



# PUBLIC TRUST

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

## Message From the FCSD Chair: GOALS SET ... GOALS ACCOMPLISHED

Robert J. DeSousa



Our Division has been moving forward full steam. We have surpassed all the goals we set for ourselves at the beginning of the year. Numerous Board Members attended the excellent FBA Leadership Forum and Midyear Meeting in Washington DC this March. Mark Vincent, Christian

Haugsbys, Steve Miller, Ellen Lazarus, Bonnie Greenberg and I all participated. The Division reestablished its ties with our traditional base constituents: federally employed civilian attorneys and those who serve in uniform. In fact, this issue of *Public Trust* includes an article by FCSD Board Member and US Army Judge Advocate Adam Hill, and the featured Member Profile focuses on the interesting career of one of

our Division's members, Colonel Nelson Van Eck. We anticipate a strong showing of our members at the FBA Annual Convention in Tampa, Florida in September 2019 where we hope to join with the Veterans and Military Law Section to present a Continuing Legal Education Program as part of the Convention CLE offerings. I encourage all of our members to consider coming to the Convention as these are tremendous events at a bargain value.

As my term of office wraps up in September, I'll be turning over a fully functional organization to Deputy Chair and Past National President Mark Vincent who will succeed me as FCSD Chairman. We have met and gone beyond our goals and will continue to do so. Your participation, suggestions, and ideas are always welcome as we continue to grow and prosper.

## In this Issue

- 2** Profiles in Federal Career Service: Colonel Nelson Van Eck
- 4** Things to Consider When Transitioning from Active Duty to Federal Civilian Employment

- 5** Links to the Various Judge Advocate General Corps
- 6** Federal Attorney Career Column: Other Branches, Many Roles

- 8** Transitions...
- 9** Congress Divided Over Proposals to Reduce Federal Retirement Benefits

## PROFILES IN FEDERAL CAREER SERVICE

### Colonel Nelson Van Eck: A Distinguished Military Legal Career



*Colonel Van Eck is the Chief of the National Guard Bureau Office of Complex Investigations at Joint Base Andrews, Maryland where he leads a team investigating allegations of sexual assault made against members of the National Guard and other complex matters. Prior to assuming his position in 2017, Col. Van Eck*

*served as Chief of the Army National Guard Trial Defense Service (ARNG TDS) managing over 200 attorneys and paralegals providing trial defense services to Army National Guard members. He transferred to the Army National Guard in 2014 after serving for 17 years in the active component Army Judge Advocate General Corps (JAGC).*

**Q:** Thanks so much for your service to our country and for joining us today. I'd like to start off by asking you to share why you wanted to become a military attorney and how you began your career in the uniformed service.

**A:** During law school, I worked in a general practice private law firm. I realized that I wanted to be part of something greater than myself and wanted to contribute to the National Defense. I chose the US Army based on a friend's recommendation describing the teamwork and collegiality in the Army JAGC. I was a direct commissioned officer, meaning that I had no prior military experience when I received my commission. About 60% of the Army JAGC are direct commissioned officers. The remaining 40% are either officers who received a commission through the ROTC program or transferred to the

JAGC directly from another branch in the active Army. As a newly commissioned officer with the Airborne Corps at Fort Bragg, North Carolina, I jumped into the Army with both feet, conducting 6 jumps from a perfectly good airplane within 6 months of entering military service.

My initial 3 ½ year assignment at Fort Bragg provided a great foundation for my military career. I served under some of the best attorney leaders in the JAGC who took the time to mentor me and show me what "right looked like." Those experiences were invaluable and instilled in me an understanding that, as an Army JAG and public servant, my client was the Army as a whole. I was expected to be an honest broker and do what was right, no matter the circumstances and regardless of the potential negative impact on my career. When you are dedicated to mission accomplishment and doing what is right in all circumstances, you quickly learn what you are made of, and how to improve your advocacy skills. I was always taught to take the hard right over the easy wrong. It would be easy to tell a Commander what they wanted to hear. However, as a JAG, that is not our role. Our role is to assist our clients to accomplish the mission, and to do so in the right way. That often takes more work, effort, and creativity than telling a client what they want to hear — but that is precisely the value of the Army JAGC. Helping a Commander accomplish the mission in the right way pays off for everyone.

**Q:** What has been your most rewarding experience as a government attorney?

**A:** The Army is a team sport and that is what I've enjoyed the most. I have been fortunate to work with government employees who place the mission first — and that includes lifting everyone up and assuring that everyone around you succeeds. That has been my experience as a government attorney. There is

no tearing down of others to get ahead. I experienced an attitude where the individual succeeds only when the team succeeds. This mentality is what sticks with me and what shapes me. That is amazing when you think about it.

**Q:** What are you proudest of during your career?

**A:** I proudly served in a variety of active and reserve roles and was deployed as an active JAG to war zones on three occasions. I developed an expertise in military justice and held positions on both sides of the aisle where I tangibly improved military justice operations. I served in many assignments on the defense side — such as the Chief, ARNG TDS and Trial Defense Counsel defending the 55,000 Soldiers at Fort Bragg representing scores of Soldiers before courts-martial and adverse administrative actions. I served in many prosecution positions — such as senior prosecutor at Fort Drum, NY, chief prosecutor at Fort Bragg, NC, an assignment as the Chief of the US Army Criminal Law Division at the Pentagon, and now as a Chief Investigator in the Army National Guard.

I was deployed to both Iraq and Afghanistan, where my work directly furthered the Rule of Law. I was one of a few individuals arriving in Iraq in 2006 to stand up the Multinational Force Iraq Law and Order Task Force providing direct support to Iraqi Judges and investigators in their effort to evenly apply the Rule of Law to all members of the Iraqi government (regardless of the position of the person alleged to have committed the crime or their party and religious background). Their actions were taken at great risk to their safety and the safety of their families. In 2009, I deployed to Afghanistan with the 82d Airborne Division where I served as the Division Deputy Staff Judge Advocate (Deputy Chief Legal Advisor). The Division managed all counter-terrorism operations in the Afghan theater of operations, all death investigations, and all military justice operations in the Afghan theater of operations in addition to combat operations of all multinational forces in NATO Regional Command East.

**Q:** How long have you been an FBA Member?

**A:** I joined the FBA in 2015 and I served on the Military Justice Committee of the Veterans and Military Law Section from 2016-2017. Former FBA National President Robert DeSousa was instrumental in welcoming me into the FBA. I came to know him

through his service as the State Judge Advocate in the Pennsylvania National Guard and my service as the Chief of the Army National Guard Trial Defense Service. As I worked with Colonel DeSousa over the years, I observed that public service touched every aspect of his life. I was impressed and wanted to be a part of the FBA because of his participation in the organization.

**Q:** What advice do you have for young attorneys considering a public service or military career?

**A:** If you enjoy focusing on a shared mission with a group of individuals who place mission above personal needs, the military or other public service career is for you. Both are team sports, and building successful teams takes effort. Public servants must be valued and encouraged by great leaders. They must also place aside personal comfort for the public good. There is nothing better than investing in others who share your goals and interests and mentoring others just as you have been mentored. If you value these things, I would recommend a public service or military career. And ... if you like to practice law and be challenged, and also like to stay fit and potentially jump out of airplanes (or do other adventurous things such as the 60-mile perimeter challenge at Fort Bragg, rappelling from a helicopter, participating in the Army 10-Miler, etc.) then I would recommend a career in the Army Judge Advocate General Corps.

**Q:** What's next for you?

**A:** I am in the midst of transitioning from the military to a civilian legal career. In June 2019, I will leave active duty and start the next phase of life. I will be moving from the Washington DC area and relocating to Savannah, GA. I'll be joining the law firm of Crisp and Associates, opening the firm's new satellite office in Savannah, and focusing my practice on military law and criminal defense in the federal system.

*The views expressed in this article are Col. Van Eck's personal views and do not represent the views of the Department of Defense, United States Army, or the National Guard Bureau. Interview conducted by Ellen Lazarus, Public Trust Editor.*

# Things to Consider When Transitioning from Active Duty to Federal Civilian Employment

Adam M. Hill

*"I will always support the mission. I provide stability and continuity during war and peace." – Excerpt from Army Civilian Corps Creed*

*"Be happy doing whatever job you choose." – Richard McInerney (carpenter, Navy veteran, and author's grandfather)*

All servicemembers must take off the uniform at some point in their careers due to age, disability, or the decision to pursue other employment. Federal civilian service is an outstanding way for Soldiers, Sailors, Airman, Marines, and Coast Guardsmen to continue to serve their country in different and exciting capacities.

Consider the many federal agencies and decide what may be the best fit. Some choices include the Department of Defense, Department of State, Federal Courts, Federal Regulatory Agencies (such as the Federal Trade Commission and Environmental Protection Agency) and many more. [USAJOBS](#) is the best resource for finding available federal civilian jobs. Both former Active and Reserve component servicemembers should also attend local job fairs and consult professional associations to assist with the transition. The Federal Bar Association has a robust [Legal Career Center](#) designed to assist job seekers. Other sources include servicemember support and military and family support centers on installations. Job fairs are frequently held on military installations and are geared toward Veterans.<sup>1</sup>

Most federal agencies welcome volunteers. Unpaid internships and externships are an excellent way to learn about the groups, network with people at the agencies, and show what you bring to the table. Volunteering counts as experience on your resume just like any other job — list the number of hours per week and the skills used for that position. Veterans who served on Active Duty and were separated under honorable conditions may be eligible for Veterans' Preference and other Veteran-specific hiring options.

Regular Military Compensation (RMC) is

important to know in order to figure out an approximate amount of an equivalent civilian salary. It is the sum of basic pay, average basic allowance for housing, basic allowance for subsistence and the federal income tax advance because of allowances not subject to federal income tax. An [RMC calculator](#) can assist Veterans to figure out what level general schedule (GS) job they should look for, or if they receive the job offer, negotiate a starting salary.

A strong resume is key to securing a good federal civilian job. The resume for a federal civilian job is longer and more specific than its non-federal civilian counterpart.<sup>2</sup> Considerations include how to market yourself, what information to include, best practices for describing your experience, and how to frame your Veteran-specific information on your resume.<sup>3</sup> It is good to have a source federal resume saved and then tailor that resume for each position. Read through the knowledge, skills, and abilities (KSAs) and determine where your experience fits. Ensure that each KSA correlates to previous experience and reflects expertise where appropriate.

It is important to research the agency before applying for positions and being selected for any interviews. All services have their own terminology and acronyms that may not be familiar in the new position. It is helpful to network with individuals in the agency and other federal civilians. Online searches provide valuable insight into what to expect with the position. It is helpful to ask questions of the human resource specialist who sets up the interview about what to expect. Use the KSAs to have examples ready of how your experience fits.<sup>4</sup> Individuals should also consider cultural differences between the military and any civilian career. It is good to practice interviewing with others and to know the differences between structured and the possibility of unstructured interviews.<sup>5</sup> Practice interviewing with professionals who have served on hiring panels, and enlist the help of family members.

Strong enthusiasm, ample research, a solid resume, networking, and practice interviewing, will

greatly increase the likelihood of finding a federal civilian job after serving in the military. Many individuals and organizations are there to help and want to see our Veterans continue to succeed.



*Adam M. Hill is the FCSD Vice Chair for Lawyers in Uniform.*

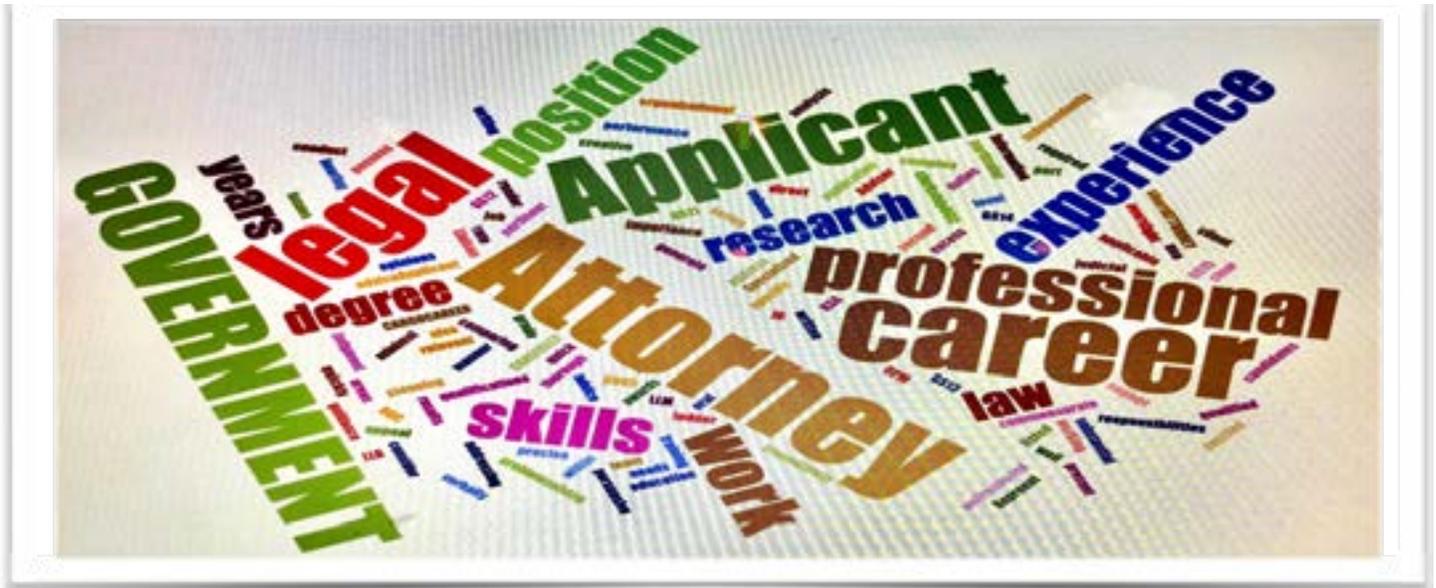
**Endnotes:**

- <sup>1</sup>[www.hiringourheroes.org; www.militarymojo.org](http://www.hiringourheroes.org; www.militarymojo.org)
- <sup>2</sup>[www.militaryonesource.mil/military-life-cycle/separation-transition/employment-education/building-your-federal-resumez](http://www.militaryonesource.mil/military-life-cycle/separation-transition/employment-education/building-your-federal-resumez)
- <sup>3</sup>[www.fedshirevets.gov/job/links/Resume%20Writing%20Participant%20Handout.pdf](http://www.fedshirevets.gov/job/links/Resume%20Writing%20Participant%20Handout.pdf)
- <sup>4</sup><https://www.military.com/veteran-jobs/search/government-jobs/federal-interview-success-tips.html>
- <sup>5</sup><https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=253635&version=253922&application=ACRO-BAT>

# http://

## LINKS TO THE VARIOUS JUDGE ADVOCATE GENERAL CORPS

- Army: <https://www.goarmy.com/jag/about.html>
- Navy: <http://www.jag.navy.mil/careers/careers/jagpath.html>
- Air Force: <https://www.airforce.com/careers/specialty-careers/jag/overview>
- Marines: <https://www.marines.com/becoming-a-marine/officer/marine-corps-law-program.html>
- Coast Guard: <https://www.uscg.mil/Resources/Legal>



## FEDERAL ATTORNEY CAREER COLUMN:

### Other Branches; Many Roles

Ellen M. Lazarus

The Winter 2019 issue of *Public Trust* provided an overview of the more than 38,000 Series 0905 attorneys in the executive branch. Attorneys, albeit a smaller number, are also employed in the legislative and judicial branches. Current and prospective government attorneys can find rewarding opportunities working for these branches.

#### LEGISLATIVE BRANCH OPPORTUNITIES

Agencies. Among the legislative branch agencies, two employ the largest number of attorneys:

- Government Accountability Office (GAO). Most of GAO's attorneys work as a functional part of Mission Teams alongside analysts and auditors, as experts on appropriations law, and on the General Counsel staff.

- Library of Congress (LC). LC houses several Departments employing attorneys: the Office of General Counsel, the American Law Division of the Congressional Research Service, the US Copyright Office, and the Law Library of Congress.

- Office of General Counsel attorneys address issues such as contracts and procurement law, labor and employment law, ethics, gifts, and trusts.

- The American Law Division, with over 50 legislative attorneys, provides objective, non-partisan legal analysis of constitutional, administrative and related substantive law issues

for Congressional Members, Committees, and staff.

- The US Copyright Office has its own General Counsel and staff as well as attorneys working in public policy, international law, and the copyright examination and registration process.

- The Law Library of Congress offers opportunities for attorneys with US law degrees/bar membership as well as foreign attorneys with law degrees from other countries and licenses to practice in foreign jurisdictions.

Capitol Hill. Each chamber has an Office of General Counsel and an Office of Legislative Counsel. General Counsel attorneys provide legal advice and assistance to Members, Committees, officers, and employees on matters related to their official duties without regard to political affiliation. They also represent their chamber in litigation as a party and as amicus. Legislative Counsel attorneys provide nonpartisan legislative drafting service for Committees, Members, and staff. In addition, a full array of attorney jobs exist at the Committee, Subcommittee, and Member levels including: general counsel, counsel, legislative counsel, and staff attorney opportunities.

While the "Hill" offers many options for attorneys, hiring is not centrally located and vacancies are not posted on the USAJOBS website. Members and Committees of the Senate and House hire

their own staffs. Networking and word-of-mouth are essential components of a Hill job search. Both sides of the Hill have employment bulletins that post some positions:

- [Senate Employment Bulletin](#)
- [House Employment Bulletin](#) (by subscription)

## JUDICIAL BRANCH OPPORTUNITIES

### Administrative Office of the US Courts (AO).

The AO is the administrative agency of the federal court system. The attorney staff, although larger than the few other judicial branch agencies, is small in comparison to executive and legislative branch agencies.

### Staff Attorneys with the Federal Courts.

Federal Courts have staff attorneys who work across chamber caseloads and serve as a central legal staff rather than as clerks for an individual Judge's chambers. The structure of these staffs vary according to the court and typically includes both career supervisory staff attorneys and staff attorneys serving either permanent or staggered terms.

Federal Clerkships. The path to a federal clerkship is highly competitive. The most competitive clerkships are at Article III Courts: in order of importance — the Supreme Court (where clerks almost always have already completed a federal appellate clerkship), the 12 Circuit Courts of Appeal, the 94 District Courts, and the specialized courts (e.g., US Court of Appeals for the Federal Circuit, US Court of International Trade, US Court of Appeals for the Armed Forces, US Tax Court, US Court of Appeals for Veterans Claims). There are also clerkship opportunities with hundreds of Federal Bankruptcy and Magistrate Judges across the country. Clerk functions vary according to the type of court — trial court clerks deal with the factual issues being litigated in court, while appellate clerks are more involved with researching, writing, and reviewing the trial court record. Judges set their own law clerk hiring criteria. [OSCAR](#), the Online System for Clerkship Application and Review, contains information regarding the hiring practices and schedules for federal clerkships and appellate staff attorney recruitment.

Federal Public Defenders, associated with the courts within each Circuit, provide criminal defense services to indigent persons in federal courts. A list of vacancy announcements for these positions is maintained by the [Federal Defender Services Office](#) of the Administrative Office of the US Courts.

The [US Courts](#) website lists job openings within the federal courts, the Administrative Office of the US Courts, and federal public defender organizations.

## ROLES OF GOVERNMENT ATTORNEYS

Attorneys throughout the three branches serve in a wide variety of positions and, depending on the agency, may assume one or more of the following roles.

Litigating Positions. While the Department of Justice (DOJ) handles the majority of government litigation, most federal agencies have the authority to sit “second chair” and provide subject matter expertise. Congress provided some agencies with independent litigating authority and other agencies with limited litigation authority. Attorneys with those agencies may represent the agency within the administrative hearing process and before lower federal courts. Control over agency litigation before the Supreme Court is more centralized and, with minor exception, is conducted by the DOJ's Office of the Solicitor General.

Regulatory Positions. Regulatory agencies create and implement rules and regulations. Attorneys in agency Offices of General Counsel serve a critical role in the internal rule-making process — drafting proposed rules and advising on aspects of rules that might be challenged.

Advisory Positions. Attorneys in some agencies advise on the formulation and implementation of agency policies and programs and otherwise provide legal counsel to agency decision-makers.

Public Policy and Research Positions. Current or prospective Government attorneys with an interest in the intersection of law and public policy often seek opportunities with the Congressional Research Service, the Governmental Accountability Office, the Department of State, or on Capitol Hill.



*Ellen M. Lazarus (Past National President, 1993-94) is the FCSD Vice Chair of Communications.*

## Transitions...

### Steven R. Miller

Long-time FBA leader and FCSD member **Brian Murphy** recently returned home after undergoing surgery with serious post-surgical complications. He may be reached at his home address:

Brian Murphy  
4601 N. Park Ave. Apt 1704  
Chevy Chase, MD. 20815

Brian has been an FBA member for more than 40 years serving in many National and Chapter leadership positions including: Vice President for the DC Circuit; President of the DC Chapter; Founding Co-Director of the DC Legal Community SOLACE Chapter; Chairperson of the International Law Section; Co-Founder and Chairperson, Democracy Development Initiative; National Membership Chairperson; Editor-in-Chief of the Federal Bar News & Journal (predecessor to The Federal Lawyer); Chairperson of the FBA Publications Committee; and Chairperson of the FBA Select Committee on the Federal Advisory Committee Act. Brian has dedicated his legal

career to public service and supporting the rule of law in the US, Africa, Central/Eastern Europe, the former Soviet Union, and the Middle East. He twice served as a Fulbright Scholar in Law at the University of Sofia, Republic of Bulgaria, first in 1992-94 and most recently in 2018.

Please join us in wishing Brian a full recovery. We hope that he will soon return to the legal community that he has so ably served.

*\*Transitions is a new Public Trust column focusing on noteworthy accomplishments of FCSD members. For consideration, email details to [fbapublictrusteditor@gmail.com](mailto:fbapublictrusteditor@gmail.com).*



*Steven R. Miller is the FCSD Vice Chair for Membership.*

## MEMBER PROFILES

We are looking for FCSD members to be profiled in PUBLIC TRUST. This is a great way to share your wisdom with other FCSD members and inspire those just beginning their federal legal careers. If you are interested, contact [fbapublictrusteditor@gmail.com](mailto:fbapublictrusteditor@gmail.com).

## FCSD WEBSITE

The updated FCSD website includes links to the Division Newsletter, CLE Programs, past events, officers, calendar, DOJ attorney vacancies links, and Division Bylaws.

# Congress Divided Over Proposals to Reduce Federal Retirement Benefits

**Bruce Moyer**

Federal retirement and health benefits could be in the crosshairs of budget cuts once again this year. Senate Republicans in late March advanced a budget resolution that implicates cuts in federal benefits by instructing the Senate Homeland Security and Governmental Affairs Committee to cut \$15 billion from programs within its jurisdiction. That instruction would likely involve cuts in retirement and health benefits.

In President Trump's FY 2020 budget request, the White House proposed a number of cuts to federal employee retirement benefits, reviving for the third time a series of controversial proposals that failed in Congress the past two years. Those proposals would:

- Require federal workers to contribute about 6 percent more to FERS, phased in over the next six years.
- Eliminate cost of living adjustments for current and future FERS retirees, and reduce COLAs for Civil Service Retirement System participants by 0.5 percent.
- Eliminate the early retirement supplement for FERS annuitants under the age of 62.
- Base annuity calculations on a FERS participant's highest five years of salary, rather than the current highest three years.
- Cut the interest rate of the Thrift Savings

Plan's government securities (G) fund, likely by basing it on the four-week US Treasury bill.

House Democrats' FY 2020 budget proposal, on the other hand, does not advance any of President Trump's proposals. The House budget resolution, called the Investing for the People Act (H.R. 2021), does not contain instructions to the House Oversight and Reform Committee to cut spending within its jurisdiction, which largely involve federal retirement programs. This difference with the Senate budget resolution over federal retirement benefits (and other areas of government spending) is likely to generate a broader Congressional standoff later this summer. A budget stalemate could potentially lead once again in September to Washington shutdown theatrics, amplified by a partisan standoff over increasing the debt ceiling.



*Bruce Moyer is the Counsel for Government Relations, FBA.*

**Submit  
Your  
Work**

## CALL FOR ARTICLES

PUBLIC TRUST is seeking articles about topics of interest to government attorneys. If you'd like to submit a proposal for publication in a subsequent issue, please email [fbapublictrusteditor@gmail.com](mailto:fbapublictrusteditor@gmail.com).

# 2019 FBA ANNUAL MEETING & CONVENTION

T A M P A

SEPTEMBER 5-7 • HILTON DOWNTOWN TAMPA



Federal Bar  
Association

Follow the FBA:    

#FBAcon19