Military Legal Assistance Issues:
Consumer Law, Financial Issues, and Helping Military Communities

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Presented by
ABA Standing Committee on Legal Assistance for Military Personnel
ABA Center for Professional Development
NAVY REGIONAL LEGAL SERVICES OFFICE SOUTHEAST

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NAVY LEGAL ASSISTANCE

Provide Legal Support for Active Duty Servicemembers, Retirees, and Dependents

MISSION: The Navy Judge Advocate General’s Corps provides commanders, Sailors, and Navy families with targeted legal solutions wherever and whenever required to enable effective naval and joint operations. We support the Fleet by enabling Sailors and their families to resolve personal legal matters and to remain mission-ready.
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Challenges Unique to Military Life

Always under orders!!!
- Someone else makes all decisions; where they live, what they wear, how they wear their hair, what job they will perform
- Typically 3 year orders per duty station
- Must be ready to deploy at any given time

Imagine you are a service member...

What about your house?
- Rent? Own?
- What about your stuff?
- Where will you live when you get there?

What about your family?
- Long periods of separation
- Spouse’s career?
- Kids?

What about your car?
- Lien? Lease? Restrictions on bringing it with you?
- Where do you park it if you can’t take it?

What about any pending civil case?
- Family law matters? Divorce? Custody?
- Small claims?
§ 3902 Purpose

(1) to provide for, strengthen, and expedite the national defense through protection extended by this Act to servicemembers of the United States to enable such persons to devote their entire energy to the defense needs of the Nation; and

(2) to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.
SCRA

Theory: The SCRA ensures that a service member’s due process rights of notice and opportunity to be heard are protected in any civil matter so that service members are not unjustly punished because their military service either prevents them from appearing in court or prevents them from being properly notified of civil processes against them.
SCRA KEY PROTECTIONS

- Protection for service members against default judgments
- Stay of proceedings
- Statute of Limitations
- Maximum interest on pre-service debt capped at 6%
- Child custody
- Evictions
- Residential and lease termination
- Telephone service contract termination
- Enforcement of storage liens
- Allows service member to maintain state residency
SCRA In Practice:

THE SCRA MEANS WHATEVER THE PARTICULAR JUDGE THINKS IT MEANS!!!
WHAT HAPPENS WHEN OPPOSING PARTY OR JUDGE THINKS THE SCRA MEANS SOMETHING ELSE???
NAVY LEGAL ASSISTANCE

Challenges:

Limited Services – can only provide limited assistance on civil matters identified by the JAG as issues common to service members and that can potentially affect their military service and/or military readiness.

Limited Representation – can only provide consultation, guidance, and pre-litigation support; we do not represent anyone in court.

- Numbers - JAG to AD/Ret/Dep ratio too high
- JAG Officers are AD and usually barred in their home state.
The Military and Veterans Assistance Program ("MVAP") is an initiative within the Florida Office of the Attorney General’s Consumer Protection Division and seeks to serve the unique needs of Florida’s military servicemembers, reservists, and veterans. The program was developed and launched in 2017 to address several concerns that were identified while speaking with military members and veterans across the state.

We focus these concerns on four key areas: outreach and education, referral and resolution, enforcement, and partner organizations.
Florida’s Consumer Protection Statute

Florida Deceptive and Unfair Trade Practices Act

**Purpose:** “[t]o protect the consuming public and legitimate business enterprises from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce.” § 501.202(2), Florida Statutes (2018).

**Enhanced penalties:** In 2013, as a result of our AG’s efforts, our primary enforcement statute was amended to add an increased penalty amount, up to $15,000, for each willful violation directed at military servicemembers, veterans, and their spouses and children. § 501.2077(3), Florida Statutes (2014).
Types of Complaints

Veteran Charitable Scams involve companies soliciting donations that promise to provide veterans employment, grants, housing, or other financial assistance, but fail to deliver on their promises.

Affiliation Scams involve companies using images (uniformed servicemembers, U.S. flag, armed services logos, etc.) and deceptive language to suggest they are affiliated with military and veterans' organizations to induce purchases and donations. This activity may be on the rise during the approaching holiday season.

Aid and Attendance Military Service Related Benefit Scams are a type of benefits scam which involve deceptive tactics to obtain an unlawful, upfront fee in the preparation of the initial Aid and Attendance benefit application.

Benefits Buyouts Scams involve companies offering veterans a lump sum cash payment in exchange for the veterans' future benefits or pension payments.

Pay Day Lending involves payday loans, cash-advance loans, post-dated check loans or deferred-deposit loans. The seemingly harmless short-term, high-rate loans may come at a very high price.

Loan Servicing Scams involve mortgage servicers using unfair servicing practices, which include loan modification and lending services. The Florida Attorney General has a mediation service to assist veteran consumers with mortgage issues.

Phishing Scams involve companies sending emails falsely claiming to be from the VA/military to obtain confidential information from veterans.
Investigative Powers and Remedies

Investigative Power:
- Subpoenas and depositions of targets, witnesses, and third parties

Remedies:
- Appointment of a monitor or receiver
- Asset freezes
- Disgorgement of profits
- Consumer restitution
- Restrictions from engaging in or establishing the same type of endeavor
- Dissolution or reorganization of any enterprise
How to Submit a Complaint to the MVAP team:

- Go to our website www.myfloridalegal.com/MVAP and click on the red button that says “CLICK HERE TO FILE A COMPLAINT”
Contact Our Team

- **MVAP Website:**
  www.myfloridalegal.com/MVAP

- **Email Address:**
  MVAP@myfloridalegal.com

  - The Florida Attorney General’s Military Consumer Protection Resource Guide is also available on our website.
Florida's Regional Legal Services Delivery System

REGION I
- Florida Legal Services® (407) 801-4350
- Legal Aid Foundation Tallahassee (850) 222-3202
- Legal Services of North Florida® (850) 385-9007
- The North Florida Center for Equal Justice (850) 432-2338

REGION II
- Florida Legal Services (Florida Institutional Legal Services Project®)
  (352) 376-2484
- Jacksonville Area Legal Aid (904) 355-9371
- Southern Legal Counsel® (352) 271-6690
- Three Rivers Legal Services® (850) 872-0510

REGION III
- Broward County Legal Aid (954) 381-2500
- Community Legal Services of Mid-Florida® (888) 255-8573
- Latino Justice (321) 262-2883
- Legal Aid Society of Orange County Bar Assoc. (407) 941-0310
- Seminole County Bar Assoc. Legal Aid Society (407) 434-1860

REGION IV
- Bay Area Legal Services® (813) 232-1343
- Community Law Program (727) 362-7402
- Council on American Islamic Relations® (813) 514-1414
- Legal Aid of Manassas (941) 300-0038
- Gulf Coast Legal Services (727) 821-0728

REGION V
- Florida Legal Services (Migrant Farmworker Justice Project®) (407) 801-4350
- Florida Rural Legal Services® (863) 377-7690
- Heart of Florida Legal Aid Society (863) 519-0003
- Legal Aid Society of Palm Beach County (561) 866-8044
- Lee County Legal Aid Society (239) 334-0118

REGION VI
- Coast to Coast Legal Aid of South Florida® (954) 730-2400
- Legal Aid Service of Broward County (954) 786-8650
- Legal Aid Society of Collier County (239) 772-4000

REGION VII
- Americans for Immigrant Justice® (305) 573-1100
- Catholic Legal Services (305) 373-1073
- Community Justice Project (305) 907-7597
- Cuban American Bar Assoc. Pro Bono Project (305) 848-0348
- Dade County Bar Assoc. Legal Aid Society (305) 979-0733
- Florida Justice Institute® (305) 358-2084
- Florida Legal Services® (407) 801-4350
- Guardianship Programs of Dade County (305) 602-7642
- Legal Services of Greater Miami® (305) 679-0380

1 LSJ Funded Program (7)
2 Statewide Program or Program with a statewide component (7)
Rev. April 2010

www.americanbar.org | www.abacle.org
• View a sample motion enforcing the SCRA in the CLE materials.

• Helpful SCRA websites:
  – NACA: www.consumeradvocates.org
  – Official SCRA Website: https://scra.dmdc.osd.mil/scra/#/home
Questions?