

United States Court of Federal Claims
Office of Special Masters

1440 NEW YORK AVENUE, N.W.
SUITE 200
WASHINGTON, DC 20005

June 10, 2008

Dear Counsel:

SAVE THE DATE. This year's United States Court of Federal Claims Judicial Conference is scheduled for November 19, 2008, to be held at the Capitol Hilton in Washington, D.C. 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 the Vaccine 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.

Past Vaccine sessions have focused directly on the legal precedents that guide the case determinations. This year's session will take a broader view of the policies underlying the Act and the implications of vaccine decisions on families, public health, and vaccine litigation outside of the Vaccine Program. These issues will be explored through two panels.

The first panel is tentatively titled "**Vaccines: Balancing Benefits with Parental Concerns (the autism issue?)**." It will be moderated by Sharyl Attkisson, a reporter with CBS Evening News. The panelists will be Arthur Allen, author of "Vaccines"; David Kirby, author of "Evidence of Harm"; Dr. Ed Marcuse, Professor of Pediatrics at the University of Washington, who has served as a member and Chair of HHS' National Vaccine Advisory Committee, and as a member of CDC's Advisory Committee on Immunization Practices; and, Dr. Bernadine Healy, Health Editor, US News and World Report and former Director of the National Institutes of Health. There is no doubt that this discussion will be lively and informative.

The second panel will utilize some of the information from the first discussion and apply it when discussing the effects of decisions under the Vaccine Compensation Program. The title for the second panel is "**Vaccine Compensation Under the Act: A Mix of Science and Policy?**" This panel will be moderated by Senior Judge Loren A. Smith, who was the Chief Judge when the Vaccine Program first began at the court in 1988. The panelists will be Kevin Conway, a petitioners' counsel since the Program's inception; Randolph Moss, a partner at WilmerHale and co-chair of the firms' Government and Regulatory Litigation Group, who represents vaccine manufacturers; Dr. Paul Offit, the Chief of Infectious Diseases at the Children's Hospital of Philadelphia, a professor of pediatrics at the University of Pennsylvania School of Medicine, and the co-inventor of the rotavirus vaccine, RotaTeq; Marguerite Wilner, former Vice-Chair of the Advisory Commission on Childhood Vaccines; and Ruth J. Katz, Dean of the School of Public

Health at The George Washington University. Previously, Dean Katz served as counsel to the Subcommittee on Health and the Environment in the U.S. House of Representative (then chaired by Congressman Henry A. Waxman), where she helped develop the National Vaccine Act. With these different perspectives, this promises to be an interesting discussion!!!!

In addition to these two "must see" vaccine discussions, this year's Conference offers an Ethics panel that vaccine practitioners will find quite meaningful. Judge Mary Ellen Coster Williams will moderate a discussion regarding ethical issues involving expert witnesses. The panel will include Special Master Denise Vowell and a law professor, Joseph Sanders from the University of Houston. With the extensive involvement of experts in vaccine litigation, this panel discussion should provide important information and considerations to all vaccine practitioners.

Lastly, as in past years, there will be an opportunity for petitioners' counsel to meet and share information and ideas. This year, David Terzian is organizing such a meeting. Here is Mr. Terzian's contact information:

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I believe wholeheartedly that the Bench and Bar must communicate periodically to improve the system of justice. I believe this Conference program - the panel discussions of general vaccine policy issues and of the information underpinning vaccine compensation decisions - 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 my law clerk, Catherine Olin at 202-357-6343.

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

Sincerely,

Gary J. Golkiewicz
Chief Special Master