

- LAW OFFICES OF -

STEVENS & BRASH L.L.C.
WORLDWIDE MILITARY DEFENDERS

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- RESUME OF DAVID F. BRASH, ESQ -

EMPHASIS **Military Law, Complex Trial Litigation, Appeals, Adverse Administrative Actions**

EXPERIENCE

TRIAL & APPELLATE ATTORNEY – MILITARY DEFENSE
Law Offices Of Stevens & Brash, L.L.C.

October 2006 to Present
Worldwide Representation

Retired as Colonel after twenty-two years of service in the United States Air Force and eight years as military trial judge. Accepted invitation to join with established military criminal defense practice of Richard V. Stevens, Esq. based on reputation and success of his military defense practice, Law Office of Richard V. Stevens, L.L.C. New law firm combines the collective decades of military law and military justice experience of its founding partners and is dedicated to protecting the rights of our nation's military members and to aggressively defending them against all manner of military adverse actions – to include courts-martial, appeals, administrative boards, administrative punishments and other military complaints, investigations and actions. Firm founded on pledge to provide proven trial skills, military knowledge, experienced representation and straightforward advice to members of all military branches stationed around the world.

CHIEF TRIAL JUDGE OF THE U.S. AIR FORCE
United States Air Force Trial Judiciary

July 2004 to October 2006
Bolling Air Force Base, DC

Military Criminal Litigation Experience: Selected by The Judge Advocate General as the youngest Chief Trial Judge in Air Force history. Capped eight-year tenure as military judge with over four hundred courts-martial tried. Handled most complex cases to include murder, rape, child sexual/physical abuse, major assaults, fraud, computer crimes, child pornography possession, financial crimes, and uniquely military crimes such as fraternization, unprofessional relationships, and desertion. Handled trial experts in all forensic fields to include psychologist/psychiatrist/social workers, sexual assault nurse examiners, toxicologists, pediatricians, obstetricians, pathologists, crime scene examiners, fingerprint examiners, handwriting experts, and forensic interviewers of alleged child sexual assault victims. Continued management of media access to numerous high-profile trials.

Supervisory Experience: As Chief Trial Judge, provided military trial judges for all general and special courts-martial worldwide and for administrative hearings and judicial investigations as required. Proposed officers to The Judge Advocate General for selection and trained officers as military judges. Supervised all Air Force court-martial activity and support personnel through five subordinate chief circuit military judges, ensuring swift and fair adjudications for operational commands and efficient management of personnel and funds. Responsible for supervision, professional development, and narrative rating of all twenty-seven Air Force military trial judges and nine paralegal Court Supervisors. Served as Action Officer and Host for Interservice Military Judges' Seminar, an annual continuing legal education centerpiece for all Department of Defense Military Judges held at Maxwell AFB, Alabama.

Systemic Impact: Completely overhauled Uniform Rules of Practice Before Air Force Courts-Martial, to include development of ambitious docketing system vesting Chief Circuit Military Judges worldwide with sole docketing responsibility. Proposed major rating chain realignment for all Air Force trial judges; secured TJAG approval to move all trial judges outside Legal Operations Agency Command structure, directly under TJAG. New system enhanced independence of all trial judges and brought Air Force into line with Army and Navy-Marine Corps practice.

CHIEF CIRCUIT MILITARY JUDGE

United States Air Force Trial Judiciary, Pacific Circuit

July 2001 to July 2004

Yokota Air Base, Japan

Military Criminal Litigation Experience: Personally responsible for all court-martial activity in the Western Pacific AOR and Hawaii. Bridged gap of manning shortfall by personally shouldering entire Pacific Circuit caseload in first year as Chief Circuit Military Judge. Tried over seventy-five cases in that year, the most of any Air Force judge, and tried nearly one hundred fifty over the three year tour. Cases involved rape, child sexual/physical abuse, computer crime, illegal drugs, fraud, arson, and varying degrees of assault. Continued to deal with the full spectrum of forensic expertise in the courtroom.

Media/Public Relations Experience: Presided over numerous cases which garnered intense media coverage to include two-week murder trial at Kadena Air Base, Japan, which drew extensive local and regional media coverage. Managed media courtroom access and counsel's interactions with press. Served as Presiding Officer for Draft Environmental Impact Statement Public Hearing in Honolulu, Hawaii, regarding closure of the military installation at Johnson Atoll.

Management/Supervisory Experience: Supervised all courts-martial activity, trial judges, and trial personnel within the Pacific Circuit Judiciary, which includes eight Air Force installations in four countries (Japan, Republic of Korea, Singapore, and the United States) and one United States Territory (Guam) – the largest geographic Air Force circuit in the world. Docketed all cases within the jurisdiction for three year period and led all Air Force circuits world-wide in case processing efficiency.

CIRCUIT MILITARY JUDGE

United States Air Force Trial Judiciary, Western Circuit

July 1998 to July 2001

Travis Air Force Base, CA

Military Criminal Litigation Experience: Personally selected, certified, and made available for detail as a military judge by the Judge Advocate General, pursuant to Article 26, *Uniform Code of Military Justice (U.C.M.J.)*. Served as trial judge in general (analogous to felony trial) and special (analogous to misdemeanor trial) courts-martial; legal advisor for officer discharge and other administrative boards; hearing officer for Draft Environmental Impact Statement Public Hearings; Hearing Officer for parole Violation Hearings; and Investigating Officer in hearings convened under Article 32, *U.C.M.J.* (analogous to probable cause hearings). Assisted Chief Circuit Military Judge in docketing cases for a judicial jurisdiction encompassing nineteen installations spanning the Western United States, including Alaska. Presided over nearly one hundred twenty member (jury) and bench (judge alone) trials involving such allegations as rape, drug involvement, child sex/physical abuse, computer crime, and uniquely military offenses, such as anthrax shot refusal cases. Personally responsible for entire trial, to include scheduling, courtroom management, ruling on objections, drafting and issuing evidentiary and other substantive rulings, preparing and presenting instructions on the law to court members, courtroom security, and media control. Detailed to the highest profile Article 32 Investigating Officer duties in the Circuit: officer-enlisted fraternization case with national media exposure; Chief Master Sergeant (E-9) rape case; and twenty-five year Lieutenant Colonel involved in drug abuse and illicit sex acts. Routinely handled trial testimony in all areas of forensic expertise: psychology/psychiatry, DNA, toxicology, and pathology. Frequently requested to serve as moot court trial judge at McGeorge Law School, Sacramento, CA.

STAFF JUDGE ADVOCATE*United States Air Force, 42d Air Base Wing***July 1995 to July 1998***Maxwell Air Force Base, AL*

Installation Counsel: Legal advisor to wing (installation) commander, unit (group/squadron) commanders, fifty-three tenant units, and numerous staff agencies. Provided full-spectrum legal advice to installation hierarchy; essentially mirrors municipality lead counsel position. Responsible for all adverse actions taken against military members, to include minor administrative actions, Article 15 actions, administrative separation, and courts-martial. Responsible for legal sufficiency of all civilian personnel actions; operational environmental compliance issues; civil law and Joint Ethics Regulation issues; and fiscal and contacting actions. As office of primary responsibility, oversaw processing all claims under the Federal Tort Claims Act, Military Claims Act, as well as adjudication of Personnel Transportation Claims. Maintained Legal Assistance and Preventive Law programs, and well as seasonal Tax Assistance Center for installation population of 36,000. Directed U.S. Magistrate Court Program responsible for prosecution of civilian offenders within installation's jurisdiction. Recognized by Wing Commander as best Judge Advocate with whom he had ever served. In response to by-name requests, served as adjunct faculty member in advocacy at Air Force Judge Advocate General's School, also located on Maxwell AFB.

Supervisory Experience: Supervised staff of six attorneys, ten paralegals, and five administrative support personnel. Responsible for professional development of judge advocates and paralegals; award submissions and narrative performance evaluations; assignment of work; and disciplinary actions as necessary. Also responsible for workplace budget proposals and management.

AIR COMMAND AND STAFF COLLEGE STUDENT*United States Air Force, Air University***August 1995 to July 1995***Maxwell Air Force Base, AL*

Professional Military Education/Academic Achievement: Competitively selected for one of only five seats reserved for all Air Force judge advocates at or below the grade of major. Completed one-year intensive in-residence program on all phases of air power employment within overall military operations. Personally recognized by Royal Air Force Air Vice Marshall for research project on the Battle of Britain. Overall 3.9 GPA garnered top 5% status and Distinguished Graduate recognition.

LABOR LITIGATION ATTORNEY*United States Air Force, Civil Law and Litigation Directorate***June 1991 to August 1995***Rosslyn, VA*

Labor Counsel, Administrative Litigation: Represented Air Force interests worldwide in civilian employee administrative litigations. Specialty areas included representation of Air Force interests before the U.S. Equal Employment Opportunity Commission (E.E.O.C.), to include administrative class action litigation; grievance, discipline, and adverse action cases before the U.S. Merit Systems Protection Board (M.S.P.B.); and unfair labor practice, negotiability, and bargaining unit representation litigation before the U.S. Federal Labor Relations Authority (F.L.R.A.). Produced highest win rate in the Air Force while handling over fifty unfair labor practice cases. Secured dismissal of multi-million dollar discrimination class action lawsuit. Prevailed in contentious litigation before M.S.P.B. to protect Air Force action in terminating twenty year Fire Chief for witness tampering. Nominated by the General Litigation Division for Kuhfeld Award as top junior judge advocate in 1993, and nominated for the American Bar Association's Outstanding Military Service Young Lawyer Award.

Trial Attorney, Federal Trial Litigation: Individually responsible to United States Attorney's Offices for all phases of pretrial practice to include deposition appearances, drafting and responding to interrogatories, preparation of motions for summary judgment, and other substantive pretrial filings. Personally took lead counsel role in six U.S. District Court cases tried under the Civil Rights Act of 1991. Responsible for all facets of each trial; prevailed in every case to protect the Air Force from nearly two million dollars in liability exposure.

Appellate Experience: Wrote three winning appellate briefs in cases before United States Court of Appeal. Acted as lead counsel and argued case in capacity as Special Assistant United States Attorney before the United States Court of Appeals for the Ninth Circuit; preserved trial level victory and saved Air Force one quarter million dollars in claimed damages. Acted as lead counsel and argued case before the United States Court of Appeals for the Federal Circuit involving Air Force authority in employment decisions based upon security clearance determinations; victory preserved Air force discretion in critical national security arena.

MASTERS OF LAW (LLM) STUDENT

Georgetown University Law Center

September 1990 to June 1991

Washington, DC

Academic Achievement: Competitively selected for rigorous Masters of Law Program in Labor Law at Georgetown University Law Center, nationally ranked within the top ten law schools. Aggressive acceleration in pursuit of required course load resulted in completion of twelve-month program in nine months. Produced substantial research paper on First Amendment rights of bargaining unit members; recommended for publication by faculty. Graduated *cum laude* with 11.08/12.00 GPA.

CIRCUIT DEFENSE COUNSEL

United States Air Force Trial Judiciary, First Circuit

July 1987 to August 1990

Bolling Air Force Base, DC

Military Criminal Trial Experience: Premier litigation position in Air Force Trial Judiciary. Defended clients in criminal trials by court-martial and administrative hearings. One of only 24 Circuit Defense Counsel worldwide, acted as lead counsel on all cases. Responsible for full case management, from researching, writing, and arguing pretrial motions, to all phases of litigated trial and litigated sentencing proceedings through post-trial clemency. Brought in for the most complex and high profile cases. Defended allegations including premeditated murder, manslaughter, rape, sexual assault, child sexual abuse, use/possession/distribution of illegal drugs, and military-specific crimes. Experience focused in expert intensive litigation, has included direct and cross-examinations of experts in fields such as fingerprint analysis, forensic pathology, forensic pediatrics, forensic psychology and psychiatry, forensic analytical toxicology, forensic child interview techniques and forensic crime scene analysis. Recognized circuit expert in defense of child sexual abuse cases. Compiled impressive record of numerous full and partial acquittals in major criminal trials. Record of successful outcomes established reputation throughout service. Recognized by Chief of Air Force Trial Defense Services as best Circuit Defense Counsel in the Air Force. Repeatedly requested by name to represent clients throughout Air Force. Nominated for Air Force-level Kuhfeld Award as top company grade attorney in Air Force Legal Services Agency for 1989. In addition to defending criminal and disciplinary actions, also represented Air Force parolees in parole revocation hearings. Total Circuit Defense experience included more than 100 trials and administrative proceedings. Hundreds of clients represented in other disciplinary actions.

Supervisory Experience: In addition to duties as lead trial defense counsel, responsible to supervise, train, and advise 20 base-level Area Defense Counsel (criminal defense lawyers) and their defense paralegals at 20 Air Force bases in the First Judicial Circuit.

AREA DEFENSE COUNSEL

United States Air Force Trial Judiciary, Sixth Circuit

June 1986 to July 1987

Comiso Air Station, Italy

Military Criminal Trial and Management Experience: Military criminal defense attorney designated to represent Air Force personnel assigned to Comiso Air Station, San Vito Air Station, and Naples Naval Air Station, all in Italy. Stood up the first Area Defense Counsel office at Comiso Air Station. Responsibilities included military criminal trials and administrative hearings, as well as low-level disciplinary actions and advice. As sole defense counsel assigned to Southern Italy, managed office budget and supervised one defense paralegal. Based upon recognized trial ability, dispatched TDY (nearly 180 days) to Air Force installations in United Kingdom, Turkey, Greece, Spain, and the Federal Republic of Germany to act as lead military trial defense counsel.

ASSISTANT STAFF JUDGE ADVOCATE

United States Air Force, 351st Combat Support Group

April 1984 to June 1986

Whiteman Air Force Base, MO

Military Criminal Justice: Practiced as one of five installation prosecutors trying Air Force members accused of violating the Uniform Code of Military Justice. Areas of pretrial practice included investigation, research, and drafting of charges. Handled all phases of trial, from preliminary hearing through trial and sentencing proceedings. Also appointed as Investigating Officer for two hearings pursuant to Article 32, UCMJ.

Chief of Claims: Responsible for adjudication/defense of claims filed against the Air Force under the Federal Tort Claims Act. Point for Missile Wing for defense of claims arising as a result of cable modification between missile launch facilities and ICBM silos. The 200 claims embraced 1,600 private property excavations within a substantial missile field radius. Working directly with U.S. Attorney's office, defended \$11M medical malpractice claim; worked defense through depositions and motion to dismiss, resulting in extremely favorable settlement for the Air Force. Built best Government recovery claims operation in Strategic Air Command. Supervised three noncommissioned officer paralegals.

Chief of Labor Law: Legal advisor for Combat Support Group Commander and installation Civilian Personnel Officer regarding all facets of labor law. Successfully represented the Air Force in several hearings before the U.S. Merit Systems Protection Board and ensured the successful resolution of twenty Unfair Labor Practices before the Federal Labor Relations Authority. Anchored management team for mid-term negotiation of collective bargaining agreement with federal labor union contingent.

EDUCATION

UNIVERSITY OF ALABAMA, TUSCALOOSA, ALABAMA

M.A. (Military History), School of Graduate Studies, 1998

GEORGETOWN UNIVERSITY, WASHINGTON, DC

L.L.M. (Labor Law), *with distinction*, Law Center, 1991

SEATTLE UNIVERSITY, SEATTLE, WASHINGTON

J.D. *cum laude*, School of Law, 1983

RANDOLPH-MACON COLLEGE, ASHLAND, VIRGINIA

B.A. (Political Science), 1980

AIR WAR COLLEGE, MAXWELL AIR FORCE BASE, ALABAMA

Correspondence, 1998

AIR COMMAND AND STAFF COLLEGE, MAXWELL AIR FORCE BASE, ALABAMA

Residence, *Distinguished Graduate*, 1995

Correspondence, 1994

SQUADRON OFFICERS SCHOOL, MAXWELL AIR FORCE BASE, ALABAMA

Residence, 1986

ADMISSIONS & MEMBERSHIPS (Past & Present)

U.S. Court of Appeals for the Armed Forces	Pennsylvania State Bar Association
U.S. Air Force Court of Criminal Appeals	U.S. Naval Institute
U.S. Court of Appeals, Ninth Circuit Bar	U.S. Marine Corps Memorial Association
State Bar of Pennsylvania	Veterans of Foreign Wars
State Bar of Colorado	National Assoc. of Criminal Defense Lawyers
State Bar of Maryland (Inactive)	Kappa Alpha Order

PUBLICATIONS

“CIVILITY AND BEYOND,” *The Judge Advocate General Corps Online News Service*, 19 January 2005

“VOIR DIRE – AN EXERCISE IN DYNAMICS,” *The Reporter*, December 2002-June 2003

MILITARY ACHIEVEMENTS

Colonel, United States Air Force (retired)

Awards and Decorations:

- Legion of Merit
- Meritorious Service Medal (4 olc)
- Air Force Commendation Medal (1 olc)
- Air Force Outstanding Unit Award (3 olc)
- Air Force Organizational Excellence Award
- National Defense Service Medal (1 olc)
- Global War on Terrorism Service Medal
- Korean Defense Service Medal
- Humanitarian Service Medal

REFERENCES PROVIDED ON REQUEST