News from the Chair

By Stuart B. Nibley

The ABA Section of Public Contract Law never rests. We are but a week removed from the ABA’s Annual Meeting in Boston when we are reminded by the editors of this publication that the materials for this edition are due. However, thanks to the conscientious efforts of Nicole Owren-Wiest, the ABA staff, the Procurement Lawyer volunteers, and contributing authors, the fall edition of the publication was well along in its incubation before I realized it was time for me to prepare this column.

Speaking of the Boston meetings—they proved to be some of the most successful the Section has hosted in recent years, notwithstanding a somewhat challenging change the ABA made in the structure and schedule the Section normally follows for its Annual meetings. The Section’s educational programs were excellent, the brainstorming and planning sessions energetic and productive, and the social events socially uplifting (the Ruth Burg luncheon was hosted at the University Club of Boston and the Section Reception featured the heady comforts of the Harvard Club); and, attendance numbers for the meetings surpassed recent records. We also lived, quite comfortably, through our second entirely paperless Section meeting.

The Council meeting featured a slide show photo montage, with scintillating narrative by Section Delegate John Pachter, of the surprise party Section leaders threw in July for our beloved Section Director, Marilyn Neforas. The attendees at the Section luncheon were also treated to an impassioned speech by former Governor Michael Dukakis about the virtues of various aspects of universal health care. I observed with many other attendees that, regardless of one’s political leanings or views on the subject presented, Governor Dukakis’ presentation was among the most fascinating we had heard at a Section luncheon in many years. The new Annual Meeting structure is in a two-year trial period and compresses Section activities by eliminating those normally held on the last Sunday of the Annual Meeting. In past years, the Section conducted a full day of educational programming on this final day of the weekend. Please be on the look-out for a survey the Section will soon distribute soliciting your reactions to the new Annual Meeting structure.

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Section’s four educational and Council programs coming up this year: Oct. 30–Nov. 1, 2014, in Miami (the brochure will be distributed soon, with the overarching topic, Government Contracting in a Tech-Savvy World); March 11-14, 2015, 21st Annual Federal Procurement Institute in Annapolis; April 23-24, 2015, 10th Annual State and Local Procurement Symposium in Philadelphia; and July 30-Aug. 1, 2015, Annual Meeting in Chicago, during which our luncheon program will feature a special celebration and presentations marking the Section’s 50th Anniversary.

Outgoing Chair Sharon Larkin presented special awards of appreciation to a number of Section members who had made particularly significant contributions to Section activities in the past year, including Nancy Krieg-er, Kara Sacilotto, Greg Bingham, Linda Maramba, Susan Ebner, Tina Gillenwater, Jill Pena, and Betheon Whyte. And how many of us knew that as a budding teenager Marilyn Neforas won a fashion design contest conducted by the comic strip Winnie Winkle? Sharon did—and she presented Marilyn with a framed reproduction of the comic strip in which one of the cartoon characters wore Marilyn’s winning design. Sharon guided us through an extremely challenging year and we wish to again extend our most heartfelt thanks for her unwavering leadership (in recognition of which I presented her with the Admiral David Farragut “Damn the Torpedoes; Full Speed Ahead!” Award.) We again wish to express our appreciation to the Council members who have just concluded their three-year terms, Alison Doyle, Dan Graham, Steve Schooner, and Candida Steel, and also to Young Lawyers Division liaison Kames Kim and outgoing Budget & Finance Officer Jeri Somers; and we welcome our new Council members Andrew Irwin, Patricia Becker, Bob Strauss, and Kevin Mullen, and new Young Lawyers and Student Division liaisons Robert Leahy and Chase Keibler, new Budget & Finance Officer Jennifer Dauer, and new Section Secretary Aaron Silberman.

Perhaps the most encouraging aspect of our Boston meetings was the energy with which Section members articulated how the Section could continue to enhance the value it provides to its members. Our Strategic Planning meetings and annual new-chair “brainstorming” meeting were popping with constructive ideas regarding how the Section can further its primary objectives of enhancing its appeal to government, in-house, and younger attorneys. We are examining various mechanisms to achieve these objectives, including a revised scholarship program, targeted specifically at government and younger attorneys. The Section will also be implementing a more robust mentoring program that will use the scholarship initiatives to encourage and nurture the involvement of younger attorneys in meaningful Section activities. The Section will soon debut a second newsletter, in addition to its regular publications of the Public Contract Journal and Procurement Lawyer. The new newsletter will be structured in the fashion of current government contracts periodicals that feature headlines and quick-read descriptions of items of interest. The chairs of the Section’s new Publications Board, Immediate-Past Section Chair Sharon Larkin, Section Delegate Mary Ellen Williams, and new Section Secretary Aaron Silberman are beginning their work with ABA publishing experts to forge a plan through which the Section can increase its visibility as the “go-to” organization for exceptional publications on government contracting topics.

Annual and other Section meetings, and publications and webinars present our members with significant value. However, the heart of Section activities in many ways remains 1) the Section’s critical analysis and commentary on the most important issues facing the government
contracting community, and 2) the regular meetings and functioning of the Section’s approximately 30 committees. The Section submitted an unusually large number of high-quality comments on proposed and promulgated regulations and government initiatives this year. ABA Executive Director Jack Rives asked the Section to respond to a request from the US Senate and House Committees on Armed Services that the ABA provide input regarding Department of Defense acquisition reform. Chair-Elect David Ehrhart led an effort to begin a dialogue with the congressional committees and their staffs regarding the myriad of issues that are implicated by the request. We expect that the Section will serve as a major resource for Congress as it grapples with this difficult topic. The chairs of the Section’s Regulatory Coordinating Committee, Kara Sacilotto and Craig Smith, expertly shepherded various collections of Section commentators through timely and effective submission of comments to government regulatory bodies. Recent submissions include comments on:

1. Public Meeting—Detection and Avoidance of Counterfeit Electronic Parts—Further Implementation, 79 Fed. Reg. 26725 (May 9, 2014);
2. FAR Case 2013-022; Federal Acquisition Regulation; Extension of Limitations on Contractor Employee Personal Conflicts of Interest, 79 Fed. Reg. 18503 (Apr. 2, 2014);
4. DARS Case 2014-0012: Review of Statutory and Regulatory Requirements, 79 Fed. Reg. 8402 (February 12, 2014); and

These comment pieces are available on the Section and Regulatory Coordinating Committee website.

Finally, I wish to remind Section members of the exceptional services that many committees of the Section provide. Participation at a number of our regular monthly or bimonthly Section committee meetings is exceeding 100 attendees or more. Government attorneys have never been more active in a number of the committees. Senior attorneys from the US Army and Air Force have successfully encouraged many of their fellow agency attorneys to become active as officers and members of Section committees. We recognize that the lifeblood of the Section flows from the committees, and Section leadership wants to focus on enhancing the value that our committees provide. We have requested that committee leaders present us with new plans that outline the activities and initiatives they want to pursue in the coming year. I would like to call this “The Year of Commitment” in which we, each of us, doubles-down on his or her efforts to contribute to committee and Section activities, and thereby more than double the return on investment we all reap from our contributions. Please Join a Committee; Get Involved; Be Involved; Enjoy the Enhanced Benefits. Invoking the pleasant memories of our recent highly successful Annual Meeting in Boston, I borrow from one of Massachusetts’ favorite political sons in saying, “Ask not what your Section and Committees can do for you—ask what you can do for your Section and Committees.” We will all benefit. Thank you.