

Military Legal Assistance

Issues and Resources

November 8, 2024

Co-Sponsors:

NC Central University Law School

NC State Bar Committee on Legal Assistance for Military Personnel

Keynote Address:

Grier Martin, NC Secretary of Military and Veterans Affairs

Agenda

Family Law: Military Pension Division

Servicemember Civil Relief Act

Military Consumer Law and Resources

Veteran's Benefits

Legal Services Panel Discussion

Legal Aid of NC / Victim's Legal Counsel / Disability Evaluation System

Registration and North Carolina CLE

Six hours general CLE credit requested from NC State Bar

Registration process: We've made it easy. Send a single email to

Michael.archer@usmc.mil and Svalent4@nccu.edu

Provide the following information in the email: Name, Phone number , email address, NC Bar # (as applicable). Be sure to put "Military CLE Registration" in the subject line.

Cost: There is no registration fee for this course.

Logistics

Location: NC Central University School of Law, 640 Nelson Street, Durham, NC 27707

CLE Venue: Moot Court Room (In person only event)

Date/Time: November 8, 2024. 8:00 a.m. – 4:15 (Please arrive promptly for keynote address)

Parking: NCCU Parking Deck, 705 Lawson St., Durham, NC 27707 (Short walk to law school)

Refreshments: Canteen and complimentary coffee at ground floor of law school

Lunch available at Student Union

Detailed Agenda

- 0800-0805 Welcome, NCCU Law School Dean
- 0805-0830 Opening remarks / Keynote Address
Grier Martin, NC Secretary of Military and Veterans Affairs
- 0830-0845 Break
- 0845-0945 Family Law (Sarah Gerow / Vanessa Puhak, Sullivan & Hilscher)
Military Pension Division, VA Disability, SBP
- 0945-1000 Break
- 1000-1100 Family Law (continued)
- 1100-1200 Servicemember Civil Relief Act (Alan Martinson, U.S. Department of Justice)
- 1200-1300 Lunch
- 1300-1400 Military Consumer Law and Consumer Finance Protection Bureau Resources
(Angela Martin, Senior Enforcement Attorney & Military Liaison, CFPB)
- 1400-1410 Break
- 1410-1510 Legal Service Panel
Ruth Cresenzo (Special Victims' Counsel)
Meredith Sharpe (Disability Evaluation System)
Charlisa Powell (Legal Aid of North Carolina)
- 1510-1610 Veterans Benefits (John Brooker)

COURSE DESCRIPTIONS

Family Law

These two hours of family law will address the single most complicated and financially significant issue in a military divorce case, i.e., military pension division. The program will address the legal and practical effect of the federal Uniformed Services Former Spouses' Protection Act, what portion of the pension can be divided, what is non-divisible, the meaning of "Disposable Retired Pay," jurisdiction over the pension, the "nuts and bolts" of dividing the pension, and the effect of VA disability compensation and other disability payments on the former spouse's pension-share amount. The program will also address the military Survivor Benefit Plan, an income-continuation program for spouses and former spouses, as well as common errors and legal strategy for lawyers representing either the military or the civilian spouse.

Servicemember Civil Relief Act

This course of instruction will address the federal SCRA, the single most important statute protecting servicemembers and their families. Its provisions include a means of delaying civil cases, protection from default, reduction of interest on pre-service financial obligations, early termination of certain consumer contracts and of vehicle and residential leases, prohibition (in some cases) of non-judicial repossession or foreclosure, prohibition against non-judicial enforcement of certain liens, and professional license portability. Its provisions come up repeatedly in representing servicemembers and are the basis for numerous enforcement actions initiated by the Department of Justice.

Military Consumer Law and CFPB Resources

This course of instruction provides a basic overview of key consumer protection statutes that are most commonly used in military legal assistance. Substantive topics include automobile financing, credit reporting, debt collection, credit cards, electronic fund transfers, and student loans. Consumer protection statutes such as the Military Lending Act, Truth in Lending Act, Fair Debt Collection Practices Act, Fair Credit Reporting Act, Fair Credit Billing Act, and the Electronic Fund Transfers Act will be discussed. This presentation will also include information on the resources available to military legal assistance attorneys, most notably, the resources housed within the Consumer Financial Protection Bureau.

Legal Services Panel

This course features three eminently qualified and experienced panelists who provide services that are little known or understood.

Ruth Cresenzo (LTC U.S. Army, Ret.) will address the military Victims' Counsel programs, created by federal law in 2013, which provide eligible alleged victims of sexual assault, domestic violence and sexual harassment with legal representation in military court and administrative proceedings, and expanded legal assistance. Ms. Cresenzo will address the statutory framework, the extent of services, eligibility for SVC counsel, and frequently occurring issues.

Charlisa Powell will address the array of important services provided by Legal Aide of NC, eligibility requirements, military / veterans programs, domestic violence and other frequently arising issues, and legal and practical resources and impediments.

Meredith Sharpe will address the statutory and regulatory framework for the Disability Evaluation System, by which complex medical issues are applied to complex legal issues that may result in discharge of the servicemember from the service, a severance paycheck (or not), or disability retirement (or not). She will describe the process and frequently arising issues, and also address those points at which the patient and counsel can affect the outcome.

Michael Archer will serve as moderator for this program.

Veterans Benefits

This presentation focuses on types of military discharges, the effect of the characterization of the discharge on veteran's benefits, and the dramatic effect that such benefits, or the lack thereof,

have on veterans. The presentation will address the rules and processes pertaining to changing discharges and benefits eligibility.

PRESENTERS AND PANELISTS

Sarah Gerow, an associate attorney at the Law Offices of Mark E. Sullivan, P.A. was admitted to practice in North Carolina in 2019. She brings compassion and dedication to each of her cases. Sarah knew from a young age that she wanted to be a lawyer, and she pursued her interest throughout high school and college, including membership on The George Washington University Mock Trial Team. Her desire to advocate for others developed while working with children with disabilities as a summer camp counselor during college. This led Sarah to the University of North Carolina School of Law, where she focused on education and family law. In 2021, Sarah married her husband, Benjamin, who is a member of the North Carolina Army National Guard. Sarah actually grew up near Boston, Massachusetts. She has a Doberman pup, Brady, named after Tom Brady. Sarah also volunteers as a Guardian ad Litem in Johnston County. She has lived in 11 states and is excited to now call North Carolina her permanent home.

Vanessa Puhak is an associate attorney at the Law Offices of Mark E. Sullivan, P.A. Mrs. Puhak is a graduate of the University of South Carolina, where she majored in psychology. She went on to obtain her Juris Doctor degree from Campbell University- Norman Adrian Wiggins School of Law in 2017. Prior to attending law school, she served our country as a commissioned officer in the U.S. Army. She completed a humanitarian mission in Haiti and a combat deployment in Afghanistan. She is a native of New Jersey, but she spent most of her childhood in Uruguay, the home of her parents, and is fluent in Spanish. She began her legal career at Legal Aid of North Carolina handling family law cases, especially those involving victims of domestic violence. She also has experience in international child abduction cases.

As a former Army officer and former military spouse, Mrs. Puhak has an in-depth understanding of the issues and outcomes involved with a military-related divorce. She was admitted to the North Carolina State Bar in 2017 and has also been admitted to practice in the U.S. District Court for the Middle District of North Carolina. She is a member of the Family Law Section of the North Carolina Bar Association as well as the 10th Judicial District and Wake County Bar Associations.

Alan Martinson is an attorney with over fifteen years of federal civil litigation experience. Currently, Alan serves as a Trial Attorney in the Housing and Civil Enforcement Section of the Civil Rights Division in the United States Department of Justice. In that position, Alan has enforced federal civil rights laws nationwide, including the Servicemembers Civil Relief Act (SCRA). Alan has worked on dozens of investigations and cases under the SCRA. He has filed and resolved SCRA enforcement cases resulting in millions of dollars in compensation for servicemembers, and in some cases policy changes across entire industries. Prior to the United States Department of Justice, Alan spent three and a half years doing business litigation at a large law firm and three years litigating consumer protection and civil rights cases at the Lawyers' Committee for Civil Rights Under Law. Alan earned his B.A. from Claremont McKenna College with honors and his J.D. from University of Michigan Law School with honors.

Angela Martin currently serves as the Senior Enforcement Attorney/Military Affairs Liaison for the Office of Enforcement at the Consumer Finance Protection Bureau (CFPB). She provides technical guidance on consumer law matters to military legal staff and financial readiness personnel. She has also served the Bureau as Chief Counsel, Office of Consumer Response. Prior to the CFPB, Angela was in private practice as a consumer attorney in Sanford, NC. As a federal civil servant Angela was employed at military legal assistance offices overseas and within the U.S. including service at and Fort Bragg (now Ft Liberty), North Carolina (2001-2008). She operated the only consumer law program in the Department of Defense which provided in court representation. She has been an adjunct professor for consumer law at the military JAG schools since 2006. On active duty in the U.S. Army, Angela served as a Czech and Persian-Farsi linguist (1984-1994). She is a member of the bars of Georgia, North Carolina, and the U.S. District Courts for the Eastern, Middle, and Western Districts of North Carolina, Southern District of Georgia, and the Fourth Circuit United States Court of Appeals. Angela holds a Juris Doctor from the University of Georgia (1999); and a B.A. Political Science (Magna Cum Laude), from the University of South Carolina-Aiken (1997)

John Brooker joined the UNC Chapel Hill law faculty in 2018 following over 20 years of active-duty service in the U.S. Army. He directs the Military and Veterans Law Clinic and teaches a variety of courses in the national security law field. His teaching and research interests include military criminal law, veterans' law, national security law, and public international law. He is a renowned expert on the issues surrounding military discharge characterization. In addition to teaching and lecturing on this topic, John was the lead author of "Beyond T.B.D.," a book-length article that serves as the definitive treatise on the impact of military discharge characterization on veterans benefit eligibility. He has been awarded the Legion of Merit, the Bronze Star Medal, and the Defense Meritorious Service Medal. Active-duty military positions include service as Deputy Staff Judge Advocate for U.S. Army Africa / Southern European Task Force in Vicenza, Italy and Deputy Staff Judge Advocate for III Corps and Combined Task Force — Operation Inherent Resolve (CJTF-OIR), where he was a key leader on the deployed team that provided legal advice for military operations against the Islamic State of Iraq and the Levant (ISIL). As Associate Professor at The Judge Advocate General's School, U.S. Army, he created the school's Wounded Warrior and Veterans Law portfolio. He holds the following academic degrees: M.M.A.S., U.S. Army Command and General Staff College (2014); LL.M., The Judge Advocate General's School, U.S. Army (2010); J.D., University of North Carolina at Chapel Hill (2003); B.A., Politics, History, Wake Forest University (1998).

Charlisa Powell is an attorney with Legal Aid of North Carolina, who has served veterans for over 20 years. She currently leads Legal Aid of NC's Veterans Law Project, a statewide project aiding homeless veterans or those at risk of homelessness. Before joining LANC, Charlisa's experiences include service as Attorney-Advisor at the U.S. Department of Veterans Affairs-Board of Veterans appeals, handling SSA disability claims in private practice in Charlotte, and a service as Staff Attorney at The Children's Law Center of Central NC in Winston-Salem, NC. She received her undergraduate degree from the University of Virginia and her JD from the College of William and Mary School of Law. Charlisa is also a volunteer Judge with Forsyth County's Teen Court.

Ruth Cresenzo (LTC Ret) served as Deputy Program Manager for the National Guard Special Victims' Counsel (NG-SVC) Program at National Guard Bureau in Arlington, Virginia from July 2020-October 2022, assisting in development and expansion of an emerging area of law that provides free legal representation and advocacy to eligible victims of sexual assault, domestic violence, and sexual harassment. A graduate of the inaugural Army Special Victims' Counsel Certification Counsel in 2013, Ms. Cresenzo served in all capacities in the Program since its inception in 2013, with assignments in Alaska, and served as a Special Legal Advisor to the Virgin Islands National Guard from 2018-20 prior to serving at National Guard Bureau Headquarters. She deployed to Kuwait and Egypt (2006-07/2012-13), and prior to joining the military, was in private practice in North Carolina for eight years, practicing in immigration, juvenile, family, and criminal law. Ruth has been heavily engaged in community, volunteer, and leadership activities, including service as Chair of the Alamance County Juvenile Crime Prevention Council and Guardian ad litem, and was a founding member of NC Bar Association's Juvenile Justice and Children's Rights Section. The recipient of the 2023 ABA Legal Assistance for Military Personnel Distinguished Service Award for the Army and a lead in establishing the North Carolina National Guard Legal Assistance Program, she holds a BA from the University of North Carolina, Greensboro, and a JD from North Carolina Central University. In October, she began a "new" career as a sexual harassment investigator for National Guard Bureau's Office of Complex Investigations.

Meredith S. Sharpe, a North Carolina native, currently works at Camp Lejeune as a Navy and Marine Corps Disability Attorney for the Disability Evaluation System Counsel Program (DESCP). Meredith has worked for DESCP for the past two years, assisting assist ill and injured servicemembers to navigating the medical evaluation board process. Prior to her current position, Meredith worked at the legal assistance office, XVIII Airborne Corps, Ft Bragg (now Ft Liberty). A member of NC LAMP, Meredith served on its subcommittee, examined how to obtain information and documents that are necessary in child support and military pension division cases. She initiated the Pro Se Divorce Clinic at Fort Liberty, ran the Gold Star Tax Center for two years, and worked as a Labor Counselor. In addition to her work with the military, Ms. Sharpe has worked with Legal Aid of North Carolina, Cuyahoga County Public Defender's Office (Appellate Division), and private practitioners on cases ranging from administrative matters to capital defense. She graduated with honors from the College of Wooster, graduating, and received her JD from Case Western Reserve University School of Law, where she was the recipient of the Hugo Grotius International Law Scholarship.

Michael Archer is the Director of Legal Assistance for Marine Corps Installations in the southeast United States. His present duties include supervising other military legal assistance attorneys, maintaining a preventative law and education program, and providing advice to eligible clients on a variety of civil issues. He is a retired Marine Corps judge advocate, having served at various overseas and stateside locations. He has appeared on multiple occasions before the NC General Assembly concerning military consumer and has served as panelist on FTC sponsored program concerning vehicle finance. Mr. Archer is a longtime member of the NC LAMP, and is the recipient of both the American Bar Association and North Carolina State Bar Distinguished Service Award. He is licensed to practice in North Carolina and Maryland. He holds a BA from the University of Maryland and a JD from George Washington University.

Grier Martin, Keynote Speaker, was appointed to lead the North Carolina Department of Military and Veterans Affairs (NC DMVA) by Governor Roy Cooper on April 1, 2024. Most recently, Secretary Martin performed the duties of the Assistant Secretary of Defense for Manpower and Reserve Affairs. In this capacity, he was the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness on all matters related to civilian and military personnel policies, reserve integration, military, community, and family policy, total force manpower, and resources. He also oversaw the Department of Defense Education Activity and the Defense Commissary Agency. Prior to this position, Secretary Martin served as a member of the North Carolina General Assembly for 17 years. In this capacity, he chaired the House Homeland Security, Military, and Veterans Affairs Committee, co-chaired the House Committee on Transportation Appropriations, and co-chaired the North Carolina Institute of Medicine's Task Force on Behavioral Health Services for the Military and Their Families. The Secretary of Defense appointed Martin to serve two terms on the Reserve Forces Policy Board from 2011-15. Martin was also appointed by Governor Cooper to serve as Chair of the North Carolina Military Affairs Commission from 2017-22. Secretary Martin is a retired Army Reserve soldier with service as a judge advocate and field artillery officer, deploying to Afghanistan in 2002-03. He received a B.A. in history from Davidson College, and a J.D. from the University of North Carolina School of Law where he was a Note Editor of the North Carolina Law Review. He also has a Master of Laws in military law with a concentration in international and operational law from the Judge Advocate General's School. His awards include the Office of the Secretary of Defense Medal for Outstanding Public Service, the National Guard Association of the United States Charles Dick Medal of Merit, and the N.C. Disabled American Veterans Legislator of the Year.