**News from the Chair**

**DONALD G. FEATHERSTUN
CHAIR**

This article is being written just after the Annual Meeting in San Francisco. The planning is over and we are off and running. I thought I would spend a portion of this column discussing some of the highlights of the Annual Meeting and several initiatives that we are pursuing that evolved out of the planning for this year. I will also pay tribute to two of our recently deceased members and then preview our November program. I will close with a request to all of you to forward your ideas to me about how to make our Section better.

**Annual Meeting Highlights**

**A. CLE proposal**

Prior to the start of the Section meeting, I had the opportunity to participate in several global ABA meetings involving the chairs-elect. During that process, we learned of a new ABA CLE model proposal involving the CLE support that Sections receive from the ABA. The proposal had several increases in fees to the Sections that were not clear to me, so I made the mistake of questioning them in a meeting with Carolyn Lamm, the ABA president. I was invited, along with the chair-elect of the Tort Trial and Insurance Practice Section, to express our concerns to the Board of Governors of the ABA. Fortunately, before the board meeting, the Sections worked with the authors of the proposal on a compromise. We were able to report to the board our appreciation for such constructive dialogue.

The entire process was eye-opening. The good news is that we had several increases in fees to the Sections that were not clear to me, so I made the mistake of questioning them in a meeting with Carolyn Lamm, the ABA president. I was invited, along with the chair-elect of the Tort Trial and Insurance Practice Section, to express our concerns to the Board of Governors of the ABA. Fortunately, before the board meeting, the Sections worked with the authors of the proposal on a compromise. We were able to report to the board our appreciation for such constructive dialogue.

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**B. Brainstorming Session**

In a break from tradition, we canceled the normal new committee chairs’ training session and instituted a brainstorming session where we had a free and open discussion on issues relating to the Section. The highlight of this effort involved briefings from Daniel I. Gordon, administrator, Office of Federal Procurement Policy, concerning the fees that were of most concern to the Section were removed from the proposal and will be studied going forward.

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CHAIR’S COLUMN
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The results of those presentations have been captured in a series of minutes that will be posted on our Web site. I do not have room to list them all here, but the idea of this effort was to make the Section more proactive in identifying issues before they arise so that we can get out in front of the topic, rather than just reacting to proposals of others. One concrete result of this session was the formation of a task force to study the best practices for service contracting. Michael Mutek has agreed to chair this effort with the goal of producing a white paper that describes best practices that could be adopted to improve service contracting at the federal level.

C. Unnoticed Contributions of the ABA and the Legal Opportunity Scholarship Fund
Another unique non-Section meeting that I attended was a planning session for chairs-elect. The meeting was impressive in a very unusual way. At the meeting a young woman lawyer was presented who had been the recipient of a law school scholarship by the Legal Education Scholarship Fund. That alone was not particularly inspiring, but her story certainly was. As she began her story, you could tell she was a bright, articulate attorney. Little could you tell the obstacles she had overcome. She had been raised in foster homes all her life. She had been arrested for various crimes, including prostitution, at one or another time in her life. According to her, some of the only people who seemed to care for her were her legal advocates in the foster care system. Along the way, her story was brought to the attention of the Legal Education Scholarship Fund, and she eventually was provided a scholarship to law school and was now working in the court systems as an advocate for foster children. The story was quite inspiring.

D. Margaret Brent Luncheon
Over the last three years, as I have served as an officer of the Section, I have tried to make it a point to attend the Margaret Brent Awards Luncheon. The first time I attended was when our own Ruth Burg received the award. For those of you who have never attended, I commend it to you next year. This year was the 20th annual luncheon and the careers of five outstanding women attorneys were celebrated. As a father of a daughter, I listened with deep attention to the stories of each of the awardees. It is definitely worth the time of all to attend.

Federal, State, and Local Government Procurement Attorneys
To implement the theme I set forth in my first column, “The Year of the Government Lawyer,” I created the new Federal, State, and Local Government Procurement Attorneys Committee. The purpose of this committee is to focus on the needs of government attorneys who want to participate in the Section. Mike Rose came to me several months ago with a plan to attract government attorneys to our group. I was impressed with his plan and asked him to implement it by chairing the new committee. I hope if Mike asks you to help him, you will support his efforts.

Mike is already reaching out to individual attorneys with a goal of having a plan in place and starting to implement it by our November meeting.

State and Local Division Reorganization
Over the past 20 years, I have participated in the State and Local Division of the Section. For a variety of reasons, this group has been comprised of a handful of attorneys dedicated to the practice of procurement law at the state and local level. We have historically tried to have a Section representative report on the activities in each of the states. A significant amount of effort has been put into that model with, frankly, limited success. After discussing the issue with a variety of practitioners in this field, I found the consensus to be that the state-by-state model created a significant amount of administrative effort with little or no substantive return. In order to marshal our efforts, I have jettisoned the system based on state chairs so that we can focus our resources on substantive topics.

The State and Local Procurement Division will now be organized around substantive areas of law. We will continue our State and Local Bid Protests, State Grant Law, State and Local Legislation and Regulation Coordination, State and Local Model Procurement Code, and State Law Database committees, and I hope that we can consolidate the efforts of our members around these topics. I consider the number one goal of the Section to be the creation of products and services for our members.

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years, the Section has honored the NASPO Cronin Award winner for state procurement excellence. We have provided a letter of recognition and paid for that state’s purchasing director to attend the next spring State and Local Procurement Symposium. This year, we were fortunate that NASPO was holding its annual meeting in Washington, D.C., so Carol Park-Conroy, our chair-elect, was able to attend the meeting and present the letters in person. This effort has led to increased discussions between the two organizations on how we can better coordinate our activities.

Similarly, we have reached out to the National Institute of Government Purchasing (NIGP). It is in the process of defining principles of procurement for its members; we have provided the organization with the ABA Principles of Procurement for consideration, and we are supporting NIGP’s efforts to recruit attorneys to help it complete its effort. We will be posting on our Web site the NIGP letter requesting attorney volunteers. We hope that our members will take the time to support these efforts.

I would be remiss if I failed to highlight the Sixth Annual State and Local Procurement Symposium to be held in Sacramento, California, on May 11-13, 2011. We ask not only that you plan to attend the symposium yourself, but also that you make known to your clients and to state and local practitioners that this event will be held next spring.

Technology
As a practitioner who does not live “inside the Beltway,” I think it is essential that the Section use technology to permit members from around the country to participate in our activities. As such, I have asked all of the committees to look for ways to better use technology. Hopefully, some of the committee meetings will progress from simple call-in capabilities to webinar presentations and even perhaps an occasional video conference. In addition, since our Web site is a key tool for us, I have requested committee chairs to ensure that their pages on the site are current. We are also making arrangements to make significant portions of our fall and spring programs available live on the Internet. Look for more details about this in our brochures for those programs. Finally, in this area, I have asked the Young Lawyers Committee to look into how the Section can better use technology to get our message and products out to our members using social media, or any other form of technology that they can identify. If you are interested in supporting this effort, please contact our Young Lawyers’ Committee chairs, Dan Chudd at dchudd@jenner.com or Jerry Miles at jerry.miles@kbr.com.

Fall Program: Intellectual Property Issues in Government Agreements
I chose this topic because I find it fascinating. There are very few government contracts attorneys who understand the complexities of trade secret and patent law. Similarly, there are very few commercial IP lawyers who understand the government contract rules relating to technical data rights, computer software, and patents. Add to this confusion the prime contract-subcontract world, and you have a labyrinth that is difficult to navigate. Our fall program on November 12 is designed to help sort out the issues and provide practical advice to deal with this area. As a crowning touch, Judge Paul Michel, the just retired chief judge of the Federal Circuit, has agreed to be our luncheon speaker. We hope you can attend.

Tributes to Recently Deceased Section Members
In our summer edition, Stan Johnson and John Burkholder wrote a beautiful tribute to Eldon “Took” Crowell. In this edition, you will see a similar tribute to Judge Eileen Fennessy. I thought I would add my personal observations about both of these Section members.

“Took” Crowell: My only contact with “Took” Crowell occurred as a young lawyer when I attended a speech he gave. It was like nothing I had ever seen before, or since. He pretended to be both a contracting officer and a contractor having a very animated discussion. He alternated taking off and putting on his jacket as he switched roles. He was so enthusiastic in his argument, I thought he was going to hurt himself. In addition, his voice changed pitch depending on which role he adopted. I cannot remember the topic or who won the argument, but I was amazed at the showmanship. This presentation has stuck with me for over 30 years. He had a unique ability to bring an arcane subject alive to the listener. He was a legend in our field.

Judge Eileen Fennessy: Unlike Took, Eileen was a friend and colleague of mine for 30 years. When I first began working at the Office of General Counsel, Department of the Navy, I was new to Washington, D.C., and new to the practice of law. Frankly, I was lost at both. Eileen was a seasoned veteran of at least six years, and she welcomed me into her world of friends and colleagues. She was at the heart of the strong camaraderie that existed in the Litigation Division of the office. Those three years remain some of the best of my career, in large part due to people like Eileen, and my friendship with Eileen did not end when I moved to the West Coast. Almost every trip to D.C. involved at least a call to see how she was. She attended my wedding, and visited my family in San Francisco.

For those of you who did not know Eileen, you missed a gem. She was funny, compassionate, and smart. Others will write of her professional accomplishments, but I wanted to write about the person. She always had a quick laugh at the ready, frequently at her own expense. No one was a stranger long when they came in contact with Eileen. She possessed a true love of life and those who knew her were blessed.

Open Door Policy
I believe the chair of our Section works for the members. As such, it is important that you let me know what you are thinking. The year is short, so please contact me sooner rather than later with any ideas you have. I would love to hear from you. I was thrilled when I got an e-mail from one member after my first column, and I promptly responded. Please feel free to e-mail or call me.