



# DACA Pulse

WINTER 2007

PROFESSIONAL AEROSPACE CONTRACTORS ASSOCIATION OF NEW MEXICO

PO Box 9178  
Albuquerque, NM 87119  
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## Introducing ... the PACA Pulse

Welcome to the first issue of our newsletter, the PACA Pulse. The Pulse will be produced quarterly and distributed electronically to all PACA members. The purpose of this newsletter is to enhance the value of your PACA membership. We hope the Pulse will allow PACA members to learn more about each other, identify business opportunities, highlight issues faced by the aerospace industry and promote professional development.

Regular features of the newsletter will include PACA news and upcoming events and other items of interest to PACA members, profiles of PACA members, introductions of new members, a message from the PACA president, opinions and legal insights.

This is your newsletter and we invite your participation. If you have news or opinions that you believe would be of interest to other PACA members and relate to the purposes of this organization, please contact our editor, Ross Crown, at 764-5402 or RCrown@LRLaw.com. You may also let Ross know about any corrections, criticisms, or suggestions for improvement. We look forward to hearing from you. •

## President's Corner

Your PACA has had a successful year. We have added some things and improved on some things we were doing that we hope are a benefit to you. Let me cover some of these highlights.

We started doing special introductions of new members (thanks to Stacy Sacco); we received \$2,500 for the Hal Shelton Memorial Scholarship fund from Phyllis Shelton; we are starting a newsletter to be sent out to the members (thanks to Ross Crown who is undertaking this project); a highly successful BFI in August (our thanks to Ron Unruh and the entire BFI committee); great speakers for our monthly luncheon meetings (thanks to Dick Trask); a revised and improved Web site (thanks to Euroclydon); and a wonderful Christmas Party (thanks to Fred Jonas), just to mention a few. We have already added many new members this year and we are putting a push on adding more, especially small businesses (thanks to Bill Miera).

If you noticed, I thank many folks – that's because it takes a lot of volunteers to make PACA the success that it is. Please think about helping us by volunteering your time to this great organization. The benefits of your PACA membership are many, but here are just a few.

- Monthly lunch meetings – high ranking, decision making Government speakers providing insights you may never get elsewhere.
- Networking with other aerospace companies – getting to know company decision makers for possible future teaming on contract opportunities.
- Annual Briefing for Industry – co-hosted by PACA with AFRL.

Please touch base with companies you work with and encourage them to join PACA. Have them contact Stacy Sacco, our PACA Membership Chairman, for enrollment information at [marketing@kirtlandfcu.org](mailto:marketing@kirtlandfcu.org).

We look forward to the coming elections for PACA. Please consider if you would like to run for an office. If you do consider this, please contact Jack Bishop at 301-7946. Please think about helping out to make your PACA better in 2007 and beyond. •

~ Dar Johnson

# Member Profile: Schafer Corporation

PACA is proud to include Schafer Corporation as one of its members. A leading-edge technology company founded in 1972, Schafer is an employee-owned small business headquartered in Chelmsford, Massachusetts. Its 500 employees are divided into four divisions: The Space and Directed Energy Division, Schafer Laboratories, the Systems Engineering and Integration Division and the Technology Management Division. The company provides research, development, test and evaluation, modeling and analysis of technology applications.

Schafer's Albuquerque Operation is part of the Space and Directed Energy Division and employs over 50 people. Albuquerque consists of five departments: the Laser Devices Group, the Electro Optics Group, the Modeling and Simulation Group, the Space Control Group, and the Scientific/Engineering Technical Assistance Group. Albuquerque also oversees Schafer's activities at the White Sands Missile Range, Edwards AFB and Maui.

The Albuquerque Operation's major activities include Airborne Laser, light weight optics and the Space Control efforts. Albuquerque also provides the scientific engineering technical assistance (SETA) support as a prime contractor to the DOD High Energy Laser Joint Technology Office

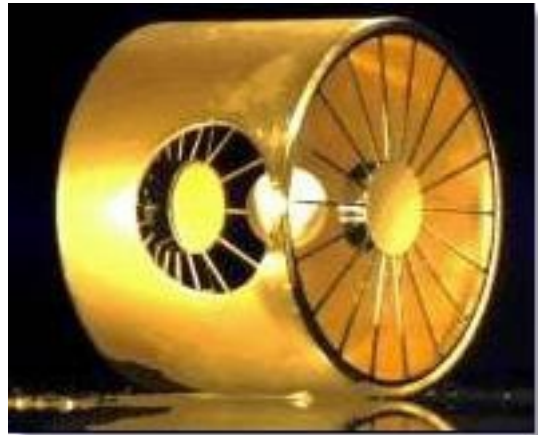


located here in Albuquerque. Another major customer is the Air Force Research Laboratory where Schafer supports both the Space Vehicles Directorate and the Directed Energy Directorate. Schafer's work for the Space Vehicles Directorate is in the areas of the hardened space electronics and space control applications. For the Directed Energy Directorate, Schafer is providing sophisticated laser kinetics and computational fluid dynamics analyses for the laser device development branch.

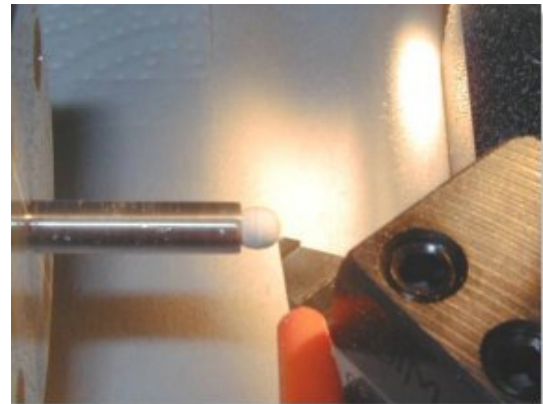
Schafer performs government contracts both as a prime contractor and a subcontractor. Its small business status makes Schafer an attractive partner for teaming arrangements. Schafer has established subcontracting procedures and supports a host of subcontractors and consultants through its prime contracts.

Four Schafer employees are active in PACA. They are Rett Benedict, Schafer's Chairman of the Board; Tim Tamerler, who is both the General Manager of Albuquerque Operations and the head of the Space and Directed Energy Division; Jeff Walters, a former PACA president, who is head of the Albuquerque's Electro Optics Group; and Bill Goodman, who is the Optical Systems Business Lead.

Additional information about Schafer can be found at [www.schafercorp.com](http://www.schafercorp.com).



Secondary Hohraum with Polystyrene Foam Sphere and Beryllium Wagon Wheels



Precision Machining of a 4.5mm Diameter, 45mg/cc Polystyrene Foam Sphere

## Welcome NEW Members

**Edwynn L. Burckle**  
Executive Director

Regional Development Corporation

**Michele Detry**

General Manager, New Mexico Operations  
Keystone International, Inc.

## PACA Small Business Committee

Bill Miera heads up the Small Business Committee. One of the initiatives he is working on is a networking function between PACA's small and large businesses. If you have any suggestions for how PACA could serve its small business constituency better, please send Bill your ideas at [cpalmer@fiore-ind.com](mailto:cpalmer@fiore-ind.com) or 255-9797.

## PACA Luncheon Speakers

### ■ February 20, 2007

Kirtland Partnership Committee Update by David Seely, KPC Chairman and Stuart Purviance, KPC Executive Director

### ■ March 20, 2007

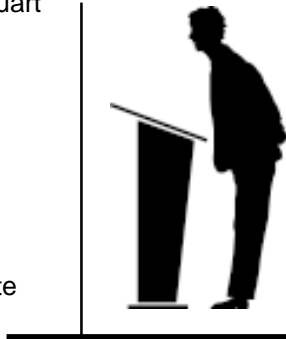
Col. Robert E. Suminsby Jr.  
Commander, 377<sup>th</sup> Air Base Wing

### ■ April 17, 2007

Susan Thornton  
Director, Directed Energy Directorate  
Air Force Research Laboratory

### ■ May 15, 2007

Thomas Berard  
Director, White Sands Missile Range



We meet the 3<sup>rd</sup> Tuesday of each month at the Mountainview Club (which is located on Club Road on the east side of Kirtland Air Force Base). Registration begins at 11:30 am followed by lunch at 12:00 noon. Members are free and Nonmember/Guests are \$15.

To RSVP, E-mail [paca@ngc.com](mailto:paca@ngc.com) or call the PACA hotline at 842-8911, ext.333. Include your name, guests' names and menu selection (typically a meat, fish or vegetarian dish). Please RSVP by the Friday before the week of the meeting. If you do not have access to KAFB, please include a request for a base pass (to the Wyoming gate) with your luncheon order. •

## Industry Events



**March 6-7:** uv.eb West 2007, Sheraton Gateway Hotel at LAX, Los Angeles, CA. Hosted by RADTECH, the Association for UV & EB Technology, Chevy Chase, MD, (240) 497-1242. Visit [www.radtech.org](http://www.radtech.org) and [www.uvebwest.com](http://www.uvebwest.com)

**April 12-23:** 23<sup>rd</sup> National Space Symposium, The Broadmoor Hotel, 1 Lake Ave., Colorado Springs, CO. Hosted by the Space Foundation, Colorado Springs, CO, 1-800-691-4000 or (719) 576-8000. Visit [www.spacesymposium.org](http://www.spacesymposium.org)

**May 13-19:** Intel International Science and Engineering Fair 2007. This is the premiere national and international pre-college science competition showcasing student finalists from around the world. Sponsors, volunteers and judges are needed. Visit [www.intelisef2007.org](http://www.intelisef2007.org) •

## Upcoming PACA Events

**PACA Board of Directors Elections:** Each March, elections are held to fill any open officer positions. If you are interested in serving on the board or heading up a committee, please contact Jack Bishop at 301-7946.

**Briefing for Industry (BFI) 2007:** Monday, August 20 – Wednesday, August 22, with full-day sessions on both Tuesday and Wednesday. BFI is the premier regional conference for strategic insights and new business opportunities including presentations by representatives from the Air Force Research Laboratory (AFRL), DOD, DOE and NASA. The conference will convene at the Hotel Albuquerque at Old Town, 800 Rio Grande Blvd. NW. •

## PACA Welcomes Susan Thornton

Susan J. Thornton has been appointed the new Director of the Directed Energy Directorate at the Air Force Research Laboratory. Formerly, she was Director of Engineering, Airborne Laser Program, Aeronautical System Center, Kirtland Air Force Base. In that capacity, Ms. Thornton supervised the technical management of the Airborne Laser high-energy laser weapon system, a \$7B program focused on destroying ballistic missiles in the boost phase. She served as the principal technical advisor to the system program director on designing, building and testing the Airborne Laser. Ms. Thornton also led the first-ever application of the Air Force airworthiness



certification process culminating in a successful first flight of the highly modified 747-400 Airborne Laser aircraft in July 2002.

Prior to joining the Airborne Laser program, Ms. Thornton served as Chief, Plans and Program Branch, Engineering Directorate, Aeronautical Systems Center. She was directly responsible for developing user-friendly guidance for the application of the new Air Force policies for Operational Safety, Suitability, & Effectiveness and Airworthiness to USAF aircraft flying worldwide.

Ms. Thornton holds a B.S. degree in electrical systems engineering from Wright State University, an M.S. in aeronautical engineering from the University of Dayton, and a Master in Public Administration from the John F. Kennedy School of Government, Harvard University. She also is a graduate of the Advanced Program Manager's Course at the Defense Systems Management College. In 2003 Ms. Thornton was named Aeronautical Systems Center Chief Engineer of the Year. •

# Legal Insights: Discovery of Electronically Stored Information

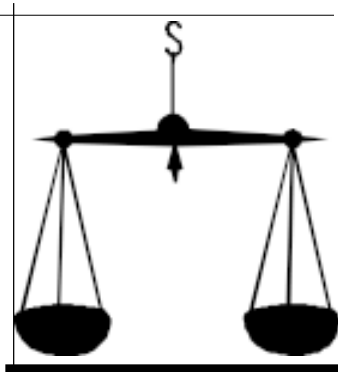
Recent decades have witnessed an electronic revolution that has substantially changed the ways in which information is generated, communicated and stored. Like many other aspects of society, this revolution has had a profound effect on judicial proceedings.

One of the prime features of civil litigation is discovery—the process by which parties disclose information to the opposing party about the factual basis of their case. Much discovery consists of producing documents. Depending on the size and complexity of the lawsuit, document production can involve anything from a small file to entire warehouses.

For years, courts have struggled with how to fit “electronically stored information” (ESI) into the discovery process. On December 1, 2006 amendments to the Federal Rules of Civil Procedure specifically addressing ESI became effective. These amendments apply to all civil litigation that takes place in the federal courts. While the changes do not yet apply to state courts, it is likely that similar amendments will soon be adopted by these courts as well.

Not only lawyers need to know about these amendments. Anyone who works for a company that is or could become involved in litigation (which is to say, every company) should be aware of these changes too. The amendments detail several aspects of what is now called “e-discovery” including the following:

- **Recognition of ESI:** When a lawsuit is filed, the parties must give early attention to ESI. This means they must report to the court and the opposing party what information is stored electronically, how it is stored and how the information will be preserved and produced during the lawsuit. In going through this process, it is important to understand that not all ESI can be reproduced in paper formats. Even if the volume of ESI is sufficiently limited to make this a practical production strategy, printed documents do not include metadata. Metadata is electronic information that shows who prepared the document, when it was prepared, when it was printed, when it was last modified, dates of access and other such information. Depending on the nature of the issues in a particular case, production of metadata may be required.



- **ESI Not Reasonably Accessible:** Due to the potentially enormous volume of ESI relating to a particular case, a party does not necessarily have to provide discovery of such information from sources the party identifies as not reasonably accessible because of undue burden or cost. The opposing

party may challenge this assertion in court or ask the judge to require the information be produced anyway.

- **ESI and Privilege:** Also in recognition of the volume of ESI, if a party inadvertently produces information that should not have been produced because it is privileged, the producing party may so notify the receiving party. After being notified, the receiving party must either return or destroy the information or sequester it until the claim of privilege can be resolved by the court. Before the new amendments were adopted, the general rule was that the production of a privileged document, even if by mistake, waived the privilege not only as to that document, but also as to any other privileged documents concerning the same subject matter. The amendments also recognize and encourage “clawback” agreements. These are voluntary agreements permitting parties to produce information first and then assert privilege later without risking a waiver of the privilege.

- **Preservation of ESI:** Courts will not impose sanctions on a party under the federal rules for failing to produce ESI that is lost as a result of the routine, good-faith operation of an electronic information system. This does not mean a party can dodge its discovery obligations by allowing a routine operation to continue to destroy information that should be saved. A party is under an obligation to preserve information when litigation is pending or reasonably anticipated. Under these circumstances, the party should implement a “litigation hold” that, among other things, includes intervening in the routine operation of an information system to preserve ESI that would otherwise routinely be destroyed.

What do these changes mean to your company? Those people who are responsible for overseeing the company’s litigation must become very familiar with your computer systems and must educate your lawyers about them. In particular, they must understand how electronic information gets created, disseminated and stored or destroyed. At a minimum this requires a working knowledge of the company’s networking systems, data storage systems, server backup cycles and all possible data storage locations.

Even companies fortunate enough not to be currently engaged in litigation and who do not anticipate becoming involved in a lawsuit must ensure that they are familiar with their computer systems. Once a lawsuit commences, there may not be enough time for a company to assess its ESI. Parties must understand the impact of a lawsuit on their ESI as soon as the case is filed.

This article is intended for general information and should not be construed as legal advice or opinion. Any questions concerning your legal rights or obligations in any particular circumstance should be directed to your lawyer. •

~ Ross Crown

## Report from the Kirtland Partnership Committee

The consensus among those who work these types of issues is that there will almost certainly be another BRAC (Base Realignment and Closure) within the next eight years. The byword for the next BRAC will most probably be encroachment. Anything off-base which interferes with base missions now or in the future will weigh strongly in the next BRAC. A Joint Land Use Study, funded by DOD and local governments, is in the initial planning stages and will make clear any encroachment challenges to the base.

The Kirtland Partnership Committee (KPC) was founded in 1996 after its ad-hoc precursor group worked successfully to take Kirtland AFB off the 1995 BRAC list, which had Kirtland AFB slated for a massive downsizing (realignment). The base was exempted from the 1993 BRAC because of "irreplaceable research and testing facilities essential to the Department of Defense, Department of Energy and other governmental agencies." In 1995, the BRAC process resulted in a net gain for Kirtland AFB as the Hanscom AFB MA Battlespace Environment Unit of the Space Vehicles Directorate here was selected to move to Kirtland AFB by the BRAC deadline of September 2011.

The KPC, however, is about more than BRAC. The KPC mission is to "support, preserve and grow" Kirtland Air Force Base. With more than 120 organizations on base, Kirtland AFB is unique. Because of the diversity of missions, it is a difficult base to understand. We have established three overarching issues which we will work in addition to supporting the seventeen major missions on base. Those issues play off our mission statement. To **support** the base, we are working on improving education in the Highland cluster of schools adjacent to Kirtland AFB. The APS Superintendent of Schools is on our Executive Committee. We will do this in conjunction with the base and others, with an eye to changing the perception of education in Albuquerque among those assigned here. To **preserve** the base, we are working on encroachment issues (there are several different types of encroachment) to protect the missions on the base, including the Joint Land Use Study mentioned above. To **grow** the base, we are working on getting an exemption or partial exemption on the New Mexico Gross Receipts Tax (NMGRT) for military research and development at Kirtland AFB. This will be an evolving process as there are certain legal issues still being resolved, but we are making progress. In our February 2007 presentation to PACA, David Seely (our 2007 Chair) and I will be making PACA aware of additional NMGRT legislation on the books which should be of interest to contractors.

There is much more we are working on and we do all this in conjunction with base organizations and in close coordination with the New Mexico Congressional delegation.

Plan to attend the February 20, 2007 PACA luncheon to hear more about the KPC and its efforts to keep Kirtland AFB viable. Should you have any questions, feel free to contact me at 241-4810. •

~ Stuart Purviance, Executive Director

## PACA Board Endorses Incentives for Jobs Legislative Agenda

The PACA Board of Directors has voted to support the 2007 Incentives for Jobs Legislative Agenda. Promoted by the Incentives for Jobs Coalition, a New Mexico bipartisan group of 74 community and economic development organizations, the agenda seeks to enhance rural opportunities, support small business growth, recruit quality jobs and foster high tech development. To help realize these goals, the Coalition is pressing for passage of the following eight bills by the New Mexico legislature:

- Job Training Incentive Program - Fund this economic development program at \$20 million.

- High Wage Jobs Tax Credit Extension – Make permanent this incentive which provides an annual tax credit for each new job created above certain salary levels.

- Cooperative Advertising – Provide at least \$750,000 for the Economic Development Cooperative Advertising Program which assists communities in competing for economic opportunities.

- Advanced Energy Products Manufactures' Credit – Provide a credit of 5% of the value of manufacturing equipment purchased for New Mexico manufacturing facilities making certain renewable energy products.

- New Mexico Economic Development Partnership – Fund this business recruitment organization at \$2 million.

- Angel Investment Credit – Provide an income tax credit for individuals who invest cash for equity in qualified New Mexico businesses engaging in high-technology research or manufacturing activities in the state.

- Business Incubator Development Program – Provide funding for new and existing business incubator facilities in New Mexico.

- MainStreet – Provide additional funding for local arts and culture projects along with public infrastructure improvements.

The PACA board urges PACA members to support these eight bills by contacting your legislators, attending a hearing or speaking out on behalf of this legislation. For more information, visit [www.incentivesforjobs.com](http://www.incentivesforjobs.com). •

