

FOREWORD

As I reviewed the cases in this year's *Year in Review*, it struck me that an appropriate theme might be "Things I Thought We Already Knew, But Have Not Learned." The cases do not necessarily cut new trails in the procurement world, but serve as great examples of the basic principles of Contract Law. In the past year, the procurement world closed the book on the Darlene Druyun case, but unfortunately had new reminders that checks and balances throughout the procurement process are a necessity. My hope is that next year, we will have nothing but positives to speak about when discussing federal procurement and fiscal issues. Our New Year's resolution should be to continue to improve public trust by incorporating appropriate mechanisms of transparency, fairness, and integrity into public-private competition. As we look to this year's *Year in Review*, we also recognize the importance of contracts and fiscal issues to our deployed judge advocates.

In recognition of the highlighted role of contracts and fiscal law today, the theme of this year's Contract and Fiscal Law Symposium (6 to 9 December 2005) was *Afghanistan and Iraq: Lessons Learned*. The overarching lesson learned, however, should be that contract and fiscal law issues resonate not only throughout our operations in Afghanistan and Iraq, but throughout all governmental functions, whether it be in the Pentagon, in garrison, in a deployed environment, or in domestic relief operations. Because of this broad reach, the Symposium covered a variety of topics for practitioners at all levels and areas of operation. The wide range of guest speakers and panels provided something for everyone and a lesson to be learned for each.

This year's Symposium confronted the issues faced by the different practitioners head on, with a mix of familiar favorites and newcomers. It is amazing that many of our distinguished speakers such as Mr. Robert Burton, the Acting Administrator of the Office of Federal Procurement Policy; Mr. Stuart Bowen, Special Inspector General for Iraq Reconstruction; and the Honorable Paul McNulty, Acting Deputy Attorney General and the U.S. Attorney General for the Eastern District of Virginia, commented on the same type of issues military practitioners are currently dealing with: the sharing of expertise and information.

The *Year-in-Review* is the Contract and Fiscal Law Department's* annual attempt to summarize the past fiscal year's most important and relevant cases and developments in various subject matter areas. Hopefully, the trends that are captured in the *Year-in-Review* will assist you in your practice and enable you, in turn, to assist others.

Throughout the coming year, I hope senior military practitioners will help share their wealth of knowledge with the young attorneys throughout their office and the Judge Advocate General's Corps (JAG Corps). Young attorneys are frequently wrestling with contract and fiscal issues while deployed and they need and deserve our assistance. Share your expertise and your knowledge with the future of the JAG Corps and the procurement world. Through your guidance and mentorship, you will set them up for success. Remember that, some day, they will be sitting in your seats, advising clients and commanders, and attending future Symposiums to discuss the issues of their day.

Lieutenant Colonel Ralph J. Tremaglio III

* The Contract and Fiscal Law Department is composed of seven Judge Advocates (Lieutenant Colonel Ralph J. Tremaglio, III; Major Steven R. Patoir; Major Michael S. Devine; Major Andrew S. Kantner; Major Marci A. Lawson, USAF; Major Michael L. Norris; Major Jennifer C. Santiago); and our Secretary, Ms. Dottie Gross. Each officer contributed sections to this work. The Department would like to thank our outside contributing authors: Lieutenant Colonel Karl Kuhn, Ms. Margaret Patterson, Lieutenant Colonel John Siemietkowski, and Major Katherine White. We greatly appreciate their expertise and contributions. Finally, the issue has benefited inordinately from diligent fine-tuning by the School's resident footnote guru, Mr. Chuck Strong. Thank you all!