The varied theme articles in this military law issue of The Federal Lawyer are due to the efforts of the FBA’s Veterans and Military Law Section (VMLS) and especially Jim Richardson, a veteran, former FBA national president, and member of the Board of Directors of the VMLS. Accordingly, this issue is something of a showcase for the valuable work of the VMLS, and our FBA members who are or were in the armed forces.

The Nation’s Oldest and Biggest Law Firm

The Judge Advocate General Corps for the U.S. Army, founded in July 1775 by General George Washington, can rightfully be called the oldest law firm in the United States. (Its closest civilian competitors—Howard, Kohn, Sprague & FitzGerald and Cadwalader Wickersham & Taft—can only trace their histories back to 1786 and 1792, respectively). And it covers a truly astonishing breadth of practice areas: criminal law, legal assistance to soldiers and retirees, civil litigation, Federal Torts Claims Act, medical malpractice, encroachment law, administrative law, labor law, employment law, international law, operational law, benefits law, laws of war, rules of engagement, international treaties, medical law, space law ... there is virtually no subject that Army, Navy, Air Force, Marine Corps, and Coast Guard lawyers don’t handle, alone or in conjunction with their service general counsels or the Department of Justice. In addition, attorneys in the Marine Corps and Coast Guard are considered unrestricted line officers, eligible for nonlegal command and staff billets.

The Culture of Zealous Advocacy

Gen. William (Bill) Suter, the clerk of the Supreme Court of the United States since 1991, is a former acting Army judge advocate general and a recipient of such awards as the Distinguished Service Medal, the Bronze Star Medal, and the Parachutist Badge. Gen. Suter (known as “the General” at the Supreme Court to distinguish him from retired Associate Justice David Souter) feels that the procedural protections in military proceedings (which include expanded rights to participation in charging decisions and rights to assigned counsel), the thoroughness of preparation, and the training of advocates, all equal or exceed what can be found in civilian systems. Gen. Suter says that uniformed lawyers are expected to represent their clients to their fullest. “We never felt we were bucking the system” in representing accused soldiers, he says. On the contrary, the system fosters a culture where military lawyers are incredibly committed to their clients, and follow their obligation where it takes them. When he was a young lawyer, a soldier he represented was acquitted, much to his surprise. He anticipated that his commanding officer, a colonel, would be upset. Sure enough, when he got home from court, the colonel was on the phone. “Why don’t you come over to celebrate,” the colonel said, “if we don’t have an acquittal now and again, the system’s not working.”

The FBA and the Armed Services

The FBA contains many active duty, reserve, and veteran members of our armed forces, both in our membership and in our leadership. Col. William Kenny was an active-duty officer in the U.S. Air Force when he served as FBA national president from 1975–76. Navy Rear Adm. Gerald Gilbert (1985–86), Air Force Col. Marvin Morse (1995–96), Navy Capt. Joe Ross (1984–85), and Navy Rear Adm. Thomas Lilly (1979–80) were reserve officers during their presidencies. Presidents Bill Robie (1989–90), Malcolm Monroe (1992–93), Bob McNew (2000–01), and Jim Richardson (2007–08), among others, were all veterans. Current president Bob DeSousa is a lieutenant colonel in the Judge Advocate General’s Corps of the Pennsylvania Army National Guard and earned a Bronze Star in Operation Iraqi Freedom. And the FBA membership contains many lawyers whose practices touch on military or veteran subjects, or who are vitally interested in military and veteran law issues.

The FBA’s Veterans and Military Law Section

The VMLS is open to all FBA members, with or without a connection with the armed forces. It promotes the interests of practitioners in veterans law and military law and has active committees devoted to such topics as legislative and regulatory issues, lawyer

Phil Schatz is a partner of Wrobel Schatz & Fox LLP, a litigation boutique in New York City. He is the president of the Southern District of New York Chapter and a member of the editorial board of The Federal Lawyer.
training, and veteran’s benefits. According to Richardson, the
section provides a unique opportunity to do meaningful work in a
wide variety of substantive areas, and the opportunity for civilian
and military lawyers to work together in areas of common inter-
est. The FBA’s Pentagon Chapter and the section have teamed up
for a variety of events involving the U.S. Court of Appeals for the
Armed Forces and the Court of Appeals for Veterans Claims. Brig.
Gen. Kyle Goerke, the highest-ranking JAG officer in the National
Guard, addressed the FBA’s 2013 Midyear Meeting and spoke
elocutiously about the difficulties of transition from active duty
to civilian status, the importance of veteran’s courts, the unaccept-
able rate of veteran suicides, and other initiatives of the section.
Gen. Goerke believes that veteran suicides can only be reduced by
alleviating the many problems faced by returning soldiers, includ-
ing the need for legal help. “These soldiers face many challenges in
returning to civilian life,” he says, “and the more we can help them
with these problems, the more we’ll cut down on the unacceptable
rate of veteran suicides.”

One organization providing such help is Veterans Consortium
Pro Bono Program, an ongoing cooperative effort of the American
Legion, Paralyzed Veterans of America, Disabled American
Veterans, and the National Veterans Legal Services Program, cre-
ated more than 20 years ago to recruit and train lawyers to rep-
resent previously pro se veterans before the Court of Appeals for
Veterans Claims. The director of the Case Evaluation Component
of the consortium, David Myers, is the VMLS vice chair and a
retired Navy JAG commander. “Our success rate is around 70 per-
cent,” he says, “and we like what we do.” Carol Scott, VMLS chair
and a deputy director of the same component, is the recipient
of the 2012 Ken Carpenter Achievement Award for Excellence
from the National Organization of Veterans’ Advocates.

And, of course, the VMLS is active in many efforts to benefit
both current and former service members. Scott rewrote the
bylaws of the VMLS to coordinate the efforts on behalf of veter-
ans and active duty personnel and to give a more secure home
to military law practitioners. Although the projects of the sec-
tion are too numerous to catalog, some of the highlights include:

• Jobs for JAGS Program—This program, created by
the Pentagon Chapter of the FBA in 1989 and currently co-
administered with the Judge Advocates Association, helps
JAG personnel move into civilian employment. Col. Mitchell
Neurock, an FBA member and Air Force JAG, says the
program “brings together speakers from all walks of legal
practice—law firms, corporations, government, and the judi-
iciary—in an annual day-long event, to provide valuable tips
and suggestions to separating and retiring judge advocates
and paralegals.”

• Creation of Veterans Courts—The section helps courts and
agencies create specialized courts to handle cases involving
veterans with substance abuse or psychiatric problems. U.S.
Magistrate Judge Paul Warner, of the District of Utah and
a former U.S. attorney, helped form the nation’s first fed-
eral veterans’ court, dedicated to diverting veterans in the
criminal justice system so that they can get the specialized
help they need. According to Judge Warner, the veterans’
courts deal “with a huge variety of problems—substance
abuse, PTSD, brain injuries, emotional problems, job loss,
and homelessness—that these veterans developed as a result
of their service.” He says, “I’m a big believer that we need to
deal with these problems now, because we have more than 10
years of returning veterans. We can either deal with them now,
or we’ll see them over and over again, as we did with Vietnam
veterans.”

• Training—The section is dedicated to training military and
civilian lawyers in a variety of areas. The section supplements
the training of active duty military, whose training might oth-
wise be compromised by budget cuts as a result of seque-
stration. The section trains civilian lawyers to assist veterans
before the Court of Appeals for Veterans Claims.

• Upgrading Discharges—Section members help veterans seek-
ing to upgrade “bad paper” (bad conduct or other-than-
 honorable discharges) in proceedings before the service Dis-
charge Review Boards and Boards for Correction of Naval and
Military Records, which makes veterans (some of whom were
discharged for reasons that are no longer legitimate, or for
problems that would be handled differently today) eligible for
medical and other benefits.

Working Together
So, if you are a member of our armed forces or the Department
of Defense, and are not yet a member of the FBA, please join us!
If you are interested in military law or veterans’ rights, please join
the Military and Veterans Law Section and its many initiatives to
support our nation and our nation’s military.