



Office of Command Counsel Newsletter

June 2001, Volume 2001-3

CLE 2001 --- Highlights and Recap

The 2001 Army Materiel Command Continuing Legal Education Program was held 21-25 May. 125 AMC attorneys and invited guests enjoyed a week of education, learning, camaraderie and congeniality.

Special thanks go to the CLE Planning Committee chaired for the fourth year by **Steve Klatsky**, and members **Vera Meza, Bob Lingo, Mike Wentink, Mike Lassman, Ed Stolarun** and **Holly Saunders**. Administrative support from **Debbie Reed** and **Claudia Klus** was exceptional.

Holly Saunders is a vital component of the success of the CLE with unique talents that include computer skills, desk book design, organization, and relationships with the hotel. She is also calm and enthusiastic and makes all attendees feel at home. Thanks for everything Holly.

Each organizational element represented at the CLE received a CD with all conference materials. Additionally,

Office of Command Counsel Web Master **Josh Kranzberg** will upload the materials onto to AMC Command Counsel Web Site.

The lawyers of AMC make the CLE happen through the identification of issues to be covered in plenary, elective and legal focus sessions, and through attentive and active participation.

The CLE is a year-long planning event. We need your suggestions about topics and speakers. During the year, if you have ideas please share them with **Steve Klatsky**.

It is a special feeling to look across the room and see our law firm representatives from AMC.

BUONOCORE
AMC
**Attorney of
the Year**
(see page 3)

CECOM Receives Editor's Award--3X

For the third consecutive year the **CECOM Legal Office** received the Command Counsel Editor's Award in recognition of their significant contributions to the success of the bi-monthly publication.

In This Issue:

<i>CLE: Listening & Leadership</i>	2
<i>CLE Attorney Awards</i>	3
<i>Legal Assistance Items</i>	6
<i>Future Combat System</i>	7
<i>Doctrine of Equivalentents</i>	8
<i>Berry Amendment</i>	9
<i>EEOC Computer-Based Training</i> ..	10
<i>Migratory Birds</i>	11
<i>Meetings: Attendance by Support Contractor Employees</i>	13
<i>Lexis Corner</i>	14
<i>Faces in the Firm</i>	15

Listening & Leadership

The enrichment session for CLE 2001 focused on Listening, with our guest speaker **Dr. Rick Bommelje**, Associate Professor in the Department of Organizational Communication at Rollins College.

Did you know:

○ About 85% of what we know we have learned by listening.

○ We are distracted, pre-occupied or forgetful about 75% of the time.

○ We listen at 125-150 words per minute but think at 1,000-3,000 words per minute.

○ Less than 2% of the population has had formal training in listening.

CLE attendees participated in several exercises. In one, Dr. Bommelje provided an analysis of:

10 Listening Habits

1. Find something of interest when listening that focuses your attention
2. Content first—Delivery second
3. Withhold judgement
4. Focus on the Main Idea
5. Take notes (unless you have the gift of recall)
6. Show attention
7. Control or minimize distractions
8. Exercise your listening muscle
9. Do not let your biases get in the way of understanding
10. Close the gap between listening speed and speech/thought speed

Enrichment Speakers

At each CLE we try to bring to you a dynamic topic outside the normal legal developments area, but related to our practice, clients and community.

You can help.

During the course of a year when you attend conferences and meetings, and observe a good topic and speaker please pass the information on to **Steve Klatsky**.

Newsletter Details

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Check out the Newsletter on the Web at http://www.amc.army.mil/amc/command_counsel/

Letters to the Editor are accepted. Length must be no longer than 250 words. All submissions may be edited for clarity.

pecial **CLE** edition

Vince Buonocore--

Selected AMC Attorney of the Year

This year's nominees selected for special recognition, in alphabetical order, are:

Vince Buonocore,
CECOM

Nancy Holzwanger,
AMCOM

Paul Marone, SBCCOM
APG Garrison

Les Renkey, Blue Grass
Army Depot

John Seeck, OSC

Lynn Sturgis, McAlester
Army Ammo Plant

Jerry Williams, TACOM-
ARDEC

The recipient of the Joyce I. Allen AMC Attorney of the Year for 200 is **Vince Buonocore, CECOM**.

Mr. Buonocore's exceptional accomplishments, dedication and customer focus are most clearly evidenced by his extraordinary efforts in support of the

Army's Wholesale Logistics Modernization Program. Of particular note is his defense of the program against the labor union's Federal District Court action seeking to enjoin the implementation and execution of this critical program.

As the CECOM's first Procurement Fraud Advisor he was the driving force in dozens of cases where the Army recovered in excess of \$100M in goods, services and financial recoveries.

The WLMP—LOG MOD, an effort identified by the Chief of Staff of the Army as one of the three most essential programs within the Army, is a revolutionary approach aimed at modernizing both the Army's logistics practices and the information technology supporting those practices over the next five to ten years.

It required obtaining the first waiver ever issued from the regulatory requirements of Office of Management and Budget (OMB) Circular A-76 for a cost comparison study. Mr. Buonocore played a pivotal role in the complex and extensive formulation of the

agency's submissions made in connection with obtaining the A-76 waiver. Additionally, he was instrumental in building a favorable record of communication with the union related to the labor relations aspects of LOGMOD, and in formulating the mechanisms for agency compliance with the multiple Title X requirements related to DOD outsourcing.

All of these efforts culminated in Mr. Buonocore's successful defense of the program against the union's attempts to obtain a Temporary Restraining Order (TRO) and Preliminary Injunction (PI) in the Federal District Court for the Eastern District of Missouri.

Vince also served as Agency Representative in the successful defense of LOGMOD in connection with an Equal Employment Opportunity (EEO) Class Action Complaint and in an arbitration initiated by the Union, while at the same time successfully managing an extraordinarily busy Business Law Division as a Division Chief within the CECOM Legal Office.

pecial CLE edition

Pamela McArthur--

Preventive Law Program Award

The Awards Committee identified the following nominees, for this year's Preventive Law Program Award as deserving special recognition:

Emanuel Coleman,
AMCOM

Pat Drury, CECOM Alexandria Branch

Violet Kristoff, TACOM
Pamela McArthur,
CECOM

Bernadine McGuire,
OSC

SBCCOM APG Garrison
Client Services Team

Recipient is: **Pamela McArthur,** CECOM Ft. Monmouth

In just a short time at CECOM, **Pamela McArthur** has developed an outstanding preventive law program in her capacity as Chief of the Legal Services Branch, Staff Judge Advocate Division. By publishing numerous articles and reaching out to a diverse client base, Ms. McArthur has ensured that the entire Fort Monmouth community learns of the latest developments in the law.

Pam's most significant effort has been in publishing a series of articles on various topics in publications that reach a large number of people. This includes the civilian employee workforce at CECOM, a group that ordinarily is not entitled to legal

assistance on an individual basis. In the last seven months, she has submitted the following articles to the *Monmouth Message*, a weekly newspaper targeted to the civilian and military workforce at Fort Monmouth: "Being Sued," "Legal Services General Information," "Solving Consumer Credit Problems," "What is the New Jersey Lemon Law?" "Holidays Bring out the Best, Worst in People (Phone Scams)," and "Get Ready for Tax Season."

In addition to publication in the *Monmouth Message*, these articles are also posted on the CECOM General Interest Bulletin Board and several have been published in the AMC Newsletter.

Dave DeFrieze--

Command Counsel Achievement Award

David DeFrieze, of the OSC Legal Office. Dave DeFrieze is recognized for his exceptional contributions to the establishment, implementation and success of the AMC Partnering Program.

Even before there was an AMC Partnering Team or AMC Partnering Program Dave ac-

tively campaigned to institute several Partnering initiatives at the then Industrial Operations Command. He actively participated in Partnering Workshops, a major ingredient of each Partnering arrangement.

His early work and writings in the Partnering arena

were major factors in the design of the AMC Partnering Pilot Programs. During these last five years, Dave has been a creative and driving force in the design of the AMC Partnering Model and Guide. In each of these efforts he has been of superb help to HQ AMC.

pecial CLE edition

K Krewer--

Managerial Excellence Award

Francis J. Buckley, Jr. was Chief Counsel of the US Army Missile Command, Huntsville for 32 years. The Command Counsel established the Francis J. Buckley, Jr. Award for Managerial Excellence in 1993.

This year we recognize the following nominees:

Theodore Chupien, CECOM

David DeFrieze, OSC

Sharon Hill, AMCOM

K Krewer, TACOM-Rock Island

Recipient of the Francis J. Buckley, Jr. Award for Managerial Excellence is...**K**

Krewer, TACOM-Rock Island Legal Group.

K has proven to be able to master the most complex legal issues and to work with her attorneys to ensure proper fact-gathering and legal analysis.

As chief of a field office—a tenant at another AMC MSC, K shows an ability to work closely with members of the host organization legal office to solve issues of mutual concern. With her characteristic wit and humor she is able to relieve stress and tension that is inherent in the legal business.

K's management qualities continue to be recognized by her command group in many important ways. She was designated by the TACOM-Rock Island command group to be a member of their Quality Council, has been designated a Champion for Leadership and chairperson of the command's Leadership Group.

Due to her managerial excellence K Krewer is chief of an AMC Legal Office that has an outstanding reputation for their legal skills, and participation in the business management practices of the command.

Toland, Garfield & Hankins--

Team Project Award to AMCOM

On 3 August 2000, a major defense contractor agreed to pay the United States \$54 million to settle two lawsuits that alleged the placing of defective items. The United States, which joined as a party in the two cases, alleged that that the prime and its subcontractors violated the

False Claims Act. The settlement agreement allowed the government to recover the amounts lost due to the destruction and damage to equipment,

As the suits against the contractor were primarily based upon the remedies afforded by the False Claims

Act, the damages recovered could be used to directly credit Army accounts .

Brian Toland, Bob Garfield and Don Hankins did outstanding work with the DoJ in case and witness preparation , to bring this matter to a successful conclusion.

AMC Board of Directors Point Papers

For copies of these please contact **Vera Meza** at DSN 767-8177. A couple of these are enclosures in this Newsletter.

1. AMC Meeting Attended by Employees of Support Contractors
2. Lessons Learned from UDLP's GAO Protest Against Award of the IAW
3. What You Should Know About the Berry Amendment
4. Maintaining a "Level Playing Field" for the Future Combat System
5. DX/DO Orders: Defense Priorities & Allocation System
6. ARMS-type Legislation for Arsenals and Depots
7. Sec. 508: New Accessibility Requirements for Information Technology Purchases
8. CCAD-How to Avoid EDP Claims Litigation
9. Reporting Environmental Issues and Enforcement Actions
10. GAO's Analysis of the Role of the Contracting Officer
11. Transition Counseling: Post-Government Employment Restrictions
12. Identity Theft: What to do if it happens to you!

Legal Assistance Items

Tax: Housing Reimbursement & Per Diem for TDY for Long-Term TDY

The award winning CECOM Legal Services Branch provides an interesting paper on taxation of housing reimbursement and per diem for TDY assignments of over one year.

The purpose of this article is to inform AMC personnel (military and civilian) on the tax impact (federal and state) of TDY assignments over one year and discuss the issue of whether or not the lodging and per diem reimbursements received or receivable by military and civilian personnel on TDY assignments over one year is taxable as income.

POC is **Pamela McArthur**, DSN 992-4371 (Encl 1).

Damage to Rental Cars While on TDY--The MTMC Contract

You are on TDY with an authorized rental car when you are involved in an accident. The rental agency attempts to collect from you for the damages. Are you liable? What about third parties that may be involved in the accident? What should you do?

The answer is - it depends. If you followed the rules, were proactive in the choice of rental agencies, and were operating the vehicle within limits, you are not liable to the rental agency for damage to their vehicle.

HQ AMC Counsel, **Sam Shelton**, DSN 767-8004 provides an article describing the rules under contract negotiated by the Military Traffic Management Command with many rental car agencies (Encl 2).

Acquisition Law Focus

Future Combat System

HQ AMC counsel **Lisa Simon**, DSN 767-2552 provides an update to the Board of Directors on the very important Future Combat System (Encl 3).

The Future Combat System (FCS) is the next-generation land combat system and forms a critical element of the Army's Objective Force. The FCS is currently in the Concept Exploration stage of the development cycle.

The FCS will be jointly managed by DARPA and the Army through System Development and Demonstration, after which the Army will assume program management.

DARPA has awarded four contracts under the "other transaction" authority. These contracts are not considered "procurement contracts" and give DARPA considerable flexibility to negotiate contract terms and conditions on an individual basis.

The four contractor teams are:

oo The Boeing Corporation, Phantom Works

oo Team Full Spectrum, Science Applications International Corporation

oo Team FoCuS Vision Consortium, Raytheon Corporation

oo Team Gladiator, TRW, Inc. and Lockheed Martin Vought Systems

AMC laboratories and RDECs have unique technical information and expertise which could be critical in the development of the FCS. The four FCS contractor teams have sought to work with AMC labs and RDECs to access this information and expertise.

To do this, AMC labs and RDECs have entered into Cooperative Research and Development Agreements (CRADAs) with the four FCS contractor teams.

List of Enclosures

1. Tax: Housing Reimbursement & Long-Term TDY
2. Damage to Rental Car
3. Future Combat System
4. Doctrine of Equivalents: Patent Law and Theory
5. Accessibility Requirements for IT Purchases
6. Copyright Act: "Works for hire" and "computer software"
7. What you should know about The Berry Amendment
8. Impact of Source Control Drawings on Competition
9. Reporting Environmental Issues and Enforcement Actions
10. Transition Counseling: Officers and Employees
11. Meetings: Attendance by Support Contractors' Employees
12. Lexis Corner

Patent Law & Theory: Accessibility The Doctrine of Requirements Equivalents for IT Buys

Hay Kyung Chang, AMCOM Counsel, DSN 746-5091 provides an excellent treatise on the doctrine of equivalents and its impact on patents and inventions (Encl 4).

The paper explains the background, purpose and the statutory design of the doctrine.

The claims of an issued patent are a description of the metes and bounds of the boundaries of the invention. They represent the agreement between the applicant and the Patent and Trademark Office as to the extent of the exclusive property rights granted to the inventor in his/her invention while serving to provide the public the precise basis on which to determine which activities or products do or do not infringe the patent.

Thus, the claims of a patent serve two purposes: one, to set out the scope of rights granted to the inventor

and two, to notify the public of the limits on those rights.

To reach a compromise between the two conflicting goals of the patent system, the doctrine of equivalents was developed by the courts.

The motivation behind the doctrine is to give protection to the inventor when the accused device or process does not fall within the literal scope of a claim but which, nonetheless, meets each limitation of the claim by equivalence.

The determination of what is considered “equivalent” is made based on the particular circumstances of the case. “Equivalence, in the patent law, is not the prisoner of a formula and is not an absolute to be considered in a vacuum. It does not require complete identity for every purpose and in every respect.” Succinctly put, the doctrine is intended to prevent a fraud from being practiced on a patent.

HQ AMC Technology counsel **Lisa Simon**, DSN 767-2552, provides an updated point paper on this developing story (Encl 5).

Section 508 of the Rehabilitation Act was recently changed to require that all federal electronic and information technology developed, procured, maintained, or used after June 21, 2001 be comparably accessible to disabled employees as to able-bodied employees — unless to do so would represent an “undue burden”.

“Undue burden” generally means that compliance would result in significant difficulty or expense.

To the extent there is an “undue burden”, the law requires that we document it and provide disabled employees an alternative means of access to the data or information.

Acquisition Law Focus

Copyright Act—"works made for hire" and infringement of computer software copyrights

The Copyright Act of 1976, 17 USC 201(a), provides that copyright ownership vests initially in the author or authors of the work.

A person who conceives an idea is not an author. 17 USC 102(b). As a general rule, the author is the party who actually creates the work, that is, the person who translates an idea into a fixed, tangible expression entitled to copyright protection.

The Act carves out an important exception, however, for "works made for

hire." If the work is a "work made for hire," the employer or other person for whom the work was prepared is considered the author and owns the copyright, unless there is a written agreement to the contrary. 17 USC 201(b) (Encl 6).

This paper by CECOM's **Raymond Ross**, DSN 992-9792, discusses the statutory definitions of "employee", "employment" and "scope of employment." It also addresses the Act with reference to copyright infringement of computer programs.

What you should know about the Berry Amendment

Josh Kranzberg, DSN 767-8808, provided the Board of Directors with a point paper on the Berry Amendment, one of numerous laws regarding the acquisition of foreign supplies, services, and construction materials.

The Berry Amendment applies only to DOD and has been included in DOD appropriations acts since 1941. The Paper discusses relevant DFARS and exceptions, and more (Encl 7).

Impact of Source Control Drawings on Competition

Public Law (P.L.) 98-369, The Competition in Contracting Act (CICA) of 1984, requires procurements for property and services to be obtained on the basis of full and open competition.

There are seven exceptions to this requirement identified in Part 6 of the Federal Acquisition Regulation (FAR) which generally requires the preparation of a Justification and Approval (J&A) if the procurement is to be conducted without full and open competition.

Occasionally, when J&As are submitted for review, the principal justification cited is that only one company is listed on the source control drawing (SCD) and, therefore, that source is the only source qualified to provide the item.

This situation has led to the question: Is listing a single firm on a SCD a proper basis for sole source? The statutory and regulatory guidance associated with qualification provisions for SCDs, particularly as these relate to CICA, must be understood in order to accurately answer this question.

The enclosed by CECOM's **Guy Rayner**, DSN 992-5059 addresses this issue (Encl 8).

Employment Law Focus

EEOC Tries Computer-Based Training--to Improve Federal EEO Process

The U.S. Equal Employment Opportunity Commission (EEOC) announced a new computer-based training initiative for federal agencies and stakeholders as part of its broader efforts to improve the federal sector complaint process. The training is being conducted through the use of a state-of-the-art CD-ROM that provides comprehensive information and interactive instruction to federal employees, managers, and others involved in the federal EEO process. The CD is fully accessible to people with disabilities.

"This innovative CD-ROM will allow all of those with a stake in the federal sector EEO process to receive valuable computer-based training wherever and whenever it is needed," said Commission Chairwoman Ida L. Castro, "which, in turn, will help ensure that the EEO process is fair, effective, and efficient for federal workers and managers alike. Computer-based training will move us closer

to creating a model federal workplace."

The CD-ROM, entitled *Sailing Through the Federal Sector EEO Process*, is being issued by EEOC to federal agencies and stakeholders. It contains innovative features such as audio narration, sizable text, and keyboard alternatives, which make it fully accessible for individuals with disabilities. In addition to the training information, the CD also includes additional reference material on the federal sector program, including sections of the Code of Federal Regulations governing the federal sector complaint process (29 C.F.R. Part 1614), and the implementing guidance covering the federal sector regulations and EEO process (EEOC Management Directive 110).

Additional information about the computer-based training can be obtained by contacting EEOC's Office of Federal Operations by e-mail at eeo.cbt@eeoc.gov.

Military Law Enforcement Officials Authority over Civilian Lawbreakers

From time to time, installations attorneys get questions regarding the authority of military police and DoD security guards to arrest civilian lawbreakers.

For example, can the security guard follow the civilian lawbreaker off-post to make an apprehension if the DoD security guard is engaged in "hot pursuit"?

An excellent law review article "[Opening the Gate?: An Analysis of Military Law Enforcement Authority over Civilian Lawbreakers On and Off the Federal Installation](#)" by Major Matthew J. Gilligan (Military Law Review September 1999) answers this questions and provides a comprehensive analysis of the authority that military law enforcement officials and security guards may exercise over civilian lawbreakers.

Environmental Law Focus

Army Plans Environmental Transformation

What is ahead for our installations, as the Army transitions to a new force?

Those of you who attended the AMC Continuing Legal Education Conference heard discussions of this topic by **COL James H. Rosenblatt** and **LTC David Howlett**.

Solar and geothermal energy sources, “green” bullets, and alternatively-fueled vehicles may be commonplace on 21st-century Army installations. For more information on what is envisioned for the coming century, visit <http://aec.army.mil/prod/usaec/op/news/aweec2000a.htm>.

In the same vein, DoD has published a report on Climate Change, Energy Efficiency, and Ozone Protection, Protecting National Security and the Environment, which reviews some of the new, energy saving technology.

http://www.denix.osd.mil/denix/Public/Library/Air/Climate_Change/EE/pnsebook.html

Watch Out for Those Migratory Birds Until New Rules

Although other courts had previously found otherwise, the United States Court of Appeals for the District of Columbia Circuit recently ruled that a Federal agency’s implementation of a migratory bird management plan by taking and killing migratory birds violated section 2 of the Migratory Bird Treaty Act (MBTA) and that the prohibitions of the MBTA apply to Federal and State officers as well as private citizens.

The FWS is working with DoD and other federal agencies on an interim rule which would authorize the take of migratory birds by Federal agencies for purposes not already covered by existing regulations.

This rule would clarify that the possibility or even the certainty that migratory birds will be killed or injured as the incidental or unintended result of federal agency actions necessary or appropriate to meet the agency’s statutory responsibilities or missions does not preclude the federal agency

from undertaking such actions.

While it is not clear that such authorization by the Service is necessary, this rule would authorize takes of migratory birds that result from federal agency actions beyond the scope of the intended takes subject to permitting requirements set out in the Service’s existing regulations.

In addition, the proposed rule will likely require federal agencies to assess the expected impact on migratory birds of proposed actions that are substantial enough to require documentation pursuant to the National Environmental Impact Act.

Further, if the federal agency determines that the action is likely to have a significant adverse impact, then it is probably the federal agency would be required to develop reasonable measures to avoid or minimize the take of migratory birds.

We will notify environmental counsel when the final proposed interim rule is announced—stay tuned.

Environmental Law Focus

US Army Reporting Environmental Environmental Issues Strategy for and Enforcement 2001 Actions

Final Draft DA Pam 200-1 available on DENIX. The Final Draft DA Pam 200-1 is a new pamphlet that explains how the Army will execute the “U.S. Army Environmental Strategy into the 21st Century”.

It provides detailed guidance to support implementation of Army Regulation 200-1 and provides guidance on all of the Army’s environmental programs. A copy of the Final Draft DA Pam 200-1 is available on DENIX <https://www.denix.osd.mil/denix/DOD/Policy/Army/pam200-1.doc>.

Remember this is only a draft. Section 15-6 of the pamphlet, which addresses environmental documentation for real estate transactions has been issued by ACSIM as Interim Guidance until publication of the pamphlet.

HQ AMC Environmental counsel **Stan Citron**, DSN 767-8043, prepared a point paper on a recent AMC CG memorandum on the above headlined subject (Encl 9).

On 6 April 2001, the AMC CG signed memorandum emphasizing the importance of communicating significant environmental issues to HQ AMC.

In particular, commanders must promptly report environmental issues that have potential for generating public, media, regulatory, or congressional interest.

The memorandum also included the AMC Communication, Reporting, and Coordination Guidelines.

These guidelines make it clear that the environmental offices are responsible for reporting environmental enforcement actions (ENFS) and the legal offices are responsible for coordinating environmental agreements.

The AMC guidelines require prompt reporting of all ENFs (24 hours for ENFs involving a fine and 48 hours for

all other ENFs). Additional guidance on reporting procedures is available in the AMC Memorandum dated 18 September 2000, Subject: Reporting Enforcement Actions.

The AMC guidance also outlines procedures for coordination environmental agreements. The key concepts are that installations should work closely with higher headquarters through the entire negotiation process and Army Environmental Law Division is required to approval all environmental agreements (ENF and non-ENF agreements).

AMC installations are generally doing a good job of reporting significant environmental issues. We need to continue these efforts to ensure that the Army leadership is aware of environmental issues and avoid “surprises” at all levels of command.

Transition Counseling: Officers and Employees Alike

AMC Ethics Counsel **Mike Wentink**, DSN 767-8003 provided the Board of Directors with two point papers that we include for you

The first concerns Transition Counseling and has sections on seeking employment, in transition, and post employment arenas (Encl 10).

We include the section entitled seeking employment.

Seeking Employment

Once an employee begins to seek employment, he or she is disqualified from participating in any official matter that affects the financial interests of the company where seeking employment.

Seeking employment begins upon sending a resume, or even with a telephonic or other contact with an expression of interest in future employment, unless one of the parties unequivocally rejects the contact.

If the prospective employer is a USAMC contractor, the AMC employee probably should issue a written notice of the disqualification.

If the prospective employer is a bidder or offeror in a competitive procurement in which the AMC employee is participating (e.g., the employee wrote the statement of work, reviewed and approved the statement of work, or is on the source selection evaluation board), the procurement integrity law requires the AMC employee to give a special notice, even if he or she has no intention of pursuing the contact.

Other sections address activities such as filing a termination of employment financial disclosure statement, and terminal leave requirements.

The paper closes with a recitation and discussion of important post-government regulatory and statutory requirements.

Meetings: Attendance by Support Contractors' Employees

There are laws, including criminal laws, regulations and restricted rights agreements that govern the use and release of nonpublic information.

The general principle concerning transmittal of nonpublic information to other Federal employees is "need to know."

The enclosed paper addresses an additional principle, as to whether we release nonpublic information to employees of our support contractors for such tasks as graphics preparation, database management, study and analysis, and briefings.

The contractor's employees might have a need to know but we also must ask whether we as government employees have the right to release (Encl 11).

The Lexis Corner

Lexis representative Rachel Hankins provided CLE 2001 attendees with a nice Top 10 to expand our research capabilities:

1. The AMC / LEXIS-NEXIS web page with “**Quick Links**.” Access by going to <http://www.lexis-nexis.com/amc>. “**Quick Links**” are shortcuts to the most popular sources used by AMC personnel nationwide

2. Print case law in **dual column** right from *lexis.com* to your attached printer. You can also download, fax or email results

3. **Shepard’s**, a LEXIS-NEXIS exclusive, updates everyday and offers five **Case Law Signals** to help you immediately identify valid case law

a. The Red Stop Sign  - indicates strong negative references are available about your case (e.g. Reversed, Overruled, Questioned, Opinion Withdrawn, etc.)

b. The Yellow Caution Sign  - indicates possible negative treatment is available about your case (e.g. Criticized or Distinguished)

and/or appellate history is listed

c. The Green Plus Sign  - indicates only positive analysis codes are available about your case (e.g. Affirmed or Followed)

d. The Blue Circle with the “A”  - indicates that only neutral analysis codes are available about your case (e.g. Explained, Harmonized, Cited in Dissenting Opinion) and/or prior history is available

e. The Blue Circle with the “I”  - indicates there are no analysis codes associated with the cited references

4. **Case Summaries** are being placed at the heading of all substantive case law and include:

d. **Procedural Posture** - explains how the court got the case

e. **Overview** - gives details about the case itself

f. **Outcome** - what this court did with the case

5. **Term Mode Browsing**

- allows you to jump from “key term” to “key term,” while in the full text of the document

6. **Core Terms** - a list of the most relevant terms & phrases from the case as written by the court to quickly to determine if case is on point

7. **ECLIPSE** - the “Electronic Clipping Service” automatically tracks issues by updating any saved search and forwarding new documents to your email

8. **TOC view**- use this viewing format in the USCS or CFR to display the table of contents with links to all surrounding sections

9. **Research Consultants** - 12 Research Consultants located strategically throughout the United States for on-site training

10. **Customer Service** - available 24/7 - (800) 543-6862 or call collect at (937) 859-9358(Encl 12).

Faces In The Firm

Hello & Goodbye

Departures

HQAMC

COL Demmon Canner is going to the U.S. Army Court of Criminal Appeals in Ballston to become an appellate judge. DC's upbeat attitude and laughter will be missed.

Cherell Gerald-Lonon She has accepted a paralegal job at the Department of Justice in Washington, D.C. to work on the tobacco litigation. She keeps the protest data base.

OSC

Geraldine Lowery has retired from Government service and has enrolled in Fashion Design School, hoping to own her own business someday.

Captain Marc Howze, currently on terminal leave, is now working for Deere & Company in the Quad Cities Area.

More Hellos

CECOM

1LT Rebecca Michaels has arrived from the JAGC Basic Class to the SJA Division.

Arrivals

HQAMC

The new SJA/Chief of General Law Div will be **LTC(P) Dave Howlett** who is currently the Chief of the Litigation Branch of the Environmental Law Div, USALSA [or OTJAG if you prefer]. The transition will occur on or before 16 July 2001.

Elizabeth Gregory, is the new Legal Technician in the General Law Division.

OSC

Welcome back to **Bill Bradley** (leaving Sierra Army Depot). They will be settling back into the Quad City area in June.

Captain Derek Stratman arrived at the OSC at the end of May from Fort Drum, New York.

1LT Dean Daugaard will be arriving at the Tooele Army Depot in early September. From Fort Carson, Colorado,. Welcome to 1LT Daugaard, his wife, and three daughters.

Captain Jacqueline Emanuel will be arriving at the OSC in July. CPT Emanuel is currently the Defense Counsel, Ft. Carson.

More Arrivals

AMCOM

Thomas R. Aug has recently joined the General Law/Intellectual Property Law Division as a GS-13 General Attorney. He has just left active duty where he was a Captain in the JAG Corps at Yuma Proving Ground, AZ.

1LT Douglas W. Moore is the newest JAG Officer in the Office of Staff Judge Advocate. LT Moore has just completed the 154th Judge Advocate Officer's Basic Course.

TACOM

Clifford "Clay" Carter, is a new intellectual property law attorney coming on board this June. Clay comes to TACOM from the US Army Space and Missile Command in Huntsville, Alabama.

TACOM-Warren also welcomes the return of **Kevin Storey**. Kevin is presently on staff at the Corpus Christi Army Depot. He will be joining the Business Law Division of TACOM-Warren on 2 Jul 01.

Faces In The Firm

Promotions

AMCOM

Congratulations to **Nancy L. Holzwanger** who was recently promoted to GS-14 in the Acquisition Law Division.

Births

OSC

Rick and Janine Murphy celebrated the birth of their son, Joseph Matthew, on 4 May 2001. In addition to his parents, Joseph was welcomed home by his proud big sister and brother, Robin and Scott. Congratulations to all!

Geraldine Lowery was blessed with a new grandson. John Thomas Johnson III was born on 13 May 2001. Our congratulations and best wishes to the family.

Awards and Recognition

OSC

Larry Manecke (RIA) was honored at the Federal Executive Association Awards Luncheon held at the Rock Island Arsenal on 9 May. Mr. Manecke was recognized for his outstanding support/contributions in the technical/professional category.

CECOM

Elaine Basile was recognized as CECOM Secretary of the Year and received the Commander's Award.

Mark Sagan was named one of CECOM's 10 Outstanding Personnel of the Year 2000, receiving the Superior Civil Service Award.

The **CECOM Legal Services Branch** received the Army Chief of Staff Award for Excellence in Legal assistance for Fiscal Year 2000.

Death

It is sad to report that former CECOM Acting Chief Counsel **Robert Saphro** passed away in April.

Mr. Saphro began his Federal career in 1957 and retired in 1995 with 38 years of exceptional service.

For many years Bob served as the CECOM Deputy Chief Counsel and then as Acting Chief Counsel.

**CLE
2001 Materials
are now
available on
the AMC
Command
Counsel Web
Page**