

May 26, 2006

Dear Counsel:

SAVE THE DATE. This year's United States Court of Federal Claims Judicial Conference is scheduled for October 25, 2006 to be held at the historic Willard Hotel in Washington, D.C. The general theme for this year's Conference is Trials. While the Conference will present a variety of interesting and useful information for all attendees, once again, a significant portion of the Conference will focus on Vaccine litigation - valuable information for anyone interested in the litigation of vaccine cases under the Program. The Court's formal invitation, including registration details and the full program description, will be mailed in the early fall. However, let me take this opportunity to describe briefly the Vaccine portion of the Conference.

This year's Vaccine session promises to be a "must see" for anyone interested in the Vaccine Program. Coming on the heels of the Federal Circuit's opinions in *Althen* and *Capizzano* (and the expected decision in *Pafford*), the Vaccine session will consist of two panels to discuss the Circuit's causation opinions and to explore generally appellate issues.

The first panel will explore the meaning of the Circuit's recent rulings. It will be moderated by one of our three "new" Special Masters, **Denise Vowell**. Special Master Vowell should have little problem generating a lively discussion with the two panelists: **Professor Betsy Grey** of Arizona State University Law School; and, **Professor Michael Green** of Wake Forest University Law School. Professor Grey is very well-suited for this discussion as she and several of her colleagues have been studying in depth the Vaccine Program for nearly two years. Likewise, Professor Green is well versed in the vaccine case law having participated in the Vaccine session on causation at the 2004 Judicial Conference. Given the Circuit's decisions in *Althen* and *Capizzano* and the interpretive rulings that have followed, this outside perspective from these two professors should be very interesting and informative.

The second panel discussion of appellate issues will no doubt prove the equal of the first. The moderators for this panel will be **Professors Grey and Green**. I am extremely pleased and excited (as well as very grateful) to announce the panelists: **Judge Eric Bruggink** and **Judge John Wiese** of the United States Court of Federal Claims; and, **Judge William Bryson** and **Judge Raymond Clevenger III** of the Court of Appeals for the Federal Circuit. We have not had a public discourse with the appellate judges on their perspective of the Vaccine Program and litigation under the Program. This, I am certain, will be a scintillating discussion!!

As at past Judicial Conferences, in addition to the two panel discussions, Special Master George Hastings will conduct a live status conference on October 25 in the Omnibus Autism Proceeding. The purpose of the status conference is to update counsel on the progress of the autism proceeding and to give counsel an opportunity to ask questions of Special Master Hastings and lead counsel in the proceeding.

I believe wholeheartedly that the Bench and Bar must communicate periodically to improve the system of justice. I believe this Conference program - the panel discussion of the Circuit's recent

rulings on causation, the panel discussion of appellate issues, and the autism status conference - can provide that important dialogue. Dialogue requires participation. I am asking for your support.

If you have any questions or suggestions about the Conference or Vaccine session, please do not hesitate to contact me. Also, if you have any questions for the panelists or have issues you would like them to address, please submit them to me. I have set up a special e-mail address to handle your questions and input. The address is **OSM_Judicial_Conference@ao.uscourts.gov** . If you need to speak directly to someone, please contact Michelle Mendelson, staff attorney to OSM, at 202-357-6344.

Thank you in advance for your support. I look forward to seeing you in October.

Sincerely,

Gary J. Golkiewicz
Chief Special Master