

LEGAL ASSISTANCE TO MILITARY PERSONNEL/DISASTER VICTIMS

Background

In times of international conflicts, the military may call upon its Reserve Units and the National Guard to assist in operations here in the U.S. and overseas. When called into active duty, these military personnel may confront many different legal problems, such as the need for a will, rent disputes, employment disputes and financial problems. Although the military's Judge Advocates General attend to the legal needs of the armed forces, the JAGs can and, in the past, have been overwhelmed during call-ups. This leaves military families in a difficult situation, needing legal help but not being able to get it.

The American Bar Association Standing Committee on Legal Assistance for Military Personnel (LAMP) maintains close liaison with the Department of Defense, the Department of Transportation (for its connection with the Coast Guard), and the military services and bar associations. The ABA has an excellent website that provides extensive material about federal laws protecting the rights of Reservists and National Guard units that are activated. When troops are called up, the ABA has coordinated the development of volunteer legal assistance programs with state bars. It has done this in the aftermath of the September 11 terrorist acts in the U.S., during the current conflict with Afghanistan and Iraq, and during the invasion of Kuwait.

Likewise, national and state bar organizations have also taken the lead in organizing relief efforts in the wake of both natural and man-made disasters. For example, the Virginia Bar Association included on its website a volunteer form for pro bono attorneys for assistance with the September 2003 Hurricane Isabel effort. The State Bar of Georgia's Pro Bono Project, its Young Lawyers Division and Georgia Legal Services work together to provide legal assistance to victims of disaster in Georgia. West Tennessee Legal Services' web page included information about "Disaster Recovery Services: The Community Partnership for Long-Term Tornado Recovery" following the devastation in WTLS's service area in 2003. Meanwhile, the Disaster Response Lawyers Coalition, a group of 15 different organizations, established a website to facilitate the provision of disaster legal assistance to victims of the San Diego area wildfires.

The ABA's Division for Bar Services maintains a website compiling disaster relief resources from state and local bar associations and law-related public service entities. Resources are grouped into practice management resources, bar association responses, and other association responses.

The Young Lawyers Division (YLD) of the ABA, as well as young lawyer groups within most state bar associations, works closely with the Federal Emergency Management Agency (FEMA) immediately following a disaster to provide legal assistance to those in need of help.

The ABA Center for Pro Bono's Clearinghouse library contains additional materials concerning disaster assistance projects, including a manual for the provision of disaster legal assistance.

Missouri Bar Activities

The Missouri Bar's Military Law Committee is comprised mostly of Reservists and National Guard members who are also attorneys. The committee is relatively inactive in those periods between conflicts, but continues to meet regularly and to discuss issues affecting military personnel

stationed here in Missouri. During call-ups of troops, the committee has coordinated projects to make volunteer attorneys available to military personnel and their families who need legal assistance. Should the number of military personnel called up overwhelm the capacity of the JAGs to provide legal assistance, the Military Law Committee will begin linking soldiers and their family members with volunteer attorneys.

For example, during Operation Desert Shield/Desert Storm in 1990-1991, the Military Law Committee initiated “Operation Standby,” which recruited volunteer attorneys around the state interested in providing legal assistance to military personnel and their families. All military personnel, their dependents and retirees were eligible for assistance in such areas of the law as simple wills, power of attorney, debtor-creditor matters, landlord-tenant issues, and counseling about the Soldiers’ and Sailors’ Civil Relief Act and the Veterans’ Reemployment Law Act.

More recently, during the military actions in Afghanistan and Iraq, the Military Law Committee participated in the ABA’s “Operation Enduring LAMP” (Legal Assistance for Military Personnel). Again, the committee recruited volunteer attorneys willing, on a pro bono basis, to provide legal help – when assistance is needed by the State Judge Advocate General – to reservists and National Guard personnel who have been, or may be, called to active duty. As with previous efforts, much of the focus of this effort involved the Servicemembers Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act.

Missouri Bar members have also responded in times of crisis closer to home, such as natural disasters. During what has come to be known as The Great Flood of 1993, hundreds of Missouri lawyers responded to a call for assistance with a massive effort to help victims of the devastating flood with information and legal help. In cooperation with the Bar Association of Metropolitan St. Louis and the Kansas City Metropolitan Bar Association, The Missouri Bar issued a call for help as the full extent of the flooding became clear. As a result of volunteer efforts by bar members, informational materials from The Missouri Bar, the Missouri Attorney General’s Office and the ABA’s Young Lawyers Division were made available at all 26 DACs (Disaster Assistance Centers) set up around the state by federal and state emergency management agencies. In addition, volunteer attorneys organized by regional coordinators from The Missouri Bar Young Lawyers’ Section and the Bar Association of Metropolitan St. Louis staffed information booths at the centers and were on hand to answer questions from flood victims.

Even as floodwaters receded, Missouri’s legal community continued to help their fellow citizens address legal issues related to the flooding. Special “Call-A-Lawyer” sessions were organized by The Missouri Bar, BAMSL and KCMBA to give flood victims the opportunity to call and speak with a volunteer attorney. Indicative of the cooperative effort provided by the state’s legal community, all lawyers volunteering to answer telephones were provided with a two-hour training session organized by Legal Services of Eastern Missouri to help them become more familiar with the types of assistance that flooding victims were likely to need.

This commitment to caring was evidenced again 10 years later, when a devastating series of tornadoes and strong storms ripped through the state in the spring of 2003. As a result, more than 50 Missouri counties received designation as federal disaster areas. In response, The Missouri Bar organized a Spring Storm Legal Assistance Project to advise storm victims on a wide range of issues, including insurance policies and other legal documents that may have been lost, contract issues related to home repairs, and difficulty making debt payments such as mortgages or car loans. By calling a toll-free telephone number, storm victims were provided with advice as to their rights by a volunteer attorney donating their time on a pro bono basis.