

Evolving LAMP CLE Content Tracks Real-World Needs of Servicemembers

The March 19 CLE program at Fort Carson, Colorado, blended the unflagging commitment of the Standing Committee on Legal Assistance for Military Personnel (LAMP) to hands-on support of Judge Advocates with fresh ideas about keeping the CLE curriculum current and highly useable for lawyers and paralegals in the field.

Along with tried-and-true offerings such as SCRA (Servicemembers Civil Relief Act) developments, legal ethics, and local family court procedures, the Fort Carson program delivered cutting-edge content on consumer law for servicemembers as well as the legal assistance implications of a raft of new federal and service rules on the medical evaluation process for injured servicemembers.

Under the direction of Pete Seidler, Capt. USCG (Ret.), the LAMP CLE planning chair and committee member, the Standing Committee on Legal Assistance for Military Personnel has reached out to unconventional sources for CLE programming with an eye on maximizing the benefit for the Judge Advocate audience.

For example, in the March 2008 LAMP CLE at Marine Corps Base Quantico (Va.), attendees heard from a pre-eminent authority and author on veterans benefits law, Bart F. Stichman of the National Veterans Legal Services Program, with a positive reaction across the board. At the next day's LAMP business meeting, Col. Greg Block, then-Dean of the Army JAG School, commented that he found Mr. Stichman's briefing extremely valuable for the Judge Advocates in attendance, who

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not infrequently face veterans benefits inquiries from their servicemember clients.

Capt. Seidler, the LAMP CLE chair, said that new, out-of-the-box LAMP subject offerings resonate for today's Judge Advocates delivering legal assistance. "Expanding our CLE programs into areas such as veterans' rights law and medical review boards provides the military legal assistance practitioner with a foundation in topics not traditionally taught in other military legal assistance CLE programs," Seidler said. "This gives legal assistance JAGs a better understanding of important issues facing many of today's servicemembers as they transition from the military back to civilian life and better equips these legal assistance attorneys to help them and their families."

At Fort Carson, another recognized national authority, Ira Rheingold, Executive Director of the National Association of Consumer Advocates, briefed the Judge Advocate audience on the effects of the current financial crisis on consumers, with a special emphasis on common consumer abuses targeting military members.

In comments after his CLE class, Mr. Rheingold emphasized that young enlisted personnel

are particularly at risk for predatory creditor practices. "I spend a lot of time speaking to military legal assistance attorneys, and it is clear that their clients are incredibly vulnerable to consumer scams," Rheingold said.

"The young enlisted person is really the perfect target for predatory lenders, auto sales scams and the like. One, they have steady, but limited income; two, they are honor-bound to pay their debts, as they can get in trouble if they don't—for example, lose their security clearance—and, three, they are typically very young and out on their own for the first time. They're perfect targets—that's why you see military bases surrounded by payday lenders and bad car dealers.

"That's why it's essential that legal assistance attorneys learn how to represent them and find out what the scams are."

Mr. Rheingold is frequently on the road educating various groups on consumer protection laws. It was clear that his special interest in protecting military consumers was heart-felt. "I find it infuriating that the people who are sacrificing so much to protect our country are being targeted by these scams," he said.

The LAMP Committee was a primary advocate, within the American Bar Association, of military predatory lending reforms embodied in the 2006 Military Lending Act.

From the time LAMP started including these topics, legal assistance lawyers attending these programs have consistently commented on their relevance and timeliness to their practices and how these topics give them yet another tool to help the

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servicemember in these trying times.

Another LAMP first at Fort Carson was a presentation by David Hoerber, Outreach Counsel at the Evans Army Medical Center, on legal assistance practice implications of the Medical Evaluation Board (MEB) process. Congress has pushed through numerous changes in the MEB and Physical Evaluation Board (PEB) process recently in response to the plight of wounded warriors, among them a heightened emphasis on attorney support throughout the process. The Army has brought in specialized counsel to work with eligible soldiers, but a role remains for regular legal assistance attorneys, who need to be up to speed on process requirements, according to Mr. Hoerber. "It's certainly important for the PEB/MEB process to get the word out to other legal assistance counsel, because they may run into a soldier who's involved in that process. The law is constantly changing in this area.", Hoerber said, after his class. Hoerber noted that in order to stay current on the evaluation board rules he checks the Army Physical Disability website biweekly for new guidance.¹

The Fort Carson CLE also featured a two-hour presentation on SCRA issues and developments by John Odom, Col., USAFR (Ret.), a private practitioner whose mastery of the SCRA and experience litigating its provisions has made him a regular lecturer at the services' JAG schools. The LAMP Committee has gained a double benefit from Colonel Odom's three-year term as Committee member, as he has been a major contributor both on committee matters and at the CLE lectern, as was recent LAMP Committee member Patricia Apy, a leading national expert and instructor

U.S. Department of Justice attorneys responsible for SCRA enforcement have been fixtures at the CLEs in recent years.

on military family law and also a regular lecturer at the JAG schools.

LAMP CLE programming is integral to the mission of the Committee. Twice in a typical year, LAMP stages CLEs around the country, taking care to rotate among the services and cover different geographic regions. In the past four years, the LAMP road show has appeared at Hickam Air Force Base (Honolulu, HI – July 2005); civilian quarters (Raleigh, NC – November 2005); Camp Pendleton (San Diego County, CA – March 2006); The Naval Justice School (Newport, RI – July 2006); Fort Sam Houston (San Antonio, TX – November 2006); The Air Force JAG School – Maxwell Air Force Base (Montgomery, AL – July 2007); Coast Guard 13th District (Seattle, WA – November 2007); Marine Corps Base Quantico (Quantico, VA – March 2008); Coronado Naval Station (San Diego, CA – November 2008); Fort Carson (Colorado Springs, CO – March 2009).

The LAMP CLEs and committee meetings also attract interest from outside of LAMP and military circles. For example, U.S. Department of Justice attorneys responsible for SCRA enforcement have been fixtures at the CLEs in recent years. Explained Elizabeth Singer, Director of the U.S. Attorneys' Fair Housing Program in DOJ's Civil Rights Division and head of the agency's SCRA

enforcement efforts: "One of the major ways the attorneys in my office and I stay in touch with the real world legal problems of active duty servicemembers is by regularly attending the LAMP Committee's CLEs and business meetings. It gives us the opportunity to engage in give-and-take with the chiefs of legal assistance from each branch of the military and with military and civilian attorneys who serve servicemembers.

"It allows us to hear about the most common SCRA issues facing the troops, such as foreclosures on their homes and the towing and selling of their vehicles without court orders, and difficulty obtaining the 6 percent interest rate on their pre-service obligations. It also gives us the opportunity to spread the word about the Justice Department's ongoing cases and investigations. And it gets DOJ lawyers out of their offices in Washington, D.C. to military installations throughout the country so that we can have a more direct look at how our SCRA enforcement mission can help servicemembers obtain the legal benefits Congress granted them in the SCRA."

At Fort Carson, Ms. Singer briefed the CLE audience on DOJ's escalated program to enforce the SCRA, including its effort to develop "pattern and practice" cases against systematic violators. She said the LAMP connection has been vital to the Department's SCRA enforcement push, which continues to gain momentum. "The Justice Department is very committed to enforcing the SCRA vigorously," she said. "We filed our first case in federal district court in December 2008, and we have conducted numerous investigations that have resulted in successful outcomes for servicemembers."

Other presenters at the Fort Carson CLE were Kevin Kuhn, Col., USAFR (Ret.), on Ethics

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From the Chair...

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contrary, the ABA is asking Congress to clarify that these enforcement powers are essential elements of the statute, and

have been all along. That said, contingency planning should always be part of sound military and legal strategy.

Endnotes

- ¹ See, e.g., *Marin v. Citibank, N.A., Inc.*, 2000 U.S. App. LEXIS 3789 (2nd Cir. 2000); *Engstrom v. First*

National Bank of Eagle Lake, 47 F. 3d 1459 (5th Cir. 1995); *Marin v. Anderson*, 1998 WL 1765716 (N.D. Tex 1998).

- ² See *Hurley v. Deutsche Bank Trust Company Americans*, 2008 WL 4937906 (W.D. Mich. (11/14/2008) and 2008 WL 4539478 (W.D. Mich. 9/30/2008).

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and Professionalism, and several members of the El Paso County (Colorado Springs) court staff, on Colorado Family Law Practice & Procedure. A separate paralegal ethics class was presented by LAMP CLE veteran Pat Lyons of the Roger Williams University.

The Army JAG attendees at Fort Carson were complemented by a strong turnout from neighboring Air Force installations, including the U.S. Air Force

Academy, Peterson Air Force Base, Schriever Air Force Base and Buckley Air National Guard. Lt. Col. James Durant III, an Air Force Academy faculty member and current Chair of the ABA General Practice, Solo and Small Firm Division, was the Committee's special guest.

The Fort Carson CLE presenters collectively hit the mark set by LAMP CLE Chair Seidler for balancing strong traditional offerings with new presenters on cutting-edge subjects. As the Committee continues to fine-tune its LAMP content to reflect

the particular legal landscape confronting today's soldiers, the more beneficial and lasting the LAMP CLE experience will be for the Judge Advocates and paralegals who attend.

Endnote

- ¹ For an article surveying major changes in the PEB/MEB process and its implications for legal assistance attorneys, see: Frost, Major John. 2008. "Wounded Warrior Update," *Dialogue* Vol. 12, No. 3, p. 20. <http://www.abanet.org/legalservices/dialogue/downloads/dialsu08.pdf>.

Grantee Spotlight

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of them are Latino; both of these factors help to foster a culturally sensitive and familiar environment for EC's clients. EC considers linguistic and cultural competency issues in every aspect of its work including staffing, advocacy, community education, community organizing and the provision of services.

EC's innovation goes well beyond these essential services. The organization engages its clients in a process of leadership development. Former victims are trained to become community educators and organizers in an effort to advance their rights as victims of domestic violence and as immigrants. Although EC's

primary focus is on assistance to immigrant victims of domestic violence, it recognizes that Albuquerque's immigrant community has several pressing concerns stemming from isolation, poverty and neglect. EC's mission is to give a voice not only to women like Marta but also to Albuquerque's immigrant community at large.³

Claudia Medina is a co-founder and the executive director of Enlace Comunitario (EC) in Albuquerque. She is also a co-founder of El CENTRO de Igualdad y Derechos, an organization working to advance immigrant rights in New Mexico.

Endnotes

- ¹ See Amy Farmer and Jill Tiefenthaler, "Explaining the Recent Decline in Domestic Violence", *Contemporary*

Economic Policy, Vol. 21, No. 2, April 2003.

- ² See www.legalmomentum.org. Legal Momentum: Advancing Women's Rights is the nation's oldest legal advocacy organization dedicated to advancing the rights of women and girls; it was originally founded as NOW Legal Defense and Education Fund in 1970.
- ³ In recognition of its innovative and comprehensive work EC was honored recently with the University of New Mexico's Mexican American Law Student Association's Fighting for Justice Award; the Samaritan Counseling Center's New Mexico Ethics in Business Award and the New Mexico Peace and Justice Center's Peace and Justice Award. In addition, EC's lead attorney, Elizabeth Rourke, was honored last year by the New Mexico Hispanic Bar Association with the Liberty and Justice Award.