



PUBLIC TRUST

The Newsletter of the Federal Career Service Division of the Federal Bar Association

Issue Preview

This inaugural issue of PUBLIC TRUST features an article about Rod J. Rosenstein, Deputy Attorney General of the United States (DAG). DAG Rosenstein has served in a full array of positions within the Department of Justice (DOJ), including the U.S. Attorney for the District of Maryland, and in both the Tax and Criminal Divisions. We are pleased that he is a long-time member and leader of the FBA Maryland Chapter. We are honored that James A. Crowell IV (Director of the Executive Office of United States Attorneys) and Robert K. Hur (U.S. Attorney for Maryland) have taken the time to share their thoughts about the DAG with us. Thanks to FCSD Board Member Bonnie S. Greenberg for writing this article. Bonnie is a friend and colleague of the DAG. She is currently Acting Chief Learning Officer, Executive Office of U.S. Attorneys and was previously an Assistant U.S. Attorney with the District of Maryland where she worked for then-U.S. Attorney Rosenstein.

In furtherance of the DOJ feature, we have prepared a brief overview of attorney employment opportunities at the Department. On the “governance” side, we are pleased to interview John Thomas, Jr., the Chair of the newly constituted Public Service Task Force. John provides details about the mission and scope of this important group’s work. FBA National President Maria Vathis and FCSD Chair Bob DeSousa both extend their welcome to Division members. Bruce Moyer, FBA Government Relations Counsel, provides an insightful update on legislative issues of interest to government attorneys.

Your suggestions regarding newsletter content are always welcome and may be sent to fbapublictrusteditor@gmail.com.

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Deputy Attorney General Rod J. Rosenstein — A Career Dedicated to Public Service

Bonnie S. Greenberg



Pictured above: Former Maryland U.S. Attorney Rod J. Rosenstein, center, an FBA member and former MD Board of Governors member, was sworn in as Deputy Attorney General for the Department of Justice on April 26, 2017. On the left is James A. Crowell IV, FBA member and current MD Board of Governors member, who was appointed Director of the Executive Office of United States Attorneys on December 6, 2017. On the right is Robert K. Hur, the DAG's former Principal Deputy, who was sworn in as U.S. Attorney for Maryland on April 9, 2018.

In 1990, with a resume that would qualify him for any legal job in the country, Rod J. Rosenstein left a prestigious federal appellate court clerkship and joined the Department of Justice as an honors attorney in the Criminal Division. He never left the Department of Justice.

During his remarkable career Rod J. Rosenstein served almost 12 years as United States Attorney for the District of Maryland under three different Presidents: George W. Bush, Barack Obama, and Donald Trump. President Trump nominated then-U.S. Attorney Rosenstein to serve as the Deputy Attorney General (DAG), the second-highest-ranking official in the United States Department of Justice, in February 2017. He was confirmed by the Senate in April 2017. DAG Rosenstein oversees the

day-to-day operation of the Department of Justice which has approximately 115,000 employees. The mission of the Justice Department is summed up by a quote from Thomas Jefferson, featured on the Department of Justice website: "The most sacred of the duties of government [is] to do equal and impartial justice to all its citizens."

DAG Rosenstein has been a long-time member of the Federal Bar Association and is a former member of the Maryland Board of Governors. In 2012, then-U.S. Attorney Rod J. Rosenstein received the highest award given by the FBA Maryland Chapter, the Peter A. DiRito award. The award is presented annually to recognize public service that furthers the Federal Bar Association's goals: the enhancement of the federal legal profession, the advancement of justice,

and the betterment of society. The award recognized then-U.S. Attorney Rosenstein for his outstanding leadership and ability to enforce law with fairness and impartiality.

DAG Rosenstein is honored to be featured in Federal Bar Association's Federal Career Services Division (FCSD) newsletter. The DAG's interest in public service grew after he interned in the United States Attorney's Office during law school.

"The federal prosecutors and agents who worked there demonstrated great intellect and tremendous integrity. They took pride in their duty to defend America against all enemies, foreign and domestic. I wanted to work with patriots like them. So I took a law enforcement job that paid less than half of a private law firm salary. My wife reminds me that the gap grows each year. But the noble mission of the Department of Justice inspires me every day."

James Crowell, the DAG's long-time colleague and former acting Principal Deputy Attorney General, Chief of Staff, and Criminal Chief in the U.S. Attorney's Office explained,

"In over 12 years of working with him, I have seen firsthand DAG Rosenstein's constant commitment to following the Department's core principles of fairness and impartiality in every decision he makes. The DAG has served on both the frontlines and at the highest levels of America's justice system, making our country safer and better protecting our fellow citizens, promoting equal justice, and upholding the Constitution and the rule of law. The Deputy Attorney General's dedication to public service and the rule of law sets the example for all career service professionals to follow."

One of the DAG's favorite political figures, who he often quotes, is one of the nation's most famous Attorneys General, Robert Jackson. In his first speech after taking office in 1940, Robert Jackson spoke about the duty of government officials to serve the public interest. He said that "most ... mistakes ... [result from] failure to observe the fiduciary principle ... the principle of trusteeship, without which our kind of society cannot long endure." The DAG noted that Jackson understood that

"[f]undamental things in our American way of life depend on ... government lawyers." Jackson said that 'lawyers must at times risk ourselves and our records to defend our legal processes from discredit, and to maintain a dispassionate, disinterested, and impartial enforcement of the law.'"

Robert Jackson was appointed to the Supreme Court less than three years later.

The DAG recognizes and applauds all federal career public servants. He stands by you both in word and action to make this country a better place for all Americans. DAG Rosenstein's successor as United States Attorney for Maryland, and his former Principal Deputy Attorney General Robert Hur, summed it up well:

"Rod Rosenstein has always aimed to do the right thing and has brought justice to thousands of people. His career in public service is an inspiration for all of us who strive to make a difference in the world."

The Department of Justice: How to Join its Ranks as an Attorney

Ellen M. Lazarus

Many Federal Bar Association members have had the honor to serve with the Department of Justice (“DOJ”). In fact, some spend their careers at DOJ! It therefore is no surprise that The Partnership for Public Service rates DOJ as one of “Best Places to Work in the Federal Government.”

DOJ is the “world’s largest law office.” Ninety-four (94) U.S. Attorneys operate in Federal Districts throughout the country with the larger Districts employing as many as 350 Assistant U.S. Attorneys (AUSAs). The Civil Division alone employs over 1,000 attorneys within its six Branches. These are just two examples of DOJ entities employing attorneys. Click on <https://www.justice.gov/agencies/chart> to view the Department’s organization chart.

Attorneys are hired into DOJ in one of two ways:

- Entry-level attorneys can be hired through the *Attorney General’s Honors Program*. The Honors Program is highly competitive and the only way for new attorneys (i.e., third-year law students; students who enter judicial clerkships, graduate law programs, or qualifying fellowships within nine (9) months of law school graduation) to enter DOJ in an attorney position. Applications open on July 31 and close in early September (the Tuesday after Labor Day). Offers are extended between late-November and February. For further information, see <http://www.justice.gov/legal-careers/entry-level-attorneys>

- Experienced attorneys (those who are active members of the bar of a U.S. jurisdiction and have at least one (1) year post-JD experience) can be hired when there is an attorney vacancy in DOJ. Opportunities often exist in U.S. Attorneys Offices across the country; DOJ’s Divisions (Antitrust, Civil, Civil Rights, Criminal, Environment and National Resources, National Security, and Tax); Office of the Solicitor General; Office of Legal Counsel; Executive Office for U.S. Attorneys; Executive Office for Immigration Review; the Federal Bureau of Investigation; and in other DOJ entities. DOJ vacancies are posted on USAJOBS.GOV.

Law students have a variety of internship opportunities for at DOJ. *The Attorney General’s Summer Law Intern Program* recruits second-year law students to work during the summer after their second year of law school. The Program is

also open to recent graduates between graduation and the start of judicial clerkships or qualifying legal fellowships. DOJ also selects over 1,800 volunteer legal interns during the law school year and summers.

The formal mission and core values statements as well as the current strategic goals help explain why DOJ is a great place to work:

Mission: “To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment or those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.”

Core Values:

- Equal Justice Under the Law
- Honesty and Integrity
- Commitment to Excellence
- Respect for the Worth and Dignity of Each Human Being

Strategic Goals from Fiscal Years 2018-2022 Strategic Plan:

- Enhance National Security and Counter the Threat of Terrorism;
- Secure the Borders and Enhance Immigration Enforcement and Adjudication;
- Reduce Violent Crime and Promote Public Safety; and
- Promote Rule of Law, Integrity, and Good Government.



Ellen M. Lazarus, is the FCSD Vice Chair for Communications and Editor, Public Trust. She is a National Past President (1993-94) of the Federal Bar Association.

A Word from the National President

Maria Z. Vathis

It is with great pride that I extend a warm welcome to the members of the Federal Career Services Division, which is the heart of the FBA. Your devotion to federal government service is admired and commended. Thank you for choosing to serve the country and the public.

I was delighted to give opening remarks at the Division's CLE program on veterans and military law in San Juan, Puerto Rico on November 2, 2018. As an organization, it is important for us to thank our veterans and military for their service to our country by recognizing their sacrifices, and this program is a wonderful opportunity to do so.

During the summer of 2018, John Thomas approached me and Kip Bollin with the idea to start a task force to study government attorney participation in the FBA. I am pleased that the task force was officially created and has begun studying various ways to increase government attorney involvement with the FBA.

Although I am now in private practice, one of the most fulfilling and rewarding experiences that I had in my career was being an extern with the United States Attorney's Office in Chicago, Illinois when I was a law student. To this day, I am still

filled with pride when I am asked about my first trial, and I can say that I represented the United States of America. At this time in our country, it is important to respect the Rule of Law, which is a foundational principle of our nation's Constitution and the recognition that the government derives its power from the governed to protect individual liberty. Thank you for helping to maintain the public's trust in its enforcement, and thank you for your dedication to our country. I look forward to watching this Division continue to grow.



Maria Z. Vathis is the 2018-19 National President of the Federal Bar Association. She is Of Counsel at Bryan Cave Leighton Paisner LLP in Chicago. Ms. Vathis has been a member of the Federal Bar Association since the beginning of her legal career.

RISING PROFESSIONALS SYMPOSIUM

February 1–2, 2019

Four Seasons • Las Vegas, NV

Welcome From the Chair

Bob DeSousa

Welcome to our brand new Newsletter, PUBLIC TRUST. The officers and Board of the Federal Career Service Division are committed to standing up for the issues that affect federal career lawyers, regularly communicating with Division members, and providing top-flight Continuing Legal Education in conjunction with FBA Chapters across the Nation.

Almost 100 years ago, in 1920, the Federal Bar Association was organized in Washington D.C. At that time, it consisted entirely of federal lawyers. Now, our Association has Chapters in every state, and attorneys from all walks of life. However federal career service is still at the heart of our FBA. Your contributions to the FBA make it what it is today.

As you are reading this Newsletter, our Division has already put on a successful full day Veteran-themed Continuing Legal Education (CLE) event in conjunction with other FBA Sections, the Puerto Rico Chapter, a law firm, and private entities that support veterans. We stood alongside our fellow

federal lawyers in Puerto Rico where they are still recovering from the devastating effects of Hurricane Maria.

You will see that our Officers represent a full spectrum of federal employment and hail from all across the Nation. They include three National Past Presidents of the FBA, emphasizing the importance of federal careers service to our Association.

I invite you to suggest CLEs for us to sponsor, to write Newsletter articles of interest to our members, and to persuade other federal career attorneys of the value in joining the FBA and our Division.

I look forward to working with you in the year ahead.



Robert J. DeSousa, Chair of the Federal Career Service Division, is a National Past President (2012-13) of the Federal Bar Association.

FCSD Board Meets at 2018 FBA Annual Meeting & Convention

The new Board of the Federal Career Services Division (FCSD) was well represented at the Federal Bar Association's 2018 Annual Convention in New York City. The Convention included a wide range of outstanding Continuing Legal Education (CLE) courses; social events including a walk over the Brooklyn Bridge, a reception at the Federal Courthouse, and a rooftop gathering overlooking Manhattan; the Awards Luncheon; and the Annual Banquet at which Maria Z. Vathis was sworn in as the FBA's new National President. President Vathis attended the Federal Career Service Division's full-day CLE event on November 2, 2018 in San Juan, Puerto Rico.



Board Members pictured above L-R: Steven Miller (Vice Chair for Membership), Bonnie Greenberg (Board Member), Christian Haugsby (Vice Chair for Chapter Contact), Jana Patterson (Vice Chair for Legislative Issues), and Robert DeSousa (Chair). Mark Vincent (Deputy Chair), not pictured above, was also in attendance.

A Pay Increase for Federal Attorneys in 2019?

Bruce Moyer

The Federal Bar Association historically has encouraged Congress to maintain and improve the stature and compensation of attorneys employed by the federal government. Advocacy by FBA for federal attorneys in the halls of Congress has included support for pay improvements that advance the government's ability to recruit and retain top-flight legal talent.

Over the past year, FBA has urged Congress to provide a pay raise in 2019 for all federal attorneys, as well as federal judges whose pay raises are linked to General Schedule increases. The 2019 federal pay raise has been at risk since last spring when President Trump announced in his proposed fiscal 2019 budget his intent to freeze federal pay next year. President Trump indicated he would use his executive authority under current law to set at zero the annual federal pay raise and locality adjustment rates in 2019. The President pushed ahead in August and formally announced the terms of his 2019 federal pay plan, including the pay freeze.

Meanwhile on Capitol Hill, the House of Representatives went along with the President in July and refrained from including funding for a federal pay raise in the traditional pay raise vehicle, the Financial Services and General Government appropriations measure. But the Senate differed and included a 1.9 percent increase in its version of the same funding bill, setting up a conflict with the House and the Trump administration. The Financial Services and General Government bill

has been added to a "minibus" appropriations bill (H.R. 6147) that includes funding for the Interior Department, Environmental Protection Agency, Agriculture Department, Housing and Urban Development Department and Transportation Department for fiscal 2019. Funding for these agencies has been temporarily extended at 2018 spending levels through a continuing resolution that expires on December 8, 2018.

Looking ahead, the resolution of the federal pay increase issue will be decided during the lame duck session of Congress between the Thanksgiving and Christmas holidays when lawmakers decide on the final terms of the omnibus, including the 2019 pay raise. The political consequences of the midterm elections will play a role in the outcome, along with the reemerging sensitivity of Republicans to increasing federal spending costs. Regardless, the FBA will continue to urge Congress to adopt the Senate-preferred approach and a modest 1.9 percent pay increase for federal attorneys and judges in 2019.



Bruce Moyer is the Counsel for Government Relations, FBA.

**Submit
Your
Work**

Call for Articles for Public Trust

The PUBLIC TRUST is always seeking articles about topics of interest to government attorneys. If you'd like to submit material for publication in subsequent issues, please email fbapublictrusteditor@gmail.com. We're interested in reviewing your articles and your suggestions.

Interview with John R. Thomas, Jr., Chair of the new Public Service Task Force

Congratulations on your appointment as Chair of the new Public Service Task Force. Thanks for taking the time to meet with us to discuss your vision for the Task Force. Let's jump right in with some questions.

Q: Some of our FCSD Members may not have had a chance to get to know you earlier. Would you mind introducing yourself by telling us about your practice and your prior Federal Bar Association involvement?

JT: Sure! The focus on my practice is the False Claims Act and I primarily represent whistleblowers. I also represent white collar criminal defendants and assist corporations and individuals with some federal administrative issues, such as suspensions and debarments and security clearance matters. I also focus on research administration matters — grants, research misconduct issues, and authorship matters.

I am currently a Director with the FBA, having just joined the Board of Directors this past annual meeting in New York. I am the immediate past Chair and Founder of the Qui Tam Section and am also currently involved in the leadership with the International Law Section.

Prior to forming my current practice, I served on active duty as a Marine Corps judge advocate. I served in a number of roles, including prosecutor, defense counsel, and deployed command advisor to a battalion commander in Helmand Province. I am still in the Marine Corps Reserve. Needless to say, the participation of government attorneys (of all stripes) in the FBA is very important to me.

Q: Can you tell us about the genesis of the Task Force?

JT: There has been a perception for some time among many within FBA leadership that we have not been doing as well in terms of participation from the government sector. For example, government attorneys comprised approximately 14% of our membership as of the last national convention, which represents only 2-3 thousand members. With the federal government employing somewhere in the

neighborhood of one hundred thousand attorneys, I think many of us feel that the FBA should be doing better as the premier bar association for attorneys in the federal sector.

Q: What is the mission of the Task Force?

JT: The purpose of the Public Service Task Force is to analyze the current and historical trends in government attorney participation in the FBA and develop recommendations for the FBA National President and Board of Directors. There is a perception that government attorney participation in the FBA is not as robust as it ought to be, particularly given our history as an organization founded for and by government attorneys.

Q: We've spoken a bit about your methodology for collecting data in advance of making recommendations to the FBA Board of Directors. It looks like a very comprehensive and well organized process. Would you mind sharing more about that with our readers?

JT: It is important that we not begin a process such as this with pre-conceived assumptions. It is important that we understand some of the trends surrounding public service participation in the FBA. For example, we may find that some chapters are doing well with public service participation, or that particular federal agencies are better represented than others in the FBA. Understanding these trends will help us to craft better recommendations.

Q: The list of the Task Force members is very impressive. I see, for example, a number of Department of Justice attorneys, several private practitioners, and a law professor. How were the members of the Task Force selected?

JT: President Maria Vathis appointed the members of the task force and selected individuals who collectively have a tremendous amount of knowledge and experience with both the FBA and public service. I am very appreciative of all members of the task force for their willingness to serve.

Q: Do you expect that the Task Force will be a one-year initiative or carry over into 2019-2020?

JT: I think we will be doing well if we can study some of the trends this year, solicit input from a wide array of stakeholders and groups (like the FCSD), and develop recommendations. I expect that implementing these recommendations could take several years, and will involve significant cooperation with the Federal Career Service Division and other FBA leaders.

Thank you so much, John. The Board and Members of the FCSD wish you the best of luck with this important task and stand by ready to assist you.



John R. Thomas, Jr., an FBA Director, is a Partner; Healy Hafemann Magee and a Major, U.S. Marine Corps Reserve.

2019 DC/Baltimore Public Service Recruitment Fair - February 1, 2019

Co-Sponsored by



Federal Bar Association

Law School at George Mason University. The event brings together employers, students, and alumni to meet and discuss public-sector and public-interest opportunities in the metropolitan area.

Hosted by six area law schools and the Federal Bar Association, the recruitment fair offers law students at the sponsoring law schools an opportunity to learn about participating organizations

If you are an employer looking for talented law students aspiring to a public-service career, we invite you to participate in the 17th Annual Public Service Recruitment Fair (formerly the Public Service Career Fair).

This special, one-day fair will be held on Friday, February 1, 2019 from 9:00 a.m. - 5:00 p.m. at Antonin Scalia

and agencies, including available summer and post-graduate positions. The fair is an excellent opportunity for employers to meet talented students seeking public service careers and for students to develop their job search strategies and interviewing skills. The event features individual interviews, table talk opportunities, and resume collections for students from the six sponsoring law schools.

Last year's event brought close to 100 employers and 300+ students together to meet and discuss public interest and government opportunities in Washington, D.C., Baltimore, and surrounding areas.

There is no fee to participate in the fair. Employers, students, and alumni may register online and participate. If you have questions, please contact Elisha Garvey at Antonin Scalia Law School at George Mason University, via lawcareer@gmu.edu or (703) 993-8020.

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