

**Berkeley Law**  
**Berkeley Law Scholarship Repository**

---

Faculty Scholarship

---

8-1-2016

Hon. Solomon Oliver Jr.

Angela Onwuachi-Willig  
*Berkeley Law*

Follow this and additional works at: <http://scholarship.law.berkeley.edu/facpubs>



Part of the [Law Commons](#)

---

**Recommended Citation**

63 Fed. Law. 40 (2016)

This Article is brought to you for free and open access by Berkeley Law Scholarship Repository. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Berkeley Law Scholarship Repository. For more information, please contact [jcera@law.berkeley.edu](mailto:jcera@law.berkeley.edu).



# Hon. Solomon Oliver Jr.

## Chief Judge, U.S. District Court for the Northern District of Ohio

by Angela Onwuachi-Willig



*Angela Onwuachi-Willig is the Charles and Marion Kierscht Professor of Law at the University of Iowa. She clerked for Chief Judge Oliver from 1997 to 1999 and is author of the book, *According to Our Hearts: Rhinelander v. Rhinelander and the Law of the Multiracial Family* (Yale University Press 2013). The author thanks Hope Lu, current law clerk to Chief Judge Oliver, and Jennifer Cupar, former law clerk to Chief Judge Oliver, for their assistance. © 2016 Angela Onwuachi-Willig. All rights reserved.*

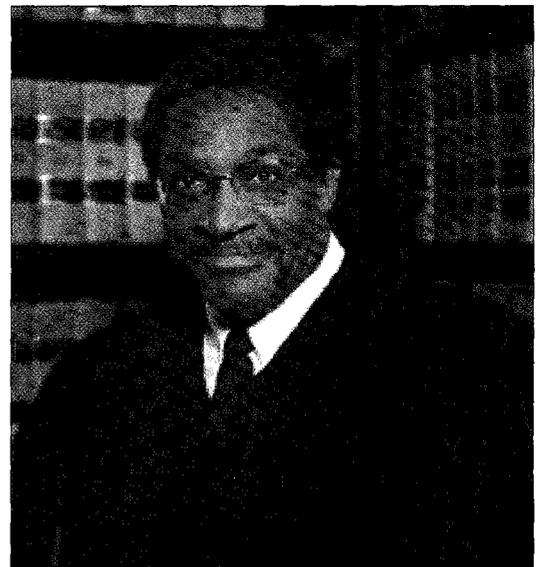
**A**sk any individual what word comes to mind upon hearing the name Solomon, and he or she is certain to declare “wisdom.” Inquire of any persons—lawyers and non-lawyers alike—what word comes to mind upon hearing the name Solomon Oliver Jr., and one is also certain to hear the term “wisdom,” plus a whole other set of adjectives and nouns that describe the current chief judge of the U.S. District Court for the Northern District of Ohio in exceptionally glowing terms. A small sampling of these praising and admiring descriptors include words such as “impartial,” “fair,” “respectful,” “highly intelligent,” “good-hearted,” “hard-working,” “guardian of the Constitution,” “excellent role model,” “the consummate mentor,” “a trailblazer,” “a thoughtful but no-nonsense judge,” and “an inspirational figure.”

That Chief Judge Oliver is so highly regarded and revered by those who encounter him is no surprise at all. His life story is remarkable, revealing a man who defied all odds to become a highly skilled attorney; an excellent scholar, teacher, and administrator; a fair, impartial, and widely respected judge; and, as important, a wonderful husband, father, and citizen of the world.

### **On Realizing Dreams and Becoming a Lawyer**

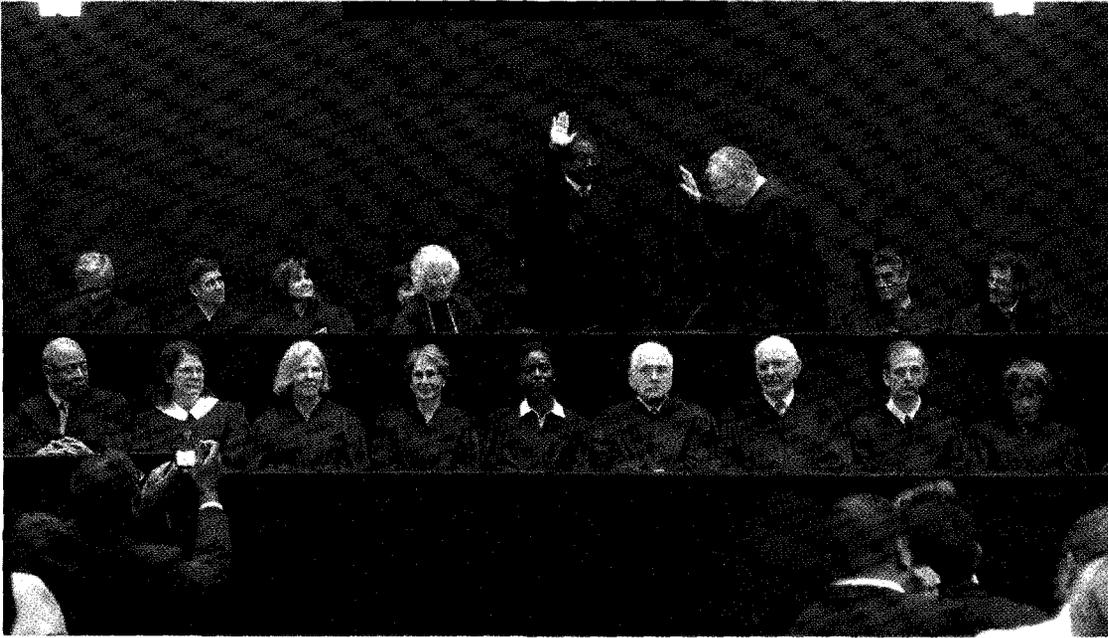
Born in the racially segregated town of Bessemer, Ala., in 1947, Chief Judge Oliver spent his childhood years in an era and region in which African-Americans had their lives routinely devalued and their dreams regularly trampled upon and in which his future as a federal district court judge seemed unimaginable. In fact, Chief Judge Oliver vividly recalled how one of his uncles often spoke about his own quashed dream of becoming an attorney, a dream that had been dashed purely due to racism. Chief Judge Oliver explained, “One of my uncles on my mother’s side wanted to be a lawyer. He talked about that desire but [as an African-American man in the South during his time] he didn’t have the opportunity to fulfill that dream.”<sup>1</sup>

The son of a steelworker-turned-minister father and a homemaker mother, both of whom taught him to



always believe in himself, a young Oliver pushed back against the forces that had placed severe limitations on the dreams of his ancestors. He excelled at the racially segregated public schools that he attended in Bessemer. During his childhood, a number of landmark decisions and statutes began to signal the potential for future changes that could slowly chip away at the discrimination that had long plagued the lives of African-Americans. For instance, seven years after Chief Judge Oliver was born, the U.S. Supreme Court issued its decision in *Brown v. Board of Education*, declaring that state-mandated segregation in public schools violated the Equal Protection Clause of the Constitution—a decision that did not directly have an impact on Oliver’s primary and secondary education but that shaped the education of students in later generations. In 1963, the same year that a life-altering event in the teenage Oliver’s life occurred, President John F. Kennedy introduced into Congress comprehensive legislation that would eventually be passed as the Civil Rights Act of 1964.

Oliver’s own motivations to become a lawyer grew out of his personal observations of the law’s demonstrated power, or rather the enormous influence that lawyers could have on society. One such observation



On June 25, 2010, U.S. District Judge David Dowd swore in his colleague and fellow College of Wooster alumnus, Solomon Oliver Jr., as the 11th chief judge of the U.S. District Court for the Northern District of Ohio at the Carl B. Stokes U.S. Courthouse in Cleveland. Chief Judge Oliver is only the second African-American to serve in this role. The late U.S. District Judge George W. White was the first.

occurred when Oliver, then 16, was traveling by car to a church convention in 1963. That day, Oliver and his two adult traveling companions—deacons at his church—stopped at a gas station where he was physically attacked by a white gas station attendant for using the only bathroom at the business. The attendant accused Oliver of being part of Attorney General Robert Kennedy's conspiracy to integrate the South. Fortunately, the teenage Oliver was not seriously harmed, but the terrifying incident has remained imprinted in his mind, serving as a reminder of the dangerous reactions that individuals may have to legal and social changes. More so, the incident deeply influenced the young Oliver's career plans, setting the teenager on a path to achieving what legal restrictions had prevented his uncle from accomplishing due to race—becoming an attorney. "My thinking at that time was if Robert Kennedy, the attorney general of the United States, could strike that much fear or emotion in that attendant, then being a lawyer like him would be a desirable profession for me,"<sup>2</sup> Chief Judge Oliver said.

As a high school student, Oliver shined. He then began his college education at an important historically black college, Miles College, before earning admission to and enrolling at one of the nation's best liberal arts colleges, The College of Wooster, in Ohio. At The College of Wooster, he met his wife Louisa, with whom he would eventually have two sons. Oliver also confirmed his love of law and government. After graduating from The College of Wooster in 1969, he earned his juris doctor from New York University (NYU) School of Law in 1972.

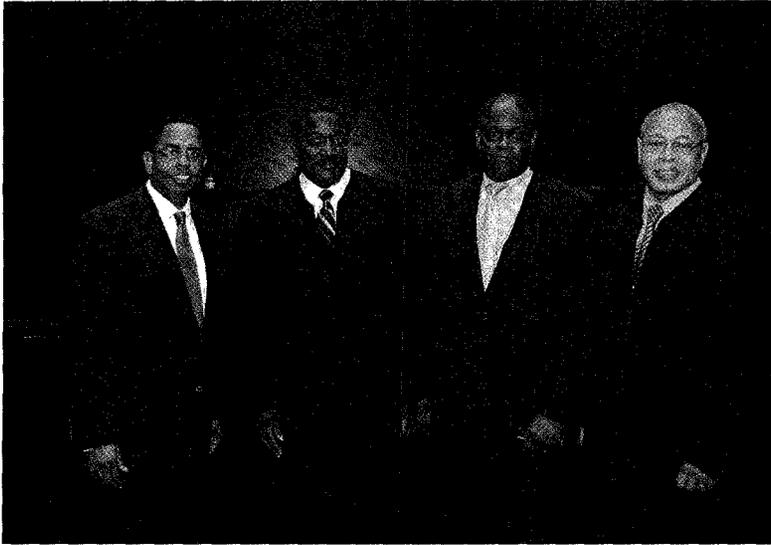
Following law school, he earned a master's in political science from Case Western Reserve University and returned to his alma mater, The College of Wooster, as a political science professor for three years. In 1975, Oli-

ver received the chance of a lifetime and began clerking for Hon. William H. Hastie, U.S. circuit judge for the Third Circuit Court of Appeals. Judge Hastie was not only one of the attorneys who had helped to formulate the strategy that led to *Brown v. Board of Education*, but he was also the first African-American Article III judge. Chief Judge Oliver's experiences as a law clerk for Judge Hastie had a lasting impact on his career as well as his outlook on the respect that lawyers, clients, and courthouse workers must be granted within the judicial system.

Following his clerkship, Oliver then worked as an assistant U.S. attorney in Cleveland. Eventually, he became the chief of the civil section in the Cleveland office and then the founding chief of the appellate litigation section. Just prior to his appointment as a federal judge, he served as a tenured faculty member at Cleveland-Marshall College of Law at Cleveland State University and then as associate dean of the faculty and administration.

### **Breaking Barriers, Forging a New Path, and Exemplifying What it Means to be Fair and Impartial**

On May 9, 1994, President Bill Clinton appointed then-Associate Dean Oliver to the position of U.S. district court judge for the Northern District of Ohio. As a federal judge, he has earned a reputation for treating all those who appear before him with the utmost dignity, respect, and fairness. Chief Judge Oliver's insistence on respectful treatment for all individuals in his courtroom and chambers reflects his deep commitment to upholding the ideals of professionalism for lawyers. His insistence upon respect and fair treatment for all can also be traced to the lessons he learned from his parents,



After his swearing-in ceremony, Chief Judge Oliver stands with (left to right) his former law clerk Chaka Patterson, now a partner at Jones Day in Chicago; his brother Paul Oliver, a Harvard Law School graduate and principal at Wimberly, Lawson, Steckel, Schneider, and Stine; and United States Magistrate Judge Kenneth McHargh, also a classmate from The College of Wooster.

Rev. Solomon Oliver and Willie Lee—two humble and hard-working African-American citizens who raised 10 children, all of whom went to college and many of whom obtained graduate degrees. As Chief Judge Oliver

**The races, personalities, quirks, and careers of Chief Judge Oliver's clerks run the full range of possibilities. As the Chief Judge proclaims, "They have been a diverse lot—African-American, white American, Asian-American, vegetarian, Christian, and Jew, from Cleveland State, Case, Ohio State, Harvard, Columbia, Georgetown, Duke, and Michigan."**

remarked in a speech to students at the New England School of Law, "Growing up in the racist South of my day, my brothers and sisters and I could have learned lessons of hate, meanness, revenge, and inferiority. Instead, our parents taught us lessons of hope, love, self-esteem, fairness, and equality."<sup>3</sup> On another occasion and for a different audience, Chief Judge Oliver expressed similar sentiments as he spoke about the gas station attendant whose attack later inspired him to become a lawyer. The Chief Judge explained, "The question is, 'What is your response?' Do you grow to hate your oppressors? Or grow to hate yourself? For me, the answer was 'neither.' My parents taught me that people like [the gas

station attendant] aren't monsters, or less than human beings, but simply people who are misguided. And this lesson I've carried with me for life. When I look at the people I have to sentence, it is my responsibility not to condemn them as human beings."<sup>4</sup>

Chief Judge Oliver has also played a vital role in developing rules and policies for the courts and the profession. For example, he was one of two representatives from the Sixth Circuit on the Judicial Conference of

the United States. He serves on the Advisory Committee on Civil Rules and the Advisory Committee on Evidence Rules for the Judicial Conference of the United States. Additionally, Chief Judge Oliver co-chaired the American Bar Association's (ABA) Minority Trial Lawyer Committee for the Litigation Section and served as a member of its Jury Initiatives Task Force.

As a jurist, Chief Judge Oliver has presided over a number of high profile matters, including the Cleveland voucher case, *Simmons-Harris v. Zelman*, in 1999. Currently, Chief Judge Oliver is presiding over the consent decree between the city of Cleveland and the U.S. Department of Justice to create reform and changes within the Cleveland Division of Police. Lawyers in Cleveland have widely praised the chief judge as well-equipped to oversee this significant decree. One attorney, Avery Friedman, declared, "In terms of overseeing [the decree], I don't know that you could have a better district judge."<sup>5</sup> Geoffrey Mearns, president of Northern Kentucky University, former provost of Cleveland State University, and former dean of Cleveland-Marshall College of Law, also offered praise for Chief Judge Oliver, asserting: "He carries himself with a great deal of humility both on and off the bench.... He's a very deliberative judge. He's also very thorough.... He listens very carefully to the presentations by all of the lawyers."<sup>6</sup>

Chief Judge Oliver has also exhibited a commitment to public and community service that is as strong as his commitment to the law, fairness, and equality. During his legal career, he has served on the executive committee of the Cleveland Chapter of the NAACP and as a trustee of the Cuyahoga Plan, to name just a few contributions. He currently serves on the Board of Trustees for The College of Wooster.

For his hard work and contributions as a practicing attorney, professor, administrator, judge, and citizen, Chief Judge Oliver has received numerous honors. As a faculty member, he was selected to be a visiting scholar for the National Endowment for the Humanities Seminar for Law Professors at Stanford University as well as a visiting professor at Comenius University in Bratislava, Slovakia, and Charles University in Prague. As a jurist, he received the honor of being chosen to travel to Arusha, Tanzania, to address a conference of East African judges. He also has served as distinguished jurist-in-residence at both the University of Cincinnati College of Law and Touro College of Law. Other awards include the Department of Justice Special Achievement Award, the Distinguished Alumni Award from The College of Wooster, and the NYU School of Law Distinguished Service Recognition and Scholarship Award from the Black, Latino, Asian Pacific American Alumni Association. Finally, Chief Judge Oliver is a member of the American Law Institute and the American Bar Foundation, and he has received honorary doctor of laws degrees from the University of Akron and New England School of Law.

## Strengthening Family and Nurturing the Pipeline

As Chief Judge Oliver stated during his swearing-in ceremony as the 11th chief judge of the U.S. District Court for the Northern District of Ohio (and only the second African-American to serve in this role), “no one can do well without some help along the way.”<sup>7</sup> As numerous speeches reveal, the chief judge is always the first to note how the support of his family—particularly that of his parents; siblings; his wife of 45 years, Louisa S. Oliver; and his two sons, Solomon Michael and Jonathan Douglass Oliver—have enabled him to achieve the successes in his life.

Just as Judge William Hastie assisted and mentored a young Oliver early in his career, Chief Judge Oliver has consistently engaged in efforts to assist budding attorneys and promising students, particularly those of color, in their careers. Judge Oliver took to heart an inscription that Judge Hastie wrote to him on the front page of a book Judge Hastie gave to Judge Oliver during his clerkship, Richard Kluger’s *Simple Justice*, “For Solomon Oliver[,] May he and his generation, and those they teach, build well on the foundation, the laying of which is the subject of this remarkably good account.” Referring to this inscription, Chief Judge Oliver once said:

[Judge Hastie] knew that much remained to be done in regard to civil rights.... I think he was banking on [my generation] to carry the torch forward.... My clerkship with him served as the predicate for everything that I may have achieved during my legal career. As a judge on the district court for almost 20 years, I have sought to carry that torch forward in judicial decisions I have made and in the choices I have made in the hiring of law clerks, a substantial number of whom are African-American.<sup>8</sup>

Like Judge Hastie, Chief Judge Oliver’s legacy—and in so many ways, his extended family—consists of a diverse group of former and current law clerks and externs as well as a diverse staff. All of these individuals have benefitted greatly from the judge’s wisdom, kindness, and fine example. Bettye Rhinehart, Chief Judge Oliver’s judicial assistant for more than 20 years, states, “I have seen the judge nurture, mentor, and make a family of nearly 30 law clerks, approximately 100 externs, and so many other individuals who have come to him for advice and counsel.”<sup>9</sup>

The races, personalities, quirks, and careers of Chief Judge Oliver’s clerks run the full range of possibilities. As the Chief Judge proclaims, “They have been a diverse lot—African-American, white American, Asian-American, vegetarian, Christian, and Jew, from Cleveland State, Case, Ohio State, Harvard, Columbia, Georgetown, Duke, and Michigan.”<sup>10</sup> Chief Judge Oliver, who has frequently spoken about the need to increase the number of racial minority attorneys and increase the representation of such attorneys across all seg-

ments of the legal profession, is proud of the diversity, particularly the racial diversity, of his law clerks.

Today, his clerks work as assistant U.S. attorneys, tenured law professors, associates and partners in law firms, Department of Justice attorneys, Internal Revenue Service attorneys, entrepreneurs, and civil rights attorneys.

Chief Judge Oliver’s deliberate and thoughtful mentoring, role modeling, and teaching of law clerks and staff have not been lost on them, as they all offer him praise in this regard. Each one of them has noted that their lives and careers would not be the same without the Chief Judge’s guidance and mentorship. For example, former law clerk, former assistant U.S. attorney, and now criminal defense partner Tanya Miller explained how chief judge Oliver’s purposeful efforts in providing clerkship jobs for budding minority attorneys opened up innumerable opportunities for her. She reflected:

The fact that I was an African-American female made my chances of obtaining the fiercely coveted position of a federal judicial clerkship a near statistical impossibility. Yet, with the odds ever against me, Judge Oliver changed the course of my professional life with one stroke of the pen. He hired me, and in so doing gave me admission to one of the most elite and respected categories of lawyers in our profession. The gift that Judge Oliver gave to me served to open many doors and has presented me with professional opportunities beyond my wildest dreams.

If that were not enough, he also taught me a lesson or two during my time as his law clerk.... I learned that outside the courtroom good lawyers are generous with their time and talents and endeavor to provide a service to their communities.... Judge Oliver taught me to understand and honor my place in history, not by lecturing me about it, but by modeling it every day. He is the ultimate mentor, a living, breathing example of what it means to excel in the law and a tribute to those great lawyers in history who were his predecessors, including Charles Hamilton Houston, Thurgood Marshall, and his beloved William H. Hastie.<sup>11</sup>

Similarly, former law clerk Von DuBose, previously a partner at Bondurant Mixson & Elmore LLP in Atlanta and now founding partner at DuBose Miller, LLC, remarked:

Judge Oliver’s titles are many and varied—jurist, lawyer, father, husband, mentor, professor, public servant. Of the folks who have influenced my life, Judge Oliver has been the standard-bearer for all of these things. It is rare that one encounters a single person with all of the traits so critical to a meaningful professional and personal life....

My personal witness to his integrity, character, humility, determination, and perseverance served as a solid foundation for my approach to the practice of law. To this day, I draw on the wisdom gained during my clerkship. Without question, my time with “Judge” has been the single most influential experience in my legal career.<sup>12</sup>

Other former clerks have focused on the lessons that the chief judge taught them about how to live balanced and meaningful personal lives. As Utah State University professor Shannon Browne explained, “The judge modeled for me how to live a life of quiet dignity, the importance of generosity of time and effort, and the value of public service.”<sup>13</sup>

Just as Chief Judge Oliver followed the footsteps of his mentor, Judge Hastie, in mentoring the next generation of lawyers, so too have the chief judge’s former clerks. For instance, one of his early clerks, Chaka Patterson, now a law partner at Jones Day in Chicago, stated:

Judge Oliver left the academy for the bench, but he has never stopped teaching, and he has never stopped inspiring. He inspired me by teaching me to work hard, strive for excellence in everything I do, and pursue my goals confidently,

yet humbly. The lessons in Judge Oliver’s chambers have served me well throughout my professional career. And I am now at a place in my career, where I have the opportunity to pass along those lessons to the next generation of lawyers.<sup>14</sup>

Finally, the individuals Chief Judge Oliver has educated and influenced are not limited to his judicial law clerks and externs. He has also taught and mentored countless former students at The College of Wooster, Case Western Reserve University School of Law, and Cleveland-Marshall College of Law during his more than 20 years as an educator before his appointment to the bench. Many of his students are distinguished members of the bench and bar. One now serves with him as a federal judge for the Northern District of Ohio, U.S. District Judge Benita Pearson.

Today, Chief Judge Oliver remains committed to ensuring continued pathways for students of all races, sexes, sexual orientations, abilities, and socioeconomic classes through his professional and volunteer work with the ABA. He has performed this role in part by serving as a member of the Council of the ABA Section of Legal Education and Admissions to the Bar for nearly a decade and, later, he took on the immense responsibility of serving

as chairperson of the Council. He is also on the Evidence Drafting Committee for the Multi-State Bar Examination.

On top of that, Chief Judge Oliver has made a point of taking every possible opportunity to offer uplifting words to students, budding attorneys, and even seasoned attorneys when he can, reminding them that they have “a special responsibility for the quality of justice”<sup>15</sup> and telling them not to assume that any position is out of their reach. If nothing more, the chief judge’s life—and his mountain of accomplishments—are a strong testament to those words. ☺

## Endnotes

<sup>1</sup>Marqueta Tyson, *Up Close and Personal with Judge Oliver*, FED. BAR ASS’N—N. DIST. OHIO, Summer 2001, at 4.

<sup>2</sup>*Id.*

<sup>3</sup>Judge Solomon Oliver Jr., Address at New England School of Law Minority Students/Alumni Banquet 5 (Oct. 30, 2009).

<sup>4</sup>*Solomon Oliver Jr. ’69*, WOOSTER, Winter 2010, at 13.

<sup>5</sup>Robert Higgs, *Judge Oliver Jr. Described as Ideal Judge to Oversee Cleveland Consent Decree*, CLEVELAND.COM (May 28, 2015), available at [http://www.cleveland.com/metro/index.ssf/2015/05/judge\\_solomon\\_oliver\\_who\\_will.html](http://www.cleveland.com/metro/index.ssf/2015/05/judge_solomon_oliver_who_will.html).

<sup>6</sup>*Id.*

<sup>7</sup>Chief Judge Solomon Oliver Jr., Remarks at Swearing-In Ceremony Upon Becoming the 11th Chief Judge of the U.S. District Court for the Northern District of Ohio (June 25, 2010).

<sup>8</sup>Email from Chief Judge Solomon Oliver Jr., U.S. Dist. Court for the N. Dist. of Ohio, to Chief Judge Theodore McKee, U.S. Circuit Court for the 3d Circuit Court of Appeals (Apr. 15, 2015, 12:17 PM EST) (on file with author).

<sup>9</sup>Bettye Rhinehart, Remarks from 20th Anniversary Celebration of Chief Judge Solomon Oliver Jr.’s Appointment and Reunion of Law Clerks (June 14, 2014) (on file with author).

<sup>10</sup>*Supra* note 7 at 3.

<sup>11</sup>Tanya Miller, Remarks from 20th Anniversary Celebration of Chief Judge Solomon Oliver Jr.’s Appointment and Reunion of Law Clerks (June 14, 2014) (on file with author).

<sup>12</sup>Von DuBose, Remarks from 20th Anniversary Celebration of Chief Judge Solomon Oliver Jr.’s Appointment and Reunion of Law Clerks (June 14, 2014) (on file with author).

<sup>13</sup>Shannon Browne, Remarks from 20th Anniversary Celebration of Chief Judge Solomon Oliver Jr.’s Appointment and Reunion of Law Clerks (June 14, 2014) (on file with author).

<sup>14</sup>Chaka Patterson, Remarks from 20th Anniversary Celebration of Chief Judge Solomon Oliver Jr.’s Appointment and Reunion of Law Clerks (June 14, 2014) (on file with author).

<sup>15</sup>Chief Judge Solomon Oliver Jr., “Much More Than a Hired Gun,” Commencement Address at the University of Akron College of Law 8 (May 13, 2012).

**On top of that, Chief Judge Oliver has made a point of taking every possible opportunity to offer uplifting words to students, budding attorneys, and even seasoned attorneys when he can, reminding them that they have “a special responsibility for the quality of justice.”**

rights and explaining why the employer must honor them. Writing letters at the front end of a deployment or significant term of federal military service reduces the potential for issues to arise at the end of the deployment. However, if a merger or buyout is expected, then several entities need written notice.<sup>26</sup>

The first letter should be sent to the client's immediate supervisor. However, in the context of a merger or buyout, there is very real possibility that a supervisor could be transferred or laid off. Therefore, letters need to be sent to higher levels of the company. For medium-sized companies, it is prudent to send a letter to a regional manager or vice president. If a general counsel's office exists, send one to them along with a follow-up phone call. Finally, VETS should receive a letter—but it should not assert a claim, as one has not arisen. Rather, it is more of a "situational awareness" letter.

But sending a letter is not enough. Your client needs peace of mind. In fact, the whole policy behind military legal assistance programs is to prevent legal issues from distracting servicemembers from their missions. Explain to the company's representative that your client is serving her country and does not need to be thinking about whether her job will be there when she gets back. It sounds cliché, but legal assistance attorneys should never downplay the realities of any mission, regardless of whether that mission is fought from a desk (like mine) or on patrol (like my clients).

If the issue arises on the backend of federal military service, the attorney should assist the client in filing a claim with VETS. This will give the attorney some leverage against the employer. Further, most legal assistance attorneys cannot represent the client in a civilian court, so any leverage is gold in context of legal assistance. Simultaneously, the attorney should contact the employer with both a letter emailed to the employer and a phone call. Generally speaking, many supervisors and business executives are simply not aware of USERRA's protections. This is especially the case with smaller businesses. It is always acceptable to appeal to the employer's patriotism. In today's world of "I support the troops," rarely do you find an employer that wants to be pegged as unfriendly to servicemembers. Moreover, many of these types of issues are basic misunderstandings between the employer and employee. Therefore, the combination of the claim, explanation of USERRA, and clarification of any misunderstandings may resolve the issue. If the issue is not resolved, then VETS may take the claim. Referral to other pro bono assistance organizations, such as the ABA Military Pro Bono program, may also be necessary.<sup>27</sup>

## Conclusion

The current military conflicts are likely to continue to require substantial support from the National Guard and Reserve components. Their members not only provide the backfill for the combined forces, but also serve in forward deployed combat areas. The stresses of combat and being away from home are matters that legal assistance attorneys cannot help. However, resolution of legal issues can provide the member with at least some relief, thereby allowing them to complete their mission and come home. The "successor in interest" is but one of many issues that only pertain to reservists and guard members on federal orders. Legal assistance attorneys need to have broad understanding of the protections under USERRA, as well as the state protections provided to guard members. Legal assistance is

part of the mission and for JAGs, it should be considered among the most important job they do.

## Endnotes

<sup>1</sup>38 U.S.C. §§ 4301-4335.

<sup>2</sup>*Coffman v. Chugach Support Servs.*, 411 F.3d 1231 (11th Cir. 2005).

<sup>3</sup>See 38 U.S.C. § 4301-4335, generally; see also "Know Your Rights," *About USERRA*, U.S. DEP'T OF LABOR, [www.dol.gov/vets/programs/userrra/aboutuserrra.htm#yourrights](http://www.dol.gov/vets/programs/userrra/aboutuserrra.htm#yourrights) (last visited on July 27, 2016).

<sup>4</sup>20 C.F.R. § 1002.15 (2016). If the servicemember's period of service is less than 31 days, then he or she must report to work no later than the next full regularly scheduled work period. *Id.* § 1002.15(a). For a period of service between 30 and 180 days, the servicemember must submit an application for reemployment not later than 14 days. *Id.* § 1002.15(b). For a period of service more than 180 days, the servicemember must submit an application for reemployment not later than 90 days.

<sup>5</sup>38 U.S.C. § 4313.

<sup>6</sup>For the exceptions, see 38 U.S.C. 4312(c).

<sup>7</sup>"Know Your Rights," *supra* n.3.

<sup>8</sup>38 U.S.C. § 4311.

<sup>9</sup>38 U.S.C. § 4317.

<sup>10</sup>38 U.S.C. §§ 4322-23; see also "Know Your Rights," *supra* n.3.

<sup>11</sup>38 U.S.C. § 4311(c); see also *Croft v. Vill of Newark*, 35 F. Supp. 3d 359, 366-67 (2d Cir. 2014); *Valezquez-Garcia v. Horizon Lines of P.R. Inc.*, 473 F.3d 11, 17 (1st Cir 2007).

<sup>12</sup>*Id.*

<sup>13</sup>38 U.S.C. § 4303(4)(A).

<sup>14</sup>*Id.*

<sup>15</sup>Veterans Benefits Act of 2010; Veterans Small Business Verification Act; Corey Shea Act, 111 P.L. 275, 124 Stat. 2864, 2888, 111 P.L. 275, 2010 Enacted H.R. 3219, 111 Enacted H.R. 3219. See also *Coffman*, *supra* n.2.

<sup>16</sup>*Leib v. Georgia-Pacific Corp.*, 925 F.2d 240 (8th Cir. 1991).

<sup>17</sup>H.R. Rep. No. 103-65, reprinted in 1994 U.S.C.C.A.N. 2449 at 2454. For an exhaustive history of how courts have viewed "successor in interest" in the veterans and military context since 1948, see *Hamovitz v. Santa Barbara Applied Research Inc.*, 2010 WL 1337713 (W.D. Penn. 2010) (unpublished).

<sup>18</sup>*Leib*, 925 F.2d at 245.

<sup>19</sup>411 F.3d 1231, 1237 (11th Cir. 2005).

<sup>20</sup>20 C.F.R. § 1002.35 (2016).

<sup>21</sup>*Id.*

<sup>22</sup>*Supra* n.15.

<sup>23</sup>38 U.S.C. § 4303(4)(D).

<sup>24</sup>*United States v. Nevada*, 817 F. Supp. 2d 1230, 1243 (D. Nev. 2011).

<sup>25</sup>*Murphee v. Communications Tech., Inc.*, 460 F. Supp. 2d 702 (C.D. La. 2006).

<sup>26</sup>Although the statute allows for verbal notice, verbal notice is rarely sufficient for much of anything. A good legal assistance attorney understands the benefit of leaving a paper trail.

<sup>27</sup>MILITARY PRO BONO PROJECT, [www.militaryprobono.org](http://www.militaryprobono.org) (last visited on July 27, 2016).