



PUBLIC TRUST

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

Message From the FCSD Chair: “Promises Made, Promises Kept”

Robert J. DeSousa



On October 1, the beginning of the Federal Bar Association's fiscal year, the new leadership team of the Federal Career Service Division (FCSD) officially took office. Your team represents current and former federal career public servants from all across the Nation and various agencies.

All of us made a pledge to be more responsive, active, and forward-leaning. That promise has been already kept in our very first quarter!

Since October, we have joined with others across the country to sponsor or co-sponsor several meaningful events. We participated in an all-day Continuing Legal Education (CLE) program in San Juan, Puerto Rico helping our veterans and the legal community — still recovering from Hurricane Maria. We co-sponsored a Veterans Day CLE event at Widener University Commonwealth Law School in Chester, Pennsylvania. We collaborated with the FBA Capitol

Hill Chapter to present a panel-based “Lunch and Learn” Program addressing “Nontraditional Federal Careers” at the Library of Congress in Washington, DC; we are planning to take that Program to the law school community. We are actively looking to sponsor other career programs with FBA Chapters across the country. Moreover, this is the second issue our Newsletter, *Public Trust*, bringing you timely articles on federal career issues, interviews and profiles of members, and information on FCSD and FBA events.

Much is going on at the leadership level. We are participating in the Public Service Task Force through FCSD Vice Chair and FBA Past National President Mark Vincent. Our Legislative team, chaired by Jana Patterson, is working closely with Bruce Moyer, FBA Counsel for Government Relations, reviewing legislation and regulations that affect public employees. Our Chapter Coordinator, Christian Haugsby, is reaching out to Chapters to let

Message continued on page 3

In this Issue

- | | | |
|---|--|---|
| <p>2 Profiles in Federal Career Service: Hon. Jeremy Brave-Heart</p> | <p>7 Federal Career Service Division and Puerto Rico Chapter Host CLE One Year Post-Hurricane Maria</p> | <p>9 Veterans Honored, Cybersecurity Discussed at Widener Law School: 2018 Veterans Day Ceremony</p> |
| <p>4 Federal Attorney Career Column: Executive Branch Attorneys</p> | <p>8 Alert: 2019 Federal Pay Raise</p> | <p>10 Nontraditional Legal Careers: December Luncheon Program Sponsored by the Capitol Hill Chapter & FCSD</p> |

PROFILES IN FEDERAL CAREER SERVICE

Hon. Jeremy Brave-Heart: Returning to Indian Country to Serve Tribal Justice and Native Communities



Hon. Jeremy Brave-Heart, a member of the Shawnee Tribe of Oklahoma, is a Judge for the Hopi Tribal Courts and a Justice *Pro Tem* for the Pascua Yaqui Tribe Court of Appeals. He is a member of the Federal Career Service Division, Indian Law Section, and Judiciary Division. Off the bench, Judge Brave-Heart is an avid hunter, fisherman,

poet, and most of all enjoys time with his wife (a prosecutor) and their two daughters.

Q: Thank you for taking time from your schedule to meet with us. Let's start off with how your life experiences directed your path to the bench and your approach to law.

A: I embarked on a winding journey to become a jurist. I delayed college to ride Greyhound buses around the country for a few years, feeding my artistic work in poetry and short stories. After writing thousands of poems and working dozens of journeyman jobs, living amongst the stories of multitudes of people around the country, I started a family, began a career in mental health, and entered college at age 24. My work ethic stems from living in poverty most of my young life, being raised by my late single mother with six younger sisters, and bearing witness to my fellow tribal citizens' struggles.

My catchphrase has unintentionally become "have gavel, will travel," and the journey that led to that concept began with my studies at the University of Michigan School of Law. I soon realized that I wanted a broader perspective on how my legal education could impact my fellow Native

Americans in Indian Country. Upon graduation, I accepted the perfect opportunity at a boutique Indian law firm in Washington, D.C. and then became in-house Assistant Attorney General for the Eastern Shoshone Tribe in Wyoming. I entered the judiciary on a *pro tem* basis for various tribes, handling some of the most high-profile litigation on many internal governance matters. Since then, I have served as Chief Judge of the Klamath Tribes of Oregon, Chief Magistrate of the Court of Indian Offenses of the Wind River Indian Reservation within the United States Department of Interior, and now in my two current judicial roles.

Q: I have heard about your passion for juvenile justice. Tell us more about that and how it is apparent in your courtroom.

A: This is extremely personal to me. I grew up in an extremely harsh environment, and statistically I was highly unlikely to raise myself up from those circumstances and stand where I am today. I could not have accomplished anything without the support of the wider Native community and my ancestors.

I do not believe we are doing enough on the ground in our juvenile justice systems. One benefit of tribal justice systems is our sovereign status that allows for a wide range of flexibility. My own approach when a juvenile appears before me always begins as a conversation. Juveniles are not just our future, they are a doorway into their lives, my self-awareness as a judge, and our society. I see it as my judicial duty to explore that and tailor the justice system's most effective response. The vast majority of juveniles that have appeared before me feel they are broken in some way, but have a reserve of enduring strength that must be tapped into. That overarching approach informs how I proceed both in tone and procedure (and,

if necessary, punishment). It is a responsibility I do not take lightly.

Q: Please tell us about your interest in educating young people.

A: I have made it a routine part of my judicial duties to educate others. My most receptive, energetic, and bright audiences are our young citizens. One example of this occurred when I served as Chief Judge for the Klamath Tribes. I coordinated with Oregon Supreme Court Justice Martha Walters and the Oregon Court of Appeals Judge Darlene Ortega to engage with the local high school to host appellate oral arguments on active cases. This brought a rare experience to the students at a very rural and low-income area where the Klamath Tribes' ancestral territory is located. The students actually saw the law in action, in person, and were able to engage with the appellate judges and myself for the day. I will never forget the positive reactions from the students and the depth of their questions for us judges. For that day, so many young people did not feel "forgotten." I also regularly present to student groups at law school campuses around the country, mostly on the intersection of law, politics, and identity.

Q: What would you like to change, if anything, in the Tribal Courts and tribal justice systems?

A: One change that must occur relates to perception. Tribal courts, no less than any other court system, have the institutional knowledge that incorporates the values and needs of their communities. Yet, tribes fought for decades just to have their protection orders recognized in non-tribal jurisdictions. Tribal justice systems must have parity with their state and federal counterparts including increased cooperation on jurisdictional issues at the local level and increased trust between jurists and policymakers on all sides. Tribes established "Anglo-approved" justice systems in a little over four decades, while non-Indian/Anglo-American society has taken nearly six centuries to attain a similar level of comprehensiveness. Native justice systems have massive amounts of institutional and cultural knowledge that can be shared to create more positive outcomes in any jurisdiction.

Ellen Lazarus, Public Trust Editor, conducted this interview and shares: "It was my personal honor and pleasure to become acquainted with Judge Brave-Heart. My only regret is that space limitations did not permit publication of our entire 'conversation.' I trust that the FBA will find additional opportunities to tap into the Judge's extensive legal knowledge and wisdom."

Message from page 1

them know we are here to help them sponsor federal career service oriented programs.

In short, the reinvigorated FCSD is planning successful programs, effectively communicating with members, and reaching out for new projects. While your Officers and Board are leading this charge, I encourage all FCSD members to participate. Don't hesitate to send an idea to the appropriate Committee Chair, or visit our [webpage](#). And, consider writing an

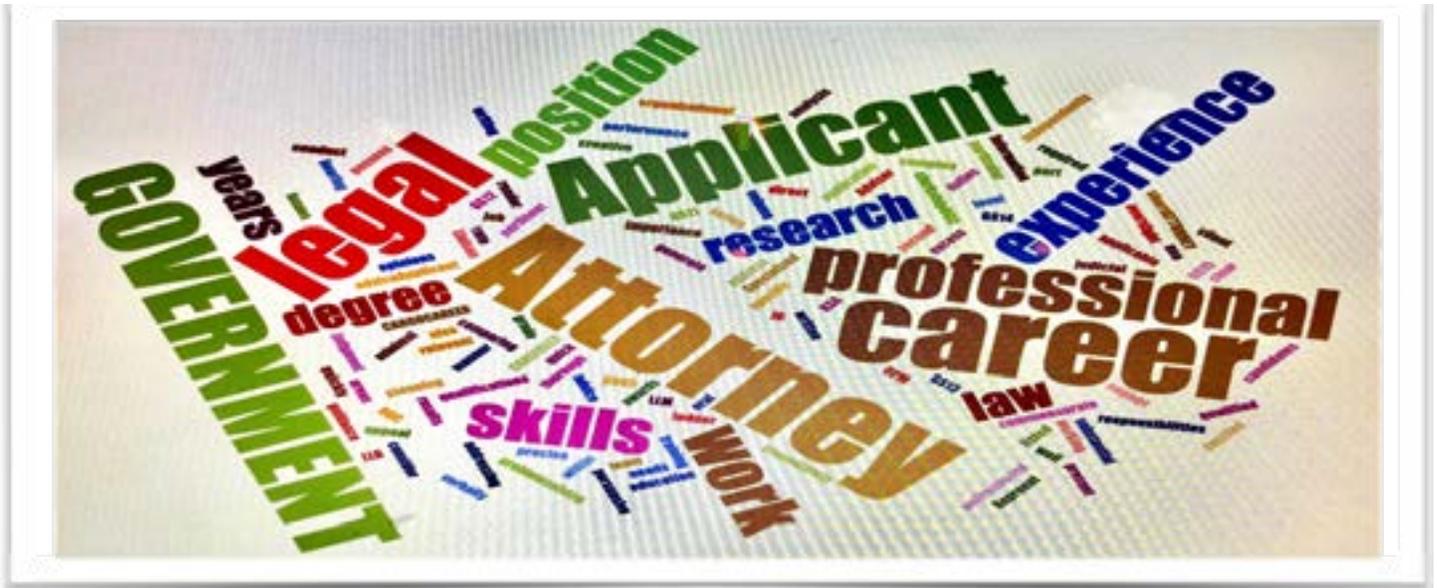
article for Public Trust.

Our Board members hope to see many of you at the FBA's March 2019 Midyear Meeting in the Washington DC area and at the 2019 Annual Convention in Tampa, FL. Both meetings offer FBA members (not just those in leadership roles) great opportunities for CLE, networking, and camaraderie.

We look forward to continuing to serve the public and you!

MEMBER PROFILES AND INTERVIEWS

We are looking for FCSD members who would like to be profiled for a *PUBLIC TRUST* feature. This is a great way to share some wisdom with other FCSD members and inspire those just beginning their federal careers. If you are interested, contact fbapublictrusteditor@gmail.com.



FEDERAL ATTORNEY CAREER COLUMN: Executive Branch Attorneys

Ellen M. Lazarus

Welcome to the first Federal Attorney Career column — created to assist FCSD members navigate the “ins and outs” of federal government jobs. I am a former federal attorney and senior level manager. After I retired, I started consulting and writing on federal career and human relations issues. I became a Certified Federal Career Coach, Trainer and Counselor and advised clients applying for federal attorney, Administrative Law Judge, and Senior Executive Service opportunities.

This new series begins with an overview of attorneys in the Executive Branch. Future columns will address “qualification” basics, attorney opportunities in other branches, various roles of government attorneys, and programs for recent law school graduates.

GOVERNMENT ATTORNEYS

Federal positions are classified by occupational series. Most attorneys are in the 0905 series (General Attorney) and many of those are in the “GS” pay plan. Other federal attorneys are in special pay systems (e.g., AD, SK, ES, SL,IJ, CN) administered by individual agencies under separate statutory authorities. Administrative Law Judges (ALJs) are classified in a separate series: the 0935 series.

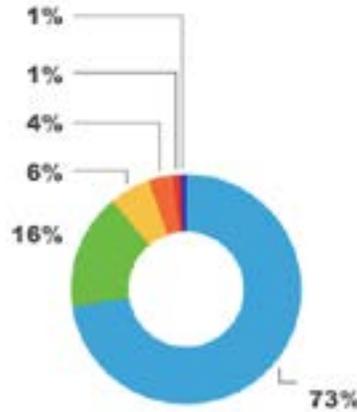
According to the US Office of Personnel Management (OPM), there are more than 38,000 Executive Branch 0905 series civilian attorneys in a variety of pay plans. Cabinet-level departments account for over 26,000 of those 38,000 positions. The other 12,000 attorneys are employed in independent agencies. Positions are located in Washington, DC and in regional offices throughout the country. This figure does not include 0905 series attorneys who are employed in the Legislative or Judicial Branches or are political appointees.

[HTTP://WWW.FEDBAR.ORG](http://www.fedbar.org)

We have updated our Division website. It includes links to the Division Newsletter, CLE Programs, past events, officers, calendar, DOJ attorney vacancies links, and Division Bylaws. Link to the website [here](#).

The following charts capture the relevant statistics in graphic format.

0905 SERIES ATTORNEYS IN EXECUTIVE BRANCH AGENCIES



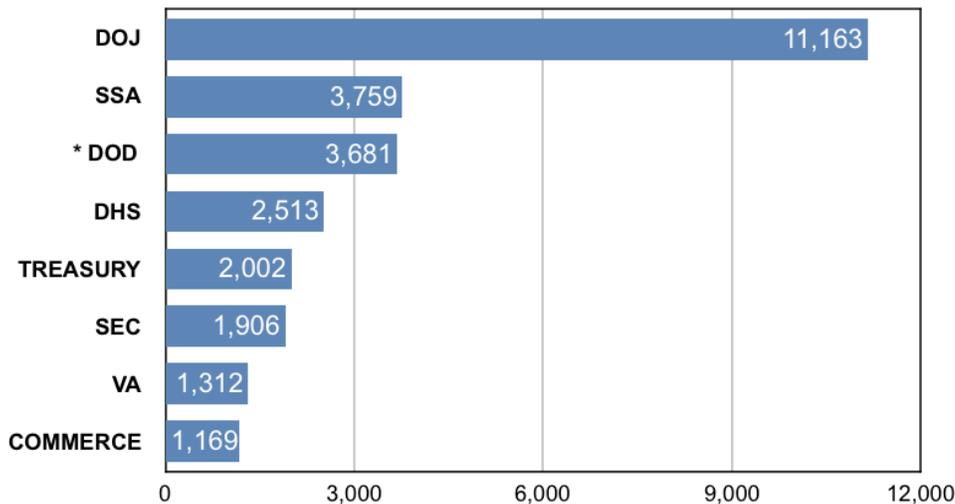
| PAY PLAN | CATEGORY | # | % |
|----------|---|--------|-----|
| GS | General Attorneys at Executive Branch | 26,217 | 73% |
| AD | Attorneys at DOJ Executive Office of U.S. Attorneys and Offices of the U.S. Attorneys, U.S. Trustee Program; Independent Agencies | 5,917 | 16% |
| SK & CT | SEC Attorneys; CFTC Attorneys | 2,079 | 6% |
| ES & SL | SES Attorneys; Senior-Level Attorneys | 1,140 | 4% |
| IJ | Immigration Judges * | 333 | 1% |
| CN | CFPB Attorneys | 311 | 1% |

Source: Based on OPM Fedscope Website data (March 2018).

* As of October 1, 2018, the total number of Immigration Judges was 395 with plans to add more in FY 2019.

NOTES: Only 0905 occupational series included in above chart. Attorneys in other series such as Administrative Law Judges (1948 ALJs classified in the AL-0935 series) and Patent Attorneys (GS-1222 series) are not included. Pay Plans with fewer than 300 attorneys (e.g.: Executive Level, Board of Contract of Appeals, Administrative Appeals Judges, Federal Deposit Insurance Corporation) are also not included.

EXECUTIVE AGENCIES WITH MOST 0905 SERIES ATTORNEYS



Source: Based on OPM Fedscope Website data (March 2018).

* DOD attorneys include DOD, Air Force, Army, and Navy civilian attorneys.

EXECUTIVE BRANCH LEGAL FIELD

All told, there are over 110,000 employees in the Executive Branch working in the “Legal and Kindred Administration Field” comprised of all of the 0900-0099 series positions. In addition to 0905 series attorneys, the jobs include law clerks, paralegals, law specialists, hearings and appeals specialists, contract representatives, examiners, and labor relations specialists. There are many law-related positions filled by attorneys that are not classified as attorney positions. For example, an attorney may serve as a contract representative even though that position does not require a law degree or bar membership. Positions in the legal administration field, other than the 0905 series, are generally graded at lower levels than attorney jobs.



Ellen M. Lazarus, is the FCSD Vice Chair for Communications and Editor, Public Trust. She is an FBA National Past President (1993-94).



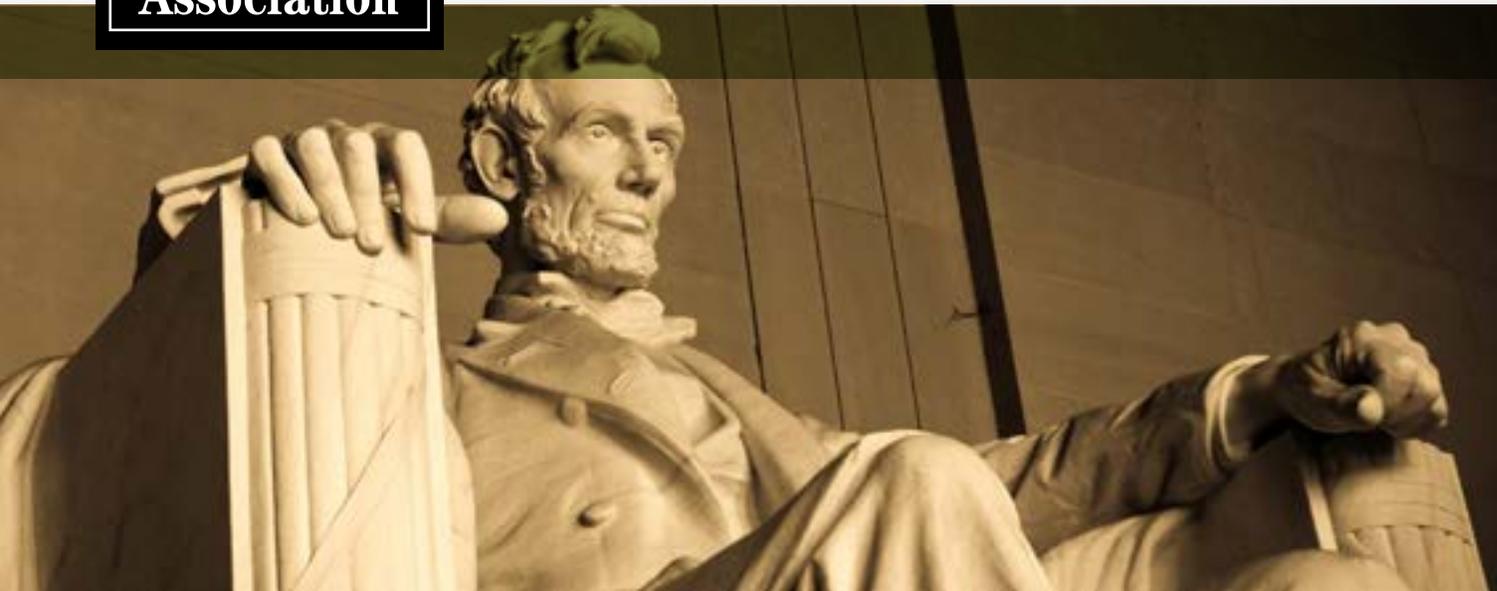
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Federal Career Service Division and Puerto Rico Chapter Host CLE One Year Post-Hurricane Maria

Adam M. Hill



Robert Chisholm (Partner, Chisholm Chisholm & Kilpatrick, law firm sponsor of the event) addressed the overflow crowd regarding veterans appeals.

Hurricane Maria struck Puerto Rico on September 20, 2017, just below a category 5 storm. Winds and floods caused widespread devastation on the island. NOAA estimated the damage in Puerto Rico and the US Virgin Islands due to Hurricane Maria was \$90 billion dollars. Maria was, to a large degree, the most destructive hurricane to hit Puerto Rico in modern times.



Hon. Gustavo A. Gelpi, Chief Judge, US District Court for the District of Puerto Rico and FBA Past National President (second row left), FBA National President Maria Vathis (first row, third from right), and FCSD Chair Robert J. Sousa (second row center) meet with local law students after Program.

On November 2, 2018, slightly more than one year after Hurricane Maria, the FBA Federal Career Service Division and the FBA Puerto Rico Chapter presented a very successful Continuing Legal Education (CLE) program in San Juan, Puerto Rico. Titled “An Overview of Veterans Litigation for General Practitioners,” the CLE covered a wide range of relevant and current topics including VA



From left to right: Mariano A. Mier-Romeu, Immediate Past President, Puerto Rico Chapter; Hon. Erick Kolthof, Associate Justice, Puerto Rico Supreme Court; Maria Vathis, FBA National President; Hon. Roberto Feliberti, Associate Justice, Puerto Rico Supreme Court; Robert J. DeSousa, Chair FCSD; José Ramírez-Coll, President, FBA Puerto Rico Chapter.

appeals, discharge upgrades, military naturalization and derivative citizenship, military justice, and ethical issues in representing veterans.

The nearly 80 attendees at the event were very pleased to hear from both the Hon. Gustavo A. Gelpi, Chief Judge for the US District Court for the District of Puerto Rico (FBA Past National President, 2013-14) and the Hon. Roberto Feliberti, Associate Justice, Supreme Court of Puerto Rico. Both shared details about the devastation suffered in Puerto Rico. Although the island still has a long way to go on the path to recovery, Judge Feliberti encouraged participants to go home and tell their friends and family to come visit the Island of

Enchantment. Ongoing necessary recovery work, including painting and restoration, occurred outside and inside the scenic San Juan Embassy Suites and was visible throughout Puerto Rico during our visit. Many beaches and restaurants are open for business, and the US Territory is ready to welcome many more people back to the Commonwealth.

All of the helpful resources from the CLE, including slides and handouts, are available on the Federal Bar Association's website ([click here](#)).



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

ALERT: 2019 FEDERAL PAY RAISE

As PUBLIC TRUST goes to press on February 14, 2019, a 1.9% pay increase for civilian federal employees is included in the spending bill that just passed the House and Senate, overriding President Trump's January 2019 Executive Order that froze federal pay. If the President signs the bill, the pay increase will be retroactive to January 1, 2019, and will be enhanced by locality pay in certain areas with high costs of living. Uniformed military personnel earlier received a 2.6 percent pay increase.

GET INVOLVED – JOIN A FCSD COMMITTEE

We are looking to increase our base of active members! Consider expressing an interest in joining a FCSD Committee. Email your interest or questions to fbapublictrusteditor@gmail.com.

- Membership: Recruits and retains Division membership. Monitors and provides information about developments in Federal and State “Admissions to Practice” and “Recertification” affecting federal career attorneys.
- Chapter Contact: Communicates with FBA Chapters and Circuit Vice Presidents, informing them of FCSD activities.
- Continuing Legal Education / Programming: Develops and implements programs of interest to FCSD and FBA members.
- Communications: Publishes the FCSD Newsletter; solicits and edits articles of interest to Division members. Develops an increased FCSD web presence.
- Legislative Issues: Tracks legislative proposals pending before Congress, under consideration by the Administration, within OPM, and in the media of interest to FCSD members. Recommends public positions for adoption by the FCSD Council and FBA National Council.
- Lawyer in Uniform: Monitors developments concerning uniformed attorneys assigned to the Judge Advocates General of the various Armed Forces bringing relevant issues to the FCSD Council.

Veterans Honored, Cybersecurity Discussed at Widener Law School: 2018 Veterans Day Ceremony

Robert J. DeSousa



Veterans Initiative featured FCSD Division Chair Col. Robert J. Sousa (L) and keynote speaker, Professor Howard C. Taylor of the US Army War College (R).

The FBA Federal Career Service Division co-sponsored a Veterans Day ceremony and Continuing Legal Education (CLE) presentation on November 9, 2018 at Widener University Commonwealth Law School in Chester, PA honoring the dedication and sacrifice of those who have served in the Armed Forces.

The keynote speaker was Professor Howard C. Taylor of the US Army War College, a National Security Agency veteran. Professor Taylor spoke about the role of strategic leaders in cyberspace and the issues that affect joint and multinational operations. He also explained cyberspace threats and how technological, social, and cultural factors influence the Internet.

FCSD Chair, Col. Robert J. DeSousa, was the MC for the Program. Col DeSousa and the Cedar Cliff High School National Junior ROTC Color Guard posted and retired the colors at the ceremony. DeSousa, who is currently the State Director for US Senator Pat Toomey of Pennsylvania and the State Judge Advocate General for the Pennsylvania National Guard, also led the Pledge of Allegiance during the ceremony.

Prior to the ceremony, the FBA presented a one-hour CLE seminar, featuring Davis Younts, a former active duty USAF JAG and criminal lawyer, discussing the Military's response to the new Article 120 (sex assault statute).

Music, including the Armed Services Medley,

was provided by the Susquehanna High School Saxophone Quartet, directed by Eric Hartranft.

Widener Law Commonwealth seeks to be the law school of choice for veterans and military families and has worked closely in that effort with the FBA. It hosts a unique Veterans Initiative providing strong support for its veteran law students, legal services for area veterans, with programming and events focused on issues relevant to veterans and the military community.



Posting of the Colors featuring Cedar Cliff High School National Junior ROTC Color Guard

“We are thankful for the service, skill, and dedication that our veterans have provided,” said Dean Christian Johnson. “Working with the FBA to give support to veterans as they pursue a law degree is an honor that the law school is proud to be able to offer.”



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

Nontraditional Legal Careers: December Luncheon Program Sponsored by the Capitol Hill Chapter & Federal Career Services Division

Jana Patterson



From L-R: Mary Levering, Robert J. DeSoussa, Warren Burke, Jen Van Buren

Being a “practicing lawyer” doesn’t necessarily mean going to court or drawing up wills and contracts. To explore nontraditional career possibilities, the FBA Capitol Hill Chapter and Federal Career Services Division sponsored a December 3 luncheon program at the Library of Congress on “Nontraditional Legal Careers.” The panelists were Jen Van Buren, Director of the Office of Career Strategy, Georgetown University Law Center; FCSO Chair Robert J. DeSoussa, State Director for US Senator Pat Toomey, and a past FBA National President; and Mary Levering, a past Senior Executive with the Library of Congress. Thanks to the program planners: FCSO Board Member Warren Burke and Capitol Hill Chapter President Ethan Torrey.

“Twelve percent of recent national law grads are in ‘JD advantage’ jobs rather than traditional practicing attorney positions,” Van Buren noted. Many employers are interested in attorneys for positions in which a law degree is not required, but it provides authority and skills that employers value.

While students are putting in more thought before jumping into law school due to the cost, some are still considering a non-traditional outcome, such as consulting, policy, education, and many other options, according to Van Buren. Others

find their way to non-traditional legal work when other options are not the right fit. Some work as lawyers first, and Van Buren observed that it is easier to go from lawyer to a non-traditional position than the other way around. In her work in law student career services, she helps expose students to the range of options, and supports validation of their choices. Students and sometimes their families may be concerned about the road less traveled, but by connecting students with alumni and introducing them to others who have followed less traditional paths, she helps student make connections and forge paths that fit their lives. Few non-traditional employers hold on-campus interviews, so students and alumni interested in non-traditional paths must put in more effort to pursue options, and to show potential employers what they bring to the table.

Bob DeSoussa has a wealth of experience as an attorney and in positions that do not require a law degree. Starting out as a law clerk to a judge, and working as an Assistant US Attorney, State Inspector General, business executive, and in many other positions, also earning a Bronze Star in the US military along the way, he brought significant personal experience to the discussion.

“It sounds like my career was planned, but it wasn’t,” DeSoussa said. “Doors closed, and windows opened.” He once thought he might be an AUSA for his entire career, but he built many relationships along the way that led to other fulfilling positions. He joined a group of friends and colleagues that had a weekly lunch, which led to a new opportunity. Positions on Capitol Hill generally are not advertised, but through connections he was recommended for a position.

DeSoussa, a Past National President of the FBA, recommended involvement in the Association. “Be engaged,” he said. “What you know and who you know may end up mattering. Know you are good, and do a good job. Show up. Persevere. Be good to

people.”

DeSousa used a “Noah’s Ark” metaphor to describe an approach to a career path. The highlights, roughly, are:

- Don’t miss the boat. Be alert to opportunities and take them.
- We’re all on the same boat. Be nice and cordial.
- Plan ahead. It was not raining before the ark was built. Have broad goals, and be able to adapt. Be skeptical of critics. Noah was not a boat-builder, but those who built the Titanic were.
- Take your time. The snail and the cheetah both made it on the boat. Speed is not necessary.
- There is always a rainbow at the end.
- Build on high ground. Be ethical.

Mary Levering also offered personal insights from a career involved in programs ranging from copyright to foreign law. She has been self-supporting since she was a teenager, at a time when post-high school education for girls and women was not widely available. She did not start out with specific goals other than supporting herself, and seeking credentials that would allow for opportunities.

Early on, Levering was a parochial school teacher. This did not require a college degree at that time, but she was able to go to college at night for eight years to earn a Bachelor’s Degree. She then earned a Master’s Degree in Library Science, and was selected for the Library of Congress Intern Program, that opened many doors and a whole

new world. She moved up, and moved over to the Congressional Research Service. Law school was a natural choice, and she was able to work during the day and attend law school at night, which she found to be particularly collegial given the student’s busy lives. She then moved on to other Federal programs, eventually becoming a Senior Executive. She was tapped for the breadth and effectiveness of her experience. One of the programs on which she worked involved international and comparative law, exposing her to law in various countries of the world. Although retired from Federal service, she is on her way to a goal of visiting every country in the world. “My career was widely varied, and the legal training truly helped,” Levering said.

Some important tips in response to audience questions included using LinkedIn, picking up the phone when people call, keeping up connections, helping out, and joining professional organizations.

[Click here](#) for speaker biographical information.



Jana Patterson is the FCSD Vice Chair for Legislative Issues.

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Call for Articles for Public Trust

PUBLIC TRUST is 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 suggestions.

2019 FBA ANNUAL MEETING & CONVENTION

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