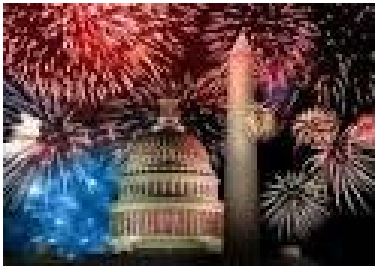




# U.S. COURT OF FEDERAL CLAIMS BAR ASSOCIATION



## E-Newsletter

Summer Edition | July 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@cfcbar.org](mailto:newsletter@cfcbar.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.

Given the theme of this edition of the Bar Association's newsletter, I want to begin by thanking you for your service to the court as advocates for your clients, for your service in support of the court as an institution, and for the service you perform in your communities that showcases and advances the critical role the judiciary plays in our democracy. Your service, which has long been a hallmark of the bar of the U.S. Court of Federal Claims, is essential for promoting the rule of law.

Although we are only halfway through the year, I do not think it premature to declare that 2019 will be an exciting year for the court. Already we have had a memorable Law Day Observance Luncheon featuring the thoughtful and insightful keynote address by Jessie K. Liu, the U.S. Attorney for the District of Columbia, as well as the splendid presentation of former Chief Judge Patricia E. Campbell-Smith's portrait, which is permanently on display on the fifth floor of the National Courts Building.

We have also seen great progress in having our judicial vacancies filled. In June, the Senate confirmed two nominees to be judges of the court--Richard A. Hertling and Ryan T. Holte. Judge Hertling was sworn in on June 20, and we look forward to the swearing in of Mr. Holte. In addition, the Senate Judiciary Committee recently reported two nominees to

the full Senate--Matthew H. Solomson and David Austin Tapp--and the President nominated two more individuals to serve on the court--Eleni M. Roumel and Daniel Z. Epstein. We are very appreciative of the efforts by the White House and the Senate to fill the court's vacancies.

Later this month, on July 16, we are pleased to be hosting a program with the Bar Association: "Inside the Court of Federal Claims: An Event for Summer Associates and Interns." The program will allow summer associates and interns to learn about the court's unique role in the judiciary from practitioners and judges. Information about this free event, including a registration link, can be found on the court and the Bar Association websites.

Then, on August 26, the court will be upgrading its Case Management/Electronic Case Filing system (CM/ECF) to the Next Generation of CM/ECF (NextGen). This upgrade will provide users with several benefits including Central Sign-On: the ability for e-filing attorneys to access any NextGen court in which they practice using one login and password. More information can be found on the court's website. In addition, on August 1, we will be conducting a webinar in conjunction with the Bar Association to explain what you need to do to prepare for the transition.

Last, but not least, we are currently planning the court's 30th Annual Judicial Conference, which will be held on November 14. We hope that you will join us.

Have a wonderful summer, and I look forward to a continued close and collaborative relationship with the Bar Association.

Margaret M. Sweeney  
Chief Judge

### President's Message



*James Connor*

Hello everyone, and thank you for your continued support of the Bar Association. This is an exciting time for us - after the successful Law Day celebration in May and the unveiling of Judge Campbell-Smith's judicial portrait, we are poised for several events, including events geared at expanding the reach of our Bar Association. We are also busy planning our upcoming 30th Annual [Judicial Conference](#), which will be held at the Court on November 14, 2019, with a reception to follow at the "Top of the Hay" room in the Hay-Adams Hotel, providing fantastic views of

the city. And we have a new editor of the newsletter, Renée Gentry of the Bar Association's Board of Governors, who, as you can see, has reenergized the newsletter with brand new features.

With all the positives, there is still room for us to grow. Our membership is only a fraction of the entire bar of the court. With our diverse practice areas and members, our Bar Association must continue to work hard to represent all its existing members all over the country, in addition to adding new ones. For example, at the annual law clerk swearing-in ceremony in June 2019, the Court admitted over 20 young lawyers to practice in our Court! Each of those lawyers - and all of you - have much to offer the Bar Association. So we encourage all of you to not only become more involved, but also spread the word about the association to your colleagues. 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*, contributing a short article to the newsletter, recommending that a new attorney in your office join our Young Lawyers Division, or even reaching out to me or any of the members of our Board of Governors to tell us that you are interested in becoming more involved.

I look forward to hopefully seeing you soon at one of our events.

Best regards,

James Connor  
President, Court of Federal Claims Bar Association

### Inside the Court of Federal Claims: An Event for Summer Associates and Interns: July 16, 2019

Calling all summer associates and interns! Please join the United States Court of Federal Claims on July 16, 2019 for an afternoon inside the court. You will hear from practitioners, as well as judges of the court, to better understand the court's unique role in the judiciary.

[Click here for further details and registration.](#)

### Save the Date - 30th Annual Judicial Conference

[Click here to view in PDF format](#)

THE UNITED STATES COURT OF FEDERAL CLAIMS

FIND MORE INFO AT  
[judicialconference.com](http://judicialconference.com)

30<sup>TH</sup> ANNUAL

# JUDICIAL CONFERENCE



**NOVEMBER 14, 2019**

All sessions will take place at the **National Courts Building, 717 Madison Pl., NW**, with an evening reception at the **Top of the Hay at The Hay-Adams, 800 16th St., NW**.

Early registration is available until **September 15, 2019**, at midnight, at which time all prices will increase by \$25. Early registration fees range from \$90 for members of the Court of Federal Claims Bar Association in government practice to \$160 for attorneys in private practice who are not members of the Bar Association. **The Bar Association will also offer sponsorship opportunities.**




The panels this year include discussions on:

MEET THE NEW JUDGES • TAX  
BID PROTEST • TAKINGS • VACCINE

## Save the Date - Vaccine Boot Camp

The Vaccine Injured Petitioners Bar Association is hosting a Vaccine Litigation Boot Camp in Washington, DC, on **Wednesday, November 13, 2019**, the day before the U.S. Court of Federal Claims 30th Annual [Judicial Conference](http://judicialconference.com) (you are encouraged to attend the conference). The Boot Camp is open to all petitioners counsel in the Vaccine Injury Compensation Program and is free of charge. You are not required to be a VIP Bar Association member to attend; learn more about membership at <http://www.vipbar.org/>.

Vaccine injury litigation is a unique, highly complex practice environment that in no way resembles a typical medical malpractice or personal injury (PI) practice. Admiralty and patent law provide good analogies, with unique procedures, judges, substantive law and

burdens of proof. The differences from PI are many: petitioners do not have a jury of their "peers" but rather specialized vaccine judges who are well-versed in the complex scientific issues that underlie vaccine injuries. The causation issues to be resolved in vaccine cases are incredibly complex medically, involving issues of immunology, genetics, neurology, and epidemiology. High-caliber experts are required in contested cases. Even conceded Table cases remain challenging to resolve.

If you are a new vaccine practitioner, you are encouraged to attend this Boot Camp. Even long-time practitioners will get considerable benefit from the boot camp as vaccine litigation in the VICP has changed and will continue to do so. The Office of Special Masters is experiencing record filings of new cases, and it is imperative that the bar do everything in its power to ensure that it is supporting and promoting "best practices" in the court. The goal of the Boot Camp is to disseminate best practices to as many vaccine petitioners' counsel as possible. This year's Boot Camp will feature presentations on obtaining certified medical records and the Next Generation of CM/ECF (NextGen).

Breakfast and lunch will be provided.

To RSVP for the Boot Camp, or if you have any questions, please contact Renée J. Gentry, Esq., of the Bar Association, at [renee@attorneyaccess.net](mailto:renee@attorneyaccess.net).

### 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 judges on a variety of topics. Thank you to Judge Richard A. Hertling for serving as the latest participant in this series!*

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

*Judge Hertling: A hard question, but I think at some level a career in public service was intrinsic in me. The career in public service started intentionally but evolved organically.*

2. Did your time on Capitol Hill change the way you view our system of government and the role of the judiciary? If so, how?

*Judge Hertling: My views on government developed throughout my schooling. By the time I began my Capitol Hill career they were formed. My time serving on congressional staffs in the Senate and the House added context and nuance, and my views have evolved over time, but my core views on government have remained consistent over time.*

3. Who do you most admire for their public service or service to the community?

*Judge Hertling: Members of the Armed Forces.*

4. Would you rather write a precedential opinion now or the dissent that changes the law in 20 years?

*Judge Hertling: Sitting on a trial court, I don't get to sit on a multi-judge panel, so I can never dissent. I have to answer, therefore, writing a precedential opinion.*

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

*Judge Hertling: I can't pick one - a combination of probity, equanimity, wisdom (combination of intellect and experience).*

Rapid Fire Round!

6. Mac or PC?



*Judge Hertling: Paper and pen - Mac at home, PC at work.*

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

*Judge Hertling: I don't use either.*

8. Mets or Yankees?

*Judge Hertling: Alas, the Mets.*

9. Duk's Red Hots or Gray's Papaya Dog?

*Judge Hertling: Neither, actually. Papaya King at 86th & Third.*

10. House Stark, Targaryen or Lannister?

*Judge Hertling: I have never watched Game of Thrones. In college, however, I majored in medieval history.*

### 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 Daniel Horner for serving as the latest participant in this series!*

1. This month's newsletter is about service. Is public service something that was always important to you, something intentional or did it develop organically?

*Special Master Horner: My focus in college and graduate school was U.S. History and if it taught me only one thing, it's that the public institutions we choose to build and maintain, from the national down to the local, are fundamental to how we shape our communities and safeguard our values. That lesson meshed with my own upbringing. From a young age my parents taught me the importance of contributing to my community. I didn't always have a clear enough career plan to know whether I'd be in public service myself, but I understood early on that public service is incredibly important and requires a deep bench.*

2. Who do you most admire for their public service or service to the community?

*Special Master Horner: I'll stick with the personal. My father spent years working in local government administration in a small, rural town. He did the most basic work of government, literally keeping the street lights on and getting potholes filled. Over the course of several years he also devoted countless volunteer hours on top of that navigating the local, much needed, hospital through an agonizing bankruptcy process that ultimately saved the hospital. He just quietly did the jobs that needed doing for no other reason than that they needed doing. He taught me through his example that public service doesn't have to make headlines to be important. The behind the scenes work needed to keep things running smoothly isn't exciting, and it often gets taken for granted, but we all benefit from the fruits of that labor all day every day.*

3. Would you rather write a precedential opinion now or the dissent that changes the law in 20 years?

*Special Master Horner: I think special masters in the vaccine program may tend to have a slightly different mindset. We go where science and medicine take us but realize that the state of the art is always evolving. I think we all understand and are comfortable with the fact that a lot of our decisions are destined to become less and less relevant over time regardless of the outcome we reached. What matters most is arriving at the most appropriate result in the case at hand with the information we have available to us at the time.*

4. You've seen first-hand the role of counsel as well as the special masters in your role as a staff attorney. What are some things that make that relationship effective? What can knock it off track?

*Special Master Horner: Compared to so many other practice areas, the vaccine program is a very small niche. When you work with the same people on case after case, you can't help but put an extra premium on collegiality. Overall, I think counsel and OSM have a great track record of being able to disagree without being disagreeable, but collegiality is not enough to keep things on track when there's a failure to communicate. We're all at our best when we say what we mean, mean what we say, and put in the extra effort to truly listen to others.*

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

*Special Master Horner: I think there's a lot of room for different personalities in this job, but the most important characteristic is whatever gets you to compassion. Whether they ultimately have a meritorious claim or not, every petitioner that files a case in this program is enduring personal circumstances ranging from the unfortunate to the tragic. Win or lose, they all deserve the same kindness and respect.*

Rapid Fire Round!

6. Mac or PC?

*Special Master Horner: PC, don't get me started on Iphone vs. Blackberry though.*

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

*Special Master Horner: Only Happy When It Rains (Garbage), Why Can't I be You? (The Cure), Hey Bulldog (The Beatles).*

8. Beef on Weck or Ben's Half Smoke?

*Special Master Horner: At the risk of starting a fight, I'm going to say that Buffalo junk food is the best in the nation and beef on weck is the first thing I go for when I visit.*

9. Sabres or the Caps?

*Special Master Horner: I don't follow sports closely, but Buffalo is a true hockey town and seeing them get the cup would be fantastic. I do cheer for the Caps as long as they're not playing Buffalo though.*

10. Star Wars or Star Trek?

*Special Master Horner: Star Wars, but only the original trilogy.*

### 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 Aimee Snow for serving as the latest participant in this series!*

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

*Aimee Snow: My job title is Executive Assistant to the Clerk of Court. It entails just about anything and everything at various times, but the crux of it is that I assist the clerk in accomplishing the many tasks for which she is responsible.*

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

*Aimee Snow: I wouldn't say it's a misconception so much as my job is just hard to*

*describe because it really is different things at different times.*

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

*Aimee Snow: My favorite part of the job is what I described above; that it is different every day. Some days it's writing or editing, some days it's running an event like Law Day, some days it's buying 150 hamburgers at Costco for the cook out, some days it's giving a group of students a tour of the Dolley Madison House.*

4. This month's newsletter is about service. Is public service something that was always important to you, something intentional or did it develop organically?

*Aimee Snow: It developed organically. I worked for several years as a paralegal in the private sector of the legal community, but eventually I got tired of the pace and looked for a different way to use my legal experience. Government service was the natural next step and I am so happy I took it.*

5. Who do you most admire for their public service or service to the community?

*Aimee Snow: Susannah Charleson, who is a New York Times bestselling author and search-and-rescue volunteer in Texas. She spent years working human search-and-rescue with her dog Puzzle and she has recently trained a dog she rescued to help find lost pets. We became friends after I read her first book and I am constantly in awe of her willingness to help the most vulnerable and overlooked dogs, many rescued just hours from being euthanized. She will take older dogs with health issues and allow them to live out their remaining days with love and comfort and companionship. Her heart for rescue - be it dog, cat, chicken, or (most recently) duck - is inspiring.*

6. Can you tell us about [www.possibilitydogs.org](http://www.possibilitydogs.org)?

*Aimee Snow: Possibility Dogs is a nonprofit organization started by Susannah Charleson. We work to find rescue dogs that have a temperament to be service dogs. That service can be as a comfort dog (such as a dog who visits nursing homes or victims of a trauma), or an emotional support dog (a dog that helps people with anxiety or PTSD) or a service dog (a dog that assists someone with mobility issues perform specific tasks such as picking up objects or opening and closing doors or drawers, etc.). I serve on the board of directors.*

7. Other than community service, what are your interests outside of work?

*Aimee Snow: Currently, my spare time outside of work is spent raising my almost-five-year-old son. Before I had him, I did community theatre. My favorite genre is Shakespeare but I also did contemporary plays and musicals (with an independent film, *The Quantum Suicide of Sophie Miller*, thrown in). Once my son gets older, I plan to return to the stage. Creating a character is one of my most favorite things to do!*

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

*Aimee Snow: This could be any of a dozen people on any given day, but I'll just give the answer that occurred to me on this day: Lin-Manuel Miranda. He's such an amazing mixture of pop culture references, history, and musical genius. His Twitter feed is a daily source of positivity, so I feel like the dinner would be a lot of fun!*

Rapid Fire Round!

9. Mac or PC?

*Aimee Snow: PC*

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



*Aimee Snow: David Gray, the Hamilton soundtrack, and classic U2*

11. Favorite movie of all time?

*Aimee Snow: It's hard to pick just one, but I was one of the few people who saw The Shawshank Redemption in the movie theater so I like to think I was part of the reason it became so popular on home video. I really wouldn't stop recommending it to people.*

12. Mount Vernon or the National Zoo?

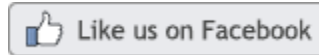
*Aimee Snow: Mount Vernon*

13. Favorite restaurant in DC?

*Aimee Snow: Maybe it's the proximity to work, but I do enjoy Joe's.*

## 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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