



E-Newsletter Spring Edition | June 2022

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Letter from the Chief Judge



The topic of my column this month is “community.” So what is a community? At its most basic level, a community is a collection of people living in the same area, whether that be a neighborhood, a city or town, a state, or a country.

But the idea of community has expanded in recent years, especially as a result of social media and online forums. There are all sorts of on-line communities now. Most of them provide a service by bringing people together (virtually) who share common interests. Some of them, unfortunately, are less benign. There are on-line “communities” of extremists. Some social media communities provide forums for bullying. The anonymity of on-line communities enables cruelty without accountability.

For me, community is people who are brought together—whether by geographic proximity, or common interests, goals or backgrounds—and who support one another for the greater good of the whole.

Our workplaces are communities. In fact, here at the Court of Federal Claims we routinely refer to our judges and staff as the “court community.” Over the last few years we have had to pull together to support each other both to get the work

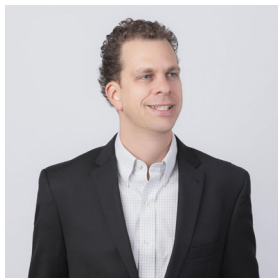
done and to deal with the obstacles to community that arise out of not being able to be in the same physical space. A few members of our community have lost a loved one to COVID; many have been ill. All have been impacted, whether by having to scramble around as children were sent home from school for quarantine, or trying to negotiate work space with spouses, kids, and pets.

Of course, our community was among the lucky ones that had the privilege of being able to work away from our offices, while technology kept us connected with each other. And we are now (I hope) on the way to a return to the new normal, whatever that may be. We had an in-person Law Day luncheon last month. The Court held its annual barbecue in the courtyard a few weeks ago, for the first time in three years.

The pandemic has tested our community and we have gotten through it. We have supported each other and we have kept the Court in business. I will be glad when we can put this whole episode in the rear-view mirror. But the Court community (and, with any luck, other communities as well) will be the stronger for the shared experience and the challenges we faced and overcame, together.

Chief Judge Elaine D. Kaplan

President's Message



This edition of the Newsletter focuses on “Community” and provides an opportunity to both look back on how we sustained our communities throughout the COVID-19 pandemic, and on how we maintain them in a new era of “hybrid” in-person and remote functions.

For the Bar Association, we sustained our membership community in 2020 and 2021, in part, by hosting virtual Judicial Conferences. These online collaborations enabled us to maintain connections between the Court and practitioners, while highlighting new and emerging issues within the Court’s jurisdiction and practice.

In 2022, we are looking forward to revitalizing the Bar Association’s community through a return to in-person functions. On May 18, the Court and Bar Association hosted our 2022 observation of Law Day at the Willard InterContinental Hotel. We were honored to welcome Chief Judge Sri Srinivasan, Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit, as our guest speaker with an inspiring discussion of U.S. immigration laws in the context of our Law Day theme, “Toward a More Perfect Union: The Constitution in Times of Change.”

Later this year, on October 20, we will host an in-person Judicial Conference at the National Press Club in Washington, DC. Be on the lookout this summer for announcements and an opportunity to register. The Conference will provide a unique opportunity to meet or reconnect with current Judges, judicial staff, and members from all corners of our Bar Association’s membership. The Judicial Conference will mark an important step in rebuilding and sustaining our

community, and will feature both coordinated programming and regular breakouts and a reception to socialize with old friends.

As many of us pivot to a new “hybrid” environment that comingles remote and in-office opportunities, I’m reminded of a recent “tip for success” that is key to the community aspect of work: being deliberate about your in-person opportunities. The message there is to do more than just show up—take advantage of in-person engagements to invest in relationships and mentoring opportunities. I hope you will take advantage of an opportunity to be deliberate about all of the opportunities afforded to your membership in the Bar Association, and this year give particular emphasis to your ability to join us for the Judicial Conference. I hope to see you there!

Jon Burd
President, Court of Federal Claims Bar Association

Ask the Judge! Stephen Schwartz

1. The theme for this month’s newsletter is “community.” You joined the Court of Federal Claims bench in December 2020, just about a year into the pandemic. That must have been challenging. In what ways were you able to develop a sense of community at the Court despite the COVID restrictions that were in place?

ANSWER: It certainly was a challenge, but I felt at home faster than I thought I would. Several new judges started at almost exactly the same time, and our new colleagues were wonderfully welcoming. The Court’s staff are a team of consummate professionals who got us up and running in no time. Soon after, thank goodness, many people were able to get vaccinated and return to the building. That meant it wasn’t all that long before most people could start a normal routine of working with their chambers staff in person, attending judge meetings, dropping in on each other’s offices, and so forth.

2. Has the lessening of COVID restrictions in the past few months helped promote a stronger sense of community at the Court and with members of the bar? How? Is there anything you are looking forward to about being a judge now that more COVID restrictions are being lifted?

ANSWER: My sense is that most judges and chambers staff have been at the Court on a regular basis for some time, though there are also those who have preferred to be more cautious, especially over last winter. It’s been pleasant to see more people’s faces as judges and Court staff grow more comfortable taking masks off. My proceedings have been remote so far, largely in consideration of people who might not feel safe in a courtroom, but I plan to start having in-person hearings when the parties prefer. Having Law Day in person was a joy, so I hope there will be other opportunities to meet members of the bar at out-of-court events.

3. You have been involved in the legal profession in many different ways—as a law clerk, as a practitioner, and now as a Federal judge. Are there aspects of the legal community that you see differently now in your role as a judge?

ANSWER: A lot depends on repeat interactions among judges and practitioners who view each other as professionals and act accordingly. My own practice was usually so varied that I rarely saw the same opposing counsel or co-counsel twice. From time to time, though, I happened into a legal community — say, a specialized practice area or a small-city bar — where the people knew each other and worked to keep each other's trust. I'm still learning about the Court's bar, but I've been pleasantly surprised by the attorneys' ability to cooperate while bringing the key issues to the Court for resolution. It's also nice to start seeing recurring names of people I know will brief and argue well.

4. The Court of Federal Claims Bar Association was formed to help inform and support practicing attorneys who are members of the Court of Federal Claims bar and who appear before the Court. What role do you think the bar association can have in fostering a sense of community and/or is there anything you'd like for the bar association to do to promote a sense of community among practitioners—particularly given the pandemic?

ANSWER: There's nothing like interacting in person, when safety permits, in creating a sense of community. Besides that, every member of the Bar Association has a unique experience with the Court and information they can share with each other. I hope the Bar Association continues providing a forum for members to communicate with each other — and ideally feed advice back to the Court.

5. We held Law Day for the first time since you joined the bench—and it was in person! (A resounding success!) Were there any aspects of Law Day that struck you as particularly representative of the concept of “community”?

ANSWER: Several things do come to mind. Most obviously, there was the simple fact of different people meeting to pursue a shared interest: Everyone wants the Court to be a venue for efficient application of the law in an atmosphere of professional trust and respect. Next, as I've mentioned, is the fact that repeat interactions gave everyone there a reason to work together. Consonant goals and interests meant, at least in that room, respect between people from different places, on different sides of cases, appointed by different presidents, and so forth. Maybe best of all, I'm sure nobody who attended will forget Judge Sri Srinivasan's speech about how the American community has expanded to include more people, from different places, who want to adopt American ideals as their own.

Rapid Fire Round

6. Chicago Style Pizza or NY Style Pizza?

ANSWER: New York style. The thick, dense mass of cheese-in-dough that people bake in Chicago always struck me as a bit much, even though I've enjoyed more than my fair share in law school (and since). New Haven style, of course, is superior to either.

7. Snow or sand vacation?

ANSWER: Sand. My children aren't old enough for skiing, my wife is cautious, and I'm injury prone. We might be willing to tackle some bunny slopes somewhere, in the fullness of time. Until then, my yard has a bit of a hill, and we own sleds.

8. Early bird or night owl?

ANSWER: Early bird. Once upon a time, I did my class work late at night. But today, my children will usually play quietly in their rooms until as late as 6 a.m. When putting your offspring to bed turns the hourglass over that way, you adjust accordingly.

9. Single or double space after a period?

ANSWER: Single. I used to use the two-space convention, but then I started working with colleagues who used a single space. I'm mostly agnostic about the aesthetics, at least in the abstract. When people using different conventions edit a document, though, the only fast and reliable way to smooth things out is a find-replace that substitutes every period followed by two spaces with a period followed by one space. So if you're trying to generate professional work product efficiently in a world where different people work in different ways, life's too short to insist on two spaces.

10. Redline edits or hard copy markups?

ANSWER: Redline. So many reasons why: Redline makes it easier to see what's added where, accept what you want and reject what you don't, and put additional suggestions on top of someone else's, all while eliminating the challenge of deciphering bad handwriting. Plus, when I'm writing and editing, I often like to see things in different ways as I go along, so redline saves work and reduces the number of drafts. I tried (as a lark) to edit a document in hard copy a few days ago. Utter disaster. I abandoned the effort and did a redline.

Ask the Staff! Brandon Kolpak

1. The theme for this newsletter is "community." As the IT Courtroom Technology Coordinator, it seems your role fundamentally involves bringing people together through technology—either virtual proceedings or in person presentations. Tell us a little bit about your work day to day?

ANSWER: I am responsible for the installation, configuration and support of all audio/video hardware and systems in the courthouse. And the inhouse expert regarding various web conferencing tools. So basically, if there's any on-site proceedings, I'm here to assist. If anything gets broken, I'm here to fix it. I'm also

overseeing a massive project to upgrade two of our courtrooms and a conference room this summer.

2. What is “your community”—where are you from? How long have you worked at the Court?

ANSWER: I'm originally from Pennsylvania, a small town outside of Philly. It's a close-knit community, where everybody knows each other. I moved to San Diego in my early twenties and that's where I found my place in the AV community. After 8 years on the best coast, I felt that I needed to be closer to home and start a family of my own. I've been working at the court since July 2021. Prior to that, I was working at The World Bank as a video conference engineer.

3. Pandemic restrictions took a toll on our ability to gather in groups in person—to act as a community. How did that affect your role with respect to Court proceedings? In what ways did technology help maintain a sense of community despite COVID restrictions?

ANSWER: Since I started working at the court mid-pandemic, it's always been a hybrid environment for me. Coming into this position I understood that some proceedings would be virtual, and some in-person. But I feel like people are much more comfortable meeting virtually now and we're not really losing that sense of community.

4. Is there one tip you'd like to give practitioners about using technology at the Court? (I'd sure like some!)

ANSWER: As a general rule: always do a test run! Whenever possible, start early and test everything. I always suggest having a “dry run” before the actual proceeding. It's definitely better to troubleshoot any issues beforehand and not in the middle of a conference.

5. Now that many COVID restrictions have been lifted, have you had a chance to consider what technology that evolved during the pandemic might stick around even after restrictions are lifted?

ANSWER: It was around 2016 when I recognized the importance of video conferencing and the need for business to be conducted virtually. This is when I immersed myself in video conferencing technology, learning as much as I could and understanding the role it's going to play in the future. WebEx/Zoom/Teams have made tremendous strides in their meeting platforms. In the past couple of years, they've become so much more robust and added many new features to improve the virtual meeting experience. I don't anticipate these technologies ever going away.

Rapid Fire Round

6. Chicago Style Pizza or NY Style Pizza?

ANSWER: NY style pizza, I love a foldable thin crust.

7. Snow or sand vacation?

ANSWER: Sand vacation, I will always default to the beach (that's my happy place).

8. Early bird or night owl?

ANSWER: Night Owl, sleep doesn't come easy when you have a toddler in the house.

9. Mac or PC?

ANSWER: PC. Although I'm a MAC user at home, PC is still my preference.

10. Teams or Zoom?

ANSWER: Zoom, and I think many others would agree.

Ask the Staff! Therese Jackson

1. The theme for this newsletter is "community." Could you please tell us a little bit about your work in the Office of Special Master "community"?

ANSWER: As the office manager, my job is to ensure that everyone at OSM has what they need to perform their duties well. By supporting the special masters and OSM staff, I am hopefully aiding the goal of the Vaccine Program to compensate those injured by a covered vaccine. I especially attempt to support the Chief Special Master as he oversees the office and fosters a sense of community throughout OSM, and hopefully all participating in the Program.

2. What is your "original" community—where are you from? How long have you worked at the Court?

ANSWER: I'm originally from Lunenburg County which is a small community down south--located in the Commonwealth of Virginia. I've worked at the United States Court of Federal Claims for 17 years. Previously, I worked at the Department of Justice, Organized Crime and Racketeering Section, and before that U.S. Border Patrols in Washington, DC.

3. Pandemic restrictions took a toll on our ability to gather in groups in person—to act as a community. What steps did you take/are you taking at the Office of Special Master to stay in touch and to try to make life seem as normal as possible during the pandemic.

ANSWER: Since the pandemic, we've remained in contact with our peers and co-workers. We've utilized our available technology to hold Zoom/Team meetings and to conduct hearings via Zoom/virtual/WebEx.

4. Is there one tip you'd like to give practitioners about interacting with your office?

ANSWER: We want to keep the line of communication open with practitioners via telephone and email. Please don't hesitate to reach out to a member of OSM if you have a question.

5. Now that many COVID restrictions have been lifted, have you had a chance to consider what changes your office implemented during the pandemic that might stick around even after restrictions are lifted?

ANSWER: I'm definitely proud of the way that all OSM staff handle the innate difficulties posed by the pandemic. I think we will continue to use many of technologies we used during the pandemic to fully include any staff who are working remotely and to increase our overall efficiency.

Rapid Fire Round

6. I'm from New York--I've got to ask: Chicago Style Pizza or NY Style Pizza?

ANSWER: I prefer NY Style pizza.

7. How do you relax: Snow or sand vacation?

ANSWER: My relaxation, whether it's a snow or sand vacation, is watching "Matlock" and "Murder She Wrote."

8. Are you: an early bird or night owl?

ANSWER: I'm definitely an early bird.

9. How do you stay organized: Electronic calendar or paper calendar?

ANSWER: I prefer both electronic and paper calendars.

10. If you have to have a virtual meeting: Teams or Zoom?

ANSWER: I've used both and neither takes preference over the other.

Important Announcements from the Court

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

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