

**Veterans and Military Law Section Board of Directors Conference Call
May 17, 2016 at 3pm ET**

In Attendance—Bob DeSousa, Alan Goldsmith, Jim Richardson, Carol Scott, Ray Toney, Sherri Murray-Carr, John Wells, Nelson Van-Eck

Chair's Report—Bob DeSousa asked for a motion to donate \$500 for the purpose of funding, in part, the multi-section reception to be held at the upcoming annual convention in Cleveland. Jim Richardson so moved, John Wells seconded and the motion passed unanimously. Bob also said that he would be encouraging members to attend the convention given the fact that many of the social events are free or heavily subsidized by FBA.

Committee Reports

Military Justice—John Wells stated that the Senate Armed Services Committee has begun its consideration of the 2017 Department of Defense Authorization Bill, which includes the committee version of the 2016 Military Justice Reform Act. It was also noted that committee chair Pete Masterton had solicited input on the 2016 MJRA and the comments would be forwarded to Carol Scott, Chair of the Legislative and Regulatory Committee.

Membership—Sherri Murray-Carr reported that no meeting had been held recently. Bob DeSousa urged coordination between the substantive committees and the Membership Committee concerning CLE and other events sponsored by the committees. Along these lines, Jim Richardson stated he would send the Membership Committee a roster of attendees from the upcoming Veterans Law Conference in Baltimore. He also said that at this conference, a lottery would be held to raffle off a small gift, and suggested that such a practice could be a good “hook” for membership in the Section. Bob DeSousa agreed and said the Section might be willing to subsidize such gifts at future events. Alan Goldsmith pointed out that previously, he had suggested that the staff at FBA headquarters could perform some data mining that might help the section with membership. Specifically, he wanted the staff to search for members with an e mail address ending in “.mil,” individuals who refer to themselves on the membership rolls with a military rank instead of “Mr. or “Ms,” and members who express an interest or practice area in veterans or military law on the survey sheets FBA has circulated. All of these individuals, along with every member of the Pentagon Chapter who is not a VMLS member, should be specifically targeted for section membership. Bob DeSousa agreed and said he would check on the status of the data mining.

CLE—It was noted that the event in Philadelphia originally scheduled for June has been postponed and is pending rescheduling due to the fact that the Acting Secretary of the Army, Patrick Murphy, who was supposed to attend the event, cannot do so due to a change in his schedule. Responding to a question posed concerning CLE at the upcoming FBA convention, Alan Goldsmith said that he was on the FBA website recently, and recalled that CLE's were scheduled on the subjects of the Soldiers and Silors Civil Relief Act and veterans courts.

Communications—Ray Toney said that a broad appeal to all FBA members would be made in the next *Federal Lawyer*, seeking articles for the issue which will cover military and veterans affairs. He is especially hopeful that someone will write an article pertaining to the Guard and Reserve.

Legislative and Regulatory—Carol Scott reported that she was getting pushback on the tribal veterans service officer issue. Further, comments will be submitted on pending legislation to make the Veterans Administration appeal process more adversarial. The bill would also permit representation at the time of the initial rating decision instead of at the time the notice of disagreement is filed. Concerning the issue of the contaminated water at Camp Lejeune, it now appears that the VA has internally approved a directive which set forth a presumption that certain diseases and disorders present in individuals who were at Camp Lejeune during the period at issue were, in fact, caused by the water problem there. However, it was noted that the list of diseases and disorders approved by the VA is much shorter than the proposed list. Further, the directive must now be approved by the Office of Management and Budget.

Other Business—Alan Goldsmith reported that last week's end-of session lunch reception at the Court of Appeals for the Armed Forces, sponsored by the Pentagon Chapter, was very successful, with about 100 people in attendance. The attendees included Chief Judge Erdmann and Judge Stucky from CAAF, and representatives from virtually all of the government and appellate defense divisions.

The meeting was adjourned at 3:30 pm.

Secretary's Report—Alan Goldsmith reported that the long-awaited panel discussion on the Military Justice Reform Act took place late last month. The event was interesting and informative, and the article in the recent newsletter did a good job of summarizing the event.

Treasurer's Report—Chase Johnson reported that as of the date of the February report, VMLS had approximately \$6,100 in its account. This figure does not reflect expenditures of \$500 for the upcoming event in Baltimore, and \$300 for Bob DeSousa's travel to Washington for the midyear meeting. The March report will be forwarded to the committee when it is released next week. Bob DeSousa noted that the FBA reimburses some of his travel expenses due to his status as a past national president.

New Business—Bob DeSousa noted the need to reach out to law students and active duty service members as prospective members of FBA and VMLS. He raised the possibility of creating a committee to address the best way to reach out to law students, and noted that the FBA is an excellent organization for JAGs to join since all of them will eventually separate or retire and membership provides contacts that will be extremely helpful upon returning to the civilian legal community. Additionally, VMLS has been notified by a reserve JAG working at the Court of Appeals for Veterans Claims that his JAG service constitutes the practice of law, which is considered an ethical violation by the Judicial Conference. Accordingly, the CAVC Clerk of Court has notified the individual that he has 90 days to either resign his commission or terminate his employment with CAVC. Bob DeSousa has notified the

appropriate authorities at Army JAG and Bruce Moyer of FBA concerning the attorney's plight, and he is continuing to monitor the situation.

The meeting was adjourned at 3:25 pm.