

## **LAW REVIEW 15052**

June 2015

### **Service Members Law Center-- Six Years of Accomplishments and Continuing**

By Captain Samuel F. Wright, JAGC, USN (Ret.)

#### **9.0--Miscellaneous**

In early 2009, Lieutenant General Dennis McCarthy, USMC (Ret.), then the Executive Director of the Reserve Officers Association (ROA), contacted me and asked me to join the ROA staff as the first Director of the Service Members Law Center (SMLC). I accepted the offer, although it meant a 50 per cent cut from the compensation I had been earning as a partner at Tully Rinckey PLLC (TR), a law firm where I specialized in representing Reserve Component (RC) personnel with claims under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and other laws that are especially relevant to those who serve our country in uniform.

I have made USERRA and the predecessor reemployment statute the focus of my legal career. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I largely drafted the interagency task force work product that President George H.W. Bush presented to Congress as his proposal in February 1991. On October 13, 1994, President Bill Clinton signed USERRA (Public Law 103-353), and that version was 85 per cent the same as the Webman-Wright draft. USERRA represents the long-overdue rewrite of the Veterans' Reemployment Rights Act (VRRA), which was originally enacted in 1940.

I have also dealt with the VRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for Employer Support of the Guard and Reserve, as an attorney for the United States Office of Special Counsel, and as an attorney in private practice.

ROA established the SMLC on June 1, 2009, and I have been its only Director. I was a full-time employee of ROA for exactly six years, from June 2009 to May 2015. During that time, I received and responded to more than 35,000 e-mail and telephonic inquiries. About half of them were about USERRA, and the other half were about everything you can think of that has something to do with military service and law.

For six years, I was at my post at ROA headquarters during regular business hours on weekdays and until 10 pm Eastern Time on Mondays and Thursdays, and frequently on weekends and other evenings as well. The point of the evening availability is to encourage RC personnel to call me or e-mail me from the privacy of their own homes, not from their civilian jobs. As you can appreciate, you have no reasonable expectation of privacy when you use the employer's telephone, computer, or time to complain about the employer and to seek advice and

assistance in dealing with the employer. Moreover, if the employer is annoyed with you because you have been called to the colors five times since September 2001 and expect to be called again, and if the employer is looking for an excuse to fire you, the last thing that you should do is to give the employer the excuse that he or she seeks.

I invite your attention to [www.servicemembers-lawcenter.org](http://www.servicemembers-lawcenter.org). You will find more than 1,300 "Law Review" articles about military-relevant laws, including more than 900 articles about USERRA. I am the author or co-author of more than 1,200 of the articles. ROA initiated this column in 1997, but we have added more than 900 of the articles since June 2009. You will also find a detailed Subject Index and a search function, to facilitate finding articles about very specific topics. I will continue writing new articles as time permits.

It was necessary for me to end my employment with ROA, and I have returned to TR, this time in an "of counsel" relationship. I will continue to serve as the SMLC Director, in a purely voluntary capacity, as a concerned ROA member. I will be available to answer calls and e-mails from 6 pm to 10 pm Eastern on Wednesdays and Thursdays. Please call by 9 pm so that we can complete the call before 10 pm. I am still available (though not necessarily the same day) at 800-809-9448, extension 730 or by e-mail at [SWright@roa.org](mailto:SWright@roa.org).

Please understand that this is a purely volunteer effort, so I may not be able to respond immediately, and please understand that the SMLC provides general legal information, not legal representation. If you need legal representation (for reasonable compensation, of course), I am available at TR at [SWright@tullylegal.com](mailto:SWright@tullylegal.com) or (202) 787-1900.