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LAMP Feature

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Servicemembers Civil Relief Act Pro Bono Panel Program: Attorneys in San Diego Serving Those Who Serve Our Country

Pro Bono

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SCRA
Pro Bono
Panel
Program

*"In the final measure, nothing speaks like deeds."
- General John A. Wickham, Jr.*

From the Chair

Thousands of men and women in uniform are a constant feature of life in San Diego County, and these servicemembers are highly valued members of the local community. When they ship out to war zones or other deployed environments, the San Diego bar is committed to helping protect and preserve their legal rights back home.

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Through the new Servicemembers Civil Relief Act (SCRA) Pro Bono Panel Program, volunteer attorneys in the San Diego community support our servicemembers by providing pro bono representation in civil and family court matters. Since the Program's official roll-out in November 2009, it has assisted military personnel in more than 60 cases. The impetus for forming the pro bono panel came in early 2008, when the San Diego County Bar Association (SDCBA) learned that the San Diego Superior Court did not have a ready supply of volunteer lawyers to appoint to represent servicemember-defendants in SCRA cases. Such appointments are called for in sections 521 (if the servicemember has not entered an appearance) and 522 (if a request for an additional stay of proceedings on behalf of the absent servicemember has been denied) of the SCRA. 50 U.S.C. Appendix §§ 521-22. The statutory protection exists so that a servicemember serving our country, such as a Marine from San Diego stationed in Baghdad, has a local lawyer appointed to represent his or her legal interests, when sued in a San Diego civil court.

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A working committee was formed to explore the best way to structure both an attorney panel and a staffed program to assist the servicemembers who may be entitled to SCRA protections. Ultimately, the Program was a collaborative effort of the SDCBA, the San Diego Superior Court, the Bar association of Northern San Diego County (BANSDC), the Navy Legal Service Office Southwest, and the Marine Corps, with dozens of volunteers working for over a year and a half to turn a vision into reality. The Program is believed to be one of the first of its kind in the nation.

Having observed the Program for its first eight months, San Diego Superior Court Presiding Judge Kevin Enright is impressed with its progress. "This was a herculean job and the San Diego Superior Court is pleased to be a part of this combined effort to make sure the men and women who serve our country have their legal rights protected while they are deployed," Enright said.

The initial mission of the committee and Program was to convene a panel of qualified, volunteer-minded attorneys to represent eligible servicemembers, pursuant to the provisions of the SCRA. The Program was designed so that the Court could spot a potential SCRA issue, make a referral to the Program, and then rely on either SDCBA or BANSDC to select a pre-screened and insured pro bono panel attorney to provide representation to the servicemember. The attorney would then locate the servicemember client, ascertain if the client was eligible for a stay and wanted a stay, and then appear at the next hearing 90-120 days later to apply for the stay, if

appropriate. The main goal of the Program, as well as the federal statute that governs its cases, is to protect servicemembers from default judgments while sometimes stationed far away from home on active duty, and allow them to concentrate on defending our country.

As the Supervising Judge of the Civil Division, Judge Jeffrey Barton, has observed the Program's evolution, from a mere idea to functioning enterprise. "The leadership and members of the San Diego County Bar rose to the occasion and spent countless hours designing and implementing this Pro Bono program. The task was complex and involved developing a unique program from scratch," he commented.

In the course of developing the Program, the committee focused on designing comprehensive guidelines and training materials, so that the volunteer attorneys had a level of comfort in offering their services. The Program also established a hotline and an online e-community for the benefit of the panel attorneys.

Judge Barton also complimented the committee on its work in addressing the many issues that are implicated by SCRA matters. "Numerous issues including the scope of representation, membership on the panel, proposed orders, and finally co-ordination with several branches of the military were necessary to bring this program into reality. As a result of these efforts, active duty servicemembers have a procedure in place to insure their rights under the SCRA are protected," he stated.

Perhaps most critically, the Navy and Marine Corps actively participated in the committee and Program development, lending their support to the effort and their resources to helping contact the servicemember clients, who may be deployed overseas. Navy lawyers also participate as pro bono attorneys, appearing in court to advocate for the rights of their fellow military personnel.

Kim Staron, an attorney volunteer who has been available on an informal basis to help out in SCRA situations for 15 years, has observed the difference the Program has made. Ms. Staron remarked, "This Program has helped our servicemembers in the way that contact between court-appointed counsel and the servicemember is made. The participation of the military has been invaluable in accessing the servicemember and obtaining the information needed to protect their rights and interests."

The Program has also presented a unique opportunity to inform the local attorneys, the judiciary, and the public at large about the SCRA and its protections. "The SCRA is a widely misunderstood area of law. We are grateful for this program because it gives us an opportunity to educate the legal community and our clients about this important federal protection for servicemembers," said Lieutenant Junior Grade Gabriel Bradley, Naval Legal Service Office Southwest.

Even though it has only be in operation a short while, the Program has seen quite a few successes, with numerous stays secured. Although some of the servicemembers do not ultimately want their cases stayed, they are grateful to have a volunteer advocate explain their rights, offer them options, and attend the next court hearing with them. One satisfied servicemember recently commented, "Thank you for what you have done for me. God bless you." As the SCRA Pro Bono Panel Programs nears the completion of its first year in operation, the committee hopes to continue to expand, provide further training and education to its volunteer attorneys, and serve as a model for other metropolitan bar associations looking to create similar programs. For more information, please contact Heather Rosing at 619-239-8131.

Heather Rosing is SCRA Program Committee Chair