

A young girl with her hair in braids, wearing a light-colored camouflage t-shirt, is hugging a man from behind. The man is wearing a military uniform, including a tan cap and a camouflage t-shirt. The background is a blurred outdoor setting, possibly a parking lot or a street.

IN THE PUBLIC INTEREST

SOLDIERS
AND *families*

Many servicemembers and their families cannot afford a civilian lawyer to help with legal problems created or exacerbated by deployment.

A Hidden Cost of Service:

The Legal Needs of Military Personnel and Their Families

Some costs of war are public and obvious. Images of dead and wounded soldiers in Iraq and Afghanistan remind us daily of our military's brave sacrifices. Other costs are more private. The lives of servicemembers and their families are interrupted by deployment, and the stresses of war can destabilize family relationships, impose financial hardship and create housing difficulties. These stresses often lead to legal problems at a time when servicemembers and their families are most vulnerable.

The military provides some basic legal assistance to servicemembers through branches of the Judge Advocate General's Corps (JAG).

In advance of deployment, JAG lawyers help servicemembers prepare critical documents like wills, power of attorney authorizations and advance directives. However, JAG lawyers cannot assist with all legal needs of servicemembers, and may not represent individuals in court on non-military matters.

Many servicemembers and their families cannot afford a civilian lawyer. Though some can turn to legal aid organizations, many servicemembers are either unfamiliar with these services or do not meet their very low income eligibility requirements. In addition, while most legal aid lawyers can help with common legal needs like custody battles and landlord-tenant disputes,

they are often unfamiliar with government programs created specifically to help servicemembers.

Under the Servicemembers Civil Relief Act (SCRA) for example, a servicemember can have the interest rate on any outstanding loan or obligation automatically reduced to six percent for the duration of active duty – with no penalty or later recovery of the lost interest. This SCRA benefit is available if the loan or obligation was incurred before active duty and if the servicemember can show that military service affects his or her ability to pay.

Servicemembers can also benefit from the Uniformed Services Employment and Reemployment Rights Act (USERRA). Under USERRA, employees retain the right (with certain exceptions) to return to their civilian jobs once they return from military duty.

Encouraged by the American Bar Association, state bar associations are trying to address the unmet need for legal services through the creation of Legal Assistance to Military Personnel (LAMP) programs that provide training to legal aid lawyers and attorneys in private practice on the unique legal needs of servicemembers and their families. Akin Gump lawyers are active in these LAMP programs and also provide legal representation to individual servicemembers in a wide range of civil cases, from debt relief to child custody.

CLIENT SNAPSHOT

A Priceless Gift for Christmas

When a single mother deployed to Afghanistan with the Oregon Army National Guard, she left her six-year-old son in the care of her parents. While the mother was serving her country, the boy's usually absent father abducted the boy and took him to Texas, where he filed a custody petition in county court.

Through Akin Gump's Soldiers and Families Initiative, two lawyers in the Dallas office — Diane Couchman and Keisha Forte — took the case, struck quickly and fought hard. Finding that the father would have to file in Oregon if he wanted custody, the court dismissed the case on jurisdictional grounds. The case was resolved in less than two months. The boy returned to Portland — and his mother's waiting arms — on Christmas Eve. Rumors that he arrived on Santa's sleigh have not been confirmed.

Our Military Kids

When an officer in Iraq was asked what he and his troops needed, his response was quick and to the point: “Do not send cookies, care packages or socks. Just help take care of our kids at home.”

Our Military Kids is an organization that provides \$500 grants to children of deployed and severely injured reserve and National Guard personnel — whose families do not have the built-in support of a military base — so they can participate in enriching after-school activities like youth sports, fine arts and tutoring programs. According to the Department of Defense, 77,000 children are eligible to participate in this grant program.

John Simmons and Ryan Vaart in the Washington office — who also serves on the board of Our Military Kids — drew on Akin Gump’s experience in public policy and law to help Our Military Kids secure federal funding to expand its programs.

Military Spouse Legacy Association

Ryan Vaart and John Simmons, along with Brendan Wilson and Monica Sholar, also work with the Military Spouse Legacy Association (MSLA), which is attempting to establish a commemorative work honoring the sacrifice of military spouses and families on federal land in Washington, D.C. The team is helping MSLA move a bill establishing the memorial through Congress.



[REED RUSSELL]

Helping a Comrade-In-Arms

After serving a year in Baghdad and Ramadi as an advisor to the Iraqi Security Forces, I returned to work at Akin Gump in the Washington office. I was happy to be back with my family and friends, but I thought often about how I could continue to help my comrades.

I became involved in Akin Gump’s Soldiers and Families Initiative through a guardianship case for a Marine at Bethesda Naval Hospital. Feeling invincible, this young man did not execute a power of attorney authorization before he deployed to Iraq. While on active duty, he suffered a serious injury that left him unable to make legal and medical decisions on his own behalf.

The Marine’s distraught father asked Washington Partner John Dowd whether Akin Gump could help him petition the court for appointment as guardian and conservator for his son. What should have been a fairly straight-forward process quickly became complicated when the Marine’s mother

— who was divorced from the father and estranged from the son — also sought guardianship and conservatorship.

The case ultimately required a full evidentiary hearing in the Marine’s home town of Grand Rapids, Michigan. A review of the couple’s divorce and custody proceedings revealed that the mother had a record of neglect and abuse when the Marine was a minor. Working with associate Larry Benenson to develop our case, and local Michigan counsel at the hearing, we presented the father’s case to the state court. That day, the father was granted full guardianship and conservatorship.

Despite the tragic circumstances of this case, it was deeply rewarding to ensure that this young Marine will receive the best possible care as he continues his road to recovery.

Former counsel Reed Russell recently moved from Akin Gump to a high-level legal position at the U.S. Equal Employment Opportunity Commission.

[for more information]

For more information about the organizations mentioned in this report, please visit:

American Bar Association Legal Assistance for Military Personnel (ABA LAMP)

www.abanet.org/legalservices/lamp

State Bar of Texas Legal Assistance for Military Personnel (Operation Enduring LAMP)

www.texasbar.com/Content/NavigationMenu/Pro_Bono/LAMP/LAMP.htm

Our Military Kids

www.ourmilitarykids.org

Military Spouse Legacy Association (MSLA)

www.militaryspousemonument.org

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