, government and private sector, who practice in federal litigation? Do lawyers, generally, have more civic responsibilities than non-lawyers in society?

ANSWER: I’ve been fortunate to spend the majority of my career with court as an OSM staff attorney. Prior to becoming an OSM Staff Attorney I worked for several years as an Assistant Public Defender in the state of Florida.

I believe lawyers in government and the private sector have a civic responsibility to educate their clients, each other, and the Court! And yes, I absolutely think lawyers have more civic responsibilities than non-lawyers in society, as discussed above, lawyers have a unique obligation as officers of the court to promote justice and follow the law – which is essentially civics.

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

ANSWER: The Bar through Judicial Conferences, brown bags, and other programs has a critical formal role to play in promoting civics. But the informal role that comes through networking events, mentoring, educating, and brainstorming with other members, law students, future law students, and the public is just as important and it’s often these more casual discussions regarding civics that stick with you.

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

ANSWER: Staff Attorneys at OSM promote civics among the Bar, both generally and in times of crisis, directly through engagement in Bar programs (both formal and informal) and indirectly through our primary role of supporting OSM and the Chief Special Master.

### **Rapid Fire Round!**

6. Mac or PC?

ANSWER: PC

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

ANSWER: I don't currently maintain a playlist and love a variety of music – but all-time favorite artists include Prince, U2, and Dolly Parton.

8. Favorite Stay-cation Pandemic activity?

ANSWER: Two: Nature walks and boating (power and kayak).

9. Favorite movie villain? Favorite movie hero? (can be the same person)

ANSWER: It is the same for both: Wanda Maximoff (aka the Scarlett Witch)

10. Favorite Guilty Pleasure song, t.v. show, or movie?

ANSWER: Footloose (the original movie and the song)

## **Ask the Staff!** **Jacob Wilson**

1. This month's newsletter is about Civics. Derived from the latin word "civicus" meaning relating to a citizen, Civics, is defined as the study of the rights and obligations of citizens in a society. It is commonplace these days to see lively discussions and declarations about the rights of citizens, but less so the obligations or responsibilities of citizens. Working in the Court, you may have had experience in helping judges, lawyers, staff etc with issues involving the rights and obligations of citizens. 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: As an employee of the Court commonly referred to as "the People's Court," I find great value thinking and reading about the topic of Civics. Much of what I do day to day relates to fulfilling requests for information from the public and satisfying the reporting requirements set forth by the Court, the Administrative Office, and Congress. Analyzing correct and up to date information helps the Court make strategic decisions to improve our institution and ultimately benefit the public that we serve.

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

ANSWER: I was born in Bethesda, MD. My parents were both in the Navy so I lived in a half a dozen places before I turned 18. I've worked at the United States Court of Federal Claims since the summer of 2016. I worked at the United States Court of Appeals – Federal Circuit from 2014 to 2016. Prior to federal employment, I worked at the Wisconsin Supreme Court.

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

ANSWER: Adapting to telework has been relatively easy. The clerk's office as a whole adapted very well to telework since we practiced remote work on a regular basis pre-COVID. The transition has been especially easy for me since I have a job well suited to remote work. I'm extremely pleased with how well the Court has served the bar, general public and other stakeholders during this unprecedented time.

4. You're a fan of both soccer, a team sport, and cycling/running, typically individual sports. Do you have a preference? What are the benefits of working in a team environment? How do you motivate yourself in an individual sport?

ANSWER: My preference is definitely team sports. I like the idea of motivation through competing against yourself in individual activities (like beating your previous mile time), but there's something especially satisfying in excelling in a team sport. When every member of the team understands their role and contributes to achieving a shared goal, you feel like you can take on anything!

5. What's your favorite music festival? Do you prefer festivals to arenas or club shows? Why?

ANSWER: My favorite festival is Bonnaroo; a music festival located in Manchester, TN, that I've attended 5 years in a row. I absolutely prefer festivals to arenas or club shows because the variety of music available. Plus, the food vendors found at festivals are usually a step above and so delicious!

### **Rapid Fire Round!**

6. Mac or PC?

ANSWER: PC. For those who like build and modify their own computers, there's only one answer.

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

ANSWER: "He Said, She Said" by Chvrches, "Heat Waves" by Glass Animals, and "Awake" by Tycho

8. What are your favorite running/cycling spots in the DMV?

ANSWER: Sligo Creek Trail. The Melvin Hazen Trail near Cleveland Park is also very cool and provides some fun trail running options!

9. DC United, USA, Real Madrid? What's your favorite team? (and apologies if an arch-enemy is listed!)

ANSWER: It has to be DC United. The new Audi Field is amazing, plus we have a chance at reaching the playoffs this year.

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

ANSWER: Netflix!

## Important Announcements from the Court

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

The United States Court of Federal Claims' 32nd Annual Judicial Conference will be held virtually on Wednesday, October 27, 2021. This year's conference has something for everyone, from an exciting keynote address featuring a live cyber-attack, to timely discussions in diverse areas of the Court's subject matter jurisdiction. To view further details including the agenda, [click here](#).

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