



**FEBRUARY
2010**

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SITREP

Military Law Section State Bar of Texas

Situation Report from the Chair

by LTC Randall L. Fluke, JA, USAR

WEST TEXAS MILITARY LAW SYMPOSIUM

19-20 FEBRUARY 2010

SPONSORED BY THE

TEXAS TECH SCHOOL OF LAW AND

THE MILITARY LAW SECTION

STAFF RIDE: *TEXAS v. TEXAS TECH* (MEN'S BASKETBALL GAME)

It's not too late to join us for the West Texas Military Law Symposium, 19-20 Feb 2010 at the Texas Tech School of Law in Lubbock, Texas. TTU Law, under the leadership of Dean/MG (Ret.) Walter Huffman and his staff, are co-sponsors of the event. Arrive in time for the luncheon meeting of the Lubbock County Bar Association, to be held at the law school, launching the Symposium with the Honorable Judge W. Royal Furgeson, Jr., as the luncheon speaker. An outstanding line-up thereafter includes: Professor Richard Rosen, who will speak on Religion and the Military; Mr. (CAPT, Ret.) James Higdon and LTC Dawn Laubach, who each speak on Family Law and legal issues unique to military members and dependents; Mr. Mark D. White of Amarillo, who will speak on Legal Ethics; and, CPT Jim Slesman, 1CD, will speak on Operational Law. BG John Miller of The Judge Advocate Legal Center and School, U.S.A., is also expected to attend.

Dean/MG (Ret.) Walter Huffman will host a reception on Friday evening at the law school at which LTG (Ret.) Bernhard Mitemeyer, former Surgeon General of the Army, will be a special guest.

Join us for a "Staff Ride" to the United Spirit Arena (walking distance from the law school) for the *UT v. Texas Tech* men's basketball game at 1300 Saturday. A small block of reserved seats (\$18 to be reimbursed by attendees) have been purchased by us for your convenience on a first-come-first-register basis.

Cost of attendance for the entire Symposium (anticipate 6,0 hours of CLE, with 1.5 hours of Ethics) is only \$125.00, including lunch on Friday, or if only attending part of the event, \$75 for Friday or \$50 for Saturday only. For law students and faculty, there is no cost for the CLE, only \$15 to cover the luncheon. Lubbock County Bar Association members will pay \$100 for the entire event (or \$50 per day) apart from the Friday luncheon. Rooms at the Staybridge Inn and Suites, 806-765-8900 (\$70/queen; \$90/king) were available through 4 Feb 10. Call for status, if interested.

LTC John Withers, Jr. USAR (Ret.)
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TERMS EXPIRE 2011

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For information and registration, see www.militarylawsection.com

Submit the registration form by 16 February 2010 to the State Bar of Texas. After that date, please contact Gary Manuele directly at manueleg@hotmail.com or (254) 368-4475 to register. Those wishing to register by credit card, should contact Michele Schweitzer Accounting Department Director State Bar of Texas P.O. Box 12487 Austin, TX 78711-2487 or call her at: (512)-427-1421, or toll free: (800) 204-2222, ext 1421 email: mschweitzer@texasbar.com. Be sure to mention you are with the Military Law Section and are registering for this event.

SUMMARY OF MAJOR ISSUES DISCUSSED/RESOLVED AT THE 2009 FALL MEETING

- I. **PROFESSIONAL LIABILITY INSURANCE --The MLS passed a resolution *Opposing* the mandatory disclosure of PLI. (In January, 2010, the SBOT Board of Directors also voted against PLI disclosure.)**
- II. **MANDATORY CONTINUING LEGAL EDUCATION CHANGES-- The MLS *Opposed* the MCLE changes proposed as of October; the MLS is *silent* as to revisions make *since* the Fall Meeting.**
- III. **ABA LEGAL ASSISTANCE LIMITED PRACTICE INITIATIVE, PROJECT LAMP, PRO BONO, AND THE MLS---The MLS continues to study these areas.**
- IV. **TEXAS LAWYERS CARE- The MLS contributed \$350 that was received with thanks.**

OTHER MATTERS OF INTEREST TO THE MLS

A. VETERANS' COURT REVIEW COMMITTEE

A diverse committee of over twenty (20), Chaired by Mr. Benjamin M. Yudesis, of Harlingen, Texas, has been assigned the mission of investigating all aspects of the Veteran's Court issues and making appropriate recommendations to the Section and MLS leadership.

Please contact these members with your input:

Chair:
Mr. Ben Yudesis
322 E Harrison Ste A
Harlingen, TX 78550
(956) 423-2334
bmy@swbell.net

Members:

CPT Brandon Barnett
HQMC, Pentagon
Washington, DC

CPT Daniel R. Crumby
White Sands Missile Range, NM

COL Rodger A. Drew, Jr.
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Mr. Will M. Helixon Annandale, VA	Mr. J. Homero Ramirez Laredo, TX
Mr. Ronald L. Hendricks Keller, TX	Mr. Robert B. Rice Austin, TX
Mr. Darrell Jordan Houston, TX	Mr. Jason M. Ryan Houston TX
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Hon Danny Kindred District Attorney Medina and Uvalde Counties, TX	Mr. Donald Williams El Paso, TX
Mr. Gary Manuele Fort Hood, TX	Mr. Guy L. Womack Houston, TX
Mr. Mark R. Myers Fort Worth, TX	Ms. Terri Zimmermann Houston, TX
Mr. Jefferson Moore San Antonio, TX	

The mission of the VETCT REV COM is to research and report to MLS Membership at the Annual Meeting in June 2010 the progress of the Harris County Veteran's Court (Harris CO VETCT) Program as well as any similar programs, and to recommend to the MLS: 1) whether the Harris Co VETCT Program is one that should or should not be endorsed or recommended for replication by the MLS; 2) whether the MLS, as a Section, should take a formal position regarding a VETCT program or its replication in other jurisdictions; and, 3) any other relevant position that should be taken by the MLS on the matter; and, 4) the appropriate means for communicating the position of the MLS? (As indicated, previously, a Minority Report may be included, if necessary.).

B. BYLAWS REVISIONS- Proposals are being considered that will allow honorary membership and will create special categories of membership for law school deans, associate deans, and professors, as well as law students as well as certain legal commanders. POC is R. Fluke.

C. LAWYER REFERRAL SERVICE We continue to seek input on developing a practical Lawyer Referral Service within the Military Law Section. POC is Kay Perry.

D. LAWYER-VETERANS' MEMORIAL WALL OF HONOR. We propose to list and post on our MLS web site the names of all deceased Texas lawyers who have served in the Armed Forces. This project was inspired by the long-running practice of CAPT (Ret.) Jim Higdon, former MLS Chair, of honoring, at every MLS meeting, each lawyer/veteran who has recently passed away. We want to capture and permanently record these names. Additionally, your Chair would like to see the State Bar of Texas reach into the archives of the Texas Bar Journal and compile a list of all deceased lawyers who once served in our Armed Forces. This list could be named the State Bar of Texas "Lawyer-Veterans' Memorial Wall of Honor," and would be appropriate for a prominent placement on the State Bar of Texas Home Page.

BRAIN TEASER/RESEARCH PROJECT-- WHOM TO SERVE?

Recently posted on the Military Law Section list.serve was a request for addresses, fax numbers, secrets, and practice pointers in obtaining via subpoena the documents listed, below. As this project has the potential to benefit many of our members, we have replicated, here, the request for your input forwarded by former MLS Chair Terri Zimmermann, on behalf of Mark E. Sullivan, an attorney in North Carolina, and author of The Military Divorce Handbook (American Bar Association 2006).

The documents about which subpoena information is needed, variously labeled, are:

- A. Retiree Account Statement;
- B. DD 214 or other Discharge/Separation Notice (such as NGB 22);
- C. Annual retirement points statement;
- D. 20-year letter;
- E. Retirement orders;
- F. Active-duty election form for SBP upon retirement;
- G. Statement for CRSC (Combat-Related Special Compensation)
- H. (if Guard/Reserve) the SBP election form completed at the 20-year mark to see if servicemember elected Option A, B, or C.
- I. What about Coast Guard documents as to the above?
- J. If the person is retired, does DFAS have any of these forms?
- K. Do you have to subpoena to the National Archives if the person is retired?
- L. Does the place to send the subpoena differ based on whether the servicemember is/was a Reservist or a member of the National Guard?
- M. Does it matter if it's Air National Guard or Army National Guard?
- N. Are these documents that can be subpoenaed directly from the local office, the state office (such as the NC Dept. of Adjutant General), or the main headquarters (such as the Navy Personnel Command for a Navy Reservist, or the National Guard Bureau for a Guardsman)?

Please provide your input to Mr. Mark E. Sullivan, Esquire, Law Offices of Mark E. Sullivan, P.A at mark.sullivan@ncfamilylaw.com, 919-832-8507.

Mr. Sullivan plans to write an article with this information for publication in the ROLL CALL, the newsletter of the Military Committee, ABA Family Law Section, on the web at <http://www.abanet.org/family/military>.

UPCOMING EVENTS

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| 19-20 FEB 10 | WEST TEXAS MILITARY LAW SYMPOSIUM, LUBBOCK TEXAS |
| WINTER DATE TBD | MLS WINTER 2010 SAN ANTONIO SOCIAL AT THE PLAZA CLUB (POC KAY PERRY, CHAIR-ELECT, FOR DETAILS) |
| 22-23 APR 10 | BIENNIAL INSTITUTE, FORT SAM HOUSTON (DIRECTOR GARY ANDERSON) |
| 11 JUN 10 | MLS ANNUAL MEETING IN FORT WORTH (STATE BAR OF TEXAS ANNUAL MEETING) |