

Challenges and Changes to **MILITARY LAW** from the **WAR ON TERROR**

FRIDAY, MARCH 31, 2006

Since the beginning of the War on Terror, the practice of military law faces new and dramatic challenges. More than ever, military lawyers are asked to handle issues having both national and international ramifications. Is the appellate military justice system capable of handling the growing case load without significant change? Are the laws of war in need of serious reform to adapt to a new and dramatically different battlefield? Join us as we discuss the calls for change and identify other challenges to the current practice of Military Law.

The Agenda:

7:45 – 8:15 a.m.

Registration

8:30 – 9:20 a.m.

Keynote Address

“Is There a Crisis in Appellate Military Justice?”



Over the last several years there has been a spate of military appeals—many, but not all, arising in the Navy and Marine Corps—in which extraordinary and indefensible post-trial delays have occurred. These cases have presented a severe challenge to the administration of appellate justice in the military, and have led to distortions in applicable doctrine as well as proposals for legislative change. Strong action is

called for by the Judge Advocates General, military commanders, and the bar. Whether remedial action by Congress is necessary or desirable is less clear. Join Eugene Fidell, former Coast Guard attorney and noted expert on Military Law, as he reviews these issues and potential reforms.

9:30 – 10:20 a.m.

Military Justice Panel

This panel will discuss how military justice has been challenged by an increased case load, allegations of torture, and fallout from cases such as the Supreme Court’s decision in *Lawrence v. Texas*.

Featured panelists include:

Eugene Fidell – Former Coast Guard attorney and noted expert on military law

Carol Joyce – Chief Defense Counsel of the Marine Corps;
Colonel USMC

Frank Spinner – Defense Attorney in Military Practice;
Retired Lieutenant Colonel USAF

Scott Woodard – Evidence Instructor at Naval Justice School;
Major USMC

10:20 – 10:40 a.m.

Refreshment Break

10:40 – 11:30 a.m.

Law of Armed Conflict Address

Gone are the days of the linear battlefield. With the rise in small arms conflicts and increasing terrorism, modifications to the laws of war are needed in order to adapt to the new asymmetric threat of the 21st century. During this discussion, Commander Glen Sulmasy, a full time faculty member at the US Coast Guard Academy, proposes a three-tiered proposal for change and the need for a national security court.

11:40 – 12:30 p.m.

International Law Panel

This panel will address international legal issues faced by judge advocates deployed on the battlefield, look at proposals to modify current U.S. policy, and discuss the role Geneva Conventions play in shaping responses by our military lawyers.

Featured panelists include:

Susan Colarco – International Law Instructor at Naval Justice School;
Lieutenant USN

William Aseltine – Resident Course Director at Defense Institute of International Legal Studies (DIILS); Retired Commander USN

John Hutson – Dean of Franklin Pierce Law Center;
former Judge Advocate General of the USN

Greg Noone – Doctoral Candidate at West Virginia;
Reserve Commander USN

12:30 – 12:45 p.m.

Concluding remarks

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