502d Air Base Wing & Joint Base San Antonio

Pro Se Programs

27 March 2019
Why Have *Pro Se* Programs?

- For Military Legal Assistance Programs
  - *Pro Se* programs help when our role ends
  - Clients can cross the finish line with guidance
  - Our clients can save significant money
  - *Pro Se* empowers clients to handle issues
  - The structure incentivizes staying reasonable
  - *Pro Se* gives remarkable results at a low cost

- For Private Practitioners
  - Options for clients outside your practice area
  - And clients of very limited means
502 ABW & JBSA Pro Se Programs

Our

Pro Se Probate Program

www.americanbar.org | www.abacle.org
Eligibility for Program

- Follow AFI 51-304, *Legal Assistance, Notary, Preventive Law And Tax Programs*, para. 2.3, Eligibility for Legal Assistance

- Active duty military personnel, including reservists and guardsmen on federal active duty under Title 10 of the U.S. Code, and their dependents entitled to an ID card

- Retirees and their dependents entitled to an ID Card

- As directed by the SJA in unique situations when it benefits the command IAW AFI 51-504, para. 1.3.12

- The ID cardholder must be named as an executor or alternate executor in the *will*. 
Pro Se Minimum Requirements

- The Decedent must have been domiciled in the State of Texas upon death
- The Executor must have a valid Military ID
- All parties must be in agreement
- No legal representation has been obtained or anticipated
Wills Not Eligibile for Program

- Contested matters
  - Any hint that someone will contest the will, client must lawyer up
  - Multiple clients calling the office regarding the decedent’s estate claiming to be in charge (co-executors, formerly held POA, etc.)
- Defective wills
  - Improperly executed wills (missing signatures, interested witnesses)
  - Seeing more of these with proliferation of DIY will programs like Legal Zoom, Quicken Wills, and the like
- Wills missing original pages
  - Clients who disassemble the will to make copies
- Dishonest clients
  - Clients concealing felony convictions
- Lost or destroyed wills- again, lawyer up
Available Processes for Testate Processing

- Application for Probate of Will and Issuance of Letters Testamentary (Est. §256.052)

- Application for Probate of Will and Issuance of Letters of Administration w/Will Annexed (Est. §361.152)

- Application for Probate of Will as a **Muniment of Title** (Est. §257.001)
  - 4 years have elapsed after death
  - Can assist clients with probate of this type of will in all 254 counties within the State of Texas
  - No representation of a third party/estate
  - No debts of the Estate other than those secured by real estate
Available Processes for Intestate Processing

- **Determination of Heirship**
  - Local Courts has ascertained this process requires legal representation; therefore, this office cannot provide this service

- **Small Estate Affidavit**
  - Decedent must be expired for over 30 days
  - Decedent’s estate cannot exceed $75K
  - Cannot be more liabilities than assets (Not counting homestead/exempt property)
  - Decedent only owned one piece of real estate, and that piece of real estate is the Decedent’s homestead
If a Person Expires with a Will

- Selection of who shall receive your assets
- Selection as to who you would like to control your Estate
- Selection as to who you would like to be guardian of minor children
- Ease of financial burden of administration by waiving of posting of bond for fiduciaries
If a Person Expires w/o a Will

The Texas State Statute decides who shall receive the Decedent’s assets; which in some cases is not how the Decedent would have preferred. **This is truly relevant in blended family situations.**
Avoiding Probate Altogether

There are three basic common Estate planning tools that can be utilized:

• Joint Tenancy with Rights of Survivorship assigned to the asset

• Beneficiary designation assigned to the asset

• Revocable Trust (Commonly referred to as Living Trust)
Proven Results

- 502d FSG/JA has a comprehensive Pro Se Probate Program with a long history of success

- This office accounts for 10% of the annual Bexar County Probate Docket

- One key to our success is an annual meeting with both Bexar County Judges and they both laud the program as “equal to or better than” the services provided by some of the local bar

- CY 2018 this Pro Se Probate Program alone saved the Texas military community approximately $763,000.00 in value of legal services
Handy Practice Tips

- Educate your clients on the probate process during your will drafting appointments

- If your client leaves the office thinking his newly minted will avoids probate, you may be short changing your client

- Re-educate your clients on probate process during your will execution ceremonies
Please Remember

• Military legal assistance can be quite difficult at times – but every now and then, you can really make a difference in your clients’ lives.
Conclusion of Probate Portion

• Questions?
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    • 2422 Stanley Road, Ste 116
    • JBSA-FSH, Texas 78234
    • Comm: (210) 808-0169
    • DSN: 420-0169

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502 ABW & JBSA Pro Se Programs

Our

Pro Se Divorce Programs
FSH Pro Se Divorce

• Key Requirements for Our Program
  – Must be an *amicable* split
  – No *children* of the marriage
  – No *real estate* purchased while married
  – No *spousal support*
  – No *division of retirement*

• 2 Residency Timelines for All Texas Divorces
  – 6 months in the state of Texas
  – 3 months in the filing county
FSH *Pro Se* Divorce

- **Our Very Simple Process**
  - Client meets with an attorney
  - Client completes & returns our 2-page form
  - We prepare the document (goal: 3 duty days)
  - Client takes the package & files with the court
  - Client serves spouse
  - Client appears at a brief hearing
    - Hearing must be at 60 days after filing
      - More likely to be 4-6 months
    - Spouse can attend, too, or waive appearance
Our 2-Page Questionnaire

**UNCONTESTED DIVORCE INFORMATION CHECKLIST**

What is your Full Name?
First: ___________________ Middle: __________ Last: ___________________, Suffix: __________
(Day time phone #: ____________________________) (E-mail: ____________________________)

How long have you lived in Texas?

How long have you lived in your present county, and what county is that?

What is your address?

What is your social security number?

What is your State Driver’s License Number? State: ______________ DL #: ______________

Spouse’s name? First: ___________________ Middle: __________ Last: ___________________, Suffix: __________

What is your birth date and age? ___________ What is your spouse’s birth date and age? ___________

What is your spouse’s address?

What is your spouse’s first social security number?

What is your spouse’s State Driver’s License Number? State: ______________ DL #: ______________

Date of marriage: ______________ Place of marriage: ______________

When did you cease to live together as spouses?

Do either of you own any automobile or other titled vehicle (motorcycle, truck, boat, trailer, etc.)? _____ If yes, provide titled owner(s), year, make, model and VIN of each vehicle:

Titled Owner(s): __________________________
VIN: __________________________ Year: ____ Make: ____ Model: ____

Titled Owner(s): __________________________
VIN: __________________________ Year: ____ Make: ____ Model: ____

Who will be taking full possession and ownership of each vehicle?

Will you or your spouse be changing last names? _____ If yes, provide full name:
First: ___________________ Middle: __________ Last: ___________________, Suffix: __________

Are there any community debts? (YES/NO) If yes, provide on the reverse side of this sheet the account numbers, institutions’ names, amount owed for each, and who will pay each debt after your divorce.

List all financial assets on reverse of document and division of those assets.
Our 2-Page Questionnaire

Liabilities
- Identify debts
- Agreed division

Financial Assets
- List major assets
- Agreed division of each
Lackland *Pro Se* Divorce

- Very Similar to JBSA – Fort Sam Houston
  - Residency requirements are the same
  - *Amicable*, with no *children* and no *real estate*
  - No *spousal support* and no *retirement division*

**Key Differences**

- Rank of E-5 or below (or non-military spouse)
- Court documents are prepared in stages
- Court hearings are generally much faster
  - Avoids the Bexar County Staff Attorney Review and *Pro Se* docket, so closer to 3 months than 6!
# Divorce Coversheet Checklist

**Time/Notes/Documents/Hearing Prep**

- Client: __________________________________________________________________________
- Client Spouse: _____________________________________________________________________
- Attorney Assigned: __________________________________________________________________
- Conflict Check/Added: __________________________________________________________________

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<thead>
<tr>
<th>Documents Delivered</th>
<th>Case Timeline</th>
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<tbody>
<tr>
<td>Eligibility Form</td>
<td>Date Client filed Petition: ________________</td>
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<tr>
<td>Client Questionnaire</td>
<td>50 days expire: ________________</td>
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<td>Attorney/Client Checklist</td>
<td>Date Client filed Waiver: ________________</td>
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<tr>
<td>Court Case Information Sheet</td>
<td>Date Client Prep'd for Hearing: ________________</td>
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<tr>
<td>Petition + ex parte</td>
<td>Date File sent to Volunteer w/ Prep. Checklist: ________________</td>
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<tr>
<td>Photo of Courthouse / Waiting Area</td>
<td>Date of hearing: ________________</td>
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<td>Photo of District Clerk Office / Basement</td>
<td>Date Survey forwarded to client: ________________</td>
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<tr>
<td>Waiver</td>
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<td>Decree</td>
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<td>Letter to Respondent</td>
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<td>VS-UBS</td>
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<td>Statements to Make to Judge</td>
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<td>Instructions for Hearing</td>
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<th>Date</th>
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- Provides quick case status and timeline
- Ensures divorce steps are completed
- Emphasizes need to check for conflicts!
Divorce Process in 4 Stages

- **PSD1:**
  - Client meets with attorney to discuss eligibility
  - Client completes questionnaire & eligibility form
  - We draft Petition for Divorce and prepare Civil Case Sheet Filing Sheet

- **PSD2:**
  - Client reviews and signs court documents
  - Client files documents and returns file-stamped copy
  - We prepare a divorce packet for Client to give to spouse (includes instruction letter, Petition for Divorce, Waiver/Acceptance Form and Divorce Decree)
Divorce Process in 4 Stages

- **PSD3:**
  - Client reviews divorce packet & gives it to spouse
  - Client files spouse’s completed waiver/acceptance form and returns file-stamped copy

- **PSD4:**
  - We schedule prove-up hearing with volunteer attorney
  - We meet with client to prepare for the hearing
  - Client signs divorce decree before a notary
  - Client attends final prove-up hearing
  - We send Client a survey and post-divorce guidance
Lackland Pro Se Divorce

BLUF: The client does the leg work!

• Files petition & delivers file-stamped copy to our office
• Ensures spouse signs petition, waiver & decree
• Files waiver & delivers file-stamped copy to our office
• Shows up for scheduled appointments
• Appears in court for final prove-up hearing
502 ABW & JBSA Pro Se Programs

Our

Pro Se Name Change Programs
Lackland *Pro Se* Name Changes

Adult Name Change Requirements: Texas Family Code §§ 45.101-107

**Step 1: Determine Eligibility**

- Rank of E-7 and below; 1st & 2nd Lieutenants
- Must currently live in Bexar County
- Must reside in Texas for at least 6 months
- No offense charged against Petitioner above class C misdemeanor
- No sex offense registrants
- No final felony convictions
Lackland Pro Se Name Changes

• **Step 2: Office prepares court documents**
  - Original Petition for Change of Name of Adult
  - Order Granting Change of Name of Adult
  - Civil Case Information Sheet

• **Step 3: Client obtains fingerprint card**
  - Client requests $10 fingerprint card from Clerk at Santa Rosa, Public Safety HQ, ID Unit
  - We provide detailed fingerprinting instructions
Lackland Pro Se Name Changes

• **Step 4: Client files name change documents**
  - Client pays filing fee
  - Client files Original Petition for Change of Name of Adult (with attached fingerprint card) and returned file-stamped copy

• **Step 5: Prepare for & attend final hearing**
  - We schedule hearing with volunteer attorney
  - Final meeting with client to explain court procedures
  - Client attends hearing with volunteer attorney
After the Legal Name Change

So, my name was legally changed. Now what?

- Military Personnel Flight (MPF)/ Defense Enrollment Eligibility & Reporting System (DEERS)
- Social Security Administration
- Department of Motor Vehicles (DMV)/ Department of Public Safety (DPS)
- Passport Agency
- Financial Services

Advise client to update name change everywhere!
FSH Pro Se Name Changes

- Very Similar to JBSA – Lackland
- Same basic requirements
  - Key difference: open to all clients
    - All ranks and grades, as well as retirees
Starting Your Own *Pro Se* Program

We’re glad to help you to start a *pro se* program

• It can be like one of ours for your location
  – We’re glad to share our forms, guides, and processes along with our experience

• But don’t be limited to the existing programs
  – Be thinking of other areas ripe for *pro se*

• Reservists can be a great asset
  – They can gauge the potential, point out obstacles, and provide practical pointers

• Rapport with local judges is key!
• Also key: continuity during changes!
Conclusion of program

- Questions?
  - 502 FSG/JA
    - 2422 Stanley Road, Ste 116
    - JBSA-FSH, Texas 78234
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