



Hon. Christian J. Moran

Special Master, Office of Special Masters of the U.S. Court of Federal Claims

by Shannon N. Proctor



Shannon N. Proctor is an associate at Keller and Heckman, in the firm's Washington, D.C., office. She practices in the area of food and drug law. Proctor clerked for Special Master Moran and later the U.S. District Court for the District of Columbia.

Christian J. Moran has been a special master for 12 years within the Office of Special Masters of the U.S. Court of Federal Claims, which manages and adjudicates all vaccine claims brought pursuant to the National Childhood Vaccine Injury Act of 1986.¹ Prior to his appointment, Special Master Moran represented the United States at the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Federal Claims in cases involving government contracts, military and civilian personnel, and veterans' benefits. The son of a judge, Special Master Moran is a graduate of the University of Connecticut School of Law, with honors, clerked on the Court of Federal Claims, and worked in private practice. Although in high school he won a state championship for making french fries, any french fry dreams were second to his lifelong desire to become a lawyer.

When he is not in an entitlement or fact hearing, a typical day for Special Master Moran includes holding several status conferences, which involve attorneys representing petitioners and Department of Justice attorneys representing the Department of Health & Human Services; reading expert reports and medical literature in support of or in opposition to the vaccine claim; and drafting decisions. A key skill that he believes he brings to the job as a Special Master is listening. He proposes that his colleagues would describe him as thoughtful, quiet, and patient—similar to how he describes himself.

When was the last time you read about the mechanism of Leigh's syndrome, mitochondrial disorder, or posterior reversible encephalopathy syndrome? Special Master Moran spends his days thinking about vaccines, causation, and diagnoses, but he is also actively involved with his two sons. Outside of school, both play various sports including basketball and ultimate frisbee, with Special Master Moran occasionally taking on coaching duties. Lately, his focus has been on college visits and college plans.

On a Saturday morning you can find Special Master Moran out for a run. In fact, he recently complet-



ed the 2018 Marine Corps Marathon, his first (and maybe last). An avid basketball player, you can also find him playing basketball with friends, filling out his March Madness bracket, and reading up on the latest sports news. The author can personally report that during my law clerk interview, basketball came up as a topic as a fellow basketball lover.

If he were not a special master and could work anywhere, Special Master Moran would work at National Public Radio in San Diego, his ideal location. Despite this fact, he says that he would be a special master even if he were not paid. When I asked Special Master Moran how he wanted to be remembered he said, "as someone who tried hard to improve things."

While reflecting about my own time clerking for Special Master Moran, I found this to be true: He challenged us, he challenged us to challenge him, he was dedicated, and he sought out effectiveness with efficiency. In one of Special Master Moran's many points of wisdom (or "Moranisms," as I like to call them), he paraphrased Abraham Lincoln and advised me, "If you have 14 hours to cut down a tree, you spend 13 hours sharpening the axe." ☺

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who—all things being equal—will not have leanings one way or the other about the case at hand.

Both of these approaches, as well as the myriad other ways to pull out and combat implicit bias through voir dire, take creative thinking from lawyers, as well as time and patience from judges on the bench. As the research around implicit bias becomes more readily known, lawyers and judges will hopefully take (and be given) creative license in voir dire to ensure fairness to all participants in a trial. ☉

Endnotes

¹To take a test to learn more about your own implicit biases, visit PROJECT IMPLICIT, <https://implicit.harvard.edu/implicit/takeatest.html>

(last visited Apr. 8, 2019).

²Lisa Blue has recovered \$350 million in jury verdicts (and hundreds of millions more in settlements) and is a leading expert on jury selection—something she credits to her background, which includes two master's degrees and a Ph.D. in psychology.

³06 – Lisa Blue – A Psychologist's View on Jury Selection, TRIAL LAW. NATION (2018), <https://triallawyernation.com/episode/06-lisa-blue> (last visited Apr. 8, 2019).

⁴Cortez v. HCCI-San Antonio Inc., 159 S.W.3d 87 (Tex. 2005).

⁵Jury Analyst, Get in the Game Podcast - Bruises Matter in Court with Keith Mitnik - Trial Lawyer and Educator, YOUTUBE (Sept. 6, 2018), <https://www.youtube.com/watch?v=B7B5ts-8ewg>.

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18SAO15842AD, Re: Closed Investigation (Feb. 8, 2019), <https://www.jacksonville.com/assets/pdf/staugustine/LK2010212.PDF>.

²²Fla. AGO 71-191.

²³Inf. Op. to Markham, Sep. 10, 1996; Inf. Op. to Green, Dec. 11, 1998; *Roscow v. Abreu*, No. 2003 CA 01833 (Fla. 2d Cir. Ct. Aug. 6, 2004); cf. *Brown v. Denton*, 152 So.3d 8 (Fla. 1st Dist. 2014) (finding that certain collective bargaining negotiations were not subject to the Sunshine Laws).

²⁴Since 1995, 269 exemptions to the Sunshine Law have been approved. Gray Rohrer, *Florida's Renowned Sunshine Laws Took Another 12 Hits from the Legislature This Year*, MIAMI HERALD (Apr. 10, 2018, 6:06 PM), <https://www.miamiherald.com/news/politics-government/state-politics/article208393214.html> (updated Apr. 11, 2018, 6:43 AM).

²⁵Inf. Op. to Nelson, May 19, 1980.

²⁶*Freeman v. Times Publ'g Co.*, 696 So.2d 427 (Fla. 2d Ct. App. 1997).

²⁷Fla. AGO 2009-19.

²⁸*Canney v. Board of Pub. Instruction of Alachua Cty.*, 278 So.2d 260, 264 (Fla. 1973).

²⁹Fla. AGO 05-03.

³⁰Matt Vautour, *Robert Kraft Prostitution Charges: Potential Release of "Extremely Graphic" Video Tied Up After Motion*, MASS LIVE (Feb. 26, 2019), <https://www.masslive.com/patriots/2019/02/robert-kraft-prostitution-charges-potential-release-of-extremely-graphic-video-blocked-after-motion-from-defense-attorney.html>; *John Doe, Jane Doe v. The City of Jupiter Police Dep't et al.*, Filing No. 85425813 (Fla. 15th Cir. Ct. Feb. 25, 2019) (Complaint for an Emergency Declaratory Judgment) (case number pending as of submission).

³¹The response to the Parkland massacre was codified by CS/CS/CS/HB 165 (Ch. 2018-128) and the relevant subsections appear in Fla. Stat. §§ 16.555, 20.15, 30.15, 121.091, 394.463, 394.495, 397.6760, 790.065, 790.0655, 790.335, 794.056, 836.10, 921.0022, 938.085, 1002.32, 1006.04, 1006.07, 1005.12, 1006.13, 1011.62, 1013.64.

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¹National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755 (1986) (codified as amended at 42 U.S.C. §§ 300aa-1 to -34).

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Baby Evelyn was 15 weeks old when she was sexually assaulted by her father. She died in the process. This, recalls Judge Green, was probably the most emotionally and factually difficult case he prosecuted. He remembers presenting the case to the grand jury leaving most of them sobbing. The same thing was true at trial. Baby Evelyn's mother was only 22 years old when she had to testify. She was brave, and Judge Green maintains great respect for her. Throughout the course of the investigation, they learned of other victims. Baby Evelyn's father is where he belongs, in prison, serving a life sentence without the possibility of parole.

The words of wisdom Judge McMillan spoke to his naïve clerk all those years ago are woven into the fabric of the robe Judge Green wears today. He is a man of great faith. He is a devoted husband, father of five, and he is a judge. Every time Magistrate Judge Phillip J. Green leaves his chambers, he looks at baby Evelyn's picture and a poem written for her, which hang next to the door that leads to his courtroom. She reminds him that his call to serve means he has to think about the people, consider what they go through, and have true compassion for all. ☉