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Military service:

OU Law grads answer the call

BY JONELLA FRANK

Military service has played an important role in the history of the OU College of Law. Hundreds of alumni have served in the armed services. Examples of the impact of that service are cited by authors Bob Burke and Steven Taylor in *University of Oklahoma College of Law: A Centennial History*, as they tell the story of the first 100 years of the College.



During its ninth year of operation, the law school's enrollment numbers plummeted with America's entry into World War I. With several law students joining the military and potential first-year students doing the same, law school enrollment dropped from 180 to 80. However, following the war, "a flood of returning veterans" sought admission and enrollment numbers rose.

A similar ebb and flow of enrollment numbers was seen with each war in which the United States engaged. The College of Law adapted with these changes in enrollment. One adaptation came following World War II and the Korean War: students were allowed to combine the final undergraduate year with the first year of law school. The practice began, the authors said, in an effort to allow veterans to "make up lost time."

Over the years, alumni military service has varied by circumstance and timing. While many served in the military prior to attending law school, others had their legal education interrupted by a period of service. Some alumni, upon graduating from law school, began their legal careers in one of the branches of service as military lawyers – judge advocates.

One OU Law grad who served prior to entering law school is Stan Evans ('03), former assistant dean for students at OU Law. Evans served more than 30 years in the U.S. Army, rising to the rank of colonel and capping his military career as the garrison commander of Fort Leavenworth, Kansas.

After retiring from the Army, Evans entered law school at the age of 54 to embark on a new career. Upon graduating from law school and passing the Oklahoma bar exam, he took on the job of assistant dean, a position he held for eight years.

"Over the years, the University of Oklahoma College of Law has had a special affinity for students coming from the military, and for students with an interest in becoming military lawyers," said Evans. "One of the contributing factors is that OU Law has had a long history of faculty and administrative leaders who have had military experience."

Evans points to former Dean Wayne E. Alley, whose career in the U.S. Army spanned 29 years, including more than 22 years in the JAG Corps. Retiring with the rank of brigadier general, Alley became OU Law's eighth dean in 1981. Four years later, he was appointed judge of the U.S. District Court, Western District of Oklahoma. Alley, who assumed senior status in 1999 and retired from the bench in 2004, continues his affiliation with the College of Law, serving as jurist in residence.

Another of Evans' examples of faculty with military experience is Professor Robert B. Smith, who joined the faculty 30 years ago and served as associate dean for academics from 1998 until 2003. He came to OU Law in 1982, after more than 20 years in the U.S. Army JAG Corps, in which he attained the rank of colonel. Smith retired from full-time faculty status in 2008, but continues to teach Lawyering and Trial Techniques.

A steady stream of College of Law graduates has successfully pursued military legal careers in recent years. Evans said OU Law has become known among military recruiters as a college where quality applicants for JAG programs can be found.

Casey Delaney, director of the Office of Professional and Career Development, agreed and explained the competitive nature of the process. "All branches actively recruit at OU Law," she said. "JAG positions are highly coveted like judicial clerkships. They only accept about 2 percent of applicants for these positions."

Several alumni who have served or are currently serving as judge advocates will be highlighted here. Many people's perception of

judge advocates is influenced by the movie, *A Few Good Men*, or the television series, *JAG*. Learning about real-life experiences of OU Law alumni practicing their profession while serving their country may help separate fact from fiction.

Gary Lumpkin ('74), a judge on the Oklahoma Court of Criminal Appeals, took a circuitous route during a 30-year military career to his service as a military lawyer. He served as a communications officer in the U.S. Marine Corps from 1968 until 1971, including 18 months in Vietnam. Upon leaving active duty, Lumpkin entered the Marine Corps Reserve and the University of Oklahoma College of Law.

Photo by Legislative Service Bureau Photography



Gary Lumpkin

Lumpkin continued in reserve service during law school and after graduation while working as a young lawyer. He began his judicial career in 1982, serving as associate district judge for Marshall County, a position he held until 1985, when he became district judge of the 20th Judicial District. Following a gubernatorial appointment in 1989, Lumpkin joined the Oklahoma Court of Criminal Appeals.

In 1991, shortly after Lumpkin completed his annual reserve qualification summary to report his reserve and civilian activities to Headquarters Marine Corps, he was transferred to the Navy-Marine Corps Trial Judiciary. "Apparently, they were short of trial judges and saw my trial judge experience on the reserve qualification summary," Lumpkin explained.

Lumpkin reported to Newport, Rhode Island, to attend the Naval Justice School, where all judge advocates for the Navy, Marine Corps and Coast Guard are trained. Upon completion of training, Lumpkin was certified as a judge advocate and special court-martial judge. A year later, he received additional certification as a general court-martial judge.

Lumpkin assumed duties as a military trial judge in January 1992. He tried cases and took pleas during drill periods and while on active duty. His assignments took him to Camp Lejeune, North Carolina; Norfolk, Virginia; Quantico, Virginia; and Washington, D.C.

In 1995, Lumpkin was appointed to be one of two Marine Reserve appellate judges on the Navy-Marine Corps Court of Criminal Appeals. The six-member court works in panels of three judges and handles cases much like a civilian appellate court. Lumpkin's service to his country now mirrored his service to the state of Oklahoma.

Lumpkin retired from the Marine Corps with the rank of colonel in 1998. "It was a great experience," he said. "As with any military service in the reserve establishment, it involves loss of personal time, whether attending drills, or active duty, or performing duties in between those times. It definitely requires a supporting family, as they must sacrifice also. I have been blessed throughout my career in public service – in the military and civilian arenas – with a wonderfully supporting wife, Barbara, and an understanding son, Richard. I could not have completed 30 years of service in the military without them."

Fletcher Handley ('79) has practiced law in El Reno, Oklahoma, for almost 35 years. That number also represents the total years of service he amassed in three different branches of the armed forces.

In 1966, while a freshman at the University of Oklahoma, Handley began his military career as an Air Force ROTC cadet. He later enlisted in the U.S. Navy and served four years on active duty as an aircrewman on a P-3 Orion, an anti-submarine and maritime surveillance aircraft.

Handley completed his Navy service in 1972 and obtained a bachelor's degree in professional writing from OU in 1975 before starting law school the following year. He began practicing in El Reno in 1978 as a licensed legal intern, then graduated and passed the bar exam in 1979.

Because he decided to continue his military service and utilize his legal training, Handley joined the Oklahoma Army National Guard in 1981. At the time, no slots were available for officers, so he enlisted as a sergeant and worked as a legal clerk until an officer's slot became available. Handley received a direct commission as a first lieutenant in the Army JAG Corps in 1984.



Fletcher Handley and his sons, Ashton and Alex

For 24 years, Handley served in the Oklahoma Army National Guard, serving as trial and defense counsel in the 45th Infantry Brigade, the staff judge advocate of the 45th Troop Command, the deputy state judge advocate at Joint Force Headquarters in Oklahoma City, and military judge. In 2008, he retired with the rank of lieutenant colonel.

Handley's military career took him around the globe, from numerous sites throughout the United States to the Azores, Spain and Italy. As part of NATO missions, he spent time in Norway, Puerto Rico and Bermuda.

Experience in the Army JAG Corps led Handley to serve on the American Bar Association Standing Committee on Armed Forces Law. In addition, he was appointed to an ABA special task force that published a report recommending legislation designed to ensure service members are afforded the same rights as civilians.

Handley is a staunch believer in the personal benefits of military service. Understandably proud of his two sons, who both served in the U.S. Navy and spent time in the Persian Gulf during the Second Gulf War, Handley stated, "There is a certain amount of maturity that comes from military service that I don't see young men or women getting from any other source today. Mandatory

national service would solve many of the problems we see in society today.”

Michelle Lindo McCluer ('97) had a desire to see the world. In her final semester of law school, she researched all branches of the military and focused on joining the U.S. Air Force JAG Corps. She was successful, and her first active duty assignment took her to Ellsworth Air Force Base, South Dakota. She started as a prosecutor and later served as the base's only defense counsel. Her desire to get courtroom experience came about quickly. On her second court-martial, she was the lead prosecutor in a sexual assault case.

Two weeks prior to the 9/11 attacks, and only four years after law school graduation, McCluer moved to Yokota Air Base in Tokyo, Japan, as the No. 2 Air Force defense attorney in the Pacific Circuit. With this assignment came travel...lots of it.

“While the travel in the Pacific was brutal, I was still mindful that I was not in harm's way like many of my fellow uniformed attorneys and non-attorney friends,” explained McCluer. “I stepped into North Korea at the DMZ, climbed to the summit of Mount Fuji, and watched molten lava cool at my feet in Hawaii.” Her wish to see the world came true.



Michelle Lindo McCluer and her husband, Jess McCluer, holding their daughter, Gabriella

Her next career move came in the summer of 2003, when she began an assignment at Bolling Air Force Base in Washington, D.C. McCluer acquired more courtroom experience as an appellate counsel representing the United States. During her three years in this position, she gave 12 oral arguments

before the U.S. Court of Appeals for the Armed Forces.

In 2006, McCluer's next assignment took her a short distance to Andrews Air Force Base, the home of Air Force One. For two years, she was the No. 2 attorney in the base legal office.

After her time there, McCluer was ready for another change. “With a toddler and a civilian husband, life out of uniform beckoned,” she said. However, her love of D.C. kept her in the

area as she went to work, first as the executive director of the National Institute of Military Justice, and later, as the deputy ethics officer for the Bureau of Ocean Energy Management.

In summarizing her military service, McCluer said, “I have stood on the deck of the USS Missouri, where the Japanese signed the surrender in World War II, and gazed across the water to where the war began for the United States at Pearl Harbor. I also saw firsthand the one remaining symbol of the devastation at Hiroshima, and I have walked under the Enola Gay. I have watched the military bands march up the hill to the Tomb of the Unknowns at Arlington National Cemetery as the vice president laid a wreath there on Memorial Day. These all remind me that freedom is not free, and I am proud to have served the brave.”

Henry J. “Jake” Brezillac ('03) was a captain in the U.S. Marine Corps, serving as an artillery officer when he decided to pursue his interest in the law. He enjoyed being a Marine and was excited at the prospect of continuing his military service as an attorney. Knowing he would serve in the Marine Corps until his retirement, Brezillac also saw the potential of a legal education and career for his post-retirement years.

He applied to a Marine Corps program, in which four to eight officers per year are selected to attend law school. Brezillac was selected and entered the OU College of Law in 2000 while on active duty. Following law school graduation, he attended the Naval Justice School in Newport, Rhode Island. In 2007, he obtained an advanced law degree, earning an LL.M. from the Army's Judge Advocate General's Legal Center and School in Charlottesville, Virginia.

Brezillac has been in the Marine Corps for more than 17 years. Before law school, he served at Twentynine Palms, California, and at Fort Sill, Oklahoma. Since becoming a judge advocate, he has seen assignments in California, Japan, North Carolina and Afghanistan. He currently serves at Marine Corps Air Station Beaufort, South Carolina, as the senior attorney for that installation.

It is his time in Afghanistan he considers the most memorable experience of his military service. “It is almost indescribable,” Brezillac said. “You could be sitting down with an Afghan Army officer in his shaded garden, drinking tea and eating the best watermelon you ever tasted, yet you are armed to the teeth because you just don't know what could happen next.”

Brezillac values the legal education he received at OU Law. "The faculty really educated me on being a counselor of the law. It is that perspective of 'counselor' that is more important than just simply finding the law and applying it," he explained.

He also appreciates his OU professors' emphasis on understanding the intent and spirit of laws. "OU helped me begin to see this perspective and prepared me to always analyze legal issues through the spirit and intent lens, in addition to reading, applying and communicating the law," Brezillac said. "This deeper understanding has paid big dividends for me when working on the international scene where national concerns of sovereignty and culture are centrally woven into international laws."



Henry J. Brezillac

C. Brent Dishman ('05) also entered the JAG Corps in an unconventional manner. After graduating from the Air Force Academy in 2000, Dishman was assigned to Dover Air Force Base, Delaware, as an aircraft maintenance officer. He enjoyed the leadership aspects of the job, but realized it was not the career he desired. Two personnel issues involving men under his command brought Dishman into contact with the base legal office and illuminated a career path for him.



C. Brent Dishman

He applied and was accepted for the Air Force Extended Leave Program, which allows officers to attend law school without pay, retain their benefits, and have their years in law school count as time served.

After graduating from law school and passing the Oklahoma bar exam, Dishman was assigned to Lackland Air Force Base, Texas, as prosecutor and chief of military justice. After almost three years, he was named the area defense counsel, still based at Lackland.

In 2009, his final active duty assignment took him to Sheppard Air Force Base, Texas, as the senior defense counsel. For three years, Dishman was involved in complex criminal litigation, supervising area defense counsel in portions of Texas and New Mexico.

Currently a reserve major in the office of the staff judge advocate assigned to Tinker Air Force Base, Oklahoma, he is the founder of Dishman Military Advocates in Edmond, Oklahoma. His firm represents service members facing a variety of actions that could negatively affect a military career.

Dishman's most memorable active duty experience is his 2009 representation of an Air Force captain, serving as a nurse, who was accused of murdering three terminally ill patients by intentional overdose. His team's investigation indicated medical records had been altered after the deaths to shift responsibility to the nursing staff. After obtaining a court order to access an internal hospital report, which vindicated his client, the defense team won a full acquittal.

Alumnus is first judge advocate in U.S. Marine Corps to wear 2 stars



Vaughn A. Ary ('87) grew up in Ada, Oklahoma, and attended Northwestern Oklahoma State University, earning a bachelor's degree in economics and history. He graduated from OU Law in 1987 and was admitted to the Oklahoma Bar Association that same year. In 1993, he earned an LL.M. in international law from George Washington University, and

five years later, received a master's degree in military studies from the Marine Corps Command and Staff College.

Upon completing training at the Naval Justice School, Ary's first assignment as a judge advocate took him to Okinawa, Japan. During this time, he was deployed to Korea, the Philippines and southwest Asia for Operations Desert Shield and Desert Storm.

In 1991, Ary was named deputy staff judge advocate for the U.S. Marine Forces, Atlantic. It was during this assignment that he was selected to attend George Washington University to pursue an LL.M. Upon completion of his degree, he was assigned to the Pentagon as the head of the law of armed conflict branch in the Office of the Judge Advocate General, Department of the Navy.

Ary was reassigned in 1996 to serve as deputy legal counsel to the chairman of the Joint Chiefs of Staff. He provided legal advice to the chairman and the joint staff on the law of war, arms control, counter-drug operations, and counter-terrorism.

After receiving his master's degree in military studies in 1998, Ary reported to Camp Pendleton, California, where he was responsible for prosecuting courts-martial. Later, from 2001 until 2004, he served as a staff judge advocate and deployed in support of Operations Iraqi Freedom I and II.

Ary spent the next two years as the commanding officer of Second Recruit Training Battalion at the Marine Corps Recruit Depot in San Diego. In 2008, he was assigned as the deputy staff judge advocate to the commandant of the Marine Corps.

In March 2010, Ary was promoted to major general, becoming the first Marine judge advocate to attain that rank. He currently serves as the staff judge advocate to the commandant and director of the Judge Advocate Division.

During his 25-year career, he has received the Defense Meritorious Service Medal, Meritorious Service Medal, Navy and Marine Corps Commendation Medal, and the Navy and Marine Corps Achievement Medal. In addition, the American Bar Association named him an Outstanding Military Lawyer of the Year in 2009 and in 2012, awarded him a presidential citation.

Dishman believes he left OU Law with the necessary legal knowledge to provide legal assistance to airmen and their families as a new judge advocate in a base legal office. "It was very rewarding to be able to use that knowledge in a way that had a positive impact on people's lives," he said. "As I grew as a JAG, I sought opportunities to litigate courts-martial, and the courses I took in constitutional law, criminal law and procedure, and trial techniques were crucial in me hitting the ground running in court."

H. Wayne Janoe ('09) joined the Army for a variety of reasons, but having three brothers serve foreign deployments in the Army was a primary motivator. "There is a history of service in my family and it's hard to overstate how proud I was," Janoe explained. "I wanted to live up to their example."

Janoe applied for the Army JAG Corps in his third year of law school. When selected, he was told it would be a year before he would begin training. While he waited, Janoe took the Oklahoma bar exam, visited Sweden for two months and returned to Oklahoma to practice law with his stepfather in



Wayne Janoe

Antlers, Oklahoma. On Independence Day 2010, he was sworn into the U.S. Army as a first lieutenant.

For 10 ½ weeks, Janoe studied military law at The Judge Advocate General's Legal Center and School in Charlottesville, Virginia, on the University of Virginia campus. Next came six weeks of training in military and combat skills at Fort Benning, Georgia.

After completing training in November 2010, Janoe was stationed at Fort Stewart, Georgia, with the 3rd Infantry Division and was soon promoted to captain. He enjoyed working there and living in downtown Savannah, Georgia, for two years.

The location of his next assignment provided a stark contrast to Savannah. In August 2012, Janoe began a year-long deployment to Afghanistan. He began at Kandahar Airfield in Kandahar Province in southern Afghanistan, but was later relocated to Zabul Province, a region further north, with similar desert terrain. His next assignment will be in Germany as a defense attorney.

Looking back on his Fort Stewart duty as a legal assistance attorney, Janoe said helping soldiers and their families with a wide variety of legal issues was very gratifying. "My most memorable experiences came from helping my clients find solutions to their legal problems. I liked the idea that they usually left my office better off than when they entered," he said. "There is a special feeling of accomplishment when you help young soldiers salvage their lives and their careers and get things back on track."

Janoe believes his legal education left him well prepared to be lawyer. "Aside from the lifelong mentorship of my stepdad, the



Sahar Jooshani

OU Legal Clinic has been the single most valuable experience in preparing me for the practice of law. Professor Wattlely, the late Cindy Foley and the other instructors were amazingly effective in passing on practical knowledge, professional judgment and work ethic. My time in the legal clinic had a clear impact on my eventual performance as a practicing attorney."

Sahar Jooshani ('12) has wanted to be a lawyer since she was 10 years old. With age came the realization that she had a passion for nonprofit work. While working as an intern with the U.S. Department of Education Civil Rights Division, Jooshani was able to further narrow her focus on a career choice. "I met a JAG officer during an internship at the DOE," she said. "He told me all about JAG, and it sounded like a job that had been made for me. I knew I wanted to help others."

During the summer between her first and second year of law school, Jooshani began the process of applying for the U.S. Navy JAG Corps by submitting a 10-page application. Next came a very detailed background check, followed by a face-to-face interview. She was notified of her selection during the spring semester of her 2L year, and learned of the successful completion of her background check just prior to the start of her 3L year.

During Fall 2012, Jooshani was in Newport, Rhode Island, where she stayed until she completed the five-week Officer Development School, as well as the 10-week Naval Justice School. While she was there, the Newport area was slammed by Hurricane Sandy, the largest Atlantic Ocean hurricane on record.

Although it was a stressful period, Jooshani said living through the hurricane with her fellow JAGs was not a totally negative

experience. "Everyone here is so loving and warm," she explained. "We all shared food, told stories and prayed school would be canceled."

Networking techniques learned and practiced at OU Law have come in handy for Jooshani. "OU taught me how to be professional, yet friendly. I try to connect with people," she said. "I think that is your best asset as an attorney. So many attorneys spit out the law, but they forget that at the end of the day, knowing the law is only half the battle. You have to connect with your client, your opposing counsel, your witnesses, and last, but not least, the judge."

Jooshani's ability to speak five languages distinguishes her from her fellow JAGs. In addition to English, she speaks Farsi, French, Arabic and Turkish. Her first active duty assignment took her to Naples, Italy, where she advises the base commander. Although her current assignment will probably not call upon her linguistic abilities, she hopes to eventually serve in Bahrain and utilize those skills.

Military court holds hearing in Bell Courtroom

Law students, faculty and the public had a rare opportunity to attend a hearing of the United States Court of Appeals for the Armed Forces when the court conducted a hearing on November 7 in the Dick Bell Courtroom at the University of Oklahoma College of Law.

The hearing of the nation's highest military court was held at the OU College of Law as part of the court's Project Outreach in which two hearings per year are scheduled at law schools across the country. It was the first time the CAAF has convened in Oklahoma.

The OU College of Law and the Military Law Society hosted the five-judge panel as they heard oral arguments in the case of *United States v. Pablo P. Irizarry*. A general court-martial conviction of larceny is the subject of the appeal. At issue is whether a military judge erred by denying a defense motion to suppress an item seized by the appellant's first sergeant during a warrantless entry into the appellant's off-base home.

Third-year law student Gauri Nautiyal argued in support of the amicus brief she filed with Assistant U.S. Attorney Robert D. Gifford, II ('96).



Dean Joe Harroz greets members of the U.S. Court of Appeals for the Armed Forces prior to the hearing in the Bell Courtroom.

After hearing arguments, the judges remained in the courtroom and answered questions about the CAAF and its process. At the conclusion of proceedings, the court and staff joined students and guests for a reception in OU Law's Amicus Café.