



# U.S. COURT OF FEDERAL CLAIMS BAR ASSOCIATION



## E-Newsletter

Winter Edition | December 2019

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.](#)

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### Letter from the Chief Judge



*Chief Judge  
Margaret M. Sweeney*

Greetings, members of the United States Court of Federal Claims Bar Association.

As 2019 draws to a close, I want to thank you for making 2019 another great year for the court. You continue to sponsor outstanding educational and social programming for the court's bar, including brown bag lunches, a program for summer associates and interns, and happy hours. You also helped make the court's Law Day Observance Luncheon and 30th Annual Judicial Conference resounding successes.

Here at the court, we successfully upgraded our Case Management/Electronic Case Filing system (CM/ECF) to the Next Generation of CM/ECF (NextGen), providing the bar with the ability to use a single login and password to access all NextGen courts. We also welcomed three new judges--Judge Richard A. Hertling, Judge Ryan T. Holte, and Judge David A. Tapp--and a new special master--Daniel Horner.

As we look toward 2020, I am hopeful that our remaining judicial vacancies will be filled expeditiously. At present, there are six nominees pending before the Senate: two awaiting a vote of the full Senate and four before the Senate Judiciary Committee. We continue to be very appreciative of the efforts by the White House and the Senate to fill the vacancies.

I am also looking forward to the programs and events that will take place in 2020, some of which, including the 31st Annual Judicial Conference, are already in the planning stages. I am proud and grateful that we have such an active bar association that works in collaboration with the court to support the court's overarching purpose: ensuring the fair and expeditious resolution of cases brought against the government by its citizens.

I wish you all a happy and healthy new year!

Margaret M. Sweeney  
Chief Judge

## President's Message



*James Connor*

Dear Members,

Already a growing and vibrant Bar Association, we worked hard in 2019 to bring together new members in new and exciting ways to serve the public and the Court. This was perhaps best shown by the most recent Judicial Conference, where we had record numbers of attendees, a robust agenda, and dynamic panelists. Panels on the vaccine program, bid protests, tax, attorney fees, construction law, and climate change, among other topics, demonstrated

the diverse and sophisticated jurisdiction of the Court. One standout panel, "Kicking Down the Doors of Construction Law - How Three Talented Women Thrive in a Male-Dominated Industry," included panelists Christine Unkel (Maglio, Christopher & Toale), Kathryn Muldoon Griffin (Smith Pachter McWhorter) and Anna Bondurant Eley (Department of Justice), along with moderator Judge Thomas C. Wheeler. Speaking to a packed audience, the panelists provided their unique perspectives - and helpful tips -- on how they have become leaders in the construction law field. These panelists show the very best that the Bar Association has to offer and we thank them and all the other Judicial Conference panelists for sharing their knowledge and experiences with us.

Although we have made progress this year, there is much left to be done. We still need to do more to not only grow our membership, but increase engagement with our current members. Too often I meet members who either have not taken advantage of the Bar Association resources, or are not aware of the many ways in which they can contribute. Often the best way to become involved is to simply ask, as there are many opportunities. We hope that you will consider serving on a brown-bag luncheon panel, writing a summary of one of your recent cases for Inside 717, or contributing a short article to the newsletter.

Thank you for all of your contributions in 2019 and I look forward to a very successful 2020.

Happy Holidays,

James Connor  
President, Court of Federal Claims Bar Association

## Ask the Judge!

*We hope you enjoy the latest in our series, "Ask the Judge," which we hope will provide interesting insights from Court of Federal Claims special masters on a variety of topics. Thank you to Judge Ryan T. Holte for serving as the latest participant in this series!*

1. This month's newsletter is about education. You've had quite a career in academia prior to joining the bench. Was that something that was always important to you, something intentional or did it develop organically?

*RESPONSE: My respect for teachers grew over the course of my own education. It was most certainly the teachers in my life who promoted me to further my schooling, further my career prospects, and even opened my eyes to jobs I never thought possible (or knew about way back when I was originally planning a career as a merchant marine). After my formal education ended with law school graduation, my legal mentors were the ones who spoke to me about a future career in law teaching. In particular, during my time clerking on the Court of Federal Claims, it was my mentors then-now colleagues-who introduced me to the service of teaching the law: Judge Smith was a professor every semester and*

*strongly encouraged my academic writing; Judge Damich introduced me to academic friends (from his many years on law faculties) and later promoted my application at various schools; and Judge Bruggink first introduced me to a former clerk who years later reached out to hire me in my first law professor role.*

2. Did your time as a professor/educator change the way you view the role of the judiciary? If so, how?

*RESPONSE: My most recent legal scholarship focuses on empirical legal studies with coding thousands of judicial opinions, and analysis through descriptive and complex regressions. Years of conducting these large research projects very much clarified for me in an objective way-the significance of precedent, thorough judicial analysis, and changes in common law over time. For more detail, please see any of my recent law review publications!*

3. What teacher do you most admire for their impact on you or the community at large, or legal scholarship?

*RESPONSE: Both of the judges for whom I clerked-Judge Loren Smith and Judge Stanley Birch. Both mentors taught me about the never ending commitment lawyers (and judges) must have on the growth, integrity, and discourse within the legal community. Beyond their significant caselaw opinions, their equally significant legal scholarship further taught me the value and impact of publishing my own articles, which later allowed me to transition from legal practice to legal academia.*

4. What role does the Bar play in continuing legal education beyond CLE credits? What role does the Bench play in continuing legal education beyond CLE credits?

*RESPONSE: Before any CLE need, as both a law student and law clerk, I learned the significance that the Bar and Bench have in the legal profession through networking and informal mentorship opportunities. As a junior lawyer I held significant leadership roles on the executive committee of the Atlanta IP Inn of Court, and spent a year as Trademark Committee Chair of the State Bar of Georgia IP Section. Beyond the excellent events I helped organize, my proudest Bar association achievements include organizing a charitable collection for two Atlanta non-profits and serving on the pro bono committee.*

5. What is the most important personality characteristic in a teacher? In a judge?

*RESPONSE: First, being a good student for life; listening and learning from everyone around you. I learned much from my law faculty colleagues, peer academics reviewing my scholarship, and my students in the classroom. I now look forward to learning from the parties before me and my colleagues on the bench. Second, judgement. Third, impartiality.*

Rapid Fire Round!

6. Mac or PC?

*RESPONSE: PC (and Blackberry phone!)*

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

*RESPONSE: I mostly listen to the radio, but the last three concerts my wife and I attended in Ohio were David Gray, Willie Nelson, and the Cleveland Symphony Orchestra.*

8. Corvette or Mustang?

*RESPONSE: Corvette all the way. I've owned Corvettes from every generation and always enjoyed working on them myself since high school. My favorite was my last-a 1965 roadster that I completed an LS engine conversion on.*

9. Midwest, West Coast or East Coast?

*RESPONSE: I've certainly been all over: I grew up on the West Coast (CA), I have most recently taught law in the Midwest (IL and OH), and now live again on the East Coast. That said, it was my time practicing law in Atlanta that I came to love the Southeast the most (and this of course must be my answer as I am married to a Georgia Peach).*

10. What's the future of biodiesel?

*RESPONSE: I hope the general usage is growing, and for me personally, biodiesel/WVO will soon power my current project-a 1972 Chevy Blazer receiving a Cummins 6BT conversion this spring. Be ready for the Markey National Courts building garage to smell like french fries this summer.*

### Ask the Special Master!

*We hope you enjoy the latest in our series, "Ask the Special Master," which we hope will provide interesting insights from Court of Federal Claims special masters on a variety of topics. Thank you to Special Master Mindy Michaels Roth for serving as the latest participant in this series!*

1. This month's newsletter is about education. You had an uncommon undergraduate degree for a lawyer. How did your educational background impact your choice of career? Was that transition from science to law something that was always important to you, something intentional or did it develop organically?

*RESPONSE for 1 & 2: Science was always my interest as a child. As I got older I wanted to go into medicine. After graduating college, I went to work for my brother, who is a lawyer, to help out during the summer, loved it and enrolled in NYU to become paralegal. The Dean of the program recommended me for a job at ITT during the Western Union/ITT antitrust litigation which was supposed to be temporary but I was hired by ITT in their legal department after the paralegal work was completed. The attorneys at ITT convinced me to go to law school which I did while working in ITT's legal department. After my second year of law school, I was hired by what was then a large law firm in New Jersey as a summer associate. I never left, I worked through my third year of law school for the firm and was hired after graduation. The senior partners required that I take work from every department at the firm so that I would have a rounded legal background. I did wills, closings, matrimonial law, corporate, contract disputes, white collar crime, pro bono matrimonial for Passaic County, but the work I did in medical malpractice and personal injury was what I was most passionate about, I loved the medicine. When the Vaccine Program was enacted it peaked my interest and I filed my first case in 1991. I spent 27 years practicing in the private sector before coming to OSM in 2015.*

2. Did your science education change the way you view the role of the law? Influence your choice of medical malpractice/vaccine injury litigation, or becoming a special master? If so, how?

*RESPONSE: See above.*

3. What teacher do you most admire for their impact on you or the community at large, or legal scholarship?

*RESPONSE: My most influential teachers were not in school. My father taught me, no matter what you do, do it to the best of your ability, even if you are sweeping the floor. The senior partner of the firm I worked for and whom I shadowed as a young lawyer, told me that the day I walked into court and was not nervous, retire, you lost the eye of the tiger and are complacent, no client deserves that. My partner in practice for over 20 years taught me the most valuable lessons- investigate both sides of a case, know the strengths, admit the weaknesses, know when to fight an issue and when to concede it. In negotiations or your opening argument, admit your hurdles along with your strengths, the other side loses the ability to attack your credibility in front of a judge or jury. I always*

*prepared cases as a neutral then focused on the strengths in the prosecution, this helped with the transition to the bench.*

4. What role does the Bar play in continuing legal education beyond CLE credits? What role does the Bench play in continuing legal education beyond CLE credits?

*RESPONSE: Membership to the bar provides way more than simply continuing education. It provides a place where those in similar practice can discuss issues, see their cases from a different perspective, get help, learn from others victories or defeat, and bounce ideas off of one another. The Bench can offer a different perspective having viewed a case through the eyes of both sides, having witnessed what works, what does not, what mistakes that have been made and the creativity in lawyering in the courtroom that others would not know about unless shared by the bench.*

5. What is the most important personality characteristic in a teacher? In a special master?

*RESPONSE: The most important characteristic - I would say a toss up between patience and impartiality.*

Rapid Fire Round!

6. Mac or PC?

*RESPONSE: PC*

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

*RESPONSE: It's all about running - Born to Run, The Rocky theme song, Happy*

8. NY City or Marine Corps Marathon?

*RESPONSE: NY City!*

9. NY or NJ?

*RESPONSE: I'm a New Yorker at heart!*

10. Yankees or Nationals?

*RESPONSE: Yankees!*

### Ask the Staff!

*We hope you enjoy the latest in our series, "Ask the Staff," which we hope will provide interesting insights from Court of Federal Claims staff on a variety of topics. Thank you to Meg Beardsley for serving as the latest participant in this series!*

1. What is your job title? What does that entail.

*RESPONSE: My job title is "Staff Attorney" (at the Court of Federal Claims, not the Office of Special Masters).*

2. What's the biggest misconception about your job?

*RESPONSE: People tend to think of staff attorneys' job responsibilities as being similar to those of law clerks. Actually, though, what we do is very different. As staff attorneys, we report directly to the Clerk of Court, and our focus is on issues of Court policy. We tend not to work on specific cases unless they're judicial misconduct cases, attorney discipline cases, cases involving bills of cost, or pro se cases. We also serve a diverse assortment of other functions; I, for instance, am the Court's Employee Dispute Resolution Coordinator.*

*Having clarified what we do, I should point out that all three of the court's current staff attorneys are former law clerks. My career at the court began as a clerkship with Special Master Dorsey at the Office of Special Masters.*

3. What's your favorite part of the job?

*RESPONSE: Honestly, my job is never boring. Some days, my focus is on finance policy; other days, I spend most of my time thinking about statutory bars that might apply to pro se plaintiffs. I have planned training forums for court staff, helped organize court events, consulted with law clerks on a wide variety of legal issues, and brainstormed with our Operations Director about how to handle unusual docketing issues. I learn something new every day.*

4. This month's newsletter is about education. Is a legal education something that was always important to you, something intentional or did it develop organically? Where did you go to undergrad and law school? Did that impact your career path?

*RESPONSE: I've had to learn a lot about legal education on the job, because I happen to be licensed to practice in a state that doesn't require its attorneys to take CLE classes. I started learning about CLE about two years ago, soon after I came to the Court from OSM and became involved in the Judicial Conference planning process.*

*I grew up in the Washington, DC area and attended high school in the city. I went to the University of Virginia as an undergrad. I attended Washington and Lee University Law School because it had a clinic I was very interested in joining.*

5. What teacher do you most admire for their impact on you or the community at large, or legal scholarship?

*RESPONSE: Can I interpret the word "teacher" in the broad sense? For me, the best teacher I ever had was my mother. She is a recently-retired attorney who specialized in food and drug law and was the founding member of a successful women-run FDA practice. She has always had a genuine love for the law, and she has always worked twice as hard as everyone else.*

6. Can you tell us about the staff attorney's role in continuing legal education in the informal sense, rather than in CLEs?

*RESPONSE: As staff attorneys, we see one of our jobs as being as an archive of institutional legal knowledge. We consult with law clerks - on an informal, as-needed basis - when they have questions they don't know how to answer.*

*We also track and educate Court staff on recent case trends - recently, for instance, we've had a rash of pro se tax cases that all share similar characteristics. We keep track of these and notify each newly assigned judge that his or her new case is not the first of its kind.*

*One of the staff attorneys - Angelica Austin - serves as the Court's ethics counsel. Angelica conducts trainings throughout the year to educate our staff on the ethical responsibilities they bear as judicial employees.*

7. What are your interests outside of work?

*RESPONSE: Mostly, my kids. They're 9 and 6.*

*I also have an almost-all-consuming and nerdy love of Bridge. In case you don't know, Bridge is a card game that is mostly enjoyed by senior citizens.*

8. If you could have dinner with anyone in the world, living or dead, who would you choose?

*RESPONSE: King Arthur.*

Rapid Fire Round!

9. Mac or PC?

*RESPONSE: Mac!*

10. Top-three on your Spotify/I-tunes playlist?

*RESPONSE: I love this question.*

- 1. *Re: Stacks by Bon Iver*
- 2. *Ramble On by Led Zeppelin*
- 3. *Clarity by Zedd*

11. Favorite movie/documentary of all time?

*RESPONSE: The Scarlet Pimpernel (the BBC version from the 1970s).*

12. Favorite Memorial/Monument in DC?

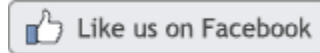
*RESPONSE: The Lincoln Memorial.*

13. Favorite restaurant in DC?

*RESPONSE: Gringos and Mariachis in Bethesda.*

### 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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