A GUIDE FOR TRANSITIONING TO CIVILIAN LIFE

So you’ve decided to make the switch to civilian life – where do you begin? For many military personnel, a transition to the private sector may seem daunting. I recently sat down with General William K. Suter, (USA Ret.), Clerk of the United States Supreme Court to discuss some key tips for transitioning to civilian life from the military.

Service in the military provides an outstanding opportunity to obtain a large variety of work experiences. Military service hones valuable skills that many civilian lawyers may not possess. This includes managing large numbers of people, developing sharp analytical skills, and learning how to work well under the incredible pressure of a war zone. However, the military is a rigid system and officers go where they are told. Becoming acclimated to a new, more lax dynamic takes some adjusting.

After almost thirty years of service as a military lawyer, General Suter found himself embarking on a job search due to his impending retirement.

Before making any decisions, Suter discussed with his family where they wanted to live. They emphatically wanted to stay in the DC area, so that decision was easily made. There are a lot of issues to consider when making a transition decision. Talking to your family is an important first step.

After he interviewed with a few law firms and realized they weren’t the right fit, the position of the Clerk opened at the U.S. Supreme Court. Suter did his research before he applied for the position. He consulted his friends, and spoke with another court clerk and former colleague for advice. From his prior experience as a chief judge in a military court, he understood how a clerk’s office should be run. Needless to say, he was offered the position and after 21 years, he still finds deep significance in the public service he performs every day.

NETWORKING TIPS

Before you embark on a civilian job search, there are some key networking items to keep in mind. Suter recommends joining the American Bar Association (ABA) [http://www.americanbar.org/], the Military Officers Association of America (MOAA) [http://www.moaa.org/], the Judge Advocates Association (JAA) [http://www.jaa.org/], the Federal Bar Association (FBA) [http://www.fedbar.org/] and the National Bar Association [http://www.nationalbar.org/]. For lawyers planning on working in the Washington, D.C. area, join the DC Bar. Don’t wait until the last minute – join now before your job search starts. Once you’ve joined, don’t be a passive member. Get involved! Volunteer to write an article or organize a CLE program. Attend meetings. Contact all of your friends and colleagues. Looking for a job is a job, so do not be shy about getting out there to network!

THE RESUME

When creating a “civilian” resume, get help. Ask a couple civilians to look it over before you send it out. Review the resumes of friends who have already transitioned. Your resume should only be one or two pages – keep it as concise as possible. Also, consider creating different resumes for different jobs. If you have management experience, highlight it. If you have marketing or budget experience, be sure to emphasize...
that. Play up your best assets for the job you want and tailor your resume to fit the position you are applying for.

Do not include unnecessary information, anything over twenty years old, (or anything from high school!) If it’s that old, no one will care. Employers are looking for someone who is a good fit for the job and who will work well with their existing team. Remove all military jargon. Use civilian terms (e.g., instead of “staff judge advocate” put “senior legal advisor.”)

The objective is to explain all the experience and skills you gained in the military using terms that anyone will understand.

Do not list a reference without that person’s consent. If possible, list individuals that are working in a relevant field. Make sure your references have copies of your resume in case they receive a call for more information about you. Always send a cover letter with resumes and keep records of where you apply. Make a note of the date you receive a response. Don’t forget to send a thank you note if anyone helps you in your job search!

INTERVIEW DO’S AND DON’TS

Dress to impress – do not take this lightly. Get help when choosing an outfit. For many years, you’ve worn a uniform. Now is the time to spend the money and buy a nice suit; think of it as an investment. Lose the military watch with the compass attached. Ditch the shiny black shoes. For men, grow your hair a bit to look more like a civilian.

Do research on the employer prior to your interview. Make sure you are well educated about the organization. If possible, talk to other people who have interviewed there.

Be polite and professional to everyone you meet whether it is support staff, secretaries or security guards. You never know who has influence and how much weight the support staff carries when it comes to a hiring decision.

Posture in an interview is very important as it tells a lot about a person. Don’t ever accept tea or coffee, so there are no chance spills. Plus, it can interrupt the flow of the interview, and create an added level of complication to an already heightened situation.

The typical first question in an interview is “tell us about yourself” – this is not your cue to go into the minutiae of your life. Don’t talk too much. Simply give a brief overview of your background – without using military jargon! Keep in mind that the interviewer has seen your resume and already knows a little about you. This is just an ice breaker to put you at ease; the difficult questions are yet to come. Don’t be too formal, but say “yes” instead of “roger that.”

You will be asked about your strengths. Employers want to know, for example, that you are a hard worker, with attention to detail, and have time management and long range planning skills. You will also be asked about your weaknesses. This is your chance to give a positive answer – you aren’t spinning the truth, but simply answering in a positive way. Saying “When I recognize a weakness or something I need to work on, I take immediate steps to rectify it, with the help of others if necessary” is a perfectly acceptable response.

If you have a phone interview, stand up when you take the call as it will make you sound more enthusiastic and energized. Also, never make assumptions and do not take it as a personal affront if your interviewer does not know anything about the practice of law in the military. Many misconceptions exist about the military profession, so take the time to politely emphasize to the interviewer the diverse nature of military law practice and the similarities it shares with civilian practice. Employers may not realize how much management experience military lawyers have, and how much interaction military attorneys have with civilian employees. Many civilian attorneys don’t have the opportunity to obtain leadership or supervisory experience. Be sure to contrast that with your own background. Most civilians are not familiar with the military titles or positions and will not necessarily know what they mean if you bring them up during the interview. It is up to you to adapt to civilian terminology, rather than expect your interviewer to understand military terms.

Remember to be yourself. Most likely throughout your military career you have not faced many rejections – but be prepared for this to change. Do not get discouraged but be patient and persistent. Don’t take the first job offer you receive simply because it’s your first, but don’t procrastinate either.

OTHER REFLECTIONS

Do not resign from the military until you have secured a new position (preferably guaranteed in writing.) Some federal agencies will not hire until you have a security clearance which could take several months to process. Note that some organizations do not recognize military security clearances and you may have to start the process anew.

Don’t let money make your job decision. Everyone has to make a living, but it should not be your sole motivator. You may be wise to accept what you consider a “demotion” (because the salary is lower.) It is more important that you find personal satisfaction and meaning in your job -- and do it well. If so, salary increases will follow.

THE ECONOMY

General Suter is hopeful that things will improve economically, but still advises anyone pondering a transition to think very carefully before retiring. The job market is tough. Remain in the reserves if at all possible as that is an investment in the military you have already committed to, and is something you can continue to cultivate.

Don’t take six months or a year off to play golf. After many years of service in the military, to suddenly become inactive is a big shock. The military instills a great sense of hard work and perseverance. The people General Suter knows who left to play golf ended up unhappy.

FINAL THOUGHTS

Don’t panic, don’t take the first offer you get, and don’t let money guide you. Do not underestimate the importance of the ABA and other organizations that not only educate, but also offer invaluable tools and resources. The people you’ll meet and knowledge you’ll gain through meetings, events and programs will benefit you immensely. I wish you the all the best as you embark on your new adventure!
Arkansas Game & Fish Commission v. United States

Petitioner Arkansas Game & Fish Commission, a constitutional entity of the State of Arkansas, sought just compensation from the United States under the Takings Clause of the Fifth Amendment for physically taking its bottomland hardwood timber through six consecutive years of protested flooding during the sensitive growing season. The Court of Federal Claims found that during several years in the 1990s, temporary and irregular changes in water releases from a flood-control dam operated by the United States Army Corps of Engineers marginally increased the number of days on which part of petitioner’s wetland property - which is located 115 miles downstream of the dam and has long been subject to regular natural flooding - was inundated. The Court of Federal Claims awarded $5.7 million, finding that the Army Corps of Engineers’ actions foreseeably destroyed and degraded more than 18 million board feet of timber, left habitat unable to regenerate, and preempted Petitioner’s use and enjoyment.

The Federal Circuit, with its unique jurisdiction over takings claims, reversed the trial judgment on a single point of law. A sharply divided 2-1 panel ruled that the United States did not inflict a taking because its actions were not permanent and the flooding eventually stopped. The Federal Circuit denied rehearing en banc in a fractured 7-4 vote.

The question presented is: Whether government actions that impose recurring flood invasions must continue permanently in order to become a taking within the meaning of the Takings Clause.

This case was argued on October 3, 2012.

Levin v. United States, et al.

10 U.S.C. § 1089 concerns the defense of military medical personnel against claims for tortuous acts committed in the scope of employment. It directs that suits may be brought only against the United States under the Federal Tort Claims Act, which waives sovereign immunity. 28 U.S.C. § 2680 (h) of the FTCA excludes some suits, including battery, from its waiver.

Subsection 1089 (e) states, “For purposes of this section, the provisions of section 2680 (h) ... shall not apply to any cause of action arising out of a ... wrongful act ... in the performance of medical ... functions .... “

The particular question presented is whether suit may be brought against the United States for battery committed to a civilian by military medical personnel acting within the scope of employment.

The broader question raises the issue for the same and other claims against groups of government employees whose defense would fall under similarly worded statutes. The Supreme Court has never addressed these issues.

This case is set for argument on January 15, 2013.

A decision in both these cases is expected before the summer recess begins in late June, 2013.

MESSAGE FROM THE CHAIR

I’m honored to serve another year as Chair of the Military Lawyers Conference (MLC) and I look forward to continuing to offer practical, timely products and services to our members.

On behalf of the MLC, I want to bid a fond farewell to Colonel David A. Anderson (USMC, Ret.) who served tirelessly for many years as the writer and editor of Reveille. I am truly grateful for the hundreds of hours he contributed to the MLC and this publication. Although we will miss his significant contributions, I am confident that the MLC and Reveille will continue to grow and prosper because of the strong foundation he established.

You will see some changes to Reveille as we shift to a slightly different format. We hope to increase our emphasis on issues faced by military lawyers transitioning to civilian life. You’ll see one of our first installments on this topic in this issue – a piece about Major General William K. Suter, (USA, Ret.) the 19th and current Clerk of the Supreme Court of the United States, a position he has held for over twenty years.

I’m also pleased to announce that at the ABA midyear meeting in Dallas, the Government and Public Sector Lawyers Division and the MLC will present “Military Justice 101: A primer for Civilian and Military Lawyers on the role of the Joint Service Committee and Amendments to the Manual for Courts-Martial.” This program will examine the Manual for Courts-Martial, Military Rules of Evidence, and the Rules for Courts-Martial. Panelists will discuss basic tenets of military practice; the role of the Joint Service Committee; and how the MCM is updated and used by JAG Officers around the world. The program will be presented on February 8, 2013 and will be moderated by Army LTC Christopher Kennebeck, Chief, Policy Branch, Criminal Law Division, Office of The Judge Advocate General. It promises to be a very interesting program for both civilian and military lawyers. Please see www.government-lawyer.org for more details and information on how to register.

Military lawyers play a vital part in protecting the security of the U.S., supporting the troops and their families, advising commanders, and equipping forces for military assignments. My goal as MLC Chair is to increase our outreach to military lawyers and enhance MLC’s products and services for its members. I’m honored to work for such a dedicated group of American lawyers.

We warmly welcome your ideas, questions or comments. Please contact Kiren Jahangeer at kiren.jahangeer@americanbar.org to pass these along.

Respectfully,
Kenneth D. Gray (USA Ret.)
Chair, Military Lawyers Conference
Recent Decisions of Interest

In United States v. Dalton, the U.S. Navy-Marine Corps Court of Criminal Appeals (NMCCA) convicted the appellant of one specification of involuntary manslaughter, as a lesser included offense of unpremeditated murder, violating Article 119(b)(1), UCMJ. Dalton was sentenced to five years confinement, reduction to pay grade E-1, forfeiture of all pay and allowances, and a dishonorable discharge. The court deliberated on issues brought by Dalton’s appeal: insufficient evidence to convict; and that involuntary manslaughter is not a lesser included offense (LIO) of unpremeditated murder.

The events which led to the death of Corporal DS occurred while on deployment to Afghanistan. On July 16, 2010, a heated argument took place between the two corporals at Forward Operating Base Marjah. Corporal (Cpl) DS was angry with the way he was awakened, and a fistfight quickly ensued. Cpl Dalton stabbed Cpl DS in the neck with his bayonet, severing his pulmonary vein.

The appellant was originally charged with one specification of unpremeditated murder under Article 118 and one specification of voluntary manslaughter under Article 119(a), UCMJ. The judge dismissed the voluntary manslaughter charge as it was a lesser included offense (LIO) of unpremeditated murder. The appellant stated he feared for his life and was being choked by Cpl DS, but did not intend to inflict great bodily harm or cause death.

The court affirms that unpremeditated murder, and involuntary manslaughter, both have four elements. Three of these elements are identical: a death; that the accused caused the death by an act or omission; and that the killing was unlawful. Unpremeditated murder states that at the time of the killing, the accused had the intent to kill or inflict great bodily harm upon a person; whereas involuntary manslaughter states that this act was due to culpable negligence and a disregard for potential consequences. The court reaffirmed that involuntary manslaughter is a lesser included offense of unpremeditated murder. The court further upheld the appellant’s guilt beyond a reasonable doubt, stating that the evidence was sufficient to convict.

In United States v. Law, the NMCCA found the appellant guilty of premeditated murder and larceny, violating Articles 118 and 121, UCMJ. The appellant was sentenced to life confinement without the possibility of parole, forfeiture of all pay and allowances, and a dishonorable discharge.

On November 6, 2009, Private Law beat Corporal JH in the head with a ten-pound jack hammer spike at Camp Lejeune, NC. Cpl JH was outside his barracks on the phone with his girlfriend when he was repeatedly attacked from behind. Just moments prior, Law had stated to his friend, Private (Pvt) RT, that he wanted to kill someone, and he chose Cpl JH as his random victim. After the murder, Law went to his barracks and asked Private RT for help hiding the body. Pvt RT refused and ran for help. Law hid the body in the woods and when Cpl JH was found his face and skull were crushed by the trauma. Law was arrested in the bathroom of his barracks room, with self-inflicted injuries to his wrist, neck and lower abdomen. Law had a history of self-mutilation, mental illness and substance abuse since he was a teenager. During the months leading up to the murder, Law was abusing controlled substances and drinking heavily, having been seen more than ten times at the Naval Hospital Camp Lejeune Mental Health Clinic. Law stated he did not remember anything about the homicide, since he had consumed so much alcohol, marijuana and cough medicine that evening that he “blacked out.” Twenty-three witnesses were called for the prosecution, including Cpl JH’s parents, siblings, and high school coach. Law argued on appeal that the life sentence was too severe, considering his history of mental health problems. The court disagreed, and upheld its original verdict.
In United States v. Walker, the NMCCA convicted the appellant of making a false official statement and of one specification of murder. Walker was sentenced to 25 years confinement, forfeiture of all pay and allowances, reduction to pay grade E-1, and a dishonorable discharge for murdering his 26 month old daughter, violating Articles 107 and 118(3) of the Uniform Code of Military Justice.

Lance Corporal Walker originally claimed his daughter had slipped on a wet staircase, though she did not present with any signs of injury and thus he put her to bed. However, after Naval Criminal Investigative Service special agents presented contrary evidence, the appellant admitted to hitting and killing his daughter. Walker stated in a video-recorded statement that he was irritated with his daughter for crying that evening. Furthermore, he was startled when she tugged at his pant leg and this caused him to recall painful memories of abuse he suffered as a child, which resulted in him punching his daughter in the face with such force she was thrust down the stairs. Walker then went to his room to play video games, checking on his daughter later, finding that she was breathing, but that her eyes were flustering. The appellant claimed he was fearful of what his wife would say when she got home, or what authorities might think, and he simply carried his daughter to her bed. The next morning, she was unresponsive and was declared dead after medical intervention proved futile.

Walker argued on appeal for multiple technicalities: that the judge denied a defense motion for a mistrial when a government expert witness testified that the cause of death was shaken baby syndrome; that the judge failed to instruct the members on involuntary manslaughter under Article 119(b)(2), UCMJ, on a theory other than culpable negligence; that the evidence is insufficient voluntary manslaughter under Article 119(b)(2), UCMJ, on a theory the expert witness testified that the cause of death was shaken baby syndrome; and that the dishonorable discharge was improper in absence specification.

In United States v. Hinebaugh, the NMCCA convicted the appellant of conspiracy to sell military property, two specifications of selling military property, and two specifications of larceny of military property, violating Articles 81, 108, and 121 of the Uniform Code of Military Justice. The appellant was sentenced to six years confinement, a $10,000 fine, reduction to pay grade E-3, and a dishonorable discharge. All confinement exceeding twelve months was suspended due to a pretrial agreement.

Gunnery Sergeant Hinebaugh stole over $150,000 worth of military equipment, including night-vision goggles, lanyards, tents, jackets, pants, gloves, and 1,500 cases of Meals Ready to Eat. His wife conspired with him to sell the items online, mailing them to buyers. The ruse continued for three years while the couple lived in Camp Lejeune, NC and Twentynine Palms, CA.

In his appeal, Hinebaugh argued that he did not understand the maximum punishment for pleading guilty; received ineffective assistance of counsel; and that the dishonorable discharge was too severe a penalty. However, during the course of the inquiry, the appellant stated to the judge that he understood the maximum punishment, and plead guilty to all five offenses. The court ordered defense counsel to submit affidavits on the issue of ineffective counsel assistance, and thereby determined the appellant failed to show how counsel acted outside the standards of professional conduct and provided inefficient aid. The court affirmed its original decision, stating that Hinebaugh failed to establish how he misunderstood the maximum sentence and thus his decision to plead guilty was based on such misunderstanding. They further upheld their judgment in the severity of the dishonorable discharge, stating it was the punishment Hinebaugh deserves, regardless of his prior respectable record of service.

In United States v. Reich, the NMCCA held the appellant guilty of one specification of attempting to sell military property of a value of more than $500, one specification of conspiracy, three specifications of selling military property of a value of more than $500 and one specification of wrongfully receiving stolen property of a value of more than $500, violating Articles 80, 81, 108 and 134 of the Uniform Code of Military Justice. The appellant was sentenced to forty months confinement, a $2,500 fine, reduction to pay grade E-1, and a dishonorable discharge. All confinement exceeding twelve months was suspended, as was the fine for a period of 6 months, due to a pretrial agreement.

Sergeant Reich was Battalion Ammunition Chief to 3d Marine Special Operations Battalion, Marine Special Operations Command, Camp Lejeune, NC. From October 1, 2010 to August 31, 2011, Sergeant Reich engaged in a conspiracy with Captain James Warner, his OIC (officer-in-charge) to sell military property. Warner would obtain the military property and Reich would sell it. Reich sold over 100 items of stolen property in Augusta, GA; Raleigh, NC; Sneads Ferry, NC; and Virginia Beach, VA. Stolen items consisted of small arms protective insert plates, soft ballistic armor, night vision goggles, and infrared beacon systems. Reich was paid $10,000 and would have received an additional $6,500 were it not for law enforcement intervention. Warner received $4,000 for supplying the stolen goods. Reich affirmed he did not feel coerced into his position because of Warner’s ranking authority. Reich intended to buy an engagement ring and to build rifles with the money he earned.

Sergeant Reich argued on appeal that the dishonorable discharge was too harsh of a punishment, given his prior military record and personal character. The court disagreed, upholding their prior decision and further pointing out that to grant any type of sentence relief would be tantamount to clemency.

In United States v. Hall, the NMCCA found the appellant guilty of one specification of unauthorized absence, one specification of making a false official statement, three specifications of wrongful use of a controlled substance, three specifications of wrongful distribution of a controlled substance, and one specification of malingering, violating Articles 86, 107, 112a, and 115, UCMJ. Hall was sentenced to 307 days of confinement, forfeiture of $994.00 pay per month for ten months, reduction to pay grade E-1, a reprimand, and a bad-conduct discharge.

During the period of December 9, 2008 to September 29, 2011, Lance Corporal Hall used or distributed cocaine, ketamine (“Special K”), and methylenedioxyamphetamine (“Ecstasy”) at least five times. Hall was slated to report for duty on the night of October 8, 2011 but fabricated a story that he was involved in a fight and suffered a concussion. He went to an emergency room at a nearby hospital and pretended to be injured, calling his Desk Sergeant to state he needed to remain in the hospital for further observation.

The court showed clemency on appeal and sentenced the appellant to 305 days confinement, and dropped the unauthorized absence specification.
The ABA’s Military Lawyers Coordinating Committee (MLCC) was created to help the association’s military lawyers find resources more easily. The MLCC’s website serves as a portal for all things military in the ABA. Members can get view upcoming ABA programs, news items of interest, links to all ABA military-related groups, awards programs, membership offers and more. Visit the MLCC at http://www.americanbar.org/groups/government_public/resources/military_lawyers_conference/military_lawyers_coordinating_committee.html.

2013 National Awards
The Government and Public Sector Lawyers Division’s annual awards program is designed to recognize extraordinary achievements and to inform the general public about the outstanding work performed and the positive impact made by our nation’s government lawyers. The Dorsey Award honors an outstanding public defender or legal aid lawyer. The Hodson Award recognizes sustained outstanding service or a specific extraordinary accomplishment by a government or public sector law office. (This is not an award for an individual). The Nelson Award recognizes outstanding contributions to the ABA by an individual government or public sector lawyer. Nominations for the 2013 National Awards which will be presented at the ABA’s Annual Meeting in August 2013 in San Francisco are now being accepted. See http://www.americanbar.org/groups/government_public/awards.html for requirements. Nominations must be received by the Division by April 8, 2013. Early submissions are greatly appreciated.

Upcoming Events of Interest
Section of Administrative Law and Regulatory Practice
8th Annual Homeland Security Law Institute
June 20-21, 2013
The Capital Hilton
Washington, DC

Section of Labor and Employment Law
ABA Annual Meeting
USERRA and Reemployment Rights: What Returning Military Personnel, Unions and Employers Need to Know!
Cosponsored by the Government and Public Sector Lawyers Division
August 8-11, 2013
San Francisco, CA

Keep up with the Division through Social Media
Join us on Facebook, Twitter and LinkedIn. Visit www.governmentlawyer.org and just click on the icons to stay connected!
February 8, 2013

9:15 - 10:45 a.m.
Best Practices: Matter Management and Collaboration
During this interactive panel session we’ll discuss how government law departments are using technology to manage legal matters and support collaboration. Learn about current methods, best practices, and new tools that facilitate and improve collaboration between the legal department, client agencies, and outside counsel.

Please note that this is not a CLE program.
This program is presented with the support of West, a Thomson Reuters business.
FREE!

11:00 a.m. - 1:00 p.m.
Ethical Considerations in Public Sector Law CLE
Featuring Linda Acevedo, Chief Disciplinary Counsel for the State Bar of Texas, this program examines the unique ethical issues confronted by government lawyers using an entertaining, interactive format. Dramatization of hypothetical scenarios brings to life common ethical conundrums and encourages lively discussion. Examples of topics include special conflicts of interest for former and current government officers and employees; organization as a client; responsibilities of supervisory lawyers, and more.

Co-sponsored by the ABA’s Center for Professional Responsibility.
FREE!

2:00 - 3:30 p.m.
Military Justice 101: A Primer for Civilian and Military Lawyers on the Role of the Joint Service Committee and Amendments to the Manual for Courts-Martial
This program will examine the Manual for Courts-Martial, Military Rules of Evidence, and the Rules for Courts-Martial. Panelists will discuss basic tenants of military practice; the role of the Joint Service Committee; and how the MCM is updated and used by JAG officers around the world.

Co-sponsored by the ABA’s Solo, Small Firm and General Practice Division, Standing Committee on Armed Forces Law and the Standing Committee on Legal Assistance to Military Personnel.
$35 registration fee

3:45 - 4:45 p.m.
Locked Down: Security for Cloud Services and Mobile Devices
Attorneys have ethical and legal duties to safeguard information relating to clients. The latest technology, including cloud computing and mobile devices, presents new challenges in data protection. Attorneys should embrace new technologies, but have to understand and address the risks. This session will explore attorneys’ duties to secure data and best practices for security in the cloud and on the road.

$35 registration fee
The Editors of REVEILLE

The editor of REVEILLE is Kiren Jahangeer. Comments, letters to the editor and other suggestions should be addressed to Editor, REVEILLE, ABA, Government and Public Sector Lawyers Division, 740 15th Street, NW, Washington, DC, 20005. The phone number is 202-662-1023. Email us at GPSLD@americanbar.org or call 202-662-1023.

Want to get a byline?

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