

Bar Briefs

Official Publication of the Macomb Bar Association

July 2022

A portrait of Lori K. Smith, the 94th Macomb Bar Association President. She is a woman with long, wavy, dark brown hair, smiling warmly at the camera. She is wearing a dark blue top and a multi-strand pearl necklace. The background is a dark, solid color.

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Lori K. Smith**



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94th President of the Macomb Bar Association Lori K. Smith

By The Defense Divas: Hon. Kathleen Galen, Dana M. Warnez, and Sherrie Detzler

Macomb County Bar President Lori K. Smith

Lori K. Smith. What you see is what you get, right? Or is it? Lori appears to many to be strong as nails, and a very ‘to the point’ kind of person. As you get to know her more, you will find, that behind this strong veneer, Lori is very generous, kind, fun-loving, and giving old soul.

Our incoming Macomb Bar President Lori K. Smith is all of these wonderful things and more! A Loving Member of her Family, an excellent Family Law Lawyer, a Community and Bar Leader, a Coach Extraordinaire, and of course an integral and loved member of the ‘Defense Divas’! Let’s get to know her and learn more about her vision for the bar this year.

Loving Member of Her Family

Lori grew up in Utica, graduated from Utica High School, and has one sister Julie (a Teacher) and one brother Michael (a Doctor), who Lori will claim both get their “awesomeness” from her! Lori’s parents, Marilyn and Michael Sr., have certainly raised some winners! As an aunt, Lori is unmatched. By blood Lori has five nephews and one niece, who she adores; and by heart, she is ‘Aunt Lori’ to countless others. Lori attributes her sense of humor to her huge extended family which consists of thirteen aunts and uncles on her mother’s side and seven aunts and uncles on her father’s side. Lori is also the proud “dog mom” to Matilda, Cletus, and Clyde. Clearly with this family foundation, Lori was groomed to stand out, be a team player, participate and lead.

Excellent Family Law Lawyer

The path to becoming a lawyer is different for everyone. Some of us go straight through school and others

gravitate to the law later in life. Lori’s path was one, where the law called her after she earned her business degree from Walsh College and had an established successful career in advertising. Still, Lori wanted a new challenge, and wanted to see if the law made sense for her. She started law school at Thomas M. Cooley Law School, while still working full time, and eventually choosing exclusively to practice law. What great determination and hard work ethic it takes to maintain a full-time job, while going to law school, and transition into a new profession.

After passing the bar and being admitted, Lori hung out her own shingle and focused her solo practice mostly on criminal and family law matters. As she gained



experience, Lori discovered that her passion was family law, and sought to become the best family lawyer she

could be. Lori gained lots of experience with prominent firms in Oakland County, specifically ADAM and Lippett O’Keefe before returning to her Macomb County home, where she now is a shareholder at O’Reilly Rancilio PC, where she helps head up the family law department within the firm.

Community and Bar Leader

From the beginning of her legal career Lori has demonstrated strong leadership qualities. Lori is a big believer in investing in her community and using her skills for the benefit of others. Early on, Lori joined the advisory board for the Capuchin Soup Kitchen’s Jefferson House, which she continues to serve on today.

Lori also very early sought out ways to serve the legal profession, and started doing so supporting specialty courts in Macomb, serving first with the Carol Ann Substance Abuse Recovery program (better known as CASAR the non-profit benefitting the Warren

Drug Court). A short time later, the Honorable Tracey Yokich invited Lori to check out opportunities to serve on the newly established Friends of the Macomb County Veterans Treatment Courts, which is the 501(c)(3), which supports the Macomb County Veterans Treatment Courts in 41B District Court and Macomb Circuit. Lori jumped onboard and reported for duty, and currently serves as its Treasurer.

Lori also found it meaningful to get involved in local bars. Lori is active in both the state and local chapter of Women Lawyers Association of Michigan and is incoming President-Elect of the WLAM-Macomb Region. Lori has served many roles in the Macomb Bar, first as a Young Lawyer Director appointed to the Macomb Foundation, where she worked her way up Chairs, serving as President of the Macomb Bar Foundation in 2016-2017. At the same time Lori served on the Board of Directors of the Macomb Bar Association, working her way up now to this pinnacle

of local leadership! Lori is elated to join the ranks of so many special leaders, like Justine Orris, Paul O’Reilly, Lori Finazzo, Gail Pamukov, and others, who forged a way for her and to whom she is eternally grateful.

Coach Extraordinaire

Lori’s greatest and happiest moments are in the company of her “kids”. Along with the Special Olympics, Lori cherishes volunteering with the North East Adaptive Recreation (NEAR) softball programs where she has served as a Coach since 2010---first for



the Warren Tigers and now the Sterling Heights Eagles! Lori will tell you; it is the highlight of her week when she is on the ball field, even in 90-degree temps. Her “kids” adore her just as much as she adores them, and her commitment is unmatched. Baseball, softball, she loves it all, but her passion is being her “kids” Coach!

Lori also assists with the Miss Amazing program, which is a national organization that has recently started a Michigan Chapter. Lori credits Deborah O’Brien for introducing her to this wonderful organization. Miss Amazing hosts a pageant for girls with disabilities, to provide a showcase for these young ladies to express themselves and show off all of their many talents. Participants not only build and increase their self-esteem, but master practical skills and tools to move forward with pride to enhance their strengths and author their very own life stories.



Diva and Friend to All

Lori is a loyal, fun, genuine, kind friend to so many, but to us she is a Diva! A true original! The ‘Defense Divas’ as we are known in our local legal circles, originated as the first all-girls golf foursome in the Macomb Bar Association outing, with matching outfits! The tradition has lived on, the name has stuck, and the bond is solid. Of all things Lori, one of her most dynamic traits is her ability to sense in others what they need at that moment! She strives to fill that need, whatever it may be! The Divas are so very proud of Lori and all of her achievements. It is with such pleasure and pride that we watch her take the reins to lead the Macomb Bar in the coming year. Exhibiting the utmost integrity and dedication she will lead this wonderful organization!

President’s Vision for the Coming Year

Lori’s vision for the Macomb Bar Association in the coming year is to energize and unify the members of the bar, so that we can return together, in person, to enjoy some of the bar’s most treasured and successful traditions. Already she is working on dates for the Bench/Bar annual event, Golf Outing, and a Holiday party. Lori knows of the strength of partnering the Bar with the Foundation to support law related education programs in our community. She is especially passionate about the High School Mock Trial program, Law Day activities, and reimagining and reinvigorating the Kimberly Cahill reading program.

Lori will strive to make sure our practice area committees are empowered to provide professional development opportunities so that members have chances to hone skills and expand networks of friends, colleagues, and mentors; and

Lastly and most importantly, Lori will work tirelessly to ensure we as a local bar recognize the important role that diversity, equity and inclusion, and lawyer wellness plays in fulfilling our duties to ourselves, clients and the profession as a whole.

Conclusion

Lori’s family sent us these words to mark the occasion, and send their love to Lori at this momentous time: “Lori is surrounded by loving family members with strong values and beliefs, and we are thrilled that she is the President of the Macomb Bar Association. We are extremely proud of her successes and commitment to help others in her practice of family law. We know she will continue to do great things and make a positive impact in everything she does.”

Amen! Congratulations Lori K. Smith! We agree wholeheartedly with your family’s sentiments! On behalf of the whole membership, we are sending our very best wishes to you for a very successful year.

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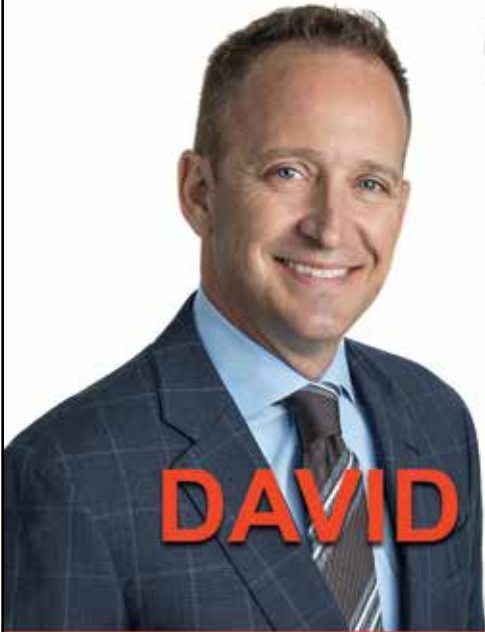
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Together, We are More.

*By Rick R. Troy, Executive Director of the
Macomb Bar Association and Macomb Bar Foundation*

Congratulations to Lori Smith, the new President of the Macomb County Bar Association!

Since 1906 there have been 93 lawyers that have been identified as serving as President of the Macomb County Bar Association. A list of past presidents can be viewed on Macombbar.org. When you take a look, you may notice that it was 1987 when the first woman, Justine Orris, became President. I remember listening intently as some of the bar's storytellers, Ken Martin and Judge George Steeh, Sr. would hold the attention of eight top tables filled with members with snippets of President Orris's powerful leadership. It took until 1998 until the next woman lawyer became President. If you practice in the family law arena you know her, and Lori Finazzo has never stopped being involved in the bar. She continuously demonstrates that caring more means doing more, which equates to all of us being more for our families, clients and profession. The year after Lori, Wendy Jansen took the reins and continued the great work that Lori started with her own distinct style of energy and leadership. In 2001 Kimberly Cahill was elected President. Her impact on the Macomb Bar, Women Lawyers Association of Michigan, Macomb Bar Foundation, the State Bar of Michigan and many other organizations, is truly immeasurable. A few years later, in 2005, Kathy Vogt became President and led us through our Centennial year. I have posted a video of the Centennial celebration on MacombBar.org wherein Kathy presents the Medal of Achievement and Courage to the late Hon. Kenneth Sanborn. President Gail Pamukov, elected in 2011, was instrumental in putting the Centennial event together, including bringing Mr. Milo Radulovich back to Mt. Clemens from California. What a moment in time! Current

State Bar of Michigan President Dana Warnez, sister of Kimberly Cahill, became our leader in 2012. Then in 2013 the now Hon. Julie Gatti was elected as President. In 2017 Karen Trickey Pappas became the first daughter of a past president to serve you. And in 2018 Dawn Prokopec led the bar through a high energy year.

Many footsteps have carved an incredible path of bar leadership. I for one, am excited to serve under President Lori Smith. Join me over the next twelve months and engage with your professional bar.

July is the first month of the bar's fiscal year which means it is membership renewal time. When there is talk about being a member of the local bar, there is the inevitable question that goes to value proposition. If the leaders mentioned above, and so many more, have taught me anything, there is no one thing that members want out of their association. All members, and dare I say non-members, benefit from the fact that the bar is full of purpose – we educate, we serve the community and we improve the justice system. We reach every segment of the population with programs and services and we are the front lines of your profession. We convene those who desire to achieve more. We foster and develop relations with the bench. We organize and create opportunities for you to expand your professional and personal network. The organized bar offers leadership roles and the recognition that comes with it. Some members want something tangible, and we have that too. I've had many visitors to the bar office leave with a t-shirt, hat, golf ball, snacks, pop, coffee or a little handbook called the Constitution of the United States. Those that engage in bar events always seem to walk away with something too. Additionally, whether you like the information contained in Bar Briefs, E-Briefs,

MacombBar.org or even paid-for advertisements, these are opportunities offered to you to be informed on what is happening in the legal community, who is involved in it, and where and when things are taking place. We deliver the information and, just like anything else, you can do what you want with it, but at least the information is being made available to you. Most members appreciate the fact that we take the time to share In Memoriums. When these sad occasions come to our attention, we stop everything and, out of professional respect, we set to work with whoever we can, to identify and deliver obituary information to the membership. And, we are always on the lookout for ways for to make your practice more efficient and profitable. LawPay (credit card acceptance), Edge Solutions (tele-communications), Applied Imaging (print/copy), Freedom Boat Club (work-life balance), and KENECT (business texting), are all available to you at discounts because you are a member.

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As we bring back some of our traditional events, I hope to see you there as a member!

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Former Spouses, Military Service, and Medical Coverage

By Mark Sullivan, Law Offices of Mark Sullivan

Basic Information

For unremarried former spouses, medical coverage can be an important concern. During one's marriage to a member of the armed forces, health care can be provided through onbase medical facilities or - with civilian health care providers - through TRICARE. For the former spouse facing loss of such coverage, the Defense Enrollment Eligibility Reporting System (DEERS) is a good starting point for investigating military medical coverage and eligibility. DEERS is a database of eligibility information regarding "sponsors" (i.e., members of the uniformed services) and their family members. To obtain military medical coverage through TRICARE, one needs to be registered in DEERS. DEERS reflects TRICARE eligibility using the former spouse's own name and Social Security number (SSN), not that of the ex spouse/sponsor.

Jane may be eligible for TRICARE if she fits into one of two categories. As to both of these, the sponsor must have at least 20 years of creditable service towards retired pay eligibility. As an unremarried former spouse ("UFS"), she will need these documents to establish her eligibility: A)

her marriage certificate, B) her divorce decree, and C) the ex-husband's discharge papers (i.e., DD Form 214) or Statement of Service from the applicable Service Personnel Component.

Category 1: The 20-20-20 Rule¹

Jane Doe, the former spouse, is eligible for TRICARE, as her own sponsor and under her own Social Security Number,

if she meets the following criteria:

- **20** - Her sponsor has at least 20 years of service creditable toward retired pay;
- **20** - She was married to the same sponsor/ servicemember for at least 20 years; and
- **20** - All 20 years of marriage overlap the 20 years of creditable (active duty or Guard/Reserve) service which counted towards the sponsor's retirement.

If she meets the requirements of the 20-20-20 Rule, as confirmed by the Service Personnel Component,² then she will be issued a new ID card with her own name and SSN listed as the "sponsor Social Security Number" the first time she renews her card after the effective date of the divorce.

Category 2: The 20-20-15 Rule³

Jane must meet the following criteria to qualify for limited military medical care and coverage under this rule:

- **20** - Her sponsor has at least 20 years of creditable service towards determining retirement pay;

Ending Date of Marriage	Eligible For:
Before April 1, 1985	...care received on or after January 1, 1985, or the date of the divorce, whichever is later. Eligibility continues as long as the former spouse meets eligibility requirements (also see below)
April 1, 1985 - September 28, 1988	...care received from date of divorce until December 31, 1988, or two years from the date of the decree, whichever was later.
On/After September 29, 1988	...TRICARE for one year from date of divorce

- **20** - She was married to the same sponsor/service member for at least 20 years; and
- **15** - 15 of those years overlap the 20 years of creditable (Active or Reserve) service which counted towards the sponsor’s retirement.

If she is in this category, Jane’s military medical coverage was or is determined by the termination date of the marriage.

Coverage Options

A former spouse who qualifies for TRICARE has the same benefits as a family member of a military retiree. There are several health plan options depending on where the former spouse lives:

TRICARE Prime	TRICARE FOR LIFE (with Medicare Part A & B)
TRICARE Select	TRICARE Select Overseas
US Family Health Plan (in specific U.S. locations)	

Descriptions of all of the above options are available online.

Loss of Eligibility

A former spouse loses her TRICARE eligibility under either of the above two categories (20-20-20 or 20-20-15) if she:

1. Remarries, even if the remarriage ends in death or divorce (although an individual may gain new eligibility under a new military spouse); or
2. Purchases and is covered by an employer-sponsored health plan (although one may avoid this disqualification by declining such coverage).

Jane Doe will need to verify her eligibility as recorded in DEERS by contacting the appropriate

Service Personnel Component or the Defense Manpower Data Center Support Office at 1-800-538-9552 with her questions or concerns as to eligibility. The Service Components are found in the table below.

Continued Health Care Benefit Program (CHCBP)

If the former spouse, Jane Doe, is not eligible for either of the above two categories, she may purchase a conversion health policy under the Defense Department’s Continued Health Care Benefit Program (CHCBP).⁴ CHCBP is not TRICARE; it is a health insurance plan negotiated between the Secretary of Defense and a private insurer. The spouse must apply for coverage within 60 days of losing TRICARE eligibility. The Defense Department sets the premiums for CHCBP, which are paid through a credit card on file with the agency or in quarterly advance payments.

Upon purchase of the CHCBP policy, the former spouse is entitled, on request, to medical care until the date that is 36 months after (1) the date on which the final decree of divorce, dissolution, or annulment occurs, or (2) the date she loses eligibility under the 20-20-15 category (above), whichever is later.⁵ For further information regarding CHCBP coverage and benefits, one can use a search engine to look for “CHCBP,” contact a military medical treatment facility health benefits advisor, or contact the CHCBP Administrator, P.O. Box 740072, Louisville, KY 40201-7472 (800-444-5445). As of this writing, the URL for CHCBP is <https://www.humanamilitary.com/beneficiary/benefit-guidance/special-programs/chcbp/>.

Certain unremarried former spouses who aren’t eligible for 20-20-20 coverage or 20-20-15 coverage may still obtain indefinite medical coverage through the CHCBP.⁶ The criteria which the Defense Department currently uses is that the former spouse must:

- not have remarried before age 55;

- not be covered under a TRICARE program (20-20-20 or 20-20-15 former spouses); and
- receive a portion of military retired pay or receive a survivor annuity (i.e., the SBP) (Note: It is strongly recommended that both of these be involved, not just “either/or”); or
- have a court order for military pension division, or have a written agreement (whether voluntary or pursuant to a court order) providing for an election by John Doe, the member/retiree, to provide SBP coverage for her.

The current DoD contractor for the CHCBP is Humana Military Healthcare Services. The cost as of 2020 for former spouse coverage is about \$520 per month, and it rises every year or two. As with any other insurance plan, the rules and premiums may change. Be sure to verify information with the contract administrator.

Spouses: TRICARE and the Continued Health Care Benefit Program (CHCBP),” Family Law Quarterly, Vol. 43, No. 2 (Summer 2009) and Lieutenant Junior Grade Jessica Lynn Pyle, The Continued Health Care Benefit Program: The Department of Defense’s Guarantee of Lifetime Health Care to All Former Military Spouses, LVI Naval I. Rev. 199 (2008).

About the Author

Mr. Sullivan is a retired Army Reserve JAG colonel. He practices family law in Raleigh, North Carolina, and is the author of *The Military Divorce Handbook* (Am. Bar Assn., 3rd Ed. 2019) and many internet resources on military family law issues. A Board Certified Specialist in Family Law for over 30 years, Mr. Sullivan works with attorneys nationwide as a consultant on military divorce issues and in drafting military pension division orders. He can be reached at 919-832-8507 and mark.sullivan@ncfamilylaw.com.

Component	Telephone	Component
Army	1-888-276-9472	Navy Reserve
Army Reserve	1-888-276-9472	Marine Corps.
Army Nat'l Guard	1-866-810-9183	Marine Corps Reserve
Air Force	1-210-565-2089	Coast Guard
Air Force Reserve	1-800-525-0102	NOAA*
Air National Guard	1-800-525-0102	Public Health Service
Navy	1-833-330-6622	

Resources

The Code of Federal Regulations is also an excellent source for information. You’ll find “Benefits for Former Spouses” at 32 CFR § 161.19, and the tables there show what benefits former spouses may obtain, depending on the number of marital years, the years of military service and the overlap between the two. Information on the two categories for TRICARE coverage is located at <https://tricare.mil/Plans/Eligibility/FormerSpouses>; part of the above text were adapted from that website. Information on CHCBP may be found at: W. John Camp, “Health Care Options for Former Military

Endnotes

- ¹ 10 U.S.C. § 1062.
- ² <https://tricare.mil/ContactUs/CallUsServicePersonnelComponents>
- ³ 10 U.S.C. § 1072(2)(H).
- ⁴ 10 USC 1086(a).
- ⁵ 10 USC 1078a(g)(1)(C).
- ⁶ See 10 U.S.C. § 1078a and 32 C.F.R. 199.20.



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