

A Few Minutes of Your Time Can Save Your Client's Dime: Obtaining Pro Bono Assistance for Legal Assistance Clients

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If the motto “and justice for all” becomes “and justice for those who can afford it,” we threaten the very underpinnings of our social contract.¹

I. Introduction

Any attorney who works in a military legal assistance office experiences the moment when she realizes she can no longer help her client and another attorney needs to step in. Whether the case involves going to court, filing court documents, or is more complex than what regulations allow legal assistance attorneys to support, the end result is the same: the client rolls his eyes and asks a question such as, “So I need to go and get a ‘real’ attorney now?” The legal assistance attorney grits her teeth, glances at the bar license hanging on the wall, spends a moment remembering how brutal the bar exam was, and then regrettably states, “Yes, you need to get *another* attorney to help you with this case.”

Unfortunately, the average legal assistance client is an active duty servicemember or family member who simply cannot afford private attorneys’ fees. As a result, when a client’s needs exceed the support a legal assistance attorney can provide, the legal assistance attorney often finds herself handing off the local bar referral number² and wishing the client luck. However, given the various resources available to many service and family members, this practice should become a thing of the past.

In recent years, numerous programs to assist eligible servicemembers and eligible family members with legal matters on a no-fee or reduced-fee basis have sprung up

across the nation. These programs range from attorney-to-attorney based assistance to the American Immigration Lawyers Association (AILA) Military Assistance Program. This article discusses the variety of attorney-to-attorney-based assistance programs and pro bono services available for military legal assistance clients. Further, this article discusses the eligibility requirements for these services and explains how legal assistance attorneys can properly refer clients to these programs.

II. Background

A. Origins of Pro Bono Assistance

Pro bono publico literally means “for the public good.”³ The American Bar Association (ABA) believes that “[p]ro [b]ono [p]ublico is fundamental to the practice of law and has been viewed as an ethical responsibility of lawyers—both informally and formally—since the beginning of the profession.”⁴ In the last several decades, pro bono has transformed from informal action to a more complex professional institution.⁵

In 1983, in an effort to promote pro bono service, the ABA House of Delegates adopted Model Rule 6.1 of the ABA Model Rules of Professional Conduct, encouraging lawyers to provide public interest legal service.⁶ The rule was then amended in 1993 to put further emphasis on free legal services to low income individuals.⁷ Since the rule’s adoption, many state bar associations have adopted the exact

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¹ *Supporting Justice: A Report on the Pro Bono Work of America’s Lawyers*, 2005 ABA STANDING COMM. ON PRO BONO & PUB. SERV. 4 (quoting Chief Justice Ronald George, California Supreme Court), <http://apps.americanbar.org/legalservices/probono/report.pdf> [hereinafter *Supporting Justice*].

² Most state bar associations have a dedicated number to assist individuals with finding an attorney within the state to handle their case. It is commonly referred to as the “referral line.”

³ Scott L. Cummings & Rebecca L. Sandefur, *Beyond the Numbers: What We Know—and Should Know—About American Pro Bono*, 7 HARV. L. & POL’Y REV. 83, 87 (2013).

⁴ *Supporting Justice*, *supra* note 1, at 5.

⁵ Scott L. Cummings, *The Politics of Pro Bono*, 52 UCLA L. REV. 1, 6 (2004).

⁶ *Supporting Justice*, *supra* note 1, at 6. Rule 6.1 states,

A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities to improve the law, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.

Id. at 22 n.1.

⁷ *Id.* at 6.

language of the rule or implemented similar pro bono language into their model rules.⁸ Additionally, the scope of free services for civil legal issues has grown with the expansion of pro bono programs in state bar associations, law schools, and private law firms.⁹

B. Pro Bono as it Relates to the Army

Pro bono services are essential to servicemembers and family members because Army legal assistance attorneys are limited in the services they can provide to their clients. Army Regulation (AR) 27-3 regulates the Army's Legal Assistance Program and defines a legal assistance attorney's scope of representation. The regulation states that legal assistance attorneys "will not assist clients on matters outside the scope of the legal assistance program."¹⁰ Further, the regulation limits the scope of representation in both the types of cases and types of services legal assistance attorneys may provide to clients.¹¹

Although AR 27-3 limits the scope of representation, the regulation gives legal assistance attorneys a useful framework to determine who is eligible for legal assistance services and how far the representation may go. The regulation requires legal assistance attorneys to handle cases without referral to an outside attorney whenever possible to avoid delaying a solution to the client's legal issue.¹² However, if the client's needs exceed the expertise of the legal assistance attorney, the regulation allows for referral of the client to another attorney.¹³ When referring the client to an attorney outside the legal assistance office, AR 27-3 encourages legal assistance attorneys to find no-fee or reduced-fee assistance for their clients.¹⁴

III. Forms of Pro Bono Assistance

⁸ *Id.* These states include Alaska, Arizona, Colorado, Florida, Georgia, Hawaii, Kentucky, Louisiana, Massachusetts, Maryland, Minnesota, Mississippi, Montana, New Mexico, Nevada, Virginia and Utah. *Id.* at 22 n.2.

⁹ *Id.*

¹⁰ U.S. DEP'T OF ARMY, REG. 27-3, THE ARMY LEGAL ASSISTANCE PROGRAM para. 3-5a (13 Sept. 2011) [hereinafter AR 27-3].

¹¹ *Id.* The types of cases within the scope of the legal assistance program are family law, estates, real property, personal property, economic, civilian and military administrative, torts, taxes, and civilian criminal matters. *Id.* at para. 3-6. The types of services within the scope of the legal assistance program include ministerial services, legal counseling, legal correspondence, legal negotiation, and legal document preparation and filing, among others. *Id.* at para. 3-7.

¹² *Id.* at para. 3-7h(2).

¹³ *Id.* at para. 4-7b.

¹⁴ *Id.* at para. 3-7h(7).

Fortunately, there are various forms of no-fee and reduced-fee assistance available to eligible legal assistance clients who are in need of a referral outside of a legal assistance office. These programs include attorney-to-attorney based assistance, such as Operation Stand-By, and pro bono and reduced-fee programs, including the ABA Military Pro Bono Project, state bar programs, law school clinics, the Military Spouse Juris Doctor (JD) Network, and the AILA Military Assistance Program.

A. Attorney-to-Attorney Resources

Many legal issues can be resolved by a legal assistance attorney without referring the client to a private attorney. While a legal issue may fall outside of expertise of the legal assistance attorney, a quick phone call to another attorney or an information paper from a local bar association on a particular issue may lead to a quick resolution for the client. As such, the first valuable resource available to legal assistance attorneys to assist clients is attorney-to-attorney assistance. Attorney-to-attorney assistance connects civilian attorneys with legal assistance attorneys through one-on-one phone calls or e-mails answering case-specific questions. Attorney-to-attorney assistance is available both through the ABA and local bar associations.¹⁵

1. Operation Stand-By

Operation Stand-By, a program sponsored by the ABA Military Pro Bono Project, is the most comprehensive and extensive network of attorney-to-attorney based resources available to legal assistance attorneys.¹⁶ This program consists of a state-by-state directory of civilian attorneys who have volunteered to answer e-mails and phone call inquiries from legal assistance attorneys concerning various practice areas.¹⁷

Through Operation Stand-By, legal assistance attorneys can reach out to civilian attorneys to ask case-specific legal questions, determine the proper jurisdiction to resolve the legal issue, and discuss legal remedies.¹⁸ Additionally, the attorneys can discuss ways to resolve the case at the legal assistance attorney's level and the possibility of referral to

¹⁵ See generally *Operation Stand-By: Seek Attorney-to-Attorney Advice from a Civilian Attorney*, ABA MILITARY PRO BONO PROJECT, http://www.militaryprobono.org/about/item.2727-Operation_StandBy_Information_for_Military_Attorneys (last visited May 27, 2015) [hereinafter *Operation Standby*]; *Military Personnel Legal Assistance*, NORTH CAROLINA LEGAL ASSISTANCE FOR MILITARY PERSONNEL, <http://www.nclamp.gov/> (last visited May 27, 2015) [hereinafter NC LAMP].

¹⁶ *Operation Stand-By*, *supra* note 15.

¹⁷ *Id.*

¹⁸ *Id.*

the ABA Military Pro Bono Project.¹⁹ Operation Stand-By attorneys can provide assistance in various areas of law to include bankruptcy, criminal, consumer, disability, domestic relations, education, employment, guardianship, health care, housing, immigration, personal injury, public benefits, tax, and trusts and estates.²⁰

2. Local Bar Associations

A second, often untapped, resource for legal assistance attorneys is consultation with local attorneys near the military installation or within the state. Many state bar associations have active Legal Assistance for Military Personnel (LAMP) committees that are willing to offer attorney-to-attorney advice on case-specific issues. Additionally, some LAMP committees offer extensive online resources to assist legal assistance attorneys with a variety of civil law issues.

The North Carolina LAMP (NC LAMP) committee is a prime example of the type of attorney-to-attorney assistance LAMP committees can offer. The NC LAMP committee's mission is to offer legal assistance attorneys assigned within North Carolina increased access to North Carolina law as it relates to a specific area of law and allow legal assistance attorneys to obtain advice from experienced North Carolina practitioners.²¹ One of the methods provided to accomplish this mission is the NC LAMP committee's robust preventative law program.²² The preventative law program provides extensive online information papers targeted towards legal assistance clients, attorney-to-attorney assistance called "Co-Counsel Bulletins" and "Silent Partners," and an annual Continuing Legal Education (CLE) course on North Carolina law for legal assistance attorneys.²³ The NC LAMP's website, available to the public, provides a wealth of knowledge both on North Carolina law and general legal assistance issues that can benefit any legal assistance attorney.²⁴

B. ABA Military Pro Bono Project

If attorney-to-attorney assistance cannot resolve a client's legal issue, legal assistance attorneys should consider the wide range of reduced-fee and pro bono

assistance available. One of the most comprehensive pro bono assistance networks is the ABA's Military Pro Bono Project. After 9/11, the ABA's Standing Committee on LAMP began to see an increased need for legal assistance for servicemembers, particularly for legal assistance to servicemembers who were deployed and unable to represent themselves in civil court cases.²⁵

In response to this need, the ABA Standing Committee on LAMP formally established the ABA Military Pro Bono Project (ABA Project) in September 2008.²⁶ The mission of the program is to take "case referrals from military legal assistance attorneys (JAGs) anywhere in the world on behalf of junior-enlisted servicemembers with civil legal issues requiring services beyond what JAGs can provide."²⁷ The legal assistance attorney completes the referral process online.²⁸ The ABA Project then places eligible cases with civilian attorneys across the country to assist legal assistance clients on a pro bono basis.²⁹

1. Eligibility Requirements for the ABA Project

The ABA Project has specific criteria to determine the individual's eligibility for the program and the cases the ABA Project will handle.³⁰ In terms of personal eligibility, the targeted clientele for the ABA Project are

²⁵ Telephone Interview with Mary Meixner, ABA Military Pro Bono Project Director (Oct. 22, 2014).

²⁶ E-mail from Mary Meixner, ABA Military Pro Bono Project Director, to author (Oct. 15, 2014) (on file with author); *see also* Telephone Interview with Mary Meixner, *supra* note 25.

²⁷ ABA MILITARY PRO BONO PROJECT, PROVIDING MILITARY FAMILIES WITH ACCESS TO JUSTICE 1. This document was obtained from Mary Meixner, ABA Military Pro Bono Project Director and is on file with the author. The document is handed out at events by the ABA Military Pro Bono Project.

²⁸ *Id.*

²⁹ *Id.* As of 1 October 2014, 2,202 cases have been submitted to the ABA Project and, of that number, the ABA Project successfully secured placement for 1,077 cases in 49 states. Of the cases not successfully placed, 46% of those were rejected and closed during the screening process because "they did not meet the ABA Project's guidelines or lacked merit." The additional 54% not successfully placed was because the ABA Project was "unable to locate volunteer attorneys or the referring military attorneys informed the ABA Project that the pro bono assistance was no longer needed." Of the cases referred to the ABA Project so far, over 70% are family law related, approximately 10% are consumer law and creditor based cases, and the remaining 20% involve other legal issues such as guardianship, landlord-tenant disputes, and trusts and estate matters. *See* E-mail from Mary Meixner, *supra* note 26.

³⁰ AMERICAN BAR ASSOCIATION, ABA MILITARY PRO BONO PROJECT GUIDELINES FOR MILITARY LEGAL ASSISTANCE ATTORNEYS 1, *available at* http://www.militaryprobono.org/about/item.3216/Project_Guidelines_and_Information [hereinafter PROJECT GUIDELINES]. To access the document you must register with the ABA Military Pro Bono Project and login to the website. *See infra* note 44 and accompanying text (listing website link and explaining referral procedures).

¹⁹ *Id.* Legal assistance attorneys may not seek out pro bono representation for their clients through Operation Stand-By. *Id.*

²⁰ *Id.* A legal assistance attorney can utilize Operation Stand-By by visiting its website. To access the directory, a legal assistance attorney must register with the ABA Military Pro Bono Project and login to the site. The directory organizes the attorneys by state and by practice areas.

²¹ NC LAMP, *supra* note 15.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

servicemembers who cannot afford private attorney fees.³¹ Servicemembers in the rank of E6 or below are presumed eligible.³² Servicemembers above the rank of E6 are presumed ineligible for referral unless special circumstances warrant acceptance into the program.³³ Overall, the referring legal assistance attorney is responsible for verifying the pay grade of the servicemember and attesting to the servicemember's eligibility when making a referral.³⁴

Active-duty servicemembers, to include National Guard and Reserve members on federal active-duty status under Title 10 of the United States Code, are generally eligible for referral to the ABA Project.³⁵ A National Guard or Reserve member serving under Title 32 of the United States Code, even those not currently on active-duty orders, are eligible if referral is for a legal matter connecting to or arising from mobilization, de-mobilization, or the servicemember's military status.³⁶

A non-servicemember spouse is eligible for referral to the ABA Project if the servicemember meets the financial eligibility requirements discussed previously and if the following three criteria are met:³⁷

1. The legal issue must directly affect the well-being of the servicemember, his or her family as a whole, or his or her military readiness.
2. The legal interests of the spouse and servicemember must be aligned in the matter—in other words, a non-

³¹ *Id.*

³² *Id.*

³³ *Id.* at 1–2. To refer a client above the rank of E6, a referring attorney must “thoroughly document compelling circumstances justifying the referral and should make it clear to the client that acceptance of the referral by the ABA Project will be discretionary.” *Id.* at 2.

³⁴ *Id.* at 1. The legal assistance attorney should ask to see the client's Leave and Earning Statement and tax return paperwork to determine a client's financial assets. *Id.*

³⁵ *Id.* at 2. Title 10 status refers to federal mobilization to active-duty under Title 10 of the United States Code. Mobilized servicemembers are serving full-time, are federally funded, and are under federal command and control while on Title 10 orders. See NATIONAL GUARD ASSOCIATION OF THE UNITED STATES, NGAUS FACT SHEET: UNDERSTANDING THE GUARD'S DUTY STATUS, available at <http://www.ngaus.org/sites/default/files/Guard%20Status.pdf> (last visited May 28, 2015) [hereinafter NGAUS FACT SHEET].

³⁶ PROJECT GUIDELINES, *supra* note 30, at 2. Title 32 is the section of the United States Code under which National Guard servicemembers operate when they are conducting missions that are funded with federal dollars but are under the command and control of the State. Servicemembers are on full-time state active duty while on Title 32 orders. See NGAUS FACT SHEET, *supra* note 35; see also T. Scott Randall, *Application of Article 2(c) of the UCMJ to Title 32 Soldiers*, ARMY LAW., Nov. 2013, at 29.

³⁷ PROJECT GUIDELINES, *supra* note 30, at 2.

servicemember spouse will not receive a referral through the ABA Project for representation adverse to the servicemember.

3. The legal issue must be such that the servicemember would have pursued the matter were he or she present to do so. That is, the spouse is acting as a surrogate to protect the non-present servicemember's interests. For example, a referral may be made for a deployed servicemember's spouse involved in a dispute with a landlord or creditor where the servicemember is a party to the agreement or contract, but not for a case where the servicemember's spouse is involved in a family law dispute with his or her former spouse.³⁸

An unmarried servicemember's parents may also be referred to the program using the same analysis used for a non-servicemember spouse.³⁹ Such referrals are appropriate if the issue involves payment of survivor benefits or guardianship establishment for an incapacitated servicemember.⁴⁰ In cases involving the referral of a non-servicemember spouse or the parent of an unmarried servicemember, the referring attorney must detail the reasons for referring the family member rather than the servicemember to the ABA Project.⁴¹

In addition to client specific eligibility requirements, the ABA Project has case specific requirements. Specifically, the ABA Project will only accept cases within the specific defined categories of consumer law (to include certain bankruptcy cases), employment law, expungements, family law, guardianship, landlord-tenant, probate, tax law, and trusts and estates.⁴²

2. Referral Procedures

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* at 3–4. One of five elements must be met for the ABA Project to accept a family law case. These elements are (1) servicemember is deployed outside of the country and needs a lawyer in the United States to handle his legal matter; (2) opposing party is represented by counsel; (3) Servicemembers Civil Relief Act is implicated; (4) servicemember's physical custody of his children is at issue; and/or (5) servicemember has established, to the satisfaction of the referring military attorney, that he has experienced domestic violence perpetrated by the adverse party and is seeking legal assistance for a divorce, order of protection, child custody and/or visitation. If none of these elements exist, there is a presumption against acceptance of the referral. However, a referral is possible if the case is uniquely urgent or compelling. *Id.* at 3.

Referral to the ABA Project is an online process.⁴³ The referring legal assistance attorney must first register with the ABA Project and submit all case and client information through the ABA Project's web portal.⁴⁴ At a minimum, the referring attorney must provide enough information for the pro bono attorney to conduct a conflict check and understand the legal issues at hand.⁴⁵ A referring attorney must also keep in mind that the civilian attorneys may be unfamiliar with issues such as the Servicemembers Civil Relief Act (SCRA) or Uniformed Services Employment and Reemployment Rights Act (USERRA), so the referral should include a detailed explanation of these areas of the law.⁴⁶ Additionally, the referring attorney is required to affirm that the referral is being made for "good cause."⁴⁷ Most importantly, keep in mind when referring a case to the ABA Project, "If I were a civilian attorney, would I want to offer pro bono assistance to this client, and what information would I need to decide whether or not I want to offer my assistance for the case?"⁴⁸

Once the referral is submitted by a legal assistance attorney, the referral is sent via e-mail to a military attorney designated to review all referrals.⁴⁹ Approved referrals then go to the ABA Project Director who makes every available effort to find a volunteering pro bono attorney to take the case.⁵⁰ The referring attorney should be confident that the case is in good hands and the referring attorney is notified when the case is successfully placed with a civilian attorney or if the case is rejected.⁵¹

C. State Bar Pro Bono Programs

⁴³ *Id.* at 1.

⁴⁴ *Id.* MILITARY PRO BONO PROJECT, <http://www.militaryprobono.org> (last visited May 28, 2015) (look for "register" link).

⁴⁵ PROJECT GUIDELINES, *supra* note 30, at 2.

⁴⁶ *Id.* at 4.

⁴⁷ *Id.* at 1. The "good cause" affirmation will require the attorney to answer a list of questions including: "(i) What are the operative facts regarding the legal issue?; (ii) What is the client's desired outcome?; (iii) What is the specific legal theory under which the client may achieve his or her objective?; and (iv) How has the client attempted to resolve this issue?" *Id.* at 4-5.

⁴⁸ E-mail from Mary Meixner, *supra* note 26.

⁴⁹ PROJECT GUIDELINES, *supra* note 30, at 1. For the Army, the approval authority varies. Check with The Office of the Judge Advocate General Legal Assistance Policy Division to see who the reviewing official is for your office. E-mail from Jason Vail, ABA Chief Counsel for Legal Services, to author (Dec. 3, 2014) (on file with author).

⁵⁰ PROJECT GUIDELINES, *supra* note 30, at 1.

⁵¹ *Id.* Generally, cases are placed within sixty days of approval of the referral. Once sixty days have passed, the referral may be returned as "unplaced" based on the discretion of the Project Director. *Id.* at 6.

In addition to the ABA Project, many state bar associations have likewise seen a great need to assist servicemembers with legal issues and have created programs to provide pro bono and reduced-fee assistance for legal assistance clients. State programs vary widely state-to-state and some even vary county-to-county within a state as to who is eligible for services and what type of pro bono services are offered.⁵² There are several ways to find state resources and determine which programs meet a legal assistance client's needs.

1. State Directory of Programs

State bar-run pro bono programs are constantly growing and are a valuable resource to consider when advising legal assistant clients on the benefits of these programs versus hiring a civilian attorney on a for-fee basis. Given the constantly changing landscape of state-run services, the most accurate list of state-by-state resources can be found through ABA's Home Front website.⁵³ The website features a variety of publications and resources on various legal issues military families may encounter, as well as a directory of resources available by state.⁵⁴

2. The State Bar of Georgia Military Legal Assistance Program

The State Bar of Georgia Military Legal Assistance Program (MLAP) is a front-runner in providing quality pro bono assistance to servicemembers and family members.⁵⁵ The goal of MLAP is to link servicemembers and veterans to state bar members who are willing to provide no-fee or reduced-fee legal services.⁵⁶ The program was created after a Georgia attorney, and Navy veteran, Jay Elmore, attended a Department of Defense (DoD) trip to speak with servicemembers deployed across the Middle East and the Horn of Africa in 2007 to determine what issues the servicemembers faced while away from home.⁵⁷

⁵² Telephone Interview with Mary Meixner, *supra* note 25; Telephone Interview with Norman E. Zoller, Military Legal Assistance Program of the State Bar of Georgia (Nov. 13, 2014). A comprehensive internet search of various state-run programs also revealed a wide range of eligibility requirements.

⁵³ *ABA Homefront*, AMERICAN BAR ASSOCIATION, http://www.americanbar.org/portals/public_resources/aba_home_front.html (last visited May 29, 2015).

⁵⁴ *Id.*

⁵⁵ Extensive research concerning state-run programs revealed that the Georgia Military Legal Assistance Program (MLAP) is one of the best pro bono programs in the nation.

⁵⁶ *The State Bar of Georgia Military and Veterans Legal Assistance Program*, STATE BAR OF GEORGIA, <http://www.gabar.org/publicservice/militarylegalassistance.cfm> (last visited May 6, 2015).

⁵⁷ Norman E. Zoller, *Military Legal Assistance Aid Tops 500 in Two Years*, GEO. BAR J. 32 (Feb. 2012).

The trip inspired Mr. Elmore, and he shared his experience with his law partner and soon-to-be president of the State Bar of Georgia, Jeff Bramlett.⁵⁸ A committee convened to explore the need for legal services for servicemembers and veterans in Georgia and found that not only was there a great need for legal services, but that “enthusiasm for the concept among Georgia lawyers was infectious.”⁵⁹ As a result, the State Bar Board of Governors formally created the MLAP in June 2009.⁶⁰ Since its creation, 850 attorneys have volunteered their services, and the MLAP has assisted over 1,300 servicemembers and veterans with legal issues.⁶¹

a. Eligibility Requirements

The MLAP has specific client and case eligibility requirements. Active-duty servicemembers, Reservists, National Guardsmen, retirees, or veterans with a service-connected disability in the pay grade of E5 or below are presumptively eligible for the MLAP on a pro bono basis.⁶²

The MLAP also assists those in the grade above E5, but such assistance may be on a reduced-fee basis.⁶³ Servicemember spouses may also be eligible for the MLAP if the interests of the servicemember are in alignment with the spouse and there is no contention between the two, but such assistance may likewise be on a reduced-fee basis.⁶⁴ For clients who are above the pay grade of E5 or are a servicemember’s spouse, the attorney assigned to the case will talk with the client and determine whether the representation will be on a no-fee or for-fee basis.⁶⁵

In addition to client eligibility requirements, the MLAP also has case eligibility requirements. Specifically, the MLAP will only assist in civil legal matters.⁶⁶ Such cases include family law matters, consumer law, employment issues, bankruptcy, insurance claims, Veterans Administration claims, foreclosures, and estate planning.⁶⁷

⁵⁸ *Id.* at 33.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Telephone Interview with Norman E. Zoller, *supra* note 52.

⁶² State Bar of Georgia, *State Bar of Georgia Military Legal Assistance Program 1*, <http://www.gabar.org/publicservice/upload/MLAP-Application-for-Assistance.pdf> (last visited May 6, 2015).

⁶³ Telephone Interview with Norman E. Zoller, *supra* note 52.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Norman E. Zoller, *A Thousand Military Cases for Georgia Lawyers*, GEO. BAR J. 24 (June 2013).

⁶⁷ Telephone Interview with Norman E. Zoller, *supra* note 52.

b. Referral Procedures

To apply for the program, the client must complete an agreement form, have it notarized, and submit it to the address listed on the form.⁶⁸ Once received, the director of the program completes a summary of the legal issue and forwards the information to Georgia Legal Services, Inc.⁶⁹ In turn, Georgia Legal Services, Inc. provides the MLAP with the names of two attorneys who have volunteered for the program and specialize in the area of law requested.⁷⁰ The MLAP then notifies the first attorney on the referral list to confirm availability, and the MLAP asks the selected attorney for permission to give the client the attorney’s contact information.⁷¹ Once the attorney confirms availability, the client is given the attorney’s information and the attorney and client contact begins.⁷²

Again, the MLAP is just one of the many valuable state programs available to assist eligible legal assistance clients. Legal assistance attorneys should regularly check the ABA’s Home Front directory of available state programs for the most accurate list of resources available.

D. Law School Clinics

Another valuable pro bono resource available to legal assistance clients is law school clinics.⁷³ Law schools across the country have seen a need to assist servicemembers with legal issues and have taken action to offer pro bono legal services. As a result, numerous law schools have created military-specific clinics to address servicemembers’ growing need for legal services. Much like the state bar programs, the law school clinics vary in services offered and eligibility requirements.

1. Directory of Law School Clinics

Like state bar programs, the number of law school clinics providing pro bono legal assistance to servicemembers is on the rise. The most comprehensive list of the current law school clinics offering pro bono services to servicemembers

⁶⁸ *State Bar of Georgia Military Legal Assistance Program*, *supra* note 62, at 2.

⁶⁹ Telephone Interview with Norman E. Zoller, *supra* note 52.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ Law school clinics consist of law students assisting eligible clients with various legal issues. The law students are supervised by licensed attorneys and the clinics are run through law schools. Client eligibility is determined by the law school.

can be found on the ABA Home Front website.⁷⁴ One example of an extremely successful clinic that offers a variety of legal services to servicemembers is the Mason Veterans and Servicemembers Legal Clinic (MVETS) sponsored by George Mason University School of Law (GMUSL).⁷⁵

2. Mason Veterans and Servicemembers Legal Clinic

In the aftermath of 9/11, George Mason University and the GMUSL saw numerous legal issues arise with students in the military reserve component who had been mobilized to active duty service.⁷⁶ Most of the legal issues concerned landlord-tenant and consumer issues.⁷⁷ Seeing a need for services, the GMUSL stepped in and began assisting students with their legal problems.⁷⁸ Given the volume of assistance given, the GMUSL created the MVETS.⁷⁹ The MVETS now provides a wide range of assistance in civil cases to servicemembers and veterans.⁸⁰

a. Eligibility Requirements

The MVETS has case and client specific eligibility requirements. The MVETS provides assistance to all ranks and demographics.⁸¹ The key factor in determining eligibility is whether the potential client is facing an injustice or cannot afford private attorney legal fees.⁸² Additionally, the MVETS will look at the clinic's ability to effectively handle the case, which includes the availability of clinic resources, the costs involved, and the complexity of the issue

⁷⁴ *Pro Bono Resources for Veterans*, AMERICAN BAR ASSOCIATION, http://www.americanbar.org/groups/committees/veterans_benefits/pro_bono_resources_for_veterans.html (last visited May 28, 2015).

⁷⁵ George Mason University School of Law is located in Arlington, Virginia. GEORGE MASON UNIVERSITY SCHOOL OF LAW, <http://www.law.gmu.edu> (last visited May 25, 2015).

⁷⁶ E-mail from Laurie Neff, Mason Veterans and Servicemembers Legal Clinic Director and Managing Attorney to author (Nov. 12, 2014, 1055 EST) (on file with author).

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Mason Veterans and Servicemembers Legal Clinic*, GEORGE MASON UNIVERSITY SCHOOL OF LAW, <http://mvets.law.gmu.edu/> (last visited May 6, 2015). Cases taken on by the MVETS consist of 50% family law issues, 25% Veterans Administration (VA) benefits, 20% military administrative matters (to include discharge upgrades, Physical Evaluation Boards, and military pay issues), 10% consumer law issues, and 5% other (minor traffic offenses, name changes, FTCA). See E-mail from Laurie Neff, *supra* note 76.

⁸¹ E-mail from Laurie Neff, *supra* note 76.

⁸² *Id.*

presented.⁸³ The MVETS will not take on cases consisting of contested family law cases (where the parties cannot come to mutual agreement on a division of property or child custody/visitation), criminal cases (other than traffic offenses), bankruptcy, or immigration cases.⁸⁴

b. Referral Procedure

There are two ways to apply for services with the MVETS. First, a potential client can apply for the MVETS services directly on the clinic's website.⁸⁵ The application is web-based and takes the potential client through a series of questions about his legal issue.⁸⁶ The case is given a full factual and legal review by the clinic staff and the staff contacts the client to further discuss the case before determining if the case will be accepted by the clinic.⁸⁷

In addition to a client directly applying for the MVETS services, a military legal assistance attorney may contact the clinic directly.⁸⁸ The MVETS prefers referrals directly through a military legal assistance attorney because the legal assistance attorney can assist the clinic in background information on the case and in gathering further information as the case progresses.⁸⁹ Furthermore, having the legal assistance attorney contact the clinic, versus the client applying alone, can assist the clinic in making a faster determination on the validity of the claim.⁹⁰

As with the state bar-run programs, the MVETS is just one example of the numerous law school-run programs available to assist legal assistance clients. Legal assistance attorneys should regularly check the ABA's Home Front website for the most recent listing of law school clinics.

E. Justice for Military Families

An additional avenue for pro bono services is the newly founded Justice for Military Families (JMF) program. The JMF is a national program run by the Military Spouses JD

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Clinic for Legal Assistance to Servicemembers and Veterans Applicant Intake Form*, GEORGE MASON UNIVERSITY SCHOOL OF LAW, <http://mvets.law.gmu.edu/apply/> (last visited May 6, 2015).

⁸⁶ *Id.*

⁸⁷ *Id.*; see also E-mail from Laurie Neff, *supra* note 76.

⁸⁸ E-mail from Laurie Neff, *supra* note 76.

⁸⁹ *Id.*

⁹⁰ *Id.*

Network (MSJDN).⁹¹ The MSJDN is an international network made up of military spouses who are legal professionals.⁹²

When looking for resources to assist military families, the MSJDN found that most free legal services only focused on the servicemember and not the family member.⁹³ Wanting to fill the gap, the MSJDN formed the JMF in partnership with the Tragedy Assistance Program for Survivors (TAPS).⁹⁴ The TAPS is an organization that provides compassionate care for individuals grieving the death of a loved one who died serving in the Armed Forces.⁹⁵ Currently, the JMF is funded by a grant from Newman's Own Foundation.⁹⁶ Newman's Own Foundation is a private, independent organization created by Paul Newman in 2005, which donates profits from Newman's Own products to nonprofit organizations around the world.⁹⁷ The JMF connects family members in need of pro bono legal services with military spouse attorneys to help resolve the family member's legal issue.⁹⁸ The Director of the JMF, Josie Beets, describes the JMF as "a pro bono program for military families by military families."⁹⁹

1. Eligibility Requirements

The JMF currently assists clients referred to their program through the TAPS.¹⁰⁰ The TAPS refers surviving spouses, parents, and children of deceased servicemembers who have civil legal issues to the JMF.¹⁰¹ Clients are considered eligible for services by virtue of the TAPS referral and are not further screened for income level.¹⁰²

⁹¹ *Justice for Military Families*, MILITARY SPOUSE JD NETWORK, <http://www.msjdn.org/about/jmf/> (last visited June 3, 2014). The Military Spouse JD Network was founded in 2011. *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *About Taps*, TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS, <http://www.taps.org/about/> (last visited May 6, 2015).

⁹⁶ *Justice for Military Families*, *supra* note 91.

⁹⁷ *About Us*, NEWMAN'S OWN FOUNDATION, <http://newmansownfoundation.org/about-us/> (last visited May 6, 2015).

⁹⁸ *Justice for Military Families*, *supra* note 91.

⁹⁹ *Id.*

¹⁰⁰ Telephone Interview with Josie Beets, Pro Bono Director, Justice for Military Families (Dec. 8, 2014).

¹⁰¹ *Id.*

¹⁰² *Id.*

2. Referral Procedures

Currently, referrals to the JMF come directly through TAPS.¹⁰³ However, if a legal assistance attorney has a case involving a surviving spouse, parent, or child they believe could be eligible for the JMF, the legal assistance attorney can contact the JMF directly to inquire as to whether the client is eligible for pro bono services.¹⁰⁴ Additionally, legal assistance attorneys can visit the MSJDN website for more information on the services the JMF provides.¹⁰⁵ The JMF is a valuable resource servicing a specific type of legal assistance client that may not be eligible for other pro bono programs. Legal assistance attorneys should be aware of the important assistance the JMF can provide and regularly check the JMF website for updates.¹⁰⁶

F. American Immigration Lawyers Association (AILA) Military Assistance Program

There are also pro bono programs available targeting specific legal issues such as immigration. The AILA's Military Assistance Program (MAP) addresses this specific need through its pro bono program. The MAP is a joint effort between the AILA and legal assistance attorneys across the military services to provide assistance on immigration cases when the client's needs exceed what a legal assistance attorney can handle.¹⁰⁷ The MAP was created in 2008 with the priorities of providing immigration specific resources to legal assistance attorneys and pro bono counsel to eligible clients.¹⁰⁸

1. Eligibility Requirements

The MAP will provide pro bono services on immigration cases to active duty servicemembers and their immediate family members.¹⁰⁹ Given the high demand for pro bono services through this program, clients may only use the MAP one time to resolve their legal issue through pro bono

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*; MILITARY SPOUSE J.D. NETWORK, <http://www.msjdn.org/about/jmf/> (last visited May 28, 2015).

¹⁰⁶ *See supra* note 91 (website link).

¹⁰⁷ *AILA Military Assistance Program (MAP)*, AMERICAN IMMIGRATION LAWYERS ASSOCIATION, <http://www.aila.org/content/default.aspx?bc=11836157671867624108> (Dec. 19, 2007) [hereinafter AILA MAP].

¹⁰⁸ *Id.* Client intake has more than doubled in the last two years and in 2014 MAP will have provided pro bono assistance for close to 300 cases. Telephone Interview with Michelle Singleton, AILA MAP Coordinator (Dec. 4, 2014).

¹⁰⁹ Telephone Interview with Michelle Singleton, *supra* note 108. Active duty servicemembers include Reserve and National Guard members. Immediate family members include spouses, children, and parents. *Id.*

representation.¹¹⁰ Clients seeking additional assistance on another immigration case will only be placed with a pro bono attorney if resources are available.¹¹¹

issue through these programs without the burden of private attorneys fees.

2. Referral Procedures

Clients can either self-refer to the MAP or a legal assistance attorney may refer the client.¹¹² Self-referral is accomplished by completing an online application on the MAP website.¹¹³ Legal assistance attorneys can assist clients with the self-referral application form available on the MAP website.¹¹⁴ The client can submit the form themselves, or the legal assistance attorney can provide the application form directly to the MAP.¹¹⁵ Cases are generally matched with a volunteer attorney within thirty to forty-five days of the application submission.¹¹⁶ The MAP is an excellent resource for legal assistance attorneys to consider when faced with a client needing immigration assistance.

IV. Conclusion

The resources discussed in this article present just a few of the many valuable pro bono programs available to servicemembers and their families. By understanding the legal issue at hand, the financial resources of their client, and by researching the relevant pro bono programs, legal assistance attorneys can save their client's time and money by properly referring them to pro bono services or by resolving the issue through attorney-to-attorney consultations. Legal assistance attorneys need to take the time to know these resources and properly use them to help their clients take advantage of the generous gifts these volunteer attorneys and law students offer.

Once a legal assistance attorney understands how to properly use these resources and can help clients utilize them, the legal assistance attorney can feel less helpless when realizing they cannot completely resolve their client's legal issue. Thus, instead of sending the client away with the local state bar referral number, a legal assistance attorney can take the client one step closer to resolution of his legal

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Application for Assistance*, AILA MILITARY ASSISTANCE PROGRAM, <https://adobeformscentral.com/?f=CcQhW8EnaUAdWfo-LTcQkw#> (last visited May 6, 2015).

¹¹⁴ Telephone Interview with Michelle Singleton, *supra* note 108.

¹¹⁵ *Id.*

¹¹⁶ *Id.* The timelines may vary depending on the complexity of the case and volunteer availability. *Id.*