JAG/CNLSC INSTRUCTION 12271.1A

From: Judge Advocate General of the Navy
Commander, Naval Legal Service Command

Subj: CIVILIAN ATTORNEY SELECTION PROCEDURES

Ref: (a) DOD Instruction 1442.02 of 30 Sep 2010
(b) SECNAVINST 5430.27E
(c) GC Memo to JAG of 3 Feb 2011
(d) JAG Memo to DJAG of 26 Nov 2018
(e) SECNAVINST 5510.30C
(f) OPNAVINST 5215.17A
(g) SECNAV-M 5210.1

Encl: (1) Civilian Attorney Resume Assessment Matrix
(2) Civilian Attorney Interview Assessment Matrix
(3) Civilian Attorney Interview Computation Sheet
(4) Sample Email to Applicant Regarding Security Concerns
(5) Sample Appointment Request Package

1. Purpose. To establish standard procedures for evaluating and recommending appointment of civilian attorneys. This instruction is a complete revision and should be reviewed in its entirety. Reference (a) establishes Department of Defense (DoD) policy and provides procedures for civilian attorney personnel actions involving civilian employee attorneys and applicants for civilian attorney positions. Reference (b) defines the responsibility of the Judge Advocate General of the Navy (JAG) to provide and supervise legal services. Reference (c) delegates qualifying authority to the JAG to evaluate the qualifications of persons recommended for appointment, transfer, reassignment, or promotions as civilian attorneys serving under the cognizance of the JAG, and to approve or disapprove such actions. Reference (d) further delegates this authority to the Deputy Judge Advocate General of the Navy (DJAG)/Commander, Naval Legal Service Command (CNLSC) for attorneys within both Naval Legal Service Command (NLSC) and the Disability Evaluation System Counsel Program.

2. Cancellation. JAG/CNLSCINST 12271.1.

3. Background. The time required to select and in-process highly-qualified civilian attorneys for employment can substantially affect mission accomplishment in the Navy legal community. The intent of this instruction is to standardize and streamline the process by which management officials recommend applicants for civilian attorney positions.
4. **Applicability.** This instruction applies to all civilian attorney personnel appointment actions requiring JAG or DJAG/CNLSC approval.

5. **Definitions**

   a. **Recommending Official (RO).** The RO is the management official responsible by position or specific assignment to evaluate and make a selection recommendation for a civilian attorney position. Normally, the RO will be the pertinent Deputy Assistant Judge Advocate General/Division Director in the case of Office of the Judge Advocate General (OJAG) positions or the Commanding Officer of a NLSC subordinate command in the case of NLSC positions. In some cases, however, the RO may be the pertinent Chief of Staff (COS) or Assistant Judge Advocate General (AJAG). The RO is responsible for identifying the core competencies for the position, as defined in this instruction, assembling the Selection Committee, overseeing the evaluation and selection process, and preparing and forwarding an appointment package to the JAG, DJAG, or CNLSC, as appropriate, via the cognizant AJAG (or COS, when applicable) and the AJAG for Operations and Management (AJAG 06).

   b. **Selection Committee.** The Selection Committee (Committee) is the group appointed by the RO to evaluate applicants for a civilian attorney position. The RO chairs the Committee and selects at least two other members (either military or civilian) to serve on the Committee. Committee members must be of equal or higher grade or rank to the position. Committee members should be selected based upon their experience and familiarity with the duties and responsibilities of the advertised position. Committee members should not include individuals who have worked for or are related to any applicant, or who, because of a prior relationship with any applicant, would create an appearance of partiality if they participated in the work of the Committee. The same Committee members should evaluate all applicants.

   c. **Core Competencies.** Core competencies are those skills identified by the RO as the most critical to the successful performance of the duties of the position. These competencies may be determined by reference to the position description, performance standards, classification standards, and other relevant sources. The number of competencies may vary depending on position requirements, but in no case may be fewer than three. These competencies will be used to evaluate applicant resumes and writing samples (if applicable) and to conduct interviews.

6. **Resume Evaluation Process.** Applicants will be evaluated using the following procedures in order to recommend the most qualified applicant for appointment to the position.

   a. The Committee and RO will consider veterans' preference eligibility as specified in enclosure (3), paragraph 2.f. of reference (a).

   b. Each applicant must meet the minimum requirements found in enclosure (3) of reference (a) and the job announcement. Any applicant whose resume does not meet these minimum requirements shall be eliminated from further consideration.

   c. Applicants will be evaluated using the core competencies. Pursuant to reference (e), the Committee will measure employment qualification based on the applicant’s experience,
education, knowledge, skills, and abilities. Employment qualification determinations should be based on the information provided by the job applicant.

d. If the number of applicants precludes thorough resume evaluation, at the discretion of the RO, the Committee may prescreen applicant resumes using one or more core competencies as eligibility criteria. For example, a prescreening may require a minimum of two years’ experience in a specific area. Selection of prescreening criteria shall be consistent with the requirements articulated in the job announcement, accounting for appropriate weighting of specific criteria that are deemed more essential or desirable. Normally, prescreening will only be used when the number of eligible applicants exceeds 15. If prescreening criteria are utilized, the RO’s appointment request memorandum (see paragraph 9 below) shall include justification for the use of such criteria.

e. The Committee members will individually rate applicants on each core competency on a scale of 1-5, with 5 being the most proficient and 1 being the least proficient, using a Resume Assessment Matrix (enclosure (1)). The Committee will deliberate based on the following factors:

(1) Core competencies;

(2) Skills, background, knowledge, and relevant experience of each applicant; and

(3) Other factors the Committee determines would significantly contribute to an applicant’s ability to successfully perform the duties of the position, such as academic credentials, legal or non-legal professional experience, quality of references or writing samples, and similar factors. Such factors shall be noted in the “Other” column of the Resume Assessment Matrix.

f. Any factor noted in the “Other” column may be awarded one point and will contribute to the applicant’s overall score. Specific notations regarding the rationale for awarding additional points are required and must be consistent with criteria outlined in the job announcement.

g. Once all applications have been reviewed and rated, the Committee will select the top scoring applicants to interview. Normally, at least three applicants should be interviewed for any position, but the number may be higher or lower depending on the number of qualified applicants. If fewer than three applicants are interviewed for a position, the RO’s appointment request memorandum must specify the reason.

7. Interview Process. Applicants selected for interview shall be evaluated without regard to their scores in the application evaluation process using the following procedure:

a. The interview shall normally be conducted by the entire Committee. In unusual circumstances, an interview may be conducted without the full Committee, but never without the RO. Interviews may be in-person, telephonic, or via online communication or collaboration applications, but all applicants shall be offered the same venue or forum of interview. Prior to the first interview, the Committee shall meet and agree upon the number and wording of structured interview questions. The scope and breadth of questions should focus on the core
competencies and duties and responsibilities of the position. If agreement cannot be reached, the RO will make a final determination regarding the number and wording of structured interview questions to be used during the interview process.

b. The Committee shall ensure all applicants are assessed utilizing the same structured interview questions and that the questions are in compliance with Equal Employment Opportunity laws, regulations, policies, and guidance that prohibit discrimination in the Federal workplace. However, during the course of the interview, the Committee may ask additional questions for clarification or amplification of any objective criteria or any response provided by an applicant, if necessary or desired.

c. The Committee members will individually rate each applicant on the structured interview questions using an Interview Assessment Matrix (enclosure (2)). Applicants will be rated using the same 1-5 rating scale as discussed in paragraph 6.e. If factors are elicited during the interview that a Committee member believes significantly contribute to a determination that the applicant is best qualified for the position, these factors should be noted in the “Other” column on the Interview Assessment Matrix. Examples of such factors include demonstrated leadership ability, academic credentials, legal or non-legal professional experiences, effectiveness of a writing sample, or quality of references. Each factor noted in the "Other" column may be awarded one additional point that will contribute to the applicant's overall score. Specific notations regarding the rationale for awarding additional points are required.

d. The RO may, at his or her discretion, conduct a second round of interviews with the highest ranking candidates. If a second interview is conducted, the Committee shall meet and agree upon the number and wording of structured interview questions. If agreement cannot be reached, the RO will make a final determination regarding the number and wording of structured interview questions to be used during the second interview. The second round of interviews shall follow the same process steps outlined in subparagraphs 7.a. – 7.c.

e. Upon completion of all rounds of interviews, the Committee will conduct a final review of each application and all information obtained through the interviews and tally the scores on the Interview Computation Sheet (enclosure (3)). Specific notations regarding the rationale for the ratings are strongly encouraged. The RO will certify the applicant with the highest score as the best qualified applicant. At the discretion of the RO, the applicant with the second highest score may be certified as the recommended alternate.

8. Suitability Determination and Security Clearance Eligibility. After the RO has certified the best qualified applicant, the applicant will be subject to an employment suitability adjudication, which refers to a review of identifiable character traits and conduct sufficient to demonstrate the likelihood that an individual will carry out assigned federal government duties with the necessary integrity or efficiency of the service. A final suitability determination will be made upon review of the applicant-submitted OF-306, resume, and SF-86, Questionnaire for National Security Positions. This suitability determination is made concurrently with the applicant’s security clearance eligibility determination.

a. The RO will notify the Judge Advocate General Consolidated Administrative Business Office (JCAB) Civilian Personnel (CIVPERS) Division of the recommended applicant and,
when certified, the recommended alternate. CIVPERS will request an initial background information suitability adjudication review and security clearance check of the primary selection from the JCAB Security Division.

b. If the primary selection has an appropriate security clearance eligibility/investigation and passes suitability screening, the RO will prepare an appointment request memorandum for the appropriate appointing authority.

c. If the primary selection does not pass the initial background information suitability adjudication review, or is not recommended for an interim security clearance upon review by the OJAG Security Office, the RO will advise the applicant that they are no longer eligible for the position, unless the RO recommends the applicant for an interim clearance and the recommendation is supported by the cognizant AJAG or COS and approved by the AJAG 06. A sample notification to applicants concerning security clearance eligibility requirements is provided in enclosure (4).

d. The AJAG 06 is the final adjudicating authority on requests to grant an interim clearance.

e. The process outlined in this section will be followed with respect to the recommended alternate.

9. Appointment Request Memorandum. The RO is responsible for preparing an appointment package for the appropriate appointing authority, formally nominating the applicant best qualified for the position for appointment. The appointment package consists of an Action Memo Route Slip, Appointment Request Memorandum, position description, resumes of all interviewed applicants, a certificate of good standing for the selected applicant, and the completed Interview Computation Sheet (enclosure (3)). The Action Memo Route Slip and Appointment Request Memorandum should follow the format in enclosure (5). The Appointment Request Memorandum shall indicate that the applicant has appropriate security clearance eligibility/investigation and passes suitability screening.

10. Routing of Appointment Package. The appointment package will be routed to the appropriate appointing authority via the cognizant AJAG or COS and the AJAG 06.

11. JAG Authority. The JAG may exercise the authority contained in reference (c) to appoint a civilian attorney in the grade of GS-15 or below without satisfying the procedural requirements of this instruction.

12. Internal Guidance Only. This instruction provides internal guidance on the JAG/CNLSC civilian attorney appointment process. This instruction does not create any rights, benefits, or duties, substantive or procedural, enforceable at law by any person. This instruction does not limit the lawful prerogatives of the Department of the Navy or its officials.

13. Review and Effective Date. The AJAG 06 is responsible for the annual review of this instruction in accordance with reference (f). This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in reference (f), paragraph 9. Otherwise, if
the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

14. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed in accordance with reference (g).

D. E. CRANDALL
Rear Admiral, JAGC, U.S. Navy
Commander, NLSC

JOHN G. HANNINK
Vice Admiral, JAGC, U.S. Navy
Judge Advocate General

Distribution:
## JAG/CNLSC CIVILIAN ATTORNEY RESUME ASSESSMENT MATRIX

**Resume Evaluator:** __________________________

**Date of Evaluation:** __________________________

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Enclosure (1)
JAG/CNLSC CIVILIAN ATTORNEY INTERVIEW ASSESSMENT MATRIX

Interviewer: __________________________
Date of Interview: ______________________

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<th>Applicant Name</th>
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## JAG/CNLSC CIVILIAN ATTORNEY INTERVIEW COMPUTATION SHEET

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SAMPLE EMAIL TO APPLICANT REGARDING SECURITY CONCERNS

Subject: Department of the Navy New Hire Security Review

Dear Applicant,

The position for which you applied requires a valid security clearance or eligibility for an interim clearance. After a review of your submitted security documents, you are ineligible for an interim security clearance due to potentially derogatory or adverse information contained within your SF-86 or OF306, Declaration for Federal Employment. This is a non-appealable determination.

SECNAV Instruction 5510.30C, Department of the Navy Personnel Security Program, issued on January 24, 2020, does not allow a Commanding Officer / Division Director to grant an interim clearance when any potential derogatory or adverse information is identified during a security review. This does not mean you are ineligible for a clearance or that the Department of Defense Consolidated Adjudication Facility will not adjudicate your record favorably for security clearance eligibility. This process can take 12-18 months.

Thank you for your interest in employment with the Department of the Navy.

Regards,

Commanding Officer / Division Director
## ACTION MEMO ROUTE SLIP – 22 January 2021

<table>
<thead>
<tr>
<th>00</th>
<th>SUBJECT: Appointment Request ICO Ms. Ima Laywer for Attorney-Advisor for [Command]</th>
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<tbody>
<tr>
<td>001</td>
<td>TIMELINE or DUE DATE: As soon as possible.</td>
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<tr>
<td>00A</td>
<td>BLUF: Request you sign TAB A, appointing Ms. Ima Lawyer to a [permanent/term] appointment for the position of [Attorney-Advisor] at [insert location].</td>
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<td>001A</td>
<td>BACKGROUND:</td>
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<td>00F</td>
<td>• A Selection Committee (hereinafter, “Committee”) evaluated [insert number] applicants, which resulted in a decision to interview [insert number] applicants.</td>
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<tr>
<td>001F</td>
<td>• After conducting interviews, the Selection Committee determined that Ms. Lawyer is the best qualified applicant for the position, passes suitability screening, and has the appropriate security clearance eligibility/investigation.</td>
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<td>00FW</td>
<td>• The relevant documentation for your review and consideration of this appointment is contained in a memorandum at TAB B.</td>
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<td>AJAG 06</td>
<td>RECOMMENDATION: Sign TAB A.</td>
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<td>06A</td>
<td>V/r, CAPT John Smith Recommending Official</td>
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<tr>
<td>AJAG or COS</td>
<td>COORDINATION: JCAB</td>
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<td>CO/DivDir</td>
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**ELECTRONS (POC or Location):** [Insert link to text version of file location on command share drive]
From: Judge Advocate General/Commander, Naval Legal Service Command
To: Director, Office of Civilian Human Resources – Philadelphia

Subj: APPOINTMENT OF IMA LAWYER, [POSITION] [GS-]

Ref: (a) DoD Instruction 1442.2 of 30 Sep 10
(b) DON GC Memo of 3 Feb 11

Encl: Recommending Official Appointment Request memo of DD Month YYYY (with enclosures)

1. Upon review of the enclosure, and in accordance with references (a) and (b), I have appointed Ms. Ima Lawyer to the position of [position][GS-], [position description number], in [location].

JOHN G. HANNINK

Copy to:
AJAG 06
[COGNIZANT AJAG/COS]
[DIVISION/COMMAND]
JCAB
MEMORANDUM

From: John Smith, JAGC, USN, Recommending Official
To: Judge Advocate General of the Navy/Commander, Naval Legal Service Command
Via: (1) [Cognizant AJAG/COS]
      (2) Assistant Judge Advocate General (Operations and Management)

Subj: APPOINTMENT REQUEST ICO MS. IMA LAWYER FOR ATTORNEY-ADVISOR FOR [COMMAND]

Ref: JAG/COMNAVLEGSVCCOMINST 12271.1A

Encl: (1) [Attorney-Advisor, GS-13] Position Description
      (2) Resumes of all Interviewed Applicants
      (3) Certificate of Good Standing [(One for Selected Applicant and one for alternate.)]
      (4) Civilian Attorney Interview Computation Sheet

1. On (date), a Selection Committee (hereinafter, “Committee”) consisting of Name of RO, CAPT Jane Doe, and Mr. John Deer was convened to consider applicants for the position of [description]. Enclosure (1) is the applicable position description.

2. The Committee received [insert number] applications for this position. We evaluated the applicants according to the following core competencies: [insert core competencies].

3. Prescreening criteria were/were not used. If used, provide justification. For example: “Due to the large number of applicants that met the minimum requirements of the position, we prescreened applicants using the criteria of years of experience in similar positions.” Based on this evaluation, the Committee offered interviews to [insert number] applicants. [If applicable, include justification as to why the Committee interviewed less than three applicants.]

4. Subsequent to the interview process, the Committee determined Ms. Lawyer was the best qualified applicant for the position. [If applicable, identify the primary alternate by name and state that he or she is the second best qualified applicant for the position. Include same supporting enclosures if necessary]. Enclosures (2) and (3) contain Ms. Lawyer’s resume and certificate of good standing. Enclosure (4) is the Civilian Attorney Interview Computation Sheet.

5. The Judge Advocate General Consolidated Administrative Business (JCAB) Office conducted an initial background information suitability adjudication and security clearance eligibility determination.
Ms. Lawyer has an appropriate security clearance eligibility/investigation and passes suitability screening.

6. Any other relevant information.

//s//
John Smith, JAGC, USN
Recommending Official
1. INTRODUCTION

a. The Judge Advocate General (JAG) of the Navy is the senior uniformed attorney of the Department of the Navy and commands the Office of the Judge Advocate General. The JAG is responsible for providing and supervising the provision of legal advice and related services throughout the Department of the Navy in the areas of military justice, international and operational law, legal assistance, and Naval administration (including administrative law and civil law, and, jointly with the General Counsel, Freedom of Information Act/Privacy Act, litigation, and intelligence oversight). The JAG commands the Office of the Judge Advocate General (OJAG). The Deputy Judge Advocate General (DJAG) serves as Commander, Naval Legal Service Command (CNLSC) and has command authority over the Naval Justice School and Naval Legal Service Command (NLSC) offices and their subordinate detachments and branches worldwide. The Office of the Judge Advocate General (OJAG) supports both JAG and CNLSC, serving as a combined headquarters staff.

b. This supervisory position is within the Claims and Tort Litigation Division, OJAG (Code 15), at OJAG Headquarters in Washington, DC at the Washington Navy Yard. OJAG Code 15 is responsible for the administration and supervision of all claims functions within the Department of the Navy (DON), including all non-commercial tort and property loss claims. OJAG Code 15 is also responsible for formulating and promulgating DON claims policies and procedures.

c. This supervisory position reports to the Head, Affirmative and Personnel Claims Branch, and is located at one of the three Medical Care Recovery Units (MCRUs): Norfolk, Pensacola or San Diego. The incumbent will serve as a supervising attorney and oversees all activities of that MCRU which processes and adjudicates, in accordance with Federal regulations, all claims asserted under the Medical Care Recovery Act (MCRA) and the Third-Party Payers Act, and other pertinent statutes and regulations.

c. This position requires the incumbent be eligible to obtain and maintain a SECRET clearance.

2. MAJOR DUTIES AND RESPONSIBILITIES

a. Reporting to the Head, Affirmative and Personnel Claims Branch, the incumbent is directly responsible for the overall planning, supervision and quality of work of their respective MCRU, consisting of one Senior Claims Examiner, eight claims examiners and three clerks.

b. The incumbent formulates for the Division Director’s consideration and approval, Navy policy on all matters relating to the administration of the Medical Care Recovery Act and Third-Party Payers Act claims.
Results-driven lawyer with 10+ years of experience in government contracts. Adapts at reviewing policies and regulations. Possesses a J.D. from Duke Law School and a member of the State Bar of Texas in good standing.

EXPERIENCE

SEPTEMBER 2014 – PRESENT
ASSOCIATE GENERAL COUNSEL, DEPARTMENT OF LABOR
Reviewed and advised on legal policies and procedures. Reviewed government contracts in accordance with applicable regulations. Monitored changes to employment law at federal, state, and national levels.

JUNE 2004 – SEPTEMBER 2014
COUNSEL, ABC CORPORATION
Advised executives regarding legal rights, duties, and obligations. Conducted research and reviewed transactions to ensure maximum benefit to the company with minimal risk. Drafted and negotiated government contracts.

EDUCATION

JUNE 2004
J.D., DUKE LAW SCHOOL
3.7 GPA, President of Duke Law Journal, Winner of Philip C. Jessup International Law Moot Court Competition

JUNE 2000
B.A., POLITICAL SCIENCE, UNIVERSITY OF TEXAS
4.0 GPA, played collegiate basketball

SKILLS

- Communication
- Leadership
- Collaboration
- Handling Pressure
- Problem Solving
- Time Management
- Critical Thinking
STATE BAR OF TEXAS

CERTIFICATE OF GOOD STANDING

TO WHOM IT MAY CONCERN

This is to certify that Ms. Ima Lawyer was licensed to practice law in Texas on July 15, 2004 and is an active member in good standing with the State Bar of Texas.

SEAL

__________________________
State Bar Official / Date
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<th>Applicant Name</th>
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<th>Total Score</th>
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<td>Mr. Second Place</td>
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Accomplished, solutions-focused professional with a comprehensive, broad background in team leadership and trial litigation. Calm demeanor in the face of difficulties. Highly versatile; adept at quickly mastering new roles and responsibilities. Reputation for integrity, perseverance, and work ethic. Admitted to the New York Bar.

EXPERIENCE

JUNE 2012 – PRESENT
WILLOUGHBY & ASSOC., ASSOCIATE
Litigated complex corporate transactional disputes. Participated in a complex class action lawsuit involving a health management organization regarding prescription pricing. Demonstrated strategic planning and organizational skills in proficiently steering case projects from initiation and discovery through trial. Exhibited leadership and prioritizing capabilities in performing a broad range of legal and firm management activities. Supervises new associates and paralegals in all aspects of litigation and case management. Collaboratively works with junior associates to assist them in understanding the litigation process, playing a key role in their performance and development.

EDUCATION

JUNE 2012
J.D., GEORGETOWN UNIVERSITY
3.7 GPA, Georgetown Law Review member

JUNE 2008
B.S., CHEMISTRY, NEW YORK UNIVERSITY
3.8 GPA, chess team

SKILLS

- Litigation Management
- Negotiations
- Communication
- Collaboration
- Problem Solving
- Critical Thinking
- State and Federal Trials & Appeals