



This Month's Featured Committee: Military Committee

The Military Committee is chaired by Mark E. Sullivan of Raleigh, a retired Army Reserve JAG colonel. The vice-chairs are Peter Cushing of Orlando, a retired Navy Reserve JAG Captain (for those not in the military, this is *almost as good* as a colonel!), and Patricia Apy of Red Bank, NJ, who is a current member of the ABA Standing Committee on Legal Assistance for Military Personnel (the June LAMP meeting was in Hawaii, which was one of her tougher assignments). Tricia is in charge of CLE and Peter is in charge of the Committee's newsletter, ROLL CALL. The Committee focuses on the military intersection with the vast spectrum of family law issues – divorce, pension division, family support, custody/visitation, taxes, and so on. Unique aspects of military divorces include the problems of *finding the servicemember* (whose location may be classified or, as likely, in a tent near Baghdad), serving him or her with legal process when there's no sheriff or process server available, and invocation of the SCRA (Servicemembers Civil Relief Act), 50 USC App. 501 *et seq.*, for a stay of proceedings or to establish domicile.

The Committee last met at the Section's Spring Meeting and CLE Conference in Austin in April. Topics of discussion included the changes in military pension division brought about by CRDP (Concurrent Receipt of Disability Pay), CRSC (Combat-Related Special Pay), the new open season on SBP (Survivor Benefit Plan) starting October 1, 2005, the four-year phase-out of the Social Security offset for SBP, and the SCRA. Several Committee members agreed to write articles for the upcoming military issue of Family Advocate to inform other Section members on these topics.

In San Diego on September 28, 2005, the Committee will present, in conjunction with the Section's Fall Meeting, a one-day no-cost CLE program on military family law issues. The Committee expects a great turn-out, with invitations going to local bar members, military attorneys in the area, law schools, judges and child support enforcement offices. The topics covered will include divorce and separation agreements, domestic violence and pension division. Reprising their command performances from the Spring 2004 Puerto Rico meeting will be Tricia Apy ("The Hague Convention: Friend or Foe?"), Joe Booth ("Who's Afraid of UIFSA?") and Mark Sullivan ("Through the SCRA with Gun and Camera").

The Military Committee invites all Section members to book their trips to San Diego a day early so as to attend the military CLE and learn about these issues from the expert panel of speakers who are presenting on 9/28.

One of the most popular projects of the Military Committee is Operation Stand-By. Military attorneys all over the world are busy helping servicemembers with their legal

problems. The most common problem is family law. These JAG officers are faced with understanding and explaining the family laws of over 50 jurisdictions (and sometimes foreign countries, too). Clearly, JAGs need to consult with experienced family law attorneys in the different jurisdictions. In response to this need, the Section of Family Law initiated Operation Stand-By in the fall of 1999. With volunteers in all 50 states, the District of Columbia and Guam, Operation Stand-By has over 200 members. These members volunteer to answer questions from the JAGs by telephone consultation or e-mail. They also provide referral resources. Many of the questions are straightforward and simple to a good family law attorney.

Joining Operation Stand-By provides many benefits. The most important is that it provides the Section member with a very easy way to support our soldiers, sailors, airmen and Marines. It is also a great source of family law referrals since JAGs often refer servicemembers or dependents to private attorneys to handle their family law matters. In addition, it gives Section members a relationship with many JAG officers to whom they may turn when they have questions about military issues.

Everyone who joins Operation Stand-By will receive via e-mail seven military family law infoletters to help them in advising and assisting servicemembers and their family members. These are: 1) problems with foreign divorce decrees; 2) how to word a military pension clause or order; 3) how to retrieve a "lost" military pension; 4) how the Uniformed Services Former Spouses Protection Act, works; 5) how to assist the member with military pension division; 6) how to represent the nonmilitary spouse with military pension division; and 7) a guide to the Servicemembers Civil Relief Act.

The Operation Stand-By list has been posted on the electronic bulletin boards for JAGs in all branches of the armed forces. And is also at the home page of the Section's Military Committee (www.abanet.org/family/military). To join Operation Stand-By contact Mark E. Sullivan, Chair of the Committee, at: mark.sullivan@ncfamilylaw.com.

Posted at the committee's website are all of the SILENT PARTNER infoletters on military pension division, family support, and other military matters. Also at the website is the popular publication, "A Judge's Guide to the Servicemembers Civil Relief Act." This is an "open website," and anyone can go there to read, download or print these excellent resources.

Mark Sullivan has just finished writing a book, *The Military Divorce Handbook*, which will be published in September 2005 in time for the Fall Meeting. It contains extensive chapters, forms and checklists on "Starting the Case" (locating and serving the military member), divorce, taxes, domestic violence, family support, property and pension division, and custody.

The Committee also has a Listserv which allows Committee members to communicate with each other on topics of mutual interest.

SIDEBAR:

Here is a short list of useful URLs for the family law practitioner faced with a military case:

Defense Finance and Accounting Service: <http://www.dod.mil/dfas>

Armed Forces Tax Guide: <http://www.irs.gov/pub/irs-pdf/p3.pdf>

Army Retirement Services Office: <http://www.armyg1.army.mil/rso/> (lots of information on retired pay, Survivor Benefit Plan, retired pay and SBP calculators, and other retiree benefits)

Army JAG School:

<http://www.jagcnet.army.mil/JAGCNETINTERNET/HOMEPAGES/AC/TJAGSAWEB.NS/F/Main?OpenFrameset> (go to "Legal Assistance" for coursebooks for recent legal assistance classes covering family support, estate planning, deployment, taxes, separation agreements, custody, etc.) and for all the School's guides to military family law topics, extensively footnoted and well written by the professors at the School)

Army Echoes, July 2005 issue: http://www.armyg1.army.mil/rso/echoes/05_May.pdf (current information on the SBP "open enrollment season")

Military pay and garnishment: <http://www.dod.mil/dfas/money/milpay/>

ABA LAMP Committee: <http://www.abanet.org/legalservices/lamp/home.html> (SCRA materials, legal readiness checklist)

Dept. of Defense Financial Management Regulations:

<http://www.dod.mil/comptroller/fmr/07b/07b29.pdf> (regulations on military pension division)

"Legal Face of War": <http://www.abanet.org/genpractice/legalface/> (GP/Solo Section articles on deployment issues, reemployment rights of recalled Reservists, survivor benefits, estate planning and veterans' benefits)

Guide to veterans' and military benefits:

<http://www.abanet.org/family/military/militaryveteransbenefits.pdf>

Past issues of ROLL CALL, the Committee's newsletter:

<http://www.abanet.org/family/military>

NC State Bar military committee website:

http://www.ncbar.com/lamp/other_publications.htm (publications from the NC School of Government on Hague Convention, serving legal process on military personnel, UIFSA and international establishment/enforcement of support)

Marshal Willick's "Published Works" page:

<http://www.willicklawgroup.com/page.asp?id=40> (great resources on military pension division, SBP, VA disability problems and solutions, and federal civil service)

To join the Section of Family Law Military Committee, contact Sena Leach at LeachSe@staff.abanet.org.