

Issue 2, Year 2010-2011

June 2011

# The Bulletin



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## National Bar Association Government Lawyers Division Newsletter

### Chairperson's Message

It has been my pleasure to serve as the Chairperson of the Government Lawyers Division this year. My main goal for the year has been to increase the membership of our Division. I realize that there is strength in numbers! Membership in the Division offers an opportunity to network with other government attorneys, receive updates on Division events and helps members stay connected with the NBA.



Further, I am very excited about the upcoming 86<sup>th</sup> Annual Convention, which will be held in Baltimore, MD from July 31-August 4, 2011. During the convention, our Division will host an insightful ethics CLE that discusses social networking and ethical considerations for the government attorney that communicates through these networks. Our panelists will provide an explanation of what social networking is and the benefits and/or disadvantages that are unique to government attorneys. More information on the seminar will be provided in this newsletter. We hope that you will join us for the Division seminar and our other activities during the Convention.

Another aspect of our Division is to keep our members informed about movers and shakers in the government. In this edition of *The Bulletin*, we are including articles about Mark Pearce, a member of the board for the National Labor Relations Board and John Braxton, a member of the Government Accountability Office Personnel Appeals Board. I hope you will enjoy these Member Spotlights.

We also aim to provide informative and timely news in our newsletter. If you would like to write an article or pass along useful information, feel free to contact me. Also, I hope that you will share this newsletter with your friends and colleagues, and encourage them to join our Division and the NBA.

Lastly, I welcome your suggestions on how to best serve the Government Lawyers Division and the National Bar Association and I look forward to seeing you in Baltimore!

Best,

Lani P. Shaw

Chairperson, NBA Government Lawyers Division

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Information is the  
currency of  
democracy.

—Thomas Jefferson

## Member Spotlight I: Mark G. Pearce, Board Member, NLRB

Mark G. Pearce was a founding partner of the Buffalo, New York law firm of Creighton, Pearce, Johnsen & Giroux, where he practiced union side labor and employment law before state and federal courts and agencies. In 2008, he was appointed to the New York State Industrial Board of Appeals, an independent quasi-judicial agency responsible for review of certain rulings and compliance orders of the New York Department of Labor in matters including wage and hour law. Pearce has taught at Cornell University's School of Industrial Labor Relations Extension, and is a Fellow in the College of Labor and Employment Lawyers. Prior to 2002, Pearce practiced union side labor and employment law at Lipsitz, Green, Fahringer, Roll, Salisbury & Cambria LLP. From 1979 to 1994, he was an attorney and District Trial Specialist for the National Labor Relations Board (NLRB) in Buffalo, NY. Pearce earned his Juris Doctor from State University of New York, and his Bachelor of Arts degree from Cornell University. Pearce was sworn in as a Board Member of the NLRB on April 7, 2010, follow-

ing his recess appointment by President Barack Obama. Attorney Pearce was confirmed by the Senate on June 22, 2010 to a term ending on August 27, 2013. "The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative." Learn more about the NLRB and the Board on which Attorney Pearce serves at [www.nlr.gov](http://www.nlr.gov).



*Information for article contributed by Beverly L. Druitt, Esq.*

The American people must be willing to give up a degree of personal privacy in exchange for safety and security.

– *Louis Freeh, former FBI Director*

**June is National Safety Month**

## 2011 Convention Corner: Division Meeting and Seminar

The Government Lawyers Division (GLD) will hold its Annual Meeting on Monday, August 1, 2011 at 5:45 p.m. Attendees will receive GLD updates, have an opportunity to renew their memberships and elections of GLD officers will be held.

In addition, the GLD will host a Continuing Legal Education (CLE) seminar entitled "Ethical Implications of Social Networking for the Government Attorney" on Wednesday, August 3, 2011 from 2:00 p.m. to 3:30 p.m. The seminar will address how social networking websites have changed the landscape for networking and research. We will discuss the benefits and pitfalls of this relatively new concept, and the

ethical implications for government attorneys. Panelists for this seminar will be: Erin Johnson, Esq., Legislative Assistant to Eleanor Holmes Norton of the U.S. House of Representatives; George Pruden, Senior Counsel, Department of Justice, Office of the General Counsel; and Arlene Knighten, Attorney Supervisor, Louisiana Department of Insurance. We believe the topic is timely and will be of interest to our members and others. We hope you will join us for both the GLD Annual Meeting and CLE seminar.

Learn more about the NBA 86th Annual Convention at <http://www.nationalbar.org/nba86thconvention.html>.

## 2011 Law Day Events

The Government Lawyers Division (GLD) of the National Bar Association, as part of its community outreach, once again worked in conjunction with The Washington Middle School for Girls (WMSG) to assist in its Career Day Program. WMSG is an independently-financed school, serving students who live in the Anacostia neighborhood of Washington, D.C. It provides a safe and caring environment for young girls living in an underserved area and who are at risk of leaving school prematurely. The purpose of the program is to motivate and inspire the students while encouraging them to consider various career and professional opportunities that they may or may not have been aware of. We used Law Day, Friday, April 29, to volunteer our morning to speak with the students. They visited with us and asked a variety of questions about the practice of law, how to become a lawyer, etc.

The event was a great success. More than 75 young women participated and learned about the path to becoming an attorney, and gathered information about other professions as well. Attorney, doctor, nurse, and physician's assistant, among others, were the occupations that students were encouraged to consider. The 7th graders had researched their chosen professions and used their table displays in giving their presentations. The girls really look forward to Career Day each year and the students who presented were very proud of their work.

NBA GLD Vice-Chairperson, Kim DeGross, was one of the speakers at this year's program. This was a great opportunity for her to share insights about the legal profession, alternative legal careers and sales. Each speaker spoke about her background, education, and career. Throughout the program, students were able to ask each speaker questions.

This year marks the fourth year that the GLD has volunteered for the program. Each year, members of the GLD look forward to participating in this program. We encouraged all members of the GLD to organize and/or participate in a Law Day event in their local cities, volunteer for a day at an inner city school, or otherwise support the education of children.

GLD Executive Board Member Bernice L. Walker organized a Law Day event for the Black Lawyers Association of Cincinnati (BLAC), an affiliate of the NBA, at the Cincinnati College Preparatory Academy (<http://ccpaonline.com/>). Approximately seventy 8<sup>th</sup> and 9<sup>th</sup> graders participated in the event on Monday, May 2. The attorney presenters represented local government (city and county), corporate, and small and large law firms. The President of BLAC gave an overview of the American Legal System and its importance. As the attorneys described their career paths, the students learned of numerous areas of practice, the versatility of a law degree, and that the pathway to a law degree may not be a straight line. The question and answer segment was revealing. Sample questions include: How long does it take to get a law degree? What hurdles did you have to overcome? Have you ever been discriminated against? The event was mutually beneficial as the students were encouraged by the lawyers to do well with their studies, and dream big and the lawyers reconnected with their reasons for becoming attorneys.

*Information for article contributed by Kimberly Rice DeGross, Esq. and Bernice L. Walker, Esq.*

Doing well by doing for others.



Kim DeGross, second from left, with other Career Day presenters, left to right, PBS manager, Tela Hanson-Pitt, Dr. Yolandra Hancock, and Webmaster, Peggy Woods-Clark,

## Member Spotlight II: John L. Braxton, Board Member, GAO PAB



National Bar Association (NBA) Treasurer John Braxton was sworn in as a member of the U.S. Government Accountability Office (GAO) Personnel Appeals Board (PAB) on February 15, 2011. The PAB is a five member independent entity established by the GAO Personnel

Act of 1980 to adjudicate personnel disputes involving agency employees or applicants. It also monitors GAO's Equal Employment Opportunity programs "I am every impressed with Judge Braxton's exemplary background," GAO Comptroller General Gene Dodaro said in introducing PAB's newest member during the swearing in ceremony. Braxton brings a broad background in employment-related law to the PAB that was acquired through experience as an arbitrator, mediator and trainer for the U.S. Equal Employment Opportunity Commission; the State of Delaware's Department of Labor and other public and private entities. A graduate of Howard University's School of Law, Braxton began his legal career in private practice. After six years as a member of the Pennsylvania Minority Business Development Authority, Braxton moved to the Office of the District Attorney for Philadelphia, leading attorneys dealing with Municipal Court mat-

ters. From 1981 to 1995, he served as a judge on the Court of Common Pleas for the First Judicial District of Pennsylvania in Philadelphia. Since 1996, he has served as an arbitrator and mediator on employment, contract, securities and other issues. He is an active member of the alternative dispute resolution committees for both the NBA and the Philadelphia Bar Association. He has taught courses on alternative dispute resolution as an adjunct professor at Temple University, and has also conducted training on the theory and practice of arbitration and mediation techniques for the EEOC. A Vietnam veteran, Braxton has a long record of community service, including leadership positions in the Boy Scouts of America, being a member of the board of governors of the American Red Cross and director of the Mayor's Office of Community Service of Philadelphia.

*Information for article contributed by Lani P. Shaw, Esq.*

## Calendar of Events

*For more information visit [www.NationalBar.org](http://www.NationalBar.org)*

### June 4-15, 2011

NBA International Affiliate  
Chapter Meeting  
China

### July 31-August 4, 2011

NBA 86th Annual Convention  
Hilton Baltimore  
Baltimore, MD

### Monday, August 1, 2011, 5:45 p.m.

Government Lawyers Division Annual Meeting  
Hilton Baltimore, Room Location TBD

### Wednesday, August 3, 2011, 2:00 p.m.

Government Lawyers Division CLE Seminar  
"Ethical Implications for Social Networking for the  
Government Attorney"  
Hilton Baltimore, Room Location TBD

### September 21, 2011

Congressional Black Caucus Reception  
Washington, DC

### January 18-22, 2012

Judicial Council/Small Firms and Solo Practitioners/  
Young Lawyers Divisions  
Mid-Winter Meeting  
Sonesta Maho Beach Resort & Casino  
Sint Maarten

### July 14-19, 2012

87th Annual Convention & Exhibits  
Caesars Palace  
Las Vegas, NV



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Lawyers Division Newsletter

**“LIFTING AS WE CLIMB—ENSURING  
JUSTICE & EQUALITY”**

Visit [www.NationalBar.org](http://www.NationalBar.org)

**Contact Us:**

**Lani P. Shaw, Chairperson**

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“In reaffirming the greatness of our nation, we understand that greatness is never a given, it must be earned.”

- *President Barack Obama*

## Hatch Act Advisory Announcement

This announcement is being sent to alert employees to the Hatch Act implications of President Obama’s candidacy for re-election as President of the United States.

Now that President Obama has made it official that he is seeking re-election, employees must remove from their offices any pictures of the President that are not his official Presidential photograph. President Obama is now a *candidate* for partisan political office and it would be a violation of the Hatch Act for employees to continue to display unofficial photographs or other items containing his image. This would also include any photos in which he appears with the First Lady and/or his daughters.

The Hatch Act is the Act which limits or prohibits federal employees from engaging in certain partisan political activities. One of the prohibitions that apply to most employees is that we are prohibited from engaging in partisan political activity while on duty, in a government office, while wearing an official uniform, or using a government vehicle. This includes the wearing of partisan political buttons, t-shirts, or other items or displaying campaign materials while at work.

**A special caution for employees is that while at work or using their government computer they may not:**

- **Make political contributions to a partisan political party, candidate for partisan political office, or partisan political group;**
- **Post a comment to a blog that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group;**
- **Use their government e-mail to distribute, send or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group.**

**Employees are also prohibited from using their government computer to access their personal/private accounts to engage in any of the above activities.**

Over the years, a wealth of material has been issued regarding the Hatch Act and the dos and don’ts for employees under the Act. If you have questions regarding the Hatch Act, The Office of Special Counsel also has information regarding the Act on its Web site at [www.osc.gov](http://www.osc.gov).