SCAFL Members Meet with US Army Representatives on December 15-16, 2014

On the morning of Monday, December 15, 2014, SCAFL Members Samuel R. Maizel, Robert E. Reed, Lynn Hecht Schafran, and Marc L. Warren, along with SCAFL Senior Advisor John D. Altenburg met with LTG Flora D. Darpino, The Judge Advocate General of the United States Army, as well as members of her staff including COL Max Maxwell, LTC John Kiel, LTC John A. Hamner, COL James R. McKee, and Mr. William Barton, at the Pentagon in Northern Virginia. Discussions included a briefing on revisions to the Uniform Code of Military Justice brought about through the National Defense Authorization Act, the Army’s Special Victim Counsel Program and other issues with an emphasis on the Army’s approach to dealing with the issue of sexual assaults. COL McKee’s briefing was specifically on his role as head of Army Victim Counsel Program worldwide and his view of independence of counsel in representing sexual assault victims and that scope of standing, duties, and role of counsel is still being developed by policy and military courts of criminal appeal and the United States Court of Appeals for the Armed Forces.

In the afternoon of Monday December 15th while still at the Pentagon, SCAFL representatives met with MG(P) Anthony Lerardi and BG Ronald F. Lewis (both former commanders of sizeable Army formations, including service in Afghanistan and Iraq), and with COL George R. Smawley and COL Francis P. King (both former Staff Judge Advocates (i.e., the senior legal advisor) to significant Army formations). The discussion in the afternoon centered on the role of unit commanders in military justice system, the interaction between a unit commander and their staff judge advocates, and the Army’s programs to deal with sexual assaults in the Army. Additionally, SCAFL representatives met with LTC Paulette V. Burton, who is the Staff Judge Advocate for the US Army’s Criminal Investigation Command (“CID”), and Mr. Guy A. Surian, who is the Deputy Chief for Investigative Operations and Criminal Intelligence for the CID. They briefed SCAFL on how the CID handles allegations of sexual assault within the Army.

On Tuesday December 16, 2014, SCAFL Members Samuel R. Maizel, Robert E. Reed, and Lynn Hecht Schafran met with staff and faculty of the US Army Judge Advocate General’s School (“TJAGSA”) (the Army’s law school) in Charlottesville, Virginia, including BG Stuart Risch, Commander, COL James Garrett, Dean, Mr. Moe Lescault, the Associate Dean for Academics, COL Denise Lind (an experienced Military Judge) and others. The discussions including briefings on the various programs run by TJAGSA to educate commanders on the application of the UCMJ in general and the programs related to sexual assault offenses in particular, including discussions with experienced military attorneys who have served as Special Victim Counsel, Special Victim Prosecutors, defense counsel in sexual assault cases and with MAJ Aimee Bateman, who is the military lawyer who personally briefs General Officers on sexual assault issues in the Army.