



Salute to Veterans Among Us

By Alice M. McCart

To all Veterans, we thank you for your service to our country. Many members of the KCMBA are Veterans. To celebrate Veterans Day, we have gathered some of their stories for you to enjoy (in alphabetical order).

Kelly A. Campbell of Spencer Fane Britt & Browne LLP is a former Navy Judge Advocate General ("JAG") officer. Receiving a direct appointment after law school, she served in the Naval Reserve on active duty from 1993 to 1999. Her most memorable experience in the service was working with Naval Criminal Investigative Service ("NCIS") agents because they were so

professional and they always tried to do the right thing. She served as a prosecutor in Hawaii at Pearl Harbor and worked with agents in San Diego at the NCIS Command and at the naval submarine base at Groton, CT. She was senior prosecutor for 11 states in the Northeast before she served as an instructor at the Naval Justice School in Newport, RI. The accompanying photo

was taken when she graduated from the Naval Justice School and had just started her Navy JAG career.

She said that being a veteran made her a better person, taught her accountability and responsibility, and gave her so much more than she was able to give back. She said that, from the beginning to the end of her service, her commanders had said that they would be

doing a bad job of representing their clients if they just talked to them on the phone or had them come to the office and that, as JAG officers, they had to get out to the fleet, get on the ships, see what their clients' lives were like, and thereby be better prepared to help them with their issues. Now, in her products liability and labor and employment defense work, her clients are surprised when she prefers to go meet them at their plant and take a tour, instead of just talking on the phone or meet in her office.

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Richard D. Dvorak of Tomes & Dvorak, Chartered, served as a Marine from 1976 to 1984 before he went to college and law school. His most memorable experience in the service was the three years that he spent as a United States Marine Corps Drill Instructor at Parris Island, SC, at the Marine Corps Recruit Depot. He said that he was proud to serve his country and honored to be in a position to preserve, protect, and defend the Constitution of the United States and all the laws promulgated thereunder. He said that the work ethic and professional ethics of being a Marine have carried over into his law practice but noted that his staff thinks that he still likes to start the day way too early.

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Mark S. Foster of Stinson Morrison Hecker LLP is currently this year's counsel to the KCMBA. His most memorable experience during his 20 years of combined active and reserve duty as a Navy JAG was prosecuting the case involving stealing the doomsday plan, for which he had to have his Top Secret

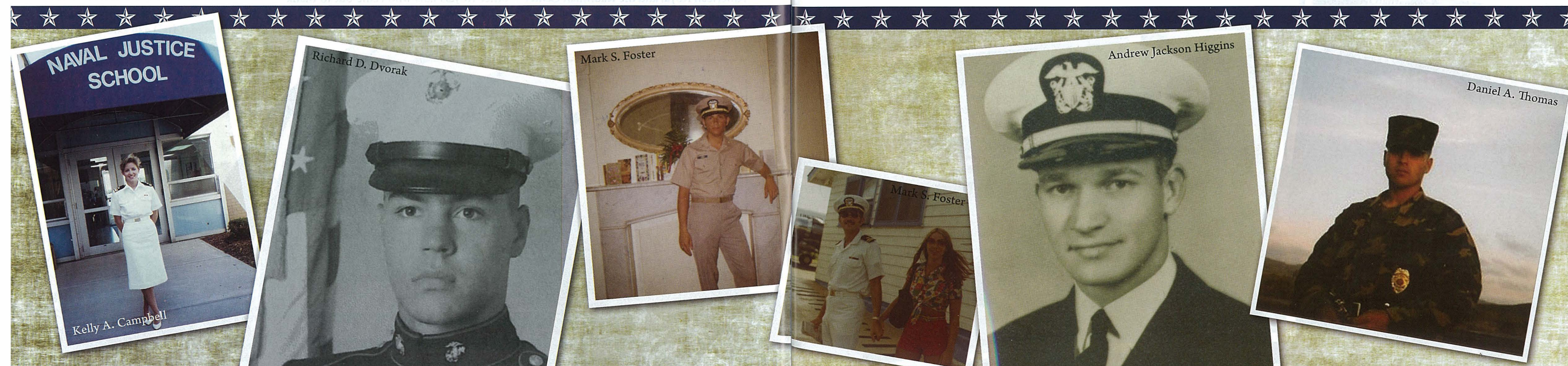
clearance upgraded. The accompanying photo shows him as one of the honor guard aboard the Arizona for a Memorial Day service. Proud to be a Veteran to fulfill his duty and his obligation, he said that too many lawmakers had never served and had no idea what being in the service meant and that going back to the universal draft would be a good thing for the country. He also said that, because he had been able to try many more cases in the military than most others ever get to try in their civilian careers, being a Veteran has helped his civilian litigation practice.

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The **Honorable Judge Andrew Jackson Higgins** retired from the Missouri Supreme Court in 1991 and passed away a month before this issue of the KC Counselor went to press. His daughter, **Laura Higgins Tyler**, of Stinson Morrison Hecker LLP, told his story. Proud to have the opportunity to demonstrate his loyalty to his country and the principles upon which it was founded, he enlisted in the United States Naval Reserve January 13, 1942, and was on active duty in World War II from May 1943 to July 1946, including service as Communications-Gunnery

Officer and Commanding Officer aboard LSM 325 in the Pacific Theater. One of his most memorable stories occurred before his ship and crew set out to sea. They had boarded in Chicago and had made their way down the river to New Orleans, where they docked. He was sent to base to see whether the crew could get payroll. He was told in no uncertain terms that payroll could not be cut within the time that they would be docked. Just in case, he left his name and a contact number. After he had left, the clerk looked at the name, "Andrew Jackson Higgins," which unbeknownst to him was the same as the name of an industrialist in New Orleans who manufactured a variety of equipment for the Navy. By the time he had returned to the ship, the payroll had been not only cut but also dispersed to the crew. It was not until after the war that he put two and two together.

His Navy experience greatly affected his decision to practice law. While at sea, he was assigned to represent a defendant at a court-martial. The judge was pleased to see the effort and logic that he had put into the winning defense, told him that he would make a good lawyer, and encouraged him to go to law school after the war. So he used his GI Bill and did so.



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Daniel A. Thomas of Humphrey, Farrington & McClain, PC, was in the Military Police branch of the United States Marines Corps, as shown in the accompanying photo, for 18 years of active and reserve duty. Attached to the CID/NCIS in Southern California, he was one of four throughout the country who were assigned to the Juvenile Gang Enforcement Team.

Daniel never would have become an attorney, he said, but for the Marine Corps in general and Chief Warrant Officer John Hawthorne in particular. Daniel was raised by a single mother, was frankly a poor student in high school, and was definitely the poster boy for "at risk" youth. After high school, college was financially not realistic, so he joined the Marines, served as a Military Policeman, and planned on either staying in or going to work in law enforcement after he got out. One day, NCIS investigator and criminal justice instructor CWO Hawthorne visited his platoon to encourage the young Marines to take courses to help advance their careers as MPs. Despite his history of being a poor student, Daniel took him up on the offer.

After several semesters, CWO Hawthorne told him to go to college full time while he was still a full-time Marine, eventually handed him an LSAT application, and told him that he would be a great lawyer. He had never even heard of the LSAT but went ahead and took it. Daniel said that he is forever grateful to CWO Hawthorne and hopes to always honor his efforts by helping others.

Daniel believes that being a Veteran has affected his law practice in every way imaginable and that he never goes to trial without wearing his Marine Corps pin so that he is always conscious during trial of his Marine Corps oath.

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Jonathan P. Tomes, Tomes & Dvorak, Chartered, said that his most memorable experiences in his 20 years in the U.S. Army were leading American fighting men in combat as an Infantry platoon leader in Vietnam (see photos), performing classified intelligence activities targeted against the Soviet Group of Forces, Germany, during the Cold War, becoming a military judge just three years out of law school, having his law review article

cited by the U.S. Supreme Court in U.S. v. Solario in the most important military case decided in the last 40 years, and sponsoring and being a friend of Colonel Narongdej Nuntaphodej, Royal Thai Army, known as "The Magnificent Warrior," at the U.S. Army Command and General Staff College. He said that, since his retirement, he and his law partner, Richard Dvorak, have done well against the federal government in litigation, including courts-martial, administrative discharge boards, physical disability boards, Boards of Correction of Military Records, Discharge Review Boards, and federal court litigation. He noted that these cases upheld servicemembers' rights and, in one case, caused the Marines to rewrite their regulations to afford legal counsel to Marines being boarded out for not-in-line-of-duty-due-to-own-misconduct while in a coma or persistent vegetative state that made them unable to bring out their side of the incident. He said that, besides the honor of having defended his country, being a Veteran made him part of a brotherhood (and sisterhood) of some of the greatest people imaginable.

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Jeffrey L. Wagoner of Wagoner Maxcy Westbrook, P.C., retired from the Navy 3 years ago after 23 years of active and reserve service. He said that his most memorable experience as a Reservist was being one of the lead planners for international security for the 2004 Athens Olympics, duty that required 6 trips to Germany, 1 trip to London, and 10 trips to Atlanta. He said that the support of his staff, the courts, the trustees, and opposing counsel was wonderful.

While on active duty, he flew an S-3 Viking carrier-based torpedo attack plane during Desert Storm. The accompanying photo was taken in early 1990 aboard the U.S.S. Constellation (CV-64) off the west coast of South America, probably a couple of days before it rounded the tip of South America at night in 30-foot seas. In what he said was the stupidest thing that he has ever done, he managed to sneak out onto the bow of the carrier, which was off-limits, just as they rounded the tip.


He said that he went to law school after he had been on active duty, so he never changed his designator from aviator to JAG and noted that people seem to respect him for having served and that having served seems to give him a great deal of credibility, what with his flight helmet on his love-me wall in his office.

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The **Honorable Judge Scott O. Wright**, United States District Court, Western District of Missouri, was a Navy pilot in World War II, as the accompanying collage of photos shows.

He said that his most memorable experience occurred when he was a naval aviation cadet in preflight at Athens, GA. Once while a Marine drill sergeant was marching his platoon, he was daydreaming near the back of the line in the march. The drill sergeant confronted him and asked whether he was hungry. He replied, "No, Sir." The drill sergeant said, "Then, keep your eyes off the ass of the man in front of you." He said that his fellow cadets never missed an opportunity thereafter to ask him whether he was hungry.

Judge Wright said that he was pleased to be accepted into the United States Naval Corps in May 1942 and honored that he could serve his country in its time of need. He said that the esprit de corps among his fellow pilots, the aircraft mechanics, and the gunnery personnel taught him that it paid off to be cooperative because his life depended on them. This spirit of cooperation carried over into his practice of law. As a judge, he said that nothing turned him off more than to see lawyers not treating their fellow lawyers with the respect and dignity that they deserved and that he makes no bones about letting them know how he feels about it. □



About the Author
*Alice M. McCart, an attorney licensed in Illinois, is with Tomes & Dvorak, Chartered. In the mid-1980s, she became the first woman civilian on the faculty in 104 years at the U.S. Army Command & General Staff College at Fort Leavenworth.

