



LAW WEEK

Honor Driven.

At Home And At War.

One Denver Attorney's
Journey To Afghanistan.

By David Forster

Denver attorney Andrew Efaw is in Georgia this week, getting a crash course in combat readiness.

Then he's off to Kuwait, his home base for the next six months to a year while he serves as a military judge in Afghanistan.

This is the second time Efaw, a civil litigator with Wheeler Trigg O'Donnell and father of five, has traded his comfortable practice in a downtown high-rise for life in a war zone.

It worked like this: He'd get a call from an accused soldier who had invoked his right to a lawyer. Then he had to figure out, with little help from anyone, how to get to wherever that soldier was.

Defense attorneys are not a popular presence on the battlefield, so he was pretty much on his own. He'd head for the nearest helicopter drop site and wait for a pilot who was going his way.

It could take two or more flights, with

long waits in between, before he finally reached his destination. Once there, he had three priorities: finding a place to sleep — usually a cot in a tent shared by 10 or 20 other people — locating the mess hall and an outhouse. All of which was especially challenging in the middle of the night.

It was a make-do, seat-of-the-pants operation, including the trials. "I've done trials in tents, in trailers," Efaw said. "I've done trials in one of Saddam's palaces."

The last time was fall 2004, when he deployed to Iraq to spend nearly a year defending U.S. soldiers accused of crimes.

He was the senior defense counsel in Northern Iraq for the Army's Judge Advocate General Corps. But Lone Ranger was more like it.

And he loved it.

"I was defending the soldiers that defend America," he said.

Two of his most memorable cases involved a soldier accused of rape, and a soldier accused of assault and sodomy. In both cases the accused were young men from small towns, and each was facing life in prison.

Efaw had grown up in a remote part of Appalachian West Virginia, the son of a

preacher, so he identified with his clients.

"I didn't think either of them was guilty," he said. And with his help neither was convicted of the major charges.

In another memorable case, he defended two male soldiers before a "don't ask, don't tell" board. He was able to keep them in the Army and get them transferred to another unit for their protection.

Efaw said a frequent obstacle in defending soldiers charged with crimes was

gaining the trust and cooperation of other soldiers, who often eyed him with suspicion as an outsider. “One of the challenges was getting people who are going to be my witnesses to like me,” he said, and he sometimes went to great lengths to win them over.

One of his clients was a member of a trailblazers unit, which sweeps for mines along supply routes, a job fraught with danger. To prove he wasn’t just a lawyer but a soldier too, Efaw went on a mine-clearing mission. That impressed the soldiers, and he was able to get his client — who was facing jail time for a drunken brawl and insubordination — released from the Army without a stain on his record.

A career of service

Three years before that deployment to Iraq, Efaw was on the verge of leaving the Army, for good this time.

He began his military career at West Point, where he graduated in 1989 along with his college sweetheart, Amy. They married and were stationed in Germany for the next three years, where Andrew worked as a field artillery officer and Amy as a signal corps officer. When Amy got pregnant with their first child, she left the service. Andrew left active duty a few years later and thought he’d never look back.

“I had no intention of getting back in the Army or having anything to do with the Army,” he said.

He spent the next three years earning his law degree at the University of Pennsylvania and found himself missing Army life. Simple things, like putting on a uniform. A few months after graduation in 1997, he returned to active duty and joined the Army’s Judge Advocate General Corps.

It was great training for a new attorney, he said, calling it a “baptism by fire.”

“The first court-martial I ever saw I was second chair,” he said. By the second, he was as first chair. He worked in Washington State for three years, and found himself again itching to leave the Army. “I was really ready to hang up my spurs and say I’m done,” he said.

He’d come to the conclusion that nothing too exciting was ever going to come of his military service.

It was August 2001.

A month later, terrorists brought down the World Trade Center and everything changed. “It was not a matter of if but when I was going to get called up,” Efaw said.

When he returned from Iraq in September 2005, he again thought about getting out of the service. But his wife encouraged him to stay in and see whether he would



Andrew Efaw | LAW WEEK PHOTOS SARAH OVERBECK

be promoted to lieutenant colonel. He was and then became a military judge in 2007. Since then he’s presided over 10 or so courts-martial a year, all over the country.

He likes being on the go. “I probably couldn’t work for a lot of firms,” he said. One of the reasons he’s settled in at Wheel-

traveling to work by helicopter,” Efaw said of his time in Iraq.

Now he’ll get that chance again. In his role as a military judge for the U.S. Central Command, he’ll make regular trips to Kabul and Kandahar in Afghanistan to hear cases.

“

The people who are making the sacrifice — it’s my family. They never know at any given moment where I’m at or whether I’m safe.”

— Andrew Efaw

er Trigg is that as a national civil litigation firm, the caseload keeps him on the road. In his practice, he serves as national trial counsel for among others Chrysler Group, Mercedes Benz and Pfizer.

“That keeps me sane,” he said last week in a 34th floor conference room. “When I have to sit in my office for a week or two ... I literally want to jump out one of these windows.”

The choice to return

Efaw’s commute will soon look a lot different.

“The thing I miss most about that job is

And this time he’s not only a judge, but a freshly minted colonel, and with that eagle pinned to his uniform, he doesn’t expect he’ll be begging for helicopter rides anymore.

It was Efaw’s choice to return to a war zone. He could have retired from the military three years ago with a full pension.

“I don’t have to stay in,” he said. “I’m staying in because I think it’s important, and I enjoy it.”

It’s a lot harder on his wife, four daughters and one son, he said. “The people who are making the sacrifice — it’s my family. They never know at any given moment

where I’m at or whether I’m safe.” The only news they hear through the media is bad, he said, so they worry.

He never felt threatened in Iraq, Efaw said, although his home base was the target of almost daily mortar attacks. But they almost always missed their mark, he said, and he joked that you were safest when the insurgents were aiming for you.

For his two oldest daughters, one a sophomore at West Point and the other set to start there in the fall, having a father in Afghanistan will serve as bragging rights.

But his youngest child, 11-year-old Kat, is having a harder time. He said that recently Kat has been at his bedside when he goes to sleep, and in the mornings he wakes up to find her there again, just staring at him. She assembled a manila folder filled with paper, envelopes, stamps and some drawings she made so she can correspond with her dad.

Efaw, who is 45, is scheduled to come home in six months, although the Army can keep him for up to 400 days. He’s fairly confident he’ll be home for New Year’s and ring in 2013 with his family by his side. •

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