



Committee Corner – Military Committee

WHO'S ON BOARD, AND WHAT DO WE DO?

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, and Patricia Apy of Red Bank, NJ, who is also a member of the ABA Standing Committee on Legal Assistance for Military Personnel (LAMP). 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. Custody cases are complicated by the constant mobility (through temporary deployments and regular changes of assignment to other installations) of military personnel, and military child support cases often involve the issue of untaxed allowances which need to be "grossed-up" before plugging them in to the state child support guidelines, which usually presume that all income is taxable.

DOINGS AT THE SPRING MEETING AND CLE CONFERENCE

The Committee last met in May at the Section's Spring Meeting and CLE Conference in Washington, DC. 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), which ends September 30, 2006, the four-year phase-out of the Social Security offset for SBP, and the SCRA. Several Committee members agreed to write articles for the next issue of ROLL CALL to inform other Section members on these topics.

In Washington, the Committee also presented a one-day free CLE program on military family law issues. We had a great turn-out – over 60 military and civilian lawyers attended – and the topics covered included divorce and separation agreements, domestic violence and pension division. Reprising her star performances from the Fall 2005 San Diego military divorce CLE was none other than our own Tricia Apy ("The Family Care Plan: Friend or Foe?"), and Mark Sullivan ("Through the SCRA with Gun and Camera"). We were also blessed with slide shows and presentations by Sue Darnell of Newport, RI (military pension division), Jim Higdon of San Antonio, TX (child support and the military), and Woofer Davidian of Raleigh, NC (military aspects of domestic violence). All materials are posted on the Committee's website, www.abanet.org/family/military. Here is one response received last October from a JAG officer who attended the Section's CLE Conference -

Mark:

I wanted to thank you again for the invitation to last week's ABA Family Law Conference in San Diego, at no charge to judge advocates. I know that you as a retired officer were instrumental in making that happen and sincerely appreciate the benefit that it afforded.

The conference was of course an excellent learning and networking opportunity. I was especially grateful for the time you spent visiting with me, introducing me to the various committee members whose acquaintances I was honored to make and whose association will certainly help expand professional horizons and the ability to serve clients both near and long term. I thoroughly enjoyed Judge Lipsey and was impressed that he also took some time, despite a hectic conference schedule, to make me and other newcomers feel welcome.

On a separate note, I have already made sure that our entire legal assistance section is aware of Operation Stand-By, and I will certainly do my small part to help press the message at the company level for the Army JAG Corps. Since returning to my duty post on Monday I have already had occasion to reference the Standby list on four separate occasions (here's hoping I don't wear it out before others have a chance). I am glad that you had the foresight to create this program and am confident that it will improve end delivery of work product for service members.

*All the best, and let me know if I can be of any service to you in the future. Train the force.
Byron L. Beck
1LT, USAR
Fort Irwin/NTC*

The Military Committee invites all Section members to join the Military Committee, which also involves a Listserv for the committee members so that they can share their questions and experience in military family law issues. It's a great source of information.

OPERATION STAND-BY

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 overseas, 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 Melissa Kucinski, a law student member of the Military Committee, at mkucinski@dberlin.org.

COMMITTEE WEBSITE RESOURCES

Posted at the committee's website (www.abanet.org/family/military) 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." Put this website on your list of FAVORITES so you can go there to read, download or print these excellent resources.

CLE PROGRAM ON MILITARY PENSION DIVISION

Mark conducted a teleseminar in March on military pension division which attracted about 100 participants. He and moderator Jacquie Valdespino conducted a discussion on blocking military pension division, the Survivor Benefit Plan, how to write an order for pension division and other essential topics. He has just completed writing a three-part article based on the seminar speech text, which he will be sending out, through the Section, to all state bar family law section newsletter editors. The program's success prompted Ed Newman to twist Mark's arm into doing another teleseminar this fall on military child support!

MILITARY DIVORCE HANDBOOK JUST PRINTED!

The Section of Family Law has just published Mark Sullivan's book, *The Military Divorce Handbook*, which 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. You can order a copy by going to www.abanet.org/abastore and typing in Product Code 5130135. There is a discount for Family Law Section members. It's 650 pages long, with a CD in the back for all the appendices!

AWARDS & RECOGNITION

Patricia Apy put together an outstanding slide show for the San Diego meeting last fall showing the JAG officers and civilian attorneys to whom the Section gave Special Recognition Awards, as well as the many lawyers in uniform who are serving our country throughout the world. It was graphic, beautiful and deeply moving.

Finally, the Section has just nominated the Military Committee for the ABA's Meritorious Service Award. Mentioned in the nomination were the Committee's activities above in support of military lawyers who need help, training, referrals and resources in the field of family law.

SIDEBAR:

In addition to the Section's website (see above, military family law resources are available at the websites listed below:

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/mission.asp> (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/tjaglcs> (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). There are new guides to military pension division [JA 274] and to the Servicemembers Civil Relief Act [JA 260] posted there.

Army Echoes, the retirement bulletin for soldiers: <http://www.armyg1.army.mil/rso/echoes.asp> (current issue, January 2006, contains information on the SBP "open enrollment season" and Combat-Related Special Compensation, or CRSC)

Military pay and garnishment: <http://www.dod.mil/dfas/militarypay/garnishment.html>

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/index.html> (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)
