

Maryland State Bar Association
MILITARY LAW COMMITTEE

Third Committee Meeting
November 5, 2008 6:00 PM
520 W. Fayette St Baltimore, MD 21201

MINUTES

I. Welcome

In Attendance: Charles Blomquist, Justin Browne, James Butler, Ravi Kambhampaty, John Osing, John Price, Sam Riley, Tom Donnelly, John Simms, Yosefi Moshe Seltzer, Milton Boyd.

- A. Charles estimated that the Committee is up to 40 members, nearly half way towards its goal of 100 to become a Section.
 - 1. Charles will identify and share with the Committee
- B. Committee members will email Charles if they wish to hold a future meeting at one of the MSBA-approved restaurants.
- C. Committee agreed to appoint John Osing to Secretary for next meeting.
 - 1. Charles also recommended rotating the responsibility (taking notes during the meetings, drafting next meeting agenda) among Committee members that volunteer to do so.
- D. Mission Statement
 - 1. Proposed mission statement:
 - a. "The Committee provides a forum for the open exchange of military law and matters affecting veterans and the military community by building and establishing a network of uniformed and civilian professionals, providing educational and legal assistance opportunities, and recognizing those attorneys who have contributed significantly to this goal."
 - i. Committee members will provide feedback by Nov. 19, 2008; if none is received, the mission statement will be posted to the website as proposed.
- E. Charles and Justin will provide a Committee update on current and proposed events in the MSBA *Bar Bulletin* January 2009 edition addressing Veterans/Military Law.
 - 1. The guidelines:
http://www.msba.org/departments/commpubl/publications/bar_bult/guidelines.htm. Committee members are encouraged to submit articles.
 - 2. Justin will explore modifying his consumer protection paper to be included.

II. LT. Gov. Address (Dec. 9, 2008, 6P.M. at the President's Conference Center East 1 (11 Bladen Street Annapolis, MD 21401))

- A. Committee members will continue getting the word out about the event.
 - 1. James Butler is making contact with Military installations week of 11/10.
 - 2. Yosefi Seltzer will send to civilian attorney contacts.
- B. Charles will invite the MSBA President and President Elect.
- C. Charles will follow-up with Teresa of MSBA to confirm she will agree to be RSVP contact person, to set-up catering for the event, and to find out about getting a press release in the Daily Record.
 - 1. Modified flyer has to be sent to John Osing to be used going forward in his outreach efforts.
- D. John Osing has contacted most of the BRAC alliances. About 15-20 contacts have been made, with only two individuals not having responded to his calls/emails.

III. Subcommittee Reports

A. Awards

- 1. Charles will contact Frank Levi to update the presentation to reflect changes from last meeting¹ and have it posted to the website.
 - a. Committee will approve the program next meeting.
 - i. Once approved, will need to get families' approval for use of names.
 - a.) Joseph Michael Owens offered to help.
 - ii. Application will need to be drafted
 - a.) Basic information and paragraph justifying award.
 - b. Award will be presented at the annual conference.
 - i. Charles will need to assure space on annual conference program (June 2009).
 - c. Subcommittee needs to choose an appropriate award – plaque, crystal, coin.
 - d. Subcommittee needs to decide whether to bring in sponsors to cover cost of bringing recipients to event (possibly from the field).

B. Webpage

- 1. Milt and Sam led a discussion about proposed webpage format, which reflects a phased approach.
 - a. First, a links page will be added with links categorized (legal assistance, JAG sites, services, etc.)
 - b. Going forward, the subcommittee will move towards a “task approach” whereby information is organized according to defined tasks (*e.g.*, “how do I try a case?”)
 - i. A wiki approach will also be considered.

¹ The Gilmore award should be broadened to any uniformed person and include enlisted personnel. The Sherman award should be broadened to include civilians who provide legal services to members of the military or their families or who have advanced the cause of military law. A suggestion was made to also include an award in the name of CPT Smathers who died a couple of years ago from injuries in suffered in Iraq. *See* <http://www.arlingtoncemetery.net/jesmathers.htm>. An award in his name could be focused on Active Duty JAGs.

2. Milt will contact MSBA to get the links up for now and go from there.
Milt will also have MSBA advertise the Lt. Gov. event on the first page.

C. Legal Assistance

1. Justin discussed **Wills for Heroes** program variation and proposal from MSBA Estates & Trust Section (E&T).
 - a. Committee members confirmed there is a need for this kind of service. (beyond wills, powers of attorney, healthcare directive)
 - i. Reservists not mobilized.
 - ii. Individuals with 500k+ in assets, children, testimonial trusts, etc. (require more than basic documents usually available to them).
 - iii. Civilians that are deploying.
 - b. Committee recognized great opportunity to provide services and gain press exposure.
 - c. Next steps
 - i. Work with E&T to add information to website: what various instruments are, volunteer attorneys to contact for assistance.
 - ii. Create list of attorneys willing to provide pro bono or lost cost services to serve as referrals.
 - iii. Define small group of potential clients to serve as a pilot program.
 - a.) Need to set parameters to assure response is not overwhelming.
 - b.) This small group can provide a snapshot of what will be required to expand the program. *See* MSBA Estates & Trust Proposal (attached).
 - iv. Contact ABA to see if they'd be willing to modify their Wills for Heroes program to provide services to military, Veterans, and/or deploying civilians.
 - v. Contact potential partners: Col. Doyle (State JAG re: mobilization plans), Md. Defense Force, local law firms.
 - d. Sam Riley and Tom Donnelly will serve on subcommittee.

2. Veterans Court

- a. Justin looking into setting up a meeting with University of Maryland Law School professor experience in alternative courts, Charles, and BG Smalkin.
 - i. Goal is to establish a group to study whether a court is justified, and then develop and implement program.
 - ii. John Price suggested including Judge Riden in any efforts given his experience with alcohol court.
 - iii. Will need to include MSBA legislative group down the road.

3. ABA Grant

- a. Charles discussed ABA program to provide grants for legal assistance programs whereby retired attorneys would assist veterans access their benefits.
 - i. Application due 12/19.
 - ii. Justin will review and craft proposals to share with Committee.

4. Tax Center

- a. Yosefi Moshe Seltzer identified opportunity to provide support to Tax Center, which provides tax services to military personnel.
 - i. Justin will follow-up with MSBA Taxation Section.

D. Membership

1. James Butler will revise PowerPoint presentation on the pilot membership initiative and post to website.²
2. James will be contacting military installations within the next week and creating a roster.

E. Legislation

1. John Price recommended developing a income loss/stop gap proposal to provide compensation to employers to offset adverse impact associated with deployment of employees, particularly within smaller businesses.
 - a. This would counter the disincentives to hire National Guard/Reservists.
 - b. Could take form as a tax credit as well.

F. Educational offerings/Events

1. Justin provided MSBA with Melissa Kucinski's & Judge Brown's information regarding proposed CLE program for the annual conference: Military Litigants and Witnesses in Civilian Courts: Challenges for the Bench, Bar, and Deployed Military Member.
 - a. MSBA will work directly with Melissa and Judge Brown.
2. Justin working with University of Maryland School of Law on a spring program: Challenges Facing Veterans in the VA System and the Real World.
 - a. Will incorporate training component (appealing veterans' benefits decisions).
 - i. Meeting on Thursday.

G. Budget

1. Charles and James will hash out 2009 budget. It is due 12/12.

² Concern expressed at last meeting about the language in the third bullet on the 10th slide. Members want the language clarified. The purpose of this point is that Committee membership status for non-Maryland licensed attorneys should not be construed as a license to practice in the State. Foresee challenges associated with including non-MSBA attorneys in the program (unless they are military members). Could establish a sponsorship program.

- a. Subcommittee members should forward suggestions and proposed projects with funding needs to Charles.

H. BRAC

1. Opportunity to form subcommittee.
2. Can connect with existing task forces/alliances to assess impact on municipalities, courts, surrounding communities (*e.g.*, businesses) etc., provide guidance, and inform the MSBA membership of developments.
3. Contacts with BRAC can be established at Lt. Gov. meeting based on turnout from John Osing's outreach efforts.

IV. Meeting Adjourned

A. Next meeting: Dec. 3, 2008 6:00PM

1. Agenda will be light focusing primarily on Lt. Gov. meeting readiness.