



**The Florida Bar CLE Committee and
Military Affairs Committee present**

#MilToo: Military Law in the #MeToo Era

Wednesday, June 26, 2019, 7:15 a.m. until 4:00 p.m.

COURSE CLASSIFICATION: INTERMEDIATE

Course 3206

lreithmiller@floridabar.org

The Military Affairs Committee proudly presents *#MilToo – Military Law in the #MeToo Era*. This timely and essential presentation features a dynamic group of military and civilian speakers who are well-recognized experts in their fields. The symposium is designed for lawyers and other professionals who are either engaged in practice representing active duty military and/or veterans and their families and all those who are interested in learning more about military and civilian law related to sexual offenses and crimes, sexual harassment and transgender policy, a currently prevalent and significant topic. This presentation transcends the evolution of these social and legal issues from the Tailhook Incident, which first exposed many of these issues, to the potential impact of the #MeToo Movement in both the military and civilian justice systems.

AGENDA

7:15 a.m. – 8:00 a.m. **Check-In and Breakfast**

8:00 a.m. – 8:15 a.m. **Welcome Remarks**
Vanessa Brice, Chair, Military Affairs Committee

8:15 a.m. – 9:45 a.m. **Military Law 101**
John Tuthill, Esq., CPT., Navy Judge Advocate
General's Corps (Ret.)

Military Law 101 will provide an overview of military law, focusing on the Uniform Code of Military Justice (UCMJ) as the basis of authority, convening authority, types of courts, Article 32s, non-judicial punishment, military-Specific offenses and military rules of evidence.

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9:45 a.m. – 10:00 a.m.

Break

10:00 a.m. – 11:00 a.m.

Military/Civilian Sex Offenses

*The Honorable Susan St. John, Circuit Judge,
Sixth Judicial Circuit, Clearwater*

Military and Civilian Sex Offenses will focus on sex crimes and offenses under the UCMJ and state court, penalty ranges for sex crimes, offender registration requirements, dissemination of pornography and penalties, DVI Injunctions-state court, the role of a victim advocate, and the investigative and procedural requirements.

11:00 a.m. – 12:00 p.m.

Intersection of State and Federal Prosecution under the Military Justice System

*Charles H. Rose, III, Director, Center for Excellence in Advocacy,
Stetson University College of Law*

Intersection of State and Federal Prosecution under the Military Justice System will explore the juxtaposition and overlay of military law and federal statutes along with administrative reporting – restricted v. unrestricted.

12:00 p.m. – 1:00 p.m.

Lunch (provided) and Keynote Address: Government Ethics Rules

Samuel Londono, Chief of International Law, U.S. Southern Command

1:00 p.m. – 1:45 p.m.

Administrative Separation Process Overview

Lieutenant Commander Phil Rohlfing, JAGC, USN, Region Legal Service Office Southeast

Administration Separation Process Overview will provide an overview of the separation process from the military as it relates to these sexual and other offenses.

1:45 p.m. – 2:45 p.m.

DoD Sexual Harassment

Major Kristen Fricchione, U.S. Army, Associate Professor and Special Victims' Counsel Court Manager, The Judge Advocate General's School, Charlottesville, VA

Colonel John L. Kiel, Jr., U.S. Army, Professor and Chair, Criminal Law Department, The Judge Advocate General's School, Charlottesville, VA

DoD Sexual Harassment will be a dynamic presentation of policy related to matters of sexual harassment issues.

2:45 p.m. – 3:00 p.m.

Break

3:00 p.m. – 4:00 p.m.

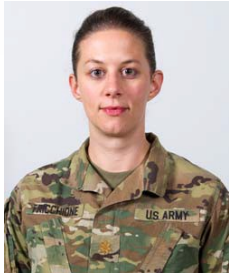
Panel Discussion: From Tailhook to #MeToo: The Potential Impact of the #MeToo Movement on Changes to the Military Justice System

- *Commander Sarah DeGroot, JAGC, USN, Region Legal Service Office Southeast*
- *Major Kristen Fricchione, U.S. Army, Associate Professor, Criminal Law Department, The Judge Advocate General's School, Charlottesville, VA*
- *Colonel John L. Kiel, Jr., U.S. Army, Professor and Chair, Criminal Law Department, The Judge Advocate's General's School, Charlottesville, VA*
- *The Honorable Susan St. John, Circuit Judge, Sixth Judicial Circuit, St. Petersburg*

This presentation will be a timely and lively open discussion of the impact of the #MilToo and #MeToo movements.

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SPEAKERS



MAJOR KRISTEN M. FRICCHIONE - Current Assignment: Associate Professor, Criminal Law Department, The Judge Advocate General's School, United States Army, Charlottesville, Virginia. Education: B.S., University of Wisconsin-Madison (2002); J.D., University of Wisconsin-Madison Law School (2006); LL.M., The Judge Advocate General's School, Charlottesville, Virginia (2016) Previous Assignments: Defense Counsel, Trial Defense Service-Eurasia, Grafenwoehr, Germany, 2014-2015; Officer-in-Charge, Rose Barracks Legal Center, Vilseck, Germany, 2013-2014; Senior Trial Counsel, Bamberg, Germany, 2012-2013; Detainee Review Board Counsel-Bagram, Afghanistan, 2012; Trial Counsel, Bamberg, Germany, 2011-2012; Contract Attorney, Army Contracting Command, Fort Belvoir, Virginia, 2009-2011; Legal Assistance Attorney, Trial Counsel, 10th Mountain Division, Fort Drum, New York, 2007-2009. Combat Deployments: Operation Enduring Freedom, Bagram, Afghanistan (2012). Decorations: Meritorious Service Medal; Army Commendation Medal; National Defense Service Medal. Bar Memberships: Wisconsin Publications: Casualties in Evolving Warfare: Impact of Private Military Firms' Proliferation on the International Community, Wisconsin International Law Journal, 2005



COLONEL JOHN LORAN KIEL, JR. - Current Assignment: Professor and Chair, Criminal Law Department, The Judge Advocate General's School, United States Army, Charlottesville, Virginia. Education: B.A., Brigham Young University, Provo, Utah (1996); J.D., The Florida State University College of Law, Tallahassee, Florida (1999); LL.M., The Judge Advocate General's School, Charlottesville, Virginia (2008) Previous Assignments: Deputy Staff Judge Advocate, I Corps and Joint Base Lewis-McChord, Washington (2015-2017); Chief, Policy Branch, Office of The Judge Advocate General, Criminal Law Division, Washington, D.C. (2013-2015); Deputy Staff Judge Advocate, 7th Army Joint Multinational Training Command, Grafenwoehr, Germany (2011-2013); Brigade Judge Advocate, 3rd Brigade Combat Team, 82nd Airborne Division, Fort Bragg, North Carolina (2008-2010); Professor, Department of Law, United States Military Academy, West Point, New York (2005- 2007); Trial Defense Counsel, Vilseck, Germany (2003-2005); Operational Law Attorney, Trial Counsel, and Tort Claims Attorney, XVIII Airborne Corps, Fort Bragg, North Carolina (1999-2003). Combat Deployments: Operation Enduring Freedom, Bagram, Afghanistan (2002); Operation Iraqi Freedom, Talil, Iraq (2008); Operation Iraqi Freedom, Baghdad, Iraq (2008-2009). Decorations: Bronze Star; Meritorious Service Medal (4 OLC); Joint Meritorious Commendation Medal; Joint Service Achievement Medal; Army Commendation Medal (OLC); National Defense Service Medal; Afghanistan Campaign Medal (1 Campaign Star); Iraq Campaign Medal (3 Campaign Stars). Awarded the Combat Action Badge.

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Authorized to wear the Parachutist Badge. Bar Memberships: United States Supreme Court; Court of Appeals for the Armed Forces; Army Court of Criminal Appeals; The Florida Bar. Publications: *From the Frying Pan into the Fire: The Story of Captain Jim Bowdish and his Defense of SSG David Mitchell, the First American Soldier Tried for Murder at My Lai*, Army Lawyer, War Crimes Edition, March 2018; *War Crimes in the American Revolution: Examining the Conduct of Lt. Col. Banastre Tarleton and the British Legion During the Southern Campaigns of 1780-1781*, Military Law Review, Fall 2012; *Crossing the Line: Reconciling the Right to Picket Military Funerals with the First Amendment*, Military Law Review, Winter 2008; *When Soldiers Speak Out: A Survey of Provisions Limiting Freedom of Speech in the Military*, Parameters, US Army War College Journal, Autumn 2007.

LIEUTENANT COMMANDER PHILIP W. ROHLFING graduated from the University of Florida in 2006 with a Bachelor of Arts in History and Criminology. He graduated from the University of Montana School of Law in 2009 and was commissioned in the United States Navy through the Navy JAG Corps' Student Program in 2008. Rohlifing completed his first tour as a legal assistance attorney and a defense counsel at Naval Legal Service Office Pacific detachment Pearl Harbor. While there, he deployed as an individual augmentee as a rule of law field support officer with the Rule of Law Field Force Afghanistan/NATO Rule of Law Field Support Mission Afghanistan. He then executed orders and was assigned as the Staff Judge Advocate for Naval Station Everett in Everett, Washington. Upon completion of his first Staff Judge Advocate assignment, Rohlifing was then assigned as the Staff Judge Advocate for Commander, Naval Surface Squadron FOURTEEN in Jacksonville, Florida. He is currently the Command Services Department Head for Region Legal Service Office Southeast. Rohlifing is a member in good standing of the Montana Bar Association. His personal awards include Joint Commendation Medal, Navy and Marine Corps Commendation Medal (gold star in lieu of second award), and the Navy and Marine Corps Achievement Medal (gold star in lieu of second award).



CHARLES H. ROSE, III - Director, Center for Excellence in Advocacy; Professor of Excellence in Trial Advocacy; B.A., Indiana University at South Bend J.D., University of Notre Dame LL.M., The Judge Advocate General's School, United States Army; Criminal Procedure. Depositions Practice, Evidence, Professional Responsibility, Trial Advocacy, Advanced Advocacy I (L.L.M.), Persuasion Theory (L.L.M.), Conducting Effective Discovery (L.L.M.) Professor Charles H. Rose III is the director of the Center for Excellence in Advocacy at Stetson University College of law where he holds a chair as the Professor of Excellence in Trial Advocacy. Professor Rose is a nationally and internationally recognized expert in persuasion. He teaches and researches in the areas of advocacy, criminal procedure, military law, evidence, and professional ethics. Professor Rose's published works in these fields include numerous law review articles, two casebooks on trial advocacy, and legal treatises on military criminal law and evidentiary law.

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Professor Rose joined the Stetson College of Law faculty in 2005, he also served as an associate professor of law at the Judge Advocate Generals School, United States Army (2000 - 2003), and as an adjunct professor at Notre Dame Law School (2003 - 2005). Prior to joining the faculty in 2005, Professor Rose spent twenty years on active duty in the United States Army. He served as a linguist, intelligence analyst, intelligence officer, and judge advocate. As a judge advocate, Professor Rose's practice included international law, the law of war, federal torts, administrative law and criminal justice. He prosecuted and defended criminal cases for more than five years, and served as a criminal law professor at the Judge Advocate General's School U.S. Army in Charlottesville, Va. Professor Rose earned his J.D. in 1993 from the Notre Dame Law School, where he served as a member of the Barrister's Trial Team. Professor Rose earned his B.A. with distinction from Indiana University at South Bend in 1987, where he received awards for excellence in political science and public speaking while attending on academic and ROTC scholarships. Professor Rose lectures nationally and internationally, and is available for commentary to outside organizations on an individually requested basis. His primary areas of scholarly interest are focused on the effective development of advocacy persuasion techniques during pre-trial, trial and appellate presentations, the federal rules of evidence, and the intersection of criminal law and the law of war as it relates to the war on terror.

CLE Credit

General: 8.5 hours
Ethics: 1.5 hour

Certification Credit

Criminal Appellate: 8.5 hours
Criminal Trial: 8.5 hours
Marital & Family Law Certification: 1.0 hours
State and Federal Government & Administrative Practice Certification: 8.5 hours