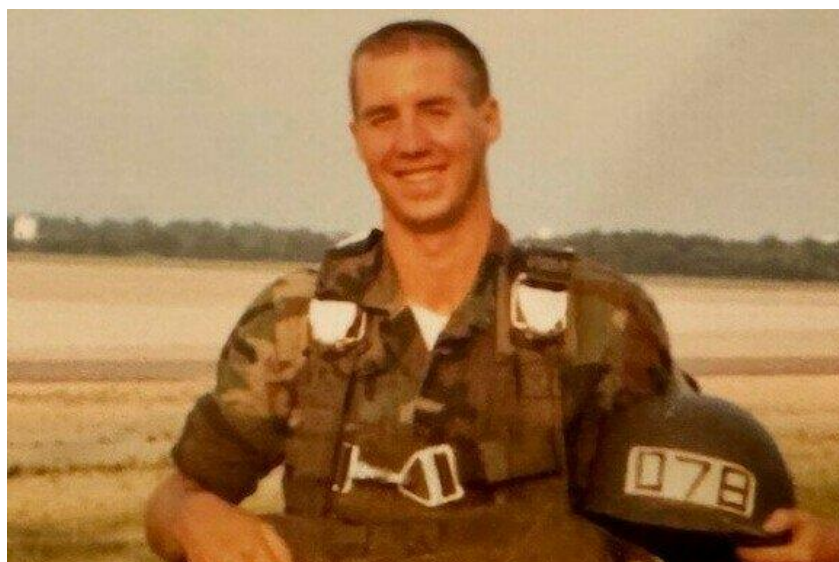


## How Military Service Bolstered These Attorneys' Careers

By Tracey Read

*Law360* (November 9, 2023, 3:02 PM EST) -- Blair Jacobs is a nationally recognized trial attorney in high-stakes intellectual property and trade secret matters.



Blair Jacobs, a McKool Smith principal, is pictured during his time in the U.S. Army. (Photo courtesy of Blair Jacobs)

Prior to becoming a principal at trial firm McKool Smith in Washington, D.C., Jacobs was first-chair trial counsel with the U.S. Department of Justice in highly publicized civil cases brought against various agencies of the federal government.

While at the DOJ, he was selected to serve at the White House as counsel for the president's Foreign Intelligence Advisory Board on investigations involving human rights issues and the intelligence community. He also served on the faculty of the Attorney General's Advocacy Institute.

Jacobs, who graduated from Wake Forest University on a full ROTC scholarship, said he owes much of his esteemed legal career to his time spent serving in the U.S. Army. He was commissioned a second lieutenant in the infantry branch out of college and rose to the rank of captain.

As an attorney in the Army, he successfully argued a criminal appeal of a court-martial conviction in

front of the entire Corps of Cadets at West Point as part of the U.S. Court of Appeals for the Armed Forces' educational traveling sessions.

"You just get responsibilities thrown at you when you're young and in the military or in the government," he said. "[The military] was a great launching point to being able to lead teams. It's very nice to represent a Fortune 10 or Fortune 100 company, but it is not the same as standing up in a courtroom and saying, 'I represent the United States.'"

### **Why Veterans Make Good Attorneys**

Corey P. Gray, a litigation partner for high-stakes business disputes at Boies Schiller Flexner LLP, served as an active-duty officer in the U.S. Army 10th Mountain Division, where he led soldiers and managed resources on multiple deployments to Iraq.

He continues to serve as a senior leader in the U.S. Army Reserve, where his executive responsibilities include commanding a strategic Army unit.



Corey P. Gray, a partner at Boies Schiller Flexner LLP, poses with two brothers and a little boy in a playground he helped negotiate as a civil-military operations officer in the northern Iraqi town of Hawija in early 2006 when he was assigned to the 1-87 Infantry, 10th Mountain Division. (Photo courtesy of Corey P. Gray)

"The Army empowered me to develop critical infrastructure, negotiate and bargain deals, and to draft contracts," Gray said. "In that second deployment, I spent a lot of time helping to build critical infrastructure and using the law, in a way, as a tool for reducing violence."

"And that's where I saw that for the first time, I could do something with the law that I could not

accomplish as a platoon leader carrying a rifle. I said, 'You know, if I could make this kind of an impact in a foreign country, in a different language and, mind you, all through an interpreter, imagine what I could do if I could use that same skill back home, in my own country?' And so that was the start of the transition from the military to the law."

Gray said his firm is well aware of the skill set that veterans bring to the practice of law, and is actively looking for that type of talent.

"Very strong parallels exist between military service and being an attorney," Gray said. "They both swear to support and defend the Constitution of the United States. They're both critically important to the preservation of our way of life and how we function as a culture."



**Corey P. Gray**

#### **Boies Schiller Flexner LLP**

Another strong bond between military service and being an attorney is service, he added.

"At the end of the day, an attorney has the awesome responsibility of standing in the shoes of somebody else," Gray said. "They are advocating on behalf of someone else. As a soldier, it's very clear that when you have that uniform on, you are standing in the shoes, quite literally, of the American people. That was a responsibility I certainly felt when I was overseas, and I'll tell you, I feel that even today, in a law firm."

John J. Flynn, district attorney for Erie County, New York, is past president of the National District Attorneys Association. Flynn joined the U.S. Navy and served during the Gulf War after graduating from college.

He went back on active duty after graduating from the State University of New York at Buffalo Law School, joining the Navy Judge Advocate General's Corps. While stationed in Pensacola, Florida, he was appointed a special assistant U.S. attorney, then became officer-in-charge of the Office of Legal Counsel in Annapolis, Maryland.

In 2001, Flynn went home to western New York as a prosecutor and was promoted to the homicide bureau. He later became a personal injury attorney and a lecturer at SUNY Buffalo.

"The discipline that I learned in the military helped me out tremendously in my law career because lawyers are known for their procrastination," Flynn said with a laugh. "Lawyers tend to procrastinate because we have so many things going on and so many deadlines that we tend to wait until the last minute to meet our deadlines. In the military, I learned not to procrastinate. That has definitely given me a leg up in my law career, no doubt about it."

The discipline that I learned in the military helped me out tremendously in my law career.



**John J. Flynn**

**Erie County, New York, district attorney and past president of the National District Attorneys Association**

Flynn noted that before becoming DA, he was in private practice at law firms — which are looking for the leadership abilities, communication skills and work ethic that veterans have, in addition to valuable courtroom and administrative hearing experience.

"When you're a military lawyer, the entry-level jobs are in the courtroom," Flynn said. "They're either prosecuting or defending service members who go to court-martial, like in the movie 'A Few Good Men.' That's your initial experience."

Flynn noted military lawyers often go to court on the first day after two weeks of training, and a three-year commitment as a lawyer translates to three years in a courtroom.

"So you learn to swim right away ... and we as leaders of law firms and government agencies, we want that," Flynn said.

Jim Seward, director of the nonpartisan Veterans Justice Commission and former general counsel to South Dakota Gov. Dennis Daugaard, is a former enlisted combat arms soldier. A veteran of Operation Enduring Freedom in Afghanistan, he now serves as a colonel in the U.S. Army in Topeka, Kansas.

"The military blessed me with discipline and a work ethic," Seward said. "I graduated college with a very high GPA, and throughout that time, I knew when I left the Army, I wanted to go to law school."

After he left law school, the South Dakota National Guard gave him an offer to return to the military as a JAG officer.

"I'm now the highest-ranking Army National Guard JAG officer in the state of Kansas," he said. "And I can hold that position for about four more years before I reach my mandatory retirement. A few years ago, the Army sent me to Army War College, where I graduated with honors. If not for the Army, I probably wouldn't have any of those three degrees or a lifetime of experience, and I certainly wouldn't be directing the Veterans Justice Commission."

### **The Importance of Recruitment**

Kyle Abraham, a shareholder in Ogletree Deakins Nash Smoak & Stewart PC's Portland office, represented the Air Force in labor and employment matters around the world while serving on active duty as a judge advocate general.

He is now a lieutenant colonel in the Oregon Air National Guard while representing employers in traditional labor and employment law matters at his firm.

I'd had more jury trials in a criminal context, and had more cases and labor contracts and arbitration hearings than anybody who was even three or four years more senior than me.



**Kyle Abraham**

**Ogletree Deakins Nash Smoak & Stewart PC**

"My first six years of being a lawyer in the military jump-started my career," Abraham said. "They don't just say, 'Hey, come along and watch me try the case and carry my briefcase,' they train you to do it. And the amount of training that the JAG corps puts into new attorneys is unbelievable."

Abraham said a highlight of his career occurred while appearing before a three-judge panel of the D.C. Circuit on a labor case as a uniformed lawyer. The case involved convincing the DOJ to appeal another federal agency's decision that the Air Force had violated labor law by failing to bargain with the federal sector employees' union about using taxpayer dollars to pay for uniforms for civilian employees.

"We said, 'No, the government doesn't allow taxpayer dollars to be used for personal gain in that respect.' And the D.C. Circuit Court of Appeals agreed with us and overturned it," Jacobs said. "I got to do all of that when I was on active duty."

One of the panel judges was future U.S. Supreme Court Justice Brett Kavanaugh.

"I got a Pentagon badge," Abraham said. "I didn't work in the Pentagon, but I was able to get a Pentagon badge that I still have to this day."

Abraham, who was an Air Force recruiter, said he has served as sort of an unofficial recruiter of military veterans for Ogletree Deakins.

"When you're at shareholder level, you're always looking for more help and more good people to join the firm," he said. "So I'm constantly recruiting now for associates, and looking at other JAGs who are coming up from active duty and helping them find a spot."

Abraham, who also teaches a class at Lewis & Clark Law School, said the first firm he joined after active duty didn't quite know how to slot him — discounting his time in the military.



"That didn't bother me, because I'd had more jury trials in a criminal context, and had more cases and labor contracts and arbitration hearings than anybody who was even three or four years more senior than me because of the experience the military gave me," he said.

Veterans come with a foundation of management skills and personnel capabilities that I don't think you get in other areas of our industry or in the corporate world.



**Mark Whitaker**

**Morrison Foerster LLP**

Mark L. Whitaker, a Washington, D.C.-based partner at Morrison Foerster LLP and co-chair of the firm's intellectual property litigation practice, is a veteran of the U.S. Navy, having served first as a surface warfare officer and later as a member of the Navy JAG Corps.

Although Whitaker — who helped create the "MoFo Vets" affinity group — didn't learn IP law in the Navy, he said he did gain valuable training in management and personnel skill sets.

In addition, the military was where Whitaker — the firm's co-chair of the diversity strategy committee — first honed his efforts in diversity issues.

"Veterans come with a foundation of management skills and personnel capabilities that I don't think you get in other areas of our industry or in the corporate world," Whitaker said. "I'm pretty proud that right now that we have all of the services represented — Navy, Army, Air Force, Coast Guard, Marines — who are members of our firm, and it is of value. We also have a national security practice that a number of military or former military veterans are members of as well."

**A Different Level of Respect**

Jacobs said the military helped him transition into law in several ways.

"When I was in college, besides all of the other college things I did, I went to Airborne School and jumped out of planes and did Ranger training, and I decided I was going to be an infantry officer for a couple of years because everybody thought that infantry was at the top," Jacobs said. "At the same time, I had always known since early high school that I probably was going to go to law school one day."

Jacobs decided to go to law school directly rather than going into the infantry, with the military's blessing.

"So I went to law school, and then I got a job with a federal district court judge, and they were like, 'Oh, wow, that's good for your career.' So they deferred me again and let me clerk for a federal district court

judge," he said. "Then when I came out, I ended up at the National Security Agency for a while, got my security clearances and got to work on some really, really fun, national security cases — Iran-Contra and some other things that were very, very relevant to the law, but not so relevant to private practice, necessarily."

After a couple of years, he decided he wanted to be a litigator, so he took an opportunity to handle appeals for military courts-marshal in Falls Church, Virginia, at the appellate court level.

"And then I got a call to come work at the White House," he said. "I'd done the litigation work now, and I had security clearances from NSA, and I was only like five years out of law school."

After working for about a year on a nonpartisan committee with the DOJ on a human rights investigation, Jacobs decided it was time for him to get out of the military so he and his wife could start a family.

"So I went to the Justice Department, and right away they threw me into the courtroom trying torts cases all over the country, mainly in Texas and California," he said. "It was a fantastic opportunity."

Jacobs said the military has been invaluable for helping him do well in private practice.

"You get a different feeling when you represent the United States and you get a different level of respect from everybody in the room as well, I have found," Jacobs said. "Treating people the way that you want to be treated even though you are adversaries and, obviously, advocating different positions on opposite sides of the table ... I think are ingrained in you when you've done a lot of military training."

He added that he wouldn't trade his military time for anything.

"It provides a very, very quick connection to where somebody knows, 'Oh, you spent a month in the 110-degree temperatures in the jungles of Fort Bragg or Fort Benning down in Georgia," Jacobs said. "That kind of brotherhood, that connectivity, is very, very, very beneficial. I don't meet a ton of people in private practice who have served the country."

Jacobs said another plus is that judges and juries respect his service.

"When I try a case in Texas, I make sure that I wear the flag on my lapel and talk about my time having served," he said. "Because they want to know that the people who are representing these issues and telling them that something is true, that they should believe it. I take advantage of the fact that I served as frequently as I possibly can. I believe that I've gotten so much more out of my service than I could ever give back."

--Editing by Robert Rudinger.