

LAW REVIEW¹ 22040

June 2022

Major Improvements Made to the Law Review Library

By Captain Samuel F. Wright, JAGC, USN (Ret.)²

9.0—Miscellaneous

Congratulations and thank you to my understudy, Second Lieutenant Lauren Walker, USMCR, for her excellent work in updating and improving our Law Review Library, and especially the Subject Index. As this article is added to our website, Lieutenant Walker is driving from her home in Texas to Quantico, Virginia, to enter active duty and report to The Basic School (TBS) for six months of initial Marine Corps officer training. After TBS, she will report to Newport, Rhode Island, to attend the Basic Lawyer Course (BLC) at the Naval Justice School. She will graduate from the BLC in March 2023, 46 years after I completed that course in March 1977.

¹ I invite the reader's attention to www.roa.org/lawcenter. You will find more than 2,000 "Law Review" articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouses' Protection Act (USFSPA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. I am the author of more than 90% of the articles, but we are always looking for "other than Sam" articles by other lawyers.

² BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General's Corps officer and retired in 2007. I am a life member of ROA. For 45 years, I have collaborated with volunteers around the country to reform absentee voting laws and procedures to facilitate the enfranchisement of the brave young men and women who serve our country in uniform. I have also dealt with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Veterans' Reemployment Rights Act (VRRA—the 1940 version of the federal reemployment statute) for 38 years. 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 proposed VRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. §§ 4301-35). I have also dealt with the VRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. My paid employment with ROA ended 5/31/2015, but I have continued the work of the SMLC as a volunteer. You can reach me by e-mail at <mailto:swright@roa.org>.

In February, Lieutenant Walker graduated cum laude from Baylor University School of Law in Waco, Texas, and she took the Texas bar exam later that month. She passed and became a member of the State Bar of Texas in April 2022.

I invite the reader's attention to www.roa.org/lawcenter, where one can find our Law Review Library, including the Numerical (chronological) Index and the Subject Index, where we have the following categories:

- 1—The Uniformed Services Employment and Reemployment Rights Act (USERRA)**
- 2—Paid military leave for Reserve Component members**
- 3—Reserve component retirement and civilian employment**
- 4—The Servicemembers Civil Relief Act (SCRA)**
- 5—Military service and family responsibilities**
- 6—Military service and tax laws**
- 7—Military voting rights**
- 8—Veterans' preference**
- 9—Miscellaneous**
- 10—Supreme Court cases**
- 11—Veterans' claims (Department of Veterans Affairs)**
- 12—Military criminal justice**

The Reserve Organization of America (ROA) initiated this Law Review Library in 1997, and we add new articles each month. Lieutenant Walker has added updates to many of the older articles and has deleted some articles that are now outdated or no longer correct because of statutory or case law changes. We still have more than 2,000 articles in our Law Review Library.

To make the Subject Index more user-friendly, Lieutenant Walker has subdivided some of the categories into subcategories. For example, until recently "Military service and family responsibilities" was one undivided category. Lieutenant Walker has divided this broad category into five subcategories, as follows:

- 5.1—Division of military benefits upon divorce**
- 5.2—Military service and child matters**
- 5.3—Death gratuity**
- 5.4—Survivor Benefit Plan**
- 5.5—Other military service and family responsibilities**

Category 1 in our Subject Index (USERRA) makes up more than half of our Law Review Library, as that law is my number one interest and area of expertise. USERRA is important, but it is certainly not the only important law for service members. Going forward, we want to broaden our focus to include other laws that are pertinent to those who serve our country in uniform.

One category that needs more attention is Category 6—Military Service and Tax Laws, but tax law is not among the legal specialties for which I have developed expertise. We have only 21 articles in that important category, and we need more. Certainly, there must be other lawyers (preferably but not necessarily ROA members) who would like to author articles for our website.

New Navy and Marine Corps judge advocates are informed about the ROA Law Review Library during their training at the Naval Justice School (Newport, Rhode Island). We are trying to persuade the Army JAG School (Charlottesville, Virginia) and the Air Force JAG School (Montgomery, Alabama) to do likewise. Our Law Review Library is an important legal research resource for military and civilian lawyers who advise and represent service members, and it is also a great resource for service members themselves.

I am the author of more than 90% of the “Law Review” articles that we have published so far, but I am 71 years old and will not be around forever to write and update these articles. We are making a concerted effort to get “other than Sam” articles for our Law Review Library. We hope and expect that younger judge advocates (Active Component and Reserve Component) will pick up this torch and run with it in the next generation. Authoring these articles is an excellent way for judge advocates to help their fellow service members, by explaining complex legal principles to them and to the lawyers who advise and represent them. Authoring such articles is also career-enhancing for junior judge advocates who want to become senior judge advocates.

Please join or support ROA

This article is one of 2,000-plus “Law Review” articles available at www.roa.org/lawcenter. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. New articles are added each month.

ROA is almost a century old—it was established on 10/1/1922 by a group of veterans of “The Great War,” as World War I was then known. One of those veterans was Captain Harry S. Truman. As President, in 1950, he signed our congressional charter. Under that charter, our mission is to advocate for the implementation of policies that provide for adequate national security. For almost a century, we have argued that the Reserve Components, including the National Guard, are a cost-effective way to meet our nation’s defense needs.

Through these articles, and by other means, including amicus curiae (“friend of the court”) briefs that we file in the Supreme Court and other courts, we educate service members, military spouses, attorneys, judges, employers, DOL investigators, ESGR volunteers, congressional and state legislative staffers, and others about the legal rights of service members and about how to exercise and enforce those rights. We provide information to service members, without regard to whether they are members of ROA, but please understand that ROA members, through their

dues and contributions, pay the costs of providing this service and all the other great services that ROA provides.

If you are now serving or have ever served in any one of our nation's eight³ uniformed services, you are eligible for membership in ROA, and a one-year membership only costs \$20 or \$450 for a life membership. Enlisted personnel as well as officers are eligible for full membership, and eligibility applies to those who are serving or have served in the Active Component, the National Guard, or the Reserve. If you are eligible for ROA membership, please join. You can join on-line at www.roa.org or call ROA at 800-809-9448.

If you are not eligible to join, please contribute financially, to help us keep up and expand this effort on behalf of those who serve. Please mail us a contribution to:

Reserve Organization of America
1 Constitution Ave. NE
Washington, DC 20002⁴

³ Congress recently established the United States Space Force as the 8th uniformed service.

⁴ You can also contribute on-line through ROA's website, www.roa.org.