

**Judicial Proceedings Panel
18 June 2015**

**Examining Proposed Changes to Restitution and Compensation
&
Prevention & Response to Retaliation Against Victims of Sexual Assault Crimes**

Speakers' Biographies

**Overview of the Continuation of Care for Former Active-Duty Service
Members and Family Members who are Victims of Sexual Assault**

9:00 a.m. – 10:30 a.m.

Ms. Mary Kaye Justis, Director, TRICARE Health Plan, provides executive leadership on organizational, programmatic, operational, and policy matters pertaining to the worldwide management of TRICARE managed care, as well as Defense Health Agency (DHA) purchased care programs, for healthcare services that cover 9.6 million beneficiaries. She participates in the development, formulation, implementation, and advocacy of healthcare operational policies, Military Health System (MHS) transformation, and program objectives of critical importance to the goals of the Secretary of Defense. She is responsible for ensuring TRICARE program compliance and adequacy in the areas of policy interpretation and administration; ensuring clearly defined lines of authority, responsibility and accountability are established for all assigned programs; developing plans and policies; and ensuring review and maintenance of program milestones. Ms. Justis is an accomplished leader with 25 years of healthcare experience in the public and private sectors. She has also served in leadership positions with the Department of Health and Human Services and the Centers for Medicare and Medicaid Services, and held senior executive roles in both provider and payor healthcare organizations.

Dr. Cara J. Krulewitch, CNM, Ph.D., FACNM, is Program Director for Women's Health, Medical Ethics and Patient Advocacy within Clinical and Policy Programs, Office of the Secretary of Defense, Health Affairs, Department of Defense. A certified nurse-midwife and a perinatal epidemiologist, she is nationally recognized as an expert in women's health issues and intimate partner homicide and pregnancy-related intimate partner homicide. She has published and presented widely on this critical issue; participated in news media interviews; and received a number of awards, including the 2001 Journal Article of the Year from the *Journal of Midwifery & Women's Health*. Prior to joining DoD, she had several academic appointments, including at the University of Maryland School of Nursing and the George Washington University School of Medicine, and served in several government positions within the Department of Health and Human Services. She has served her profession, community and the public through research, membership and service in scientific and professional societies and community groups, and currently is the President of the American Midwifery Certification Board and Secretary of the Pregnancy Aid Centers, Inc. Board of Directors.

Dr. Stacey Pollack, Ph.D., is a clinical psychologist and is the National Mental Health Director of Program Policy Implementation in Mental Health Services (MHS) at VA Central Office (VACO), Veterans Health Administration (VHA). In her role in MHS, Dr. Pollack oversees issues related to Veterans and Mental Health Disability Compensation and works closely with the Veterans Benefits Administration on other Mental Health related issues. Additionally, Dr. Pollack works closely with the development of the VA Mental Health Performance Measures as well as the development of other national Mental Health policies. Dr. Pollack serves as the Mental Health Services Subject Matter Expert on the roles of Licensed Professional Mental Health Counselors and Marriage and Family Therapists within the VA. Prior to coming to VACO, Dr. Pollack worked as the Director of the Trauma Services Program at the Washington DC VA Medical Center. Dr. Pollack has more than 15 years of experience as a VA Psychologist in the area of PTSD and has published in peer reviewed journals in the areas of PTSD and post-deployment health. Dr. Pollack serves on the steering committee of the National Center for PTSD Veteran Affairs PTSD mentorship program and is actively involved in PTSD research. In addition Dr. Pollack was one of the 2008 recipients of the VA Olin E. Teague Award. Dr. Pollack received her Bachelor of Arts from the University of Maryland Honors Program – College Park, and her Master of Science and Doctor of Philosophy degrees from the University of Georgia.

Ms. Diana Williard, Veterans Benefits Administration (VBA), Quality Assurance Officer, Compensation Service, directs actions taken to sustain a sound quality assurance program, workload management processes, and internal control systems to effectively oversee work accomplishments and minimize risks in programs areas. Ms. Williard has been with the VBA for fourteen years, having worked at both the field and headquarters levels. She began her career as a Rating Veterans Service Representative, served as Assistant Veterans Service Center Manager, Supervisory Executive Assistant for the Director of Compensation Service, Program Analyst for Procedures & Program Development Staff, Compensation Service, and as an Assistant Coach on several teams in the Winston-Salem regional office. Ms. Williard has also served on special projects to include the Secretary's Task Force for Women and the Undersecretary's study for military sexual trauma claims, and has taken part in several site visits for Compensation Service. Ms. Williard retired from the U.S. Army in 1992. While in the Army she received her practical nurse diploma and in addition to performing nursing duties, she was also a drill sergeant and a practical nurse course instructor.

Ms. Stephanie Li, Veterans Benefits Administration, Chief, Regulations and Policy Staff, Compensation Service, leads a team of analysts in developing, drafting, and implementing new regulations and policies published in 38 CFR Part 3. Ms. Li previously worked at the Board of Veterans' Appeals from June 2006 through July 2013. During that time, she drafted administrative appellate decisions on a variety of veterans' and survivors' benefits and served as an acting veterans law judge. Ms. Li is a graduate of the University of Wisconsin Law School and has a masters of public affairs from the La Follette School of Public Affairs.

**Review of Relevant Uniform Code of Military Justice Provisions, Fines, and Forfeitures
&
Further Deliberations on Restitution as an Authorized Punishment at Court-Martial**

10:30 a.m. – 11:30 a.m.

Mr. R. Peter Masterton, U.S. Army, is currently the Chief, European Tort Claims Division, U.S. Army Claims Service Europe. Mr. Masterton's previous assignments include Commander of the U.S. Army Claims Service, the Army's chief trial judge in Europe, numerous assignments as a supervisory defense counsel and supervisory prosecutor and professor of criminal law at the U.S. Army Judge Advocate General's Legal Center and School. Mr. Masterton has authored numerous articles on claims and military justice, to include the article *Claims Office Management*, *The Army Lawyer*, Sep. 2011, at 28, which is intended to provide guidance to staff judge advocates who work in the claims section of Army legal offices. Mr. Masterton is a retired Colonel from the U.S. Army.

Ms. Jennifer Riley, Defense Finance and Accounting Service, is Assistant Counsel in the Office of General Counsel. Ms. Riley's practice focuses primarily on military and civilian pay law. She has worked extensively on financial issues arising out of courts-martial, complex civilian pay matters and debt collection matters. Ms. Riley has lectured on the issue of court-martial finance for the U.S. Army Trial Counsel Assistance Program. Ms. Riley earned her J.D., *magna cum laude*, from the Indiana University School of Law, Indianapolis in 2001 and her B.A., *summa cum laude*, from the University of Kentucky in 1998. She is admitted to the bars of Indiana and the U.S. District Court for the Southern District of Indiana.

**Developing a Department of Defense Uniform Crime Victim Compensation
Program with Consultation from Claims System Experts**

12:00 p.m. – 1:00 p.m.

Mr. Kenneth R. Feinberg, has been key to resolving many of our nation's most challenging and widely known disputes. He is best known for serving as the Special Master of the Federal September 11th Victim Compensation Fund of 2001, in which he reached out to all who qualified to file a claim, evaluated applications, determined appropriate compensation, and disseminated awards. Mr. Feinberg shared his extraordinary experience in his book *What Is Life Worth?*, published in 2005 by Public Affairs Press. Just a few years later, Mr. Feinberg became Fund Administrator for the Hokie Spirit Memorial Fund following the tragic shootings at Virginia Tech. Mr. Feinberg also has served as Special Master in Agent Orange, asbestos personal injury, wrongful death claims, Dalkon shield, and DES (pregnancy medication) cases. He founded Feinberg Rozen, LLP in 1992. He has been involved in resolving thousands of disputes involving a wide range of interests and clients. In the commercial sector, Mr. Feinberg designed, implemented and administered an ADR Settlement program involving Liberty Mutual Insurance Company, Zurich N.A. Insurance Company and Hurricane Katrina and other Gulf hurricane claimants. He also has served as Distribution Agent for AIG Fair Fund claimants, and has been the Fund Administrator for a variety of claimant funds totaling more than \$1 billion. In his capacity as an arbitrator, he helped determine the fair market value of the original Zapruder film of the Kennedy assassination, and legal fees in Holocaust slave labor litigation. Mr. Feinberg has been appointed to two presidential-level commissions because of his experience and expertise, and has had a distinguished teaching career as an Adjunct Professor of Law at Georgetown University, the University of Pennsylvania, Columbia University, New York University, and the University of Virginia.

Mr. R. Peter Masterton, U.S. Army, is currently the Chief, European Tort Claims Division, U.S. Army Claims Service Europe. Mr. Masterton's previous assignments include Commander of the U.S. Army Claims Service, the Army's chief trial judge in Europe, numerous assignments as a supervisory defense counsel and supervisory prosecutor and professor of criminal law at the U.S. Army Judge Advocate General's Legal Center and School. Mr. Masterton has authored numerous articles on claims and military justice, to include the article *Claims Office Management*, *The Army Lawyer*, Sep. 2011, at 28, which is intended to provide guidance to staff judge advocates who work in the claims section of Army legal offices. Mr. Masterton is a retired Colonel from the U.S. Army.

Mr. Dan Eddy is the Executive Director of the National Association of Crime Victim Compensation Boards (NACVCB), a position he has held since 1988. He implements national training and technical assistance activities for all state victim compensation programs, operates an information and resource center on compensation issues, and represents program interests with the federal government. From 1984-1988, Mr. Eddy served as Crime Victims Project director for the National Association of Attorneys General. He is a graduate of Harvard College and the University of Maryland School of Law. He received the Donald E. Santarelli award for contributions in public policy from the National Organization for Victim Assistance in 2001, and the Ronald Reagan Public Policy Award from the U.S. Department of Justice Office for Victims of Crime in 2008.

**Special Victims' Counsel Perspectives on Retaliation
Against Victims of Sexual Assault Crimes in the Military**

2:00 p.m. – 3:30 p.m.

Lieutenant Commander James Toohey, United States Navy, Judge Advocate General's Corps, is the Victims' Legal Counsel for Naval Base Coronado in San Diego, CA. Lieutenant Commander Toohey has previously served as a staff judge advocate, senior trial counsel, legal assistance attorney and defense counsel. In 2010, he was selected as a specialist in the Navy JAG Corps' Military Justice Litigation Career Track. Lieutenant Commander Toohey earned his juris doctor in 2001 from the University of North Carolina School of Law. He received his master of laws in trial advocacy with honors from Temple University Beasley School of Law in 2014 and was also the recipient of the Class of 2014 Faculty Award. While attending Temple, he also served full-time as a special assistant United States attorney for the Eastern District of Pennsylvania in Philadelphia, prosecuting primarily offenses involving firearms and violent crimes.

Lieutenant Commander Kismet Wunder, United States Coast Guard, is currently assigned as the Health, Safety, and Work-Life Regional Practice Manager and Base Cleveland Department Head in Cleveland, Ohio. Lieutenant Commander Wunder is responsible for the delivery of all medical and work-life services for over 2,700 active duty, reserve, and civilian personnel. He manages a department that includes two medical clinics, eight independent duty sickbays, and 24 work-life programs. In addition to his regularly assigned duties, Lieutenant Commander Wunder is also a special victims' counsel. Prior to this assignment, Lieutenant Commander Wunder served as a military justice attorney.

Captain George "Rob" Lavine, United States Army, is Chief of Client Services, Grafenwoehr Law Center, and Senior Special Victim Counsel, 7th Army Joint Multinational Training Command, Germany. He oversees legal representation provided to adult and child victims of sexual assault in the busiest Army Military Justice jurisdiction in Europe and the fifth busiest Army-wide. He has prior prosecution experience as a military Trial Counsel, a federal Special Assistant United States Attorney, and as a state Deputy Prosecuting Attorney in cases involving sexual assault, domestic violence, and child abuse. He is a graduate of the United States Air Force Academy, Texas A&M University, and the University of Montana School of Law.

Captain Micah Smith, United States Air Force, is the Special Victims' Counsel assigned to Royal Air Force Lakenheath, United Kingdom. He has been a special victims' counsel since the inception of the program in January 2013. In this capacity, Captain Smith provides independent legal representation to and advocacy on behalf of sexual assault victims during the investigation and prosecution process. During his time as a special victims' counsel, Captain Smith has represented over 50 survivors of sexual assault. Captain Smith received his juris doctor from The University of Richmond School of Law.

Major Chantell Higgins, United States Marine Corps, currently serves as the Regional Victims' Legal Counsel Pacific, Okinawa, Japan. She served the first part of 16 years as an Adjutant/Legal Officer. Major Higgins completed her Masters of Forensic Science in 2003. After graduating from William Mitchell College of Law, she served as Assistant City and District Attorney in Minnesota. Prior to being appointed as Regional Victims' Legal Counsel in 2013, Major Higgins served solely as prosecutor for numerous complex cases involving sexual assault, domestic violence, and crimes against children. This included as Senior Trial Counsel in Okinawa where she deployed to Afghanistan and worked with the Afghanistan National Army (ANA) providing litigation training, education and guidance to ANA Military Court of Appeals judges, attorneys and law enforcement. Maj Higgins is one of the first victim legal counsel to be certified in the U.S. Marine Corps and has supervised legal services rendered for more than 200 sexual assault victims by counsel across the Pacific.