

REPORT TO THE PRESIDENT OF THE AMERICAN BAR ASSOCIATION
FALL MEETING
STANDING COMMITTEE ON ARMED FORCES LAW
5 – 7 November 2009
Brooke Army Medical Center
Fort Sam Houston, Texas
San Antonio, Texas

This is a report for the President of the American Bar Association to report on the Fall meeting of the Standing Committee on Armed Forces Law (SCAFL).

The Standing Committee on Armed Forces Law is established by the association for the following purposes:

The Committee shall have jurisdiction over matters relating to law in the Armed Forces. It shall study and make recommendations on:

The administration of laws, regulations and practices in the Armed Forces and the courts- martial system;

The protection of the legal rights and constitutional guarantees of personnel in the Armed Forces; and

The ability of lawyers and judges in the Armed Forces to practice in conformity with all applicable Association standards.

In selecting a location for this year's Fall meeting, we reviewed the national agenda, and decided upon selecting the center for military medical care, San Antonio, Texas, in keeping with the current focus in the national agenda on health care reform.

The members of the SCAFL arrived on 5 November 2009, just as the shootings at Fort Hood, Texas, were occurring. The coincidental start of our meeting during the period in which 13 members of the military and Department of Defense civilian community were killed and 30 wounded at a nearby military facility, brought the concerns of providing quality medical care to our service members and their family members into an immediate sharp focus.

6 November 2009 – Visit to Brooke Army Medical Center, San Antonio, TX

On the first day of the Fall meeting, the SCAFL members were hosted at the Brooke Army Medical Center (BAMC), San Antonio, TX. We were greeted by our host, Capt Jaclyn Shea, U.S. Army, who is an Assistant Staff Judge Advocate (attorney) assigned to

the Office of the Staff Judge Advocate, U.S. Army Medical Command. She had organized our visit to the various medical facilities we toured during our visit.

We were met at BAMC by Ms. Karen A. Pike, Medical Evaluation Board Outreach Counsel (attorney) assigned to the Warrior Transition Battalion, Soldier and Family Assistance Center, Fort Sam Houston, TX. She informed the members of the SCAFL of the services she provides in assisting servicemembers who have been injured who are facing transition out of the military, and the efforts she has undertaken to try to assist them to maximize their positive outcomes. She carries a client load of between 600 to 800 servicemembers whose needs vary greatly from needing guardianships (in cases involving servicemembers suffering traumatic brain injury in Iraq/Afghanistan), to servicemembers who have lost limbs who are trying to stay on active duty with the military.

She indicated a specific need for *pro bono* assistance to draft and file a guardianship document for a servicemember who suffered a traumatic brain injury in combat. The servicemember, she explained, is not capable of making choices for his own care. His family is from the Toledo, OH area. As the result of her request for assistance, after the meeting, SCAFL member George Ripplinger, Belleville, IL, and the Chair, Linda Strite Murnane, made further contacts through ABA committees to attempt to locate an attorney who would provide the assistance requested. Among the ABA entities contacted were the GP/Solo and Legal Assistance for Military Personnel Committees. In follow up discussions with Ms. Pike, she advised that she had received several volunteer responses and was working to find the right person to assist in resolving this servicemember's circumstance.

During our visit with Ms. Pike, we went on a walking tour of some of the facilities in the Warrior Transition Battalion. These include two Fisher Houses located in the area of the Warrior Transition Battalion. Fisher House™ is "*a home away from home*" for families of patients receiving medical care at major military and VA medical centers. The homes are normally located within walking distance of the treatment facility or have transportation available. There are 43 Fisher Houses, with several under construction. For more information about Fisher Houses, you can see this link: <http://www.fisherhouse.org/theHouses/theHouses>

A photo of one of the BAMC Fisher Houses are below:



We received a briefing from Mr. Jerome Studivant, Jr., Outreach Program Coordinator, assigned to the Soldier and Family Assistance Center, discussing the transitional services available in the center, and the wide variety of programs and opportunities which they provide.

We visited the Center for the Intrepid. The threefold mission of the CFI is to provide rehabilitation for Operation Iraqi Freedom/Operation Enduring Freedom casualties who have sustained amputation, burns, or functional limb loss, to provide education to Department of Defense and Department of Veteran's Affairs professionals on cutting edge rehabilitation modalities, and to promote research in the fields of orthopedics, prosthetics and physical/occupational rehabilitation. The staff and equipment for the building was selected to provide the full spectrum of amputee rehabilitation as well as the advanced outpatient rehabilitation for burn victims and limb salvage patients with residual functional loss. During the first year of operation, there were over 28,000 patient visits documented at the CFI.

Arnold Fisher and the board of directors of the Intrepid Fallen Heroes proffered a rehabilitation facility. Secretary of the Army Harvey accepted the proffer and funds for the facility were received from over 600,000 Americans. Ground was broken for the four story, 65,000 square foot outpatient rehabilitation facility and two new 21 handicap accessible suite Fisher Houses on 22 September 2005. The ribbon cutting for the CFI and

the new Fisher Houses was held on 29 January 2007 and patient care began in the facility on 15 February 2007.

More information about the Center for the Intrepid can be found at their web site at: <http://www.fallenheroesfund.org/getdoc/dcd858d3-5e74-4ec0-a148-473681561181/cfiamputeecare.aspx>

There were many patients at the facility during our visit. Out of respect for their privacy, photos of those undergoing treatment at the facility are not included in this report.

We were then given the opportunity to visit the Warrior and Family Support Center, where we were greeted by Ms. Judith Markelz, Program Manager of the Warrior and Family Support Center (WFSC), and received a briefing by a transitioned Wounded Warrior now working at the Center, Mr. John Wolf.

The Warrior and Family Support Center was established when BAMC physicians noticed a need for Family members to be intimately involved in the rehabilitation of their sons, daughters, or spouses (Wounded Warriors), and that a vital part of their recovery meant a need to have a “safe” environment away from the hospital. At the physician’s initiative, a committee was established to support Operation Iraqi Freedom (OIF), Operation Enduring Freedom (OEF), and Operation Noble Eagle (ONE) troops on their road to recovery. The concept of the WFSC was developed by this committee, led by ACS, and authorized by the Garrison Commander.

With the assistance of Huffman Developments, and funded by voluntary donations, the WFSC is designed to provide a place where servicemembers and their families undergoing long term treatment can recover in a supportive and tranquil environment, away from the hospital. More information about the Warrior and Family Support Center can be found at this web site: <http://www.returningheroeshome.org>

Photos of our visit to the WFSC are below.





Mr. John Wolf (back to the camera) briefs members of the Standing Committee on Armed Forces Law on programs to support servicemembers in long-term rehabilitation and their families at the Warrior and Family Support Center.

WFSC VOLUNTEER TEAM





Spirit of Hope sculpture at the Warrior and Family Support Center at Brooke Army Medical Center. This was created by one of the Wounded Warriors.



We next toured the Brooke Army Medical Center, where we had lunch, and were greeted and briefed by officials including Brigadier General Joseph Carvalho, Jr., Commander, Brooke Army Medical Center and Great Plains Regional Medical Command.



Major Joseph B. Topinka (Attorney), Deputy Staff Judge Advocate, Office of the Staff Judge Advocate, U.S. Army Medical Command, Fort Sam Houston, TX, briefs members of the SCAFL at Brooke Army Medical Center.



Brigadier General Joseph Carvalho, Jr., Commander, Brooke Army Medical Center, welcomes members of the Standing Committee on Armed Forces Law, and speaks about the importance of his legal advisors as part of the BAMC staff.

We received a tour and briefings from Michelle Cummins at BAMC, and from Mr. Gary Selner (Attorney) at BAMC regarding the various medical-legal functions they perform in his offices.

Before leaving BAMC, we presented a gift of calling cards totaling 2000 minutes of calling time to the Warrior and Family Support Center. The donations were voluntarily made by members of the SCAFL and no ABA funds were used.

After completing our tour at BAMC, we returned to our hotel, and that evening, SCAFL members met for a no-host dinner on the San Antonio Riverwalk. During our tour of

BAMC and during the dinner, former SCAFL Chair, Gary Anderson, who is with the U.S. Attorney's Office in San Antonio, joined Committee Members. Additionally, the former Chair of the Military Courts Committee of the ABA Judicial Division, Colonel Michael B. McShane (USAF, Ret.), now an Administrative Law Judge with the Social Security Administration, and his wife, joined the SCAFL members.

7 November 2009 – Meeting of the Standing Committee on Armed Forces Law

On 7 November 2009, the Standing Committee on Armed Forces Law conducted its Fall Business Meeting. The Committee met on the following agenda:

**Standing Committee on Armed Forces Law
7 November 2009
0800-1300
Llano Room, Level A
Hyatt Regency San Antonio
Meeting Agenda**

1. Minutes from Annual Meeting.....TAB A
2. National Guard UCMJ/MCM Issues (Julio Barron)
3. Military Readiness & Environmental Concerns (Kay Wakatake)
4. Update on Sexual Assault Issues
5. Military Commissions Update
6. Expanded UCMJ Jurisdiction (George Ripplinger)
7. Other UCMJ/MCM Issues
8. Cox Commission Report.....TAB B
9. Membership
10. ABA Young Lawyers Division Liaison Report (Clark Walton)
11. OPEN FORUM: This is an opportunity for free ranging discussion primarily from Committee Advisors or their representatives on any topic concerning the

administration of justice and other matters in the military or for lawyers in the Armed Forces.

12. Midyear Meeting, Orlando – SCAFL Meeting, Saturday, 6 February, 0830-1200, Swan Hotel

13. Miscellaneous

Notes from the Meeting

SCAFL Members Present: Linda Strite Murnane (Colonel, USAF, Ret.) Chair, Mr. George Ripplinger, Member, Major Kay Wakatake, Member, Colonel Gary Jackson, Member, Ms. Genelle Vachon, Member, Mr. Marvin Lieber, Member

SCAFL Member Absent: J. De Woskin

Service Liaisons Present: Lt Col Christopher Carrier, USA; Lt Col Eric Mejia, USAF; LCDR Stacia Gawronski, USN; Capt Brandon W. Barnett, USMC; CDR Marcus A. Mitchell, USCG

BOG Liaison Present: R. Kinnan Golemon

Guest: Gary Anderson, U.S. Attorney's Office, San Antonio (past SCAFL Chair)

The meeting began with the observance of a moment of silence for those whose lives were lost in defense of the nation, with a special remembrance of the 13 killed at Fort Hood, TX, and their families earlier that week.

The SCAFL received an extensive briefing from Major General Andrew Turley on a proposed Model Code of Military Justice for the National Guard. This matter was referred to SCAFL by Mr Wells during his Presidential year. Due to a variety of issues, the matter was not resolved during the previous Chair's tenure. Two SCAFL members are currently working on a report and resolution which will be discussed at the Mid-Year meeting regarding this initiative, with a view toward presenting a resolution at the Annual Meeting this year.

We benefitted greatly from the attendance at our Fall meeting of R. Kinnan Golemon, ABA Board of Governor's Liaison to the SCAFL.

The Cox Commission Report was referred to another SCAFL member to identify those areas in the Recommendations section which have already been subject of ABA HOD resolution, and will be further discussed through further communications before the Mid-Year meeting.

The next meeting of the SCAFL will occur at the Mid-Year Meeting on Saturday, 6 February 2010, from 0830 – 1200 at the Swan Hotel in Orlando, FL.

If you would like further information regarding the work of the SCAFL, please let me know.

Respectfully,

Linda Strite Murnane, Colonel, USAF, Ret.
Chair, Standing Committee on Armed Forces Law