BY STU NIBLEY, CHAIR

Well . . . I find this awkward. Why? It is actually early May as I write this, but you will not read this column until July. Publishing production logistics being what they are, the outgoing chair must prepare the last column well before his or her actual “retirement” at the end of the Annual Meeting in August. I don’t want to leave as chair of the Section just yet; there is still plenty we hope to accomplish, and now is the time I am supposed to be enjoying the gentle twilight of my approaching lameness. But I will pretend as I write this that I am, in fact, leaving office now, so that when you read this column six or seven weeks from now, the timing will make sense.

So let’s try this: “As I stand on this raised platform, looking out among our colleagues, and prepare to pass along the torch of leadership—Oh, Darn! I dropped it again. Hey, what do you know? Hotel conference room carpet can catch fire; who knew? Wow that fire really spreads quickly, doesn’t it?! Well . . . I’m outta here. Good luck Dave (Ehrhart)! Keys are in the bottom drawer. . . . And the Unresolved Action Item List is in the top drawer. Gotta go! Good luck!”

All right, let’s flip the coin to a little more serious side. The privilege of serving on the Section Council and then as an officer over a period of several years presents one with the opportunity to observe both the extraordinary continuity of purpose and professionalism that has characterized Section activities for five decades and the constant evolution of the Section and its membership. Having been a philosophy major and sometime teacher, I am reminded of the observation of paradox offered by the pre-Socratic philosopher Heraclitus: Change is constant, but all is still the same. No man ever steps into the same river twice. The river is the same, but the water always different; and so is the man.

The committee of volunteers we have assembled to plan the Section’s 50th Anniversary Celebration has been meeting for several months now. We have been receiving large volumes of photographs, old articles, publications, and educational conference programs, minutes of past council meetings, memorabilia, and memories. It has been incredibly fun, and inspiring. The history of our Section and its founding is quite motivating. The issues the Section’s founders addressed yielded extraordinary continuity of purpose and professionalism that has characterized Section activities for five decades and the constant evolution of the Section and its membership. Having been a philosophy major and sometime teacher, I am reminded of the observation of paradox offered by the pre-Socratic philosopher Heraclitus: Change is constant, but all is still the same. No man ever steps into the same river twice. The river is the same, but the water always different; and so is the man.

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 products we take for granted in our practice now: the Contract Disputes Act, bid protest authority, the Truth in Negotiations Act, fraud, waste, and abuse and compliance initiatives, the constructive change concept, and many more. A walk through a list of the names of the Section’s leaders and the fundamental issues they addressed infuses a calm confidence that the profession we all pursue today rests upon the most solid of foundations. And yet, we welcome significant change and innovation. Many of us on the 50th Anniversary Planning Committee laughed when we tripped across the name of one of the Section’s committees of yore—the ADP (Automated Data Processing) Committee. We all bet that none of the members of our Young Lawyers Committee would know what “ADP” referenced. On the other hand, the current slate of Section officers is, I confess, only marginally versed in the workings of social media, and computer research and cloud sharing—concepts that are already changing how our Section operates and how government contracts lawyers provide service to clients. Ever constant, but ever changing. I think Heraclitus was speaking of our Section.

We hear often when association leaders vacate their positions, how reluctant they are to attempt to thank specific individuals who have supported them in their positions—for they will no doubt leave someone out. I feel this reluctance also; however, I feel a stronger urge to recognize those who have provided the energy and thought that have ensured that our Section can continue to profit from both consistency and evolution.

Our 50th Celebration Committee was led by—who else?—Marilyn Neforas (but more about our real leader later). Mike Mutek was our principle provocateur as we searched for relics from the Section’s past. His library of Section journals, articles, programs, council minutes, and other historical documents is astounding. Please read his article in this publication tracing the history of the Section. Assisting Mike in the “more experienced attorney” category were Pat Meagher and Dave Ehrhart, Mistress and Master of Ceremonies of our 50th Celebration, and John Pachter and Rob Schaefer, both past chairs of the Section. Pat Wittie, also a past chair (sensing a trend here?), infected the rest of us frequently in our calls with her joyous laughter as she attempted to describe photos she had recently collected, of Gil Cuneo, Allan Joseph, Marshall Doke, Ruth Burg, Alan Peterson, and many others at receptions and events spanning five decades, in locations from Hawaii to Sedona to New York. Rob Leahy, our Young Lawyers Committee representative, rolled his eyes at us (figuratively, I hope), and outlined advancements our younger lawyers are contemplating for the Section. And Jennifer Dauer used her creativity to plan a set of musical presentations featuring procurement-oriented lyrics sung by vocally uninhibited
barristers (and friends). Our 50th Anniversary celebration in conjunction with the summer meetings in Chicago will no doubt make us all both proud of our heritage and happy to be members of our Section.

We embarked at the outset of the year bearing several ambitious initiatives. Some of these enjoyed short lives, interred by the pressures of practicality and limited resources. Others not only lived, but now thrive as important messengers for Section objectives. The officers, led by Chair-Elect Dave Ehrhart, studied and recorded information regarding how the Section's committees can be most effective. We published our observations in a document entitled “Expectations of Committee Chairs,” and encouraged committee leaders to ensure that their committee activities are providing significant value to members. The Federal Procurement Division Co-Chairs Rich Rector and Holly Svetz, and General Interest Division Co-Chairs Kristen Itrig and David Dowd, were especially helpful in this regard.

We have for many years now recognized that we need to attract younger members, government attorneys, and attorneys of diversity to provide enhanced value from Section membership, and a more accessible and meaningful participation in Section activities. Heather Weiner took the laboring oar, with assistance from her co-chair, Keir Bancroft, and Section Secretary Aaron Silberman, to create a new Membership Division, under which membership, diversity, mentoring, and scholarship all now maintain committees. Ty Hughes, Section vice chair, with guidance and assistance from Section Co-Director Patty Brennan, Betheon Whyte, and Ernestine Leibas, conducted a detailed assessment of the Section’s website, and the website of each of our more than 30 committees. As a result, nearly all committees have now enhanced their websites.

I also think it appropriate to highlight the work of our Young Lawyers Committee (YLC) and its leaders, Oliya Zamaray, Rob Leahy, and Amy Conant. The Section officers have pursued a heightened objective of ensuring that the YLC is wired into virtually all Section activities and planning, and this year’s co-chairs have brought dynamic enthusiasm and consistency to their contributions to the Section.

Many Section members remind us that the Section’s vitality rests to a large extent on the quality and professionalism of the educational programs the Section delivers. This year’s programs were among the best that I have ever attended—and that includes both Section programs and programs sponsored by other organizations. Annual Program Co-Chairs Paul Khoury and Annejanette Pickens, with YLC and State and Local Division input from Rob Leahy and Gerard Wimberly, drew on organizational advances recent annual chairs had instituted to ensure that programs met deadlines and provided exceptional substance. The first thing an incoming Section chair does these days is to identify and cajole exceptional Section members into serving as program co-chairs, and I succeeded splendidly in this regard, conscripting Stan Soya and Oliya Zamaray for the Fall program; Anne Donohue, John Prairie, Scott Flesch, and David Dowd for the Federal Procurement Institute program; Angela Hinton, Grainger Bowman, and Gerard Wimberly for the spring State and Local Symposium; Patricia Meagher, Sheila Armstrong, Gunjan Talati, and Peter Balch for the ABA Annual Meeting; and Richard Arnholt and David Black for our teleconference programs. I wish to also extend special thanks to our Law Student Division liaison, Chase Keibler; he brought down our average only in one category—age!

If the Section’s educational programs are the heart and soul of the Section, then the brains are the Section’s publications: The Procurement Lawyer, again vibrant and relevant this year, led by Editor-in-Chief Nicole Owen-Wiest, and our crown jewel of intellectual quality, The Public Contract Law Journal, led by Editor-in-Chief Pat Wittie. And we always have to mention our Editor-in-Residence, the incomparable Herman Levy. Every Section member owes them, and their volunteers, a debt of gratitude.

Finally, of course, we need to stop, put down our pens, mice, smart phones, and drone controllers, to acknowledge the very foundation blocks and pillars of the Section—the people—those who maintain the strength of a Section that I have been pleased to discover is admired throughout the ABA. First, our delegates to the ABA House of Delegates. Few of us realize how well-respected Mary Ellen Coster Williams and John Pachter are among their House peers within the ABA, and how effectively they work on our behalf under the great legacy of Allan Joseph, who toiled so many years in the delegate position, and later as treasurer of the ABA.

Next, our new Section Co-Director, Patty Brennan, whose supervisors at the ABA hand-picked to serve as the best possible fit for our Section—and boy were they right! Patty is smart, deferential, but unassumingly on top of all things (like Corporal Radar O’reilly), efficient, and tolerant. She and I speak or communicate at least once and often several times daily now (did I mention that she is incredibly “tolerant”?)

Patty, indeed, has all of the mentioned qualities and we are so fortunate that she will be our director into the future. Meanwhile, we must conclude with the person who is the light, the darkness, the sun, the moon, the blood, and the guts, the veins and the arteries, the toes, feet, legs, fingers, hands, arms, head, and yes, the core, of our Section—our Section director of 38 years, and now a personal best friend to me, and also to many of you—Marilyn Neforas. There has never been, never will be, another like her. Thank you.

Finally, I wish to give a virtual hug to my two irreplaceable supporters: Tina Gillenwater, my shadow, who has now been with me for 29 years and who provided essential logistical support for Section activities this year; and Liz, my wife and life partner of 31 years, who has embraced the Section and its members with open arms and into our own family. 

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