

Judicial Profile

JIMMY CHATSUTHIPHAN

Hon. Bruce E. Kasold U.S. Court of Appeals for Veterans Claims

JUDGE BRUCE E. KASOLD believes in simple truths. Not simple as in narrow-minded truths, but simple as in succinct and straightforward. A retired Army lieutenant colonel, Judge Kasold strives each day to live, work, and play in a manner consistent with the famous motto of West Point, his alma mater: “Duty, honor, country.” Along with that, Judge Kasold lives by the familiar golden rule:

“Do unto others as you would have them do unto you.” The golden rule has special meaning to Judge Kasold, because it was instilled in him at a young age by his parents and his faith. Judge Kasold also cherishes a third pearl of wisdom learned later in life from his former boss, now retired Sen. John Warner of Virginia. Paraphrasing the senator, Judge Kasold firmly believes that, “there is no end to what we can accomplish if we just work together as a team and not worry about individual glory.” Judge Kasold admits that he is by no means perfect; he has drawn strength from these truths throughout his distinguished career in law and public service.

Born in 1951 at St. Albans Naval Hospital in New York City, Judge Kasold was raised as an “Army brat.” He grew up with his parents and two brothers in different parts of the country—New York, California, Florida, North Carolina, and New Mexico. His father, Edward, worked as a city employee before enlisting in the Army when World War II broke out; he was awarded a Bronze Star with oak leaf cluster for heroism in combat as well as the Purple Heart. Edward Kasold enjoyed serving his country so much that he remained in the Army after the war and retired as a lieutenant colonel. Judge Kasold’s mother, Louise, worked as a nurse’s assistant. His parents met through a chance encounter in New York and were married at the Vatican, where the pope blessed the attendees and any children they might have in the future. Indeed, Judge Kasold has felt extremely lucky and blessed throughout his life.

After returning to New York, Judge Kasold first attended St. John the Evangelist School, then Mercy High School—both in Riverhead, N.Y. While in high school, Judge Kasold earned membership in the National Honor Society and played on the varsity basketball and ten-



nis teams; he is most proud of earning an award for giving 110 percent effort in tennis. Judge Kasold originally thought about attending the U.S. Naval Academy, because he had become enamored with the legends of such naval leaders as John Paul Jones. In fact, Judge Kasold was instilled at an early age with the notion that service to one’s country is an important duty.

As fate would have it, Judge Kasold received an early offer to enroll in the U.S. Military Academy at West Point. He was honored to receive this offer, but delayed accepting it for several months in the hope of receiving an offer from the U.S. Naval Academy. When he thought that offer was not forthcoming, he set his sights on serving his country as a soldier. Two weeks after being accepted at West Point, he got an offer to attend the U.S. Naval Academy, which he declined, honoring his commitment to West Point. A fan of “Perry Mason” and other television shows related to law, Judge Kasold liked the law and knew he could argue issues back and forth with the best of them; however, having chosen to go to West Point, any thoughts of serving the law had to remain down the road.

West Point presented a demanding academic curriculum and rigorous physical regimen. Judge Kasold focused his studies on a combination of hard and soft sciences, and took over 20 credit hours per semester, as did every cadet at West Point. He just missed making the tennis team (he was the unfortunate 13th man on a 12-man roster), but he enjoyed playing intramural squash, lacrosse, soccer, and even flickerball (a hybrid of softball and football). He endured a particularly grueling summer of cadet field training at Camp Buckner, where he learned to use a rifle, trained for combat, and participated in orienteering exercises. It should come as no surprise that Judge Kasold credits much of his success to his years at West Point. He praises the academy for “teaching you how to handle many different situations.” He remembers that “they put you through a lot,” but that ultimately “you come to realize that you can make it through anything if you just keep going.”

After graduating from West Point in 1973, Judge Kasold served in the Air Defense Artillery of the U.S. Army as a platoon leader and training officer. He was stationed at Fort Bliss, Texas, in 1973; at Edgewood Arsenal in Maryland from 1973 to 1974; and at Fort Carson, Colo., from 1974 to 1976. As a young soldier, Judge Kasold immediately put to good use a valuable lesson he had learned at West Point: When a superior officer (or boss) is looking to lay blame, the best answers are “Yes sir,” “No sir,” and “No excuse sir,” and to then work harder to accomplish the mission. Another lesson he learned in military service was the importance of emphasizing “teamwork, trust, and truthfulness”; “The three t’s,” as Judge Kasold calls them, are the keys to success. Therefore, it is not surprising that Judge Kasold refers to his chambers affectionately as “Team Kasold.” He is proud of the work of his current and former staff members and notes that, “once Team Kasold, always Team Kasold.”

While serving as a platoon leader with the Air Defense Artillery, Judge Kasold again reflected introspectively about his long-term goals, and the thoughts he had about becoming a lawyer came back to him. As a training officer in the Army, Judge Kasold enjoyed working with military rules and regulations. His mind made up, he applied for an extremely competitive program through the Army, which would fully fund up to 25 officers to attend law school. Months passed, but on the eve of his assignment to South Korea for a year-long tour of duty, Judge Kasold was notified that he had been selected for this program to attend a public university in his home state. Given his many travels, figuring out where that university was proved no easy task. As it turns out, Judge Kasold’s parents had moved to Florida while he was at West Point, so his records listed Florida as his home state.

From 1976 to 1979, Judge Kasold attended law school at the University of Florida, where he was a member of the *Law Review* and was named to the Order of the Coif. Judge Kasold recalls, however, that “overstudying” and focusing too much on narrow issues caused

him to struggle initially in law school classes. He acknowledges that learning the law is vitally important but stresses that understanding the law is equally important. The judge found success in law school once he learned how to relax, take time to understand the issues, and “see the bigger picture.” He spent both summers between semesters at the U.S. Army post in Fort Rucker, Ala., where he received on-the-job training as an assistant defense counsel in 1977 and as an assistant prosecutor in 1978. But it was not “all work and no play” for Judge Kasold, the law student—he also found time to take a bartending class. Judge Kasold jokes that by doing this, “he figured he’d certainly pass the bar one way or the other.” Judge Kasold did indeed pass that bartending class and later the Florida bar exam after he graduated cum laude from law school in 1979.

After graduating from law school, Judge Kasold served in the Judge Advocate General’s (JAG) Corps from 1979 to 1994, during which time he ended up working in several different capacities: prosecutor, command legal advisor, claims adjudicator, legislative counsel, civil litigation counsel, and assistant general counsel to the Army general counsel. He was stationed at Fort Belvoir, Va., from 1979 to 1981; at the Pentagon from 1981 to 1983; and in Charlottesville, Va., from 1983 to 1984. During his time practicing civil litigation, Judge Kasold represented the Army in medical malpractice and other tort litigation cases. He also handled numerous collections matters under the Medical Care Recovery Act, and he is proud of the fact that he suggested amendments to the law to permit the government to recover expenses for medical care under state no-fault provisions that ultimately were enacted. While in the JAG Corps, Judge Kasold pursued further studies, earning an LL.M. in 1982 from Georgetown University and an LL.M. equivalent in 1984 from the military’s graduate law program at the University of Virginia’s Judge Advocate General’s School.

From 1984 to 1987, Judge Kasold served as legal counsel to the VII Corps Artillery Commanding General in Augsburg, Germany, prosecuting cases and advising on a wide array of administrative law matters. During his tenure in Augsburg, Judge Kasold benefited from some incredible opportunities to travel, including trips to the Alps, the Berlin Wall, Austria, Denmark, Italy, and even as far afield as Egypt and Turkey. He followed through on his requirement that he and his staff work hard during the week, and his advice that, when permitted, they all play hard during the weekends and while on leave. Even though his work in Augsburg was extremely challenging, Judge Kasold views this post as one of his most enjoyable and rewarding experiences.

Judge Kasold returned to the United States in 1987 and worked for several years as an assistant general counsel at the Pentagon in the Army’s Office of General Counsel. One of the highlights of his career oc-

KASOLD *continued on page 24*

curred when he held that position: Judge Kasold (then Maj. Kasold) found himself inside the White House Situation Room with William Barr (who later became the 77th attorney general of the United States) and J. Michael Luttig (who later became a well-known judge on the Fourth Circuit Court of Appeals) at a meeting to discuss the possible use of the military to address riots on St. Croix in the U.S. Virgin Islands. Not expecting to speak at the meeting, Judge Kasold was asked by the soon-to-be attorney general to brief Adm. William J. Crowe (then the chairman of the Joint Chiefs of Staff) and attendees in the situation room on the legal authority for calling up the nation's troops to quell the riots. Apparently, Judge Kasold's answer was acceptable, because he was asked to attend future meetings, and he and William Barr eventually became friends.

Judge Kasold was later chosen for a fellowship to work on Capitol Hill, where he spent half his time working for the Senate Judiciary Committee with former Sen. Joe Biden (now vice president), and the other half working in Sen. John Warner's office. Judge Kasold relished the opportunity to work on diverse assignments that ranged from arranging a committee hearing on advances in scientific equipment to helping on drug enforcement and money laundering investigations, to drafting part of the Senate's crime bill and legislation to authorize the transfer of government property to the commonwealth of Virginia for expansion of the state's prisons, to handling a variety of constituent matters.

After serving in the Army for more than 20 years, Judge Kasold embarked on a new challenge and joined the law firm of Holland & Knight in its Washington, D.C., office as a commercial and government contracts litigation attorney. In joining the firm, he discovered a great mentor in the late Chesterfield Smith, one of the giants of the legal profession and co-founder of the firm. Smith became one of Judge Kasold's strongest supports on the road toward his appointment as a judge. Judge Kasold enjoyed private practice very much, particularly the aspect of helping the firm's clients achieve their goals.

After a few years in private practice Judge Kasold once again heard the call of public service. From 1995 to 1998, he served as chief counsel to the Senate Committee on Rules and Administration, where he marshaled the Senate's largest series of campaign finance hearings in a decade and conducted an investigation into allegations of election fraud for a Senate seat. It was the first time since the 1950s that the U.S. Senate had conducted a full-scale investigation into an election. Judge Kasold recalls that this hotly contested investigation created major turmoil in the Senate at the time. Under the leadership of Sen. Warner (then chairman of the Senate Committee on Rules and Administration), Judge Kasold worked his way through the tough political issues related to campaign finance and

the investigation of the contested election. Afterward, because both Republicans and Democrats were still speaking to him, Judge Kasold believes that people perceived his handling of these matters to be fair.

Prior to his appointment to the bench, from 1998 to 2003, Judge Kasold served as chief counsel to both the secretary of the Senate and the sergeant at arms of the Senate, advising Senate leaders on legal matters and issues at the forefront of the nation's political landscape, including the Electoral College, the impeachment of President Clinton, and the historical management of an evenly divided Senate. He also counseled Senate leaders on a multitude of administrative claims and personnel matters. An avid tennis player, Judge Kasold managed to carve out time for some competitive match play with Sen. Warner and former Sen. Rick Santorum of Pennsylvania. The judge also loves the game of squash, playing regularly both then and now with Sen. Arlen Specter of Pennsylvania. From 2001 to 2002, Judge Kasold served as president of the Capitol Hill Chapter of the Federal Bar Association.

In 2003, President George W. Bush appointed Judge Kasold to the U.S. Court of Appeals for Veterans Claims. Established in 1988, the court is located in Washington, D.C., and consists of seven active judges. The court has nationwide jurisdiction to review decisions made by the Board of Veterans' Appeals, an administrative entity within the U.S. Department of Veterans Affairs. The typical appeals heard by the court involve claims of entitlement to disability compensation, survivor benefits, or other benefits such as education payments, home loans, and waivers of indebtedness. It is an exceptionally active court, deciding more than 4,800 federal appeals in 2007 alone. Although the court issues its fair share of opinions rendered by a three-judge panel, it is the only federal appellate court in the country that also issues dispositive single-judge decisions in cases where novel issues of law are not presented.

Chief Judge William P. Greene Jr. of the U.S. Court of Appeals for Veterans Claims remarks that "it is such a pleasure to have Judge Kasold as my colleague on the court and friend." Judge Greene also notes, "Having known Judge Kasold since we served together in the Army JAG Corps, I knew of his great reputation as a brilliant attorney and a hard worker. He is indeed a talented lawyer and applying his strong work ethic and dedication to duty, he has become an exceptional appellate judge."

Judge Kasold enjoys serving on the federal bench. He feels fortunate to have a high level of independence and the ability to do what is right. When grappling with a complex issue, Judge Kasold likes to "pull it left and pull it right" to test whether a certain point of view will hold true even in the most extreme of situations. Himself a veteran, Judge Kasold has a deep appreciation for our nation's veterans and feels proud to serve on the

court that provides them the procedural due process they deserve. He navigates his law clerks through the complexities of the law related to veterans and enjoys working with his clerks. Judge Kasold believes that one of the court's greatest continuing challenges is to ensure uniformity in its decisions in light of the court's extensive use of single-judge opinions. At the same time, he greatly appreciates the single-judge opinion as a tool that allows the court to administer judicial review in a more timely manner.

Despite all the extraordinary achievements in his professional life, Judge Kasold believes that perhaps his greatest achievement in life is somehow convincing his beautiful wife, Patricia, to marry him. Judge Kasold is deeply proud of his wife and his son, Adam, and finds strength and happiness in their total support and love. In his spare time, Judge Kasold enjoys going to the theater, playing bridge, traveling abroad, and spending time at home with his family and two dogs. He is also an emeritus member on the Board of Directors of the Pentagon Federal Credit Union.

Judge Bruce E. Kasold has friends in high places. He has worked and played throughout his illustrious career with some of the most influential people of

our generation. But his relationships are not what define him. Although he may hit balls in the air with political bigwigs, Judge Kasold stays grounded and lives simply. He works extremely hard, and he does not care who gets the credit for the result. His accomplishments are prolific, but he remains a humble and devoted public servant. He has not always succeeded at every endeavor, but he is always determined to succeed. Judge Kasold finds inspiration in something Sen. Specter once told him: "Life is like a game of squash—you can be down 14 to 1, but it's not over until the last point is won." And that's the honest truth. **TFL**

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CUMBIE *continued from page 19*

criminal advocate with more than 500 cases to his name. In the Air Force, juries arguably represent the defendant's peer group more closely, whereas in the civilian world, one might argue that a jury more closely represents society as a whole. A standard member of an Air Force jury usually has a college education and often has a graduate degree, such as a master's degree, and has certainly held a position of trust at the request of the agency, probably the equivalent in scope and monetary value to a trusted position in a large corporation. Without a doubt, every member of a military jury has had to receive and follow an order given by a superior officer, whether or not they agreed with that order or wanted to follow it. A judge's instructions to the jury are the equivalent of military orders, and the strict construction and adherence to them by jury members places the judge in a position where he or she can focus on matters of law rather than jury administration.

In general, focusing on matters of law is arguably the best part of a judge's job. In a system where the judge, the prosecution, and the defense are all paid by the same agency that is questioning the actions of the accused, some might say the system is skewed. But the Air Force military justice system and the JAG Corps in general pride themselves on the fact that justice is at the core of what they do. Judicial freedom is alive and well in the military justice system, and the best defense possible underlies each and every trial. In fact, the trial advocacy system in the Air Force is so separate and apart from the experiences of its participants that attorneys and judges can operate in the

courtroom without fear that outcomes will be tied to their ability to be promoted. To Judge Cumbie, that aspect equates to more time to support the system and the ability for whoever stands before him to get the best defense and the fairest trial possible en route to seeing that actual justice is served, and less time worrying about the politics that sometimes coincide with the execution of judicial activity.

The Culmination of a Distinguished Career

Col. Thomas Cumbie has faithfully served the U.S. Air Force since 1985—the better part of 23 years. An accomplished trial advocate, proven leader, and distinguished judge, Judge Cumbie will "soldier on" as long as he can positively serve the bench. What then? This legal mind—who has seen some of the most recent complex criminal cases found in the Air Force, who has led people, and who has prepared members of the Air Force for both good times and bad during the most significant events in military history since Vietnam—will finally get an opportunity to relax. **TFL**

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