Congress votes to repeal ‘Don’t Ask, Don’t Tell’ in final days of lame-duck session

By Jane A. Allen

In a surprise last-minute vote, both the House and Senate voted for a repeal of “Don’t Ask, Don’t Tell” (DADT) during the closing days of the 2010 lame-duck session. The repeal was signed into law by President Barack Obama on Dec. 22. The new law repeals the 17-year-old policy that prohibits homosexuals from serving openly in the U.S. military services. The military administratively discharged more than 13,389 soldiers and sailors as a result of this policy since 1994. In addition the military spent over $193,000 between 2004 and 2009 replacing discharged troops. Ed O’Keefe, Report: ‘Don’t ask, don’t tell’ cost military $193.3M over five years, The Washington Post, Jan. 20, 2011, at http://voices.washingtonpost.com/federal-eye/2011/01/dont_ask_dont_tell_cost_milita.html. Once fully implemented, the United States will join Britain, Israel, Canada and Australia in allowing gays and lesbians to openly serve their country without fear of discharge. In the meantime, service members are still subject to investigation and separation under DADT.

Passage of the repeal was due largely to a combination of three factors: 1) the efforts of Sen. Joe Lieberman, I-Conn., and Senate Majority Leader Harry Reid, D-Nev., to get a vote on the stand-alone bill before the close of the 2010 session; 2) the release of the Pentagon’s Report of Comprehensive Review of Issues Associated with a Repeal of DADT, which concluded that a repeal would have little impact on military effectiveness; and 3) the support of several moderate Republicans who crossed party lines to vote in favor of the bill. Sen. John McCain, R-Ariz., successfully filibustered and defeated an earlier version of the bill amending the National Defense Authorization Act of 2010. The Senate defeated the amendment on Dec. 9. In the end, McCain’s efforts failed when the Senate voted to repeal DADT 65-31. Sens. Susan Collins, R-Maine; Lisa Murkowski, R-Alaska; Mark Kirk, R-Ill.; Scott Brown, R-Mass.; Olympia Snowe, R-Maine; and

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Editor’s note: Each edition of Open Court contains a profile of a Gay and Lesbian Rights Committee member, providing some information on his/her area of practice, background, interests and why he/she decided to enter the field of law. Profiles are written by the member with help from the editor. This flagship edition’s profile is of current GLRC Chair Leo Dunn.

Profile: Leo Dunn

Leo Dunn, Gay Lesbian Rights Committee (GLRC) chair, practices in the area of estate planning and teaches GLBT Legal Issues at Widener Law School’s Harrisburg campus.

When our editor told me I needed to be the first profile, I thought, “How disappointing for our members. I’m rather boring. So grab a cup of coffee – you may need it!”

Executive summary: I’m 46, balding, short, slightly pudgy and wear bow ties. I enjoy gardening, reading, cooking and spending time with my partner of 16 years, Paul, and our friends. We enjoy spending time at home and in the Finger Lakes region of New York. Hoping to someday move out of town and have dogs and raise poultry.

Long version: I grew up in Potter County, Pa., 10 miles from the New York border, on my grandfather’s dairy farm. I helped milk and hunted, hiked, played and fought with my cousins, rode horses, raised chickens, ducks, geese, rabbits and dogs, and had a pet turkey named Ben. I also did pencil drawings and painted as well as played baseball, ran track, competed in 4H and edited my high school yearbook. I had a fairly uneventful but positive upbringing in a poor, rural family.

At 17, I left for Penn State and graduated five years later with three Bachelor of Science degrees: two in agriculture and one in business. I was active in student government and my fraternity, Alpha Zeta. I worked as a cook and manager in the restaurant industry for a year after college. Following this, I worked at the Pennsylvania Department of Agriculture (PDA) for 15 years. Over the years at PDA, I reviewed and revised many contracts, including contracts for leasing ground and research grants. I was responsible for reviewing easements, including the first $125 million in farmland preservation easement. I started several marketing programs and also drafted law and regulations. After 15 years, I was ready to leave for many reasons, including my work environment. It wasn’t a particularly positive setting for an openly gay employee.

With a bit of encouragement from two PDA attorneys and my partner, I applied to law school and was accepted. Of course, I could not afford to go full time, so it was good that Widener University School of Law has a Harrisburg campus that is only about five miles from our house. During my first year of law school, I was...
Five things I wish I had learned in law school

By Gregory Eck

During my second year of law school, I got a job at an immigration firm in Miami. I worked there until I graduated the following year. Just before I moved back to Pennsylvania, I thanked my boss, saying that my time with her firm was the “highlight of my legal education.” I was not exaggerating. Besides my legal research and writing class, for which the University of Miami has an excellent reputation, no other component of my three years of law school better prepared me for the actual practice of the law. I received an excellent intellectual foundation, to be sure, but it was on the job that I learned the practicalities of legal work. Fortunately, I benefited from good mentoring, patient supervising attorneys and knowledgeable paralegals who were glad to offer guidance.

My friends and colleagues repeatedly said the same thing: Law school does not prepare one for the actual practice of the law. Looking back over the months since I started practicing law, there are a number of things I wish I had learned during law school. Here are my top five:

1. **Client management**

I had experience interacting with demanding clientele in my profession before law school. However, a legal client has different needs and expectations, and we often meet clients at their worst. Clients pay us to advance their interests, and we lawyers must work with them no matter how challenging the client is to work with. It is very difficult to advocate vigorously for a client whom I dislike. Nevertheless, it is important to keep things professional and businesslike. A good mentor can help a new attorney work with difficult clients.

2. **Asking for help**

Sometimes people are reluctant to help new attorneys, and they are hostile to the legal questions of a new attorney. This creates a risk of looking foolish and incompetent as a new attorney. Develop contacts whom you trust and engage them to assist you. Be circumspect and selective in asking for help. Make sure you engage in due diligence before asking for help. Remember to show gratitude and respect for the mentor’s time and thoughtful response.

3. **The devil is in the details**

Rules of procedure vary widely in every state and county and even from judge to judge. Rules also change. Make sure to check online for any updates. Use your list of contacts to find out the particular rules governing filing deadlines, filing formats and other details of the practice. Sometimes opposing counsel may have information that is helpful and all you have to do is ask about his or her experience with the particular judge or court.

4. **Accountability**

I had a Post-it note above my desk for months which read, “Record everything.” It has been a steep learning curve to get used to keeping track of what I do, but it’s of vital importance. There is a high degree of accountability in our profession. Capturing time and documenting work is good for business. Our clients expect to hear about their cases, and judges are responsive to practitioners who are timely, succinct and organized. Maintain accurate and complete records of your work and communication.

5. **Find your center**

Life is full of challenges, and I need a set of core beliefs and practices that will help me deal with difficulties. The law is a particularly stressful and demanding profession, and more than ever, I need to dig deep and rely on my core beliefs to succeed. Because I had a career before becoming an attorney, I already had experience doing this. But law school does little in the way of spiritual formation or stress management. These are things you must learn along the way. It has been essential for me to find ways to stay rooted in my core beliefs and to cultivate balance.

These are the most important areas that I would suggest law schools focus on addressing so that new attorneys are not, as one lawyer I know once said, “walking malpractice suits.” I had the benefit of several years of professional experience prior to starting my legal career. But younger attorneys who are just starting a career have only their legal education to fall back on, and I think law schools, law graduates and, most importantly, our clients would benefit enormously from more practical training. If that isn’t possible, then finding a mentor, developing a resource list for questions, documenting your work and remembering your core beliefs as

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George Voinovich, R-Ohio, all voted with Democrats to support the repeal on the first procedural vote. Later that same day, Sens. John Ensign, R-Nev., and Richard Burr, R-N.C., joined the majority to repeal. President Obama enthusiastically supported the repeal, saying, “As commander in chief, I am also absolutely convinced that making this change will only underscore the professionalism of our troops as the best-led and best-trained fighting force the world has ever known.” The White House Blog, http://m.whitehouse.gov/blog/2010/12/18/president-dont-ask-dont-tell-repeal-act-2010-historic-step.

Implementation of the repeal on the armed services requires certification that the new rules and regulations will not affect military readiness. DADT will remain in effect until the president, the defense secretary and the chairman of the Joint Chiefs of Staff delivers the military readiness certification to the congressional Armed Services Committee. The final step in implementing the repeal is a mandatory 60-day waiting period following the delivery of the readiness certification. Defense Secretary Robert M. Gates is pressuring military leaders to modify current policies and regulations and conduct troop training as soon as possible. In his 2011 State of the Union address, President Obama called for repeal of DADT to be completed by the end of 2011. On Feb. 2, 2011, the military initiated a massive new training program to ensure continued military readiness following DADT’s repeal. There will still be no medical, travel, or on-base housing or other housing allowances for same-sex partners of gay and lesbian service members, because the Federal Defense of Marriage Act prohibits the military from recognizing the marriages of same-sex couples.

In the meantime, the Log Cabin Republicans continue to push for immediate repeal of DADT, arguing there is no rational basis for DADT. Judge Virginia A. Phillips agreed and issued an injunction in October 2010. The Ninth Circuit Court of Appeals granted a temporary stay pending additional arguments. Log Cabin Republicans v. United States of America, No.10-56634, cert. denied, 131 S. Ct. 589, 178 L. Ed. 2d 430 (2010). Repeal of DADT is a significant step in the ongoing battle to grant gays and lesbians equal protection under the law. ■

Jane A. Allen is a sole practitioner in Tunkhannock, Pa. Her practice is limited to Social Security disability and veterans’ claims. Allen served as the regional director for the Department of Community and Economic Development (DCED) under former Gov. Tom Ridge’s administration. She began her legal career as an officer in the United States Navy Judge Advocate General Corps as a federal torts claim attorney and as department head of the defense counsel division.

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you practice is the next best strategy to survival in the early years of a lawyer’s profession. ■

Gregory Eck is a 2009 graduate of the University of Miami School of Law in Coral Gables, Fla. Prior to joining Marcia Binder Ibrahim, Eck worked with noted immigration attorney and author Gloria Roa Bodin and studied under Ira Kurzban. As a certified legal intern at the Florida Immigrant Advocacy Center in Miami, he assisted unaccompanied minors. Before embarking on a legal career, Eck was a high school administrator at Georgetown Preparatory School in Rockville, Md. He also taught social studies, religious studies and English as a second language. Eck studied foreign service at Georgetown University and holds a master’s degree in philosophy from Fordham University, a master’s degree in education from Boston College and a Master of Divinity from the Jesuit School of Theology in Berkeley, Calif. He speaks both Spanish and German and has spent significant periods of time working, studying and travelling abroad.

Save the dates for upcoming 2011 PBA events

PBA Minority Bar Conference
March 17-18
Doubletree Hilton, Philadelphia

PBA Committee/Section Day
March 31
Holiday Inn East, Harrisburg

PBA Annual Meeting
May 4-6
Sheraton Philadelphia City Center Hotel, Philadelphia

PBA House of Delegates Meeting
May 6
Sheraton Philadelphia City Center Hotel, Philadelphia
Profile: Leo Dunn

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offered a position with the Pennsylvania Board of Probation and Parole as the assistant director for policy, legislative affairs and communications, a position I still hold.

I graduated cum laude from law school in 2007, passed the bar and opened my private practice. My practice focuses on estate planning and elder law, though I’ve also done a “Don’t Ask, Don’t Tell” case. I also present a “GLBT and Non-traditional Couple Issues” and a “Starting Seeds” continuing education class at Harrisburg Area Community College each year. In fall 2010, I taught my first law school class, “Gay Lesbian Transgender Bisexual Legal Issues,” at Widener University School of Law’s Harrisburg Campus.

I became active in the Pennsylvania Bar Association during law school in order to meet other attorneys and learn what was happening in the practice. In addition to the Gay and Lesbian Rights Committee, I am a member of several PBA committees: the Corrections System Committee, the Statutory Law Committee and the Government Lawyers Committee. I am also a member of several PBA sections: the Administrative Law Section, the Solo & Small Firm Practice Section and the Real Property, Probate and Trust Law Section.

My main interest is in helping GLBT couples protect their rights and their partners as they plan for establishing homes, having children, growing older and passing away. I am encouraged by the relatively rapid pace of GLBT rights advancement since I came out 20 years ago. I expect to see gay marriage as commonplace, hopefully within 10 years. Until then, we need to keep educating others that GLBT community members are no different than non-GLBT couples and individuals – we can be fun, boring, intelligent or just plain average.

As Gay and Lesbian Rights Committee Chair, I am focusing on developing a five-year plan for the committee that includes outreach to the other committees in order to assure that all areas consider and incorporate GLBT nuances in their Continuing Legal Education courses and so that our committee is ready to respond in the event of threats or opportunities for the community.

Really quite boring.