

2006 Clayton B. Burton Award of Excellence

Military Affairs

The United States remains at war, in a struggle with ideologies few understand, while most citizens, residents, and visitors in Florida are able to continue to live normal daily lives. The Military Affairs Committee works to provide legal security to those who have answered the call to serve in uniform to maintain our nation's freedom and safety, and our way of life.



The scope and function of the committee is to 1) "Gather and disseminate information, share expertise, and advise the members of The Florida Bar on all matters relating to the practice of military law in Florida"; and 2) "To serve as the link between The Florida Bar and active duty, reserve, National Guard, and retired military attorneys within Florida."

This past year, the committee has worked with the legal assistance providers of each of the Armed Forces' judge advocates to publish e-lists of Florida attorneys, over 200 in number, who volunteer their time and expertise to mentor active duty military attorneys. This program greatly improves the level of legal advice available to active duty service members throughout the world. The project, named Operation Stand-by is, of course, also available to their dependents at home. The volunteers include former military lawyers, reserve and guard judge advocates who are not on active duty, and private and governmental attorneys with no direct connection to the military who want to take the opportunity to help our servicemen and servicewomen in this time of international strife. The committee has produced this list in booklet form for use at military legal offices for many years. The lists are now available to legal assistance officers, anywhere, on the Air Force FLITE system, the Army's JAGCNET and Navy and Marine Corps Judge Advocate Web pages, as well as the Coast Guard Legal Web site.

The committee members are volunteers and include active duty Judge Advocates, Reserve and National Guard JAGs, members of large and small law firms, and several sole practitioners. Membership on the committee is open to any Florida Bar member with an interest in furthering the ability of our profession to assist members of the Armed Forces of the United States,

active members of the reserve components, retired members, and all veterans.

This year the annual Military Law and Legal Assistance Symposium was presented on January 21, 2006, at the Hyatt Regency in Miami, as part of The Florida Bar Midyear Meeting. This daylong program, organized by Bob Jaegers, lt. col., USAFR (Ret.), and the U.S. Air Force contingent within the committee featured Air Force Brigadier General Thomas L. Hemingway, legal advisor to the appointing authority, Office of Military Commissions. He described the military commissions and their legal procedures, the current challenges underway in the federal courts, and the sources of authority for such commissions, from the Geneva Conventions and the U.S. Constitution, to more recent tribunals established by the United Nations. This presentation and ensuing discussion was the liveliest and most informative in the committee's history.

Symposium speakers came from far and wide, and their topics varied. Colonel John Odom, USAFR (Ret.), from Shreveport, LA, described his efforts as a litigator to protect reserve component members from job losses and business adversities brought on by call-up to active duty. Judge Gregory P. Holder, col., USAFR (Ret.), spoke about the impact of domestic violence on the career of a military member. Rep. Kevin C. Ambler (R-Tampa), major, USAFR, provided an update on Florida law affecting military personnel, and pointed out new laws permitting monuments and memorials at rest stops, reducing sportsman's license fees for veterans, and protecting service members from unfair insurance practices. Michael Steinberg, attorney, presented "An Introduction to Pension and Compensation Claims" and invited all Florida lawyers' involvement in assisting veterans with the maze of procedures to obtain the full benefits available to them from the VA based upon their military service. Howard O. McGillin, Jr., col, US Army (Ret.), updated the audience about the DoD Joint Ethics Regulation, and how to advise clients about accepting gifts and other benefits according to federal and Florida law. Army Reserve Majors Stuart Siegel and Kathy Giraitis concluded the symposium with "Immigration and Naturalization Issues for Military Personnel," providing new issues of concern caused by post-9/11 changes in this subject.

The committee was proud to present the 2006 Clayton B. Burton Award of Excellence to Marc J. Soss, senior attorney with Akerman Senterfitt, Tampa, and a member of the Naval Reserve,

where he is the supply officer for Special Operations Command (Central). During the past year he has volunteered to prepare over 50 wills and powers of attorney for deploying members of the U.S. military, provided advice on taxes, guardianships, probate, and reemployment rights issues, published articles advising reservists and guardsmen of their legal rights, and lectured to local businesses and human resource departments about reserve and guard reemployment rights issues. As well, Mr. Soss has collected and sent monthly care packages to deployed troops in Kuwait, Qatar, Iraq, and Afghanistan. This award, established in 1990, is given annually to an attorney who demonstrated character and leadership promoting the quality of legal services furnished to military personnel serving in Florida.

The committee also introduced a proposal to The Florida Bar, which has now been filed with the Supreme Court, for the membership fees exemption for activated reserve members of the armed services. This would apply to Bar members recalled to active duty for 30 days or more, and would continue until the end of the member's active duty tour. This proposal was the result of concerns raised in the last two major mobilizations in 1991 and 2003. Some attorneys experienced extreme reductions in income upon activation, and it is believed this is a small but appropriate signal of the Bar's appreciation for the sacrifice made by our members who volunteer for national service.

This committee could not function without the dedication of its members and all of the suggestions, support, and individual effort each has put into this and every year. The committee also extends its heartfelt thanks to Maria Johnson of the Bar staff, who was the lynchpin of our efforts throughout the year, especially in making arrangements for our Symposium.

MARK BLUMSTEIN, Chair