

# United States Court of Federal Claims

717 MADISON PLACE, NW  
WASHINGTON, DC 20439

CHAMBERS OF  
CHIEF JUDGE  
PATRICIA E. CAMPBELL-SMITH

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June 6, 2016

Matthew Lee Wiener, Executive Director  
Administrative Conference of the United States  
1120 20th St., NW  
Suite 706 South  
Washington, DC 20036

Via Email: [mwiener@acus.gov](mailto:mwiener@acus.gov)

Dear Mr. Wiener:

Thank you for your June 2, 2016 response to the court's letter of May 19, 2016, in which I expressed concern regarding the Committee on Adjudication's ongoing research project on "aggregate agency adjudication." I specifically focused on incorrect and misleading statements contained in the April 29, 2016 report titled "Aggregate Agency Adjudication."

In your letter, you state that the Administrative Conference of the United States (ACUS) had received confirmation from the Office of Special Masters that "the report was accurate." However, our records do not support that statement. Following initial conversations in the summer of 2015 between the report authors, Special Master Hastings, and former Chief Special Master Denise Vowell (who retired on September 31, 2015), the next time the Office of Special Masters was contacted by the report authors was on April 26, 2016, when Special Master George Hastings received an e-mail from Michael Sant'Ambrogio asking to address "a few follow-up questions" and transmitting a draft of the report.

Special Master Hastings was unable to respond to that email until May 2, 2016, at which time he stated that he was coordinating with the court in order to be able to respond; because the Office of Special Masters is a unit of the United States Court of Federal Claims, only the chief judge is authorized to make statements on the court's behalf.

On May 2, 2016, Mr. Sant'Ambrogio wrote back to thank Special Master Hastings for his e-mail reply, but failed to share that the report had already been made final on April 29, 2016.

The court very much appreciates your commitment to revise the current version of the report consistent with the points raised in our May letter, but I do want to be sure that the record of the interactions between ACUS, the report authors, and the United States Court of Federal Claims are captured accurately.

If you or the authors of the report have any additional questions, please do not hesitate to get in touch with me or Chief Special Master Nora Beth Dorsey. We can both be reached by calling the United States Court of Federal Claims Clerk's Office at (202) 357-6406.

We look forward to seeing a revised copy of the report, and wish ACUS success with this project.

Sincerely,

A handwritten signature in cursive script that reads "Patricia E. Campbell-Smith".

Patricia E. Campbell-Smith, Chief Judge

cc: Nora Beth Dorsey, Chief Special Master, Office of Special Masters  
George Hastings, Special Master  
Lisa L. Reyes, Acting Clerk of Court  
Meredith G. Miller, Senior Staff Attorney  
John Vittone, Chair, Committee on Adjudication, ACUS  
Reeve Bull, Research Chief, ACUS  
Amber G. Williams, Staff Counsel, Committee on Adjudication, ACUS  
Michael Sant'Ambrogio, Michigan State University College of Law  
Adam Zimmerman, Loyola Law School, Los Angeles