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Cultivating Quality: Training for Your Panel Members

by Janet Diaz



For many years, lawyer referral programs operated by state or local bar associations were the only game in town. Now, there is an array of other available resources that a consumer may choose from when seeking an attorney referral. There are hundreds of Internet sites that offer lawyer referrals, lawyer directories and case bidding. Whether your lawyer referral and information service (LRIS) provides assistance to individuals in big cities, small towns, rural areas or statewide, computer technology has removed barriers to accessing legal help.

With that in mind, how can non-profit, bar-sponsored lawyer referral programs keep pace with the competition? What sets LRIS apart from any other referral source? Placing an emphasis on public service and the quality of panel members can greatly enhance the reputation of an LRIS program as **the** place to go for referrals.

Going beyond the Model Rules

For programs that already meet the standards set by the American Bar Association (the ABA Model Supreme Court Rules Governing LRIS), and for those attempting to refine their policies and procedures to meet the standards, it is important to create new mechanisms to increase the quality of service to the public. The Model Rules set the tone by requiring that programs establish a comprehensive set of guidelines to address consumer protection issues, attorney compliance and attorney obligations. Policies addressing suspension and/or termination of panel members and subject matter panels are also an integral part of meeting these standards.

Many sources, including *Dialogue* and the ABA LRIS Workshops, have provided information regarding the implementation of subject matter panels and establishing and enforcing suspension policies. To carry the push toward quality a step further, LRIS programs can be proactive and provide necessary training for panel members.

Orientation for new panel members

Training panel members can take many forms and involves working with attorneys from the beginning to cultivate professional and successful relationships. Many LRIS programs require new panel members to attend a personal interview in the bar association office or send LRIS staff members to meet with the attorneys in their offices.

This introductory meeting is an opportunity to present an overview of the details of participating in the lawyer referral program. Discussions typically include the history of the LRIS program, board/committee oversight, panel member obligations and commitment to LRIS, the rules of membership, and LRIS intake procedures. The interview should also include a comprehensive review of the forms that will be forwarded to the panel member, the attorney's reporting obligations, and LRIS fees. This may also be the appropriate time to discuss an attorney's background and experience

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DIALOGUE

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Quality

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and determine whether they would qualify him or her for subject matter panel membership.

Conducting personal interviews is time consuming for staff and attorneys, and may not be practical for every program. As an alternative, orientation training can be conducted in a workshop setting during the lunch hour or after work. The orientation should be mandatory for new members, although all members may be encouraged to attend. In addition to the more routine procedural and historical information, topics may include responding to client calls, using fee agreements, and dealing with clients when the case will not be retained. Other orientation topics may become obvious from complaints received about panel member conduct.

A solid orientation will help panel members respond more positively to referred clients and therefore enhance the LRIS program's service and reputation. It will also make the program's life easier.

CLE seminars

By offering accredited continuing legal education (CLE) seminars, LRIS programs can create some perks for panel members while at the same time increasing panel quality. Seminars can focus on particular subject matter areas or on general practice concerns.

Subject matter seminars can contribute to the ability of newer

members to meet a panel's experience standards. Highly experienced panel members often like to speak at such seminars, and can usually obtain their own CLE credit for preparation. Family law topics, such as temporary motion practice or domestic violence, may be of interest to many panel members, since so many referral calls are in this area. Other topics might be DUI or bankruptcy practice.

General topics to consider include ethics and avoiding malpractice. New attorneys (and sometimes more experienced ones) often have ethical puzzles or questions about how their malpractice insurance works for claims, and what their insurer looks for. Some LRIS programs

A solid orientation will help panel members respond more positively to referred clients.

have presented CLE seminars area with titles such as "The Ethics and Practicalities of Setting Fees," "Ethical Tools to Avoid Disciplinary and Malpractice Claims," and "Keeping Your Malpractice

Carrier Happy." The licensing bar in your state may have disciplinary counsel who would be happy to participate, and malpractice insurance brokers also can provide important information.

Poor communication by attorneys is a common complaint to both LRIS programs and bar disciplinary committees, and a seminar focused on communicating with clients could address an important need.

New attorneys and solo practitioners might be particularly interested in sessions addressing

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From the Chair...



by James B. McLindon
Chair of the ABA Standing
Committee on Lawyer Referral
and Information Service

Fall is the time when many bar associations witness a change in leadership. Presidents-elect finally lose that annoying suffix and at last can begin implementing their plans for a year that is usually all too short. I would ask that these new leaders—along with those currently in the middle of their terms and those who won't take the helm for a few more months—take a moment to consider the attention that they will give lawyer referral and information service in their allotted 12 months.

The importance of lawyer referral to state and local bar associations should not be underestimated. Lawyer referral has been called the public face of the bar, and indeed it is. It is a rare bar association that has another program with which members of the public interact more frequently. So keep this in mind: the **only** contact members of the public are likely to have with your bar association will probably be through your lawyer referral program.

This fact alone should inspire you to consider whether your LRIS program is all that it can and should be. But, of course, a more important reason should spur you

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Building LRIS Resource Networks Closer to Home

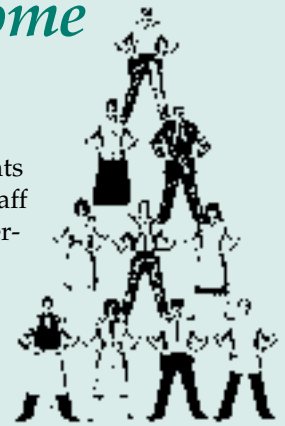
by Jane Nosbisch

More states are finding ways to leverage the talents and energy of local LRIS program managers, staff and volunteers through periodic meetings and conferences. New York recently conducted its first all-day program, joining the ranks of those—the Mid-Atlantic states, Florida, Ohio and California—that have already sponsored regional or statewide LRIS conferences. Although they share common characteristics, each effort has adopted distinct goals that arise from the needs of the local programs.

The Mid-Atlantic Lawyer Referral Service staged its eighth annual meeting in May 2002, under the coordination of the Maryland State Bar Association Delivery of Legal Services Section Lawyer Referral Committee. John H. Price, Jr., long-time chairman of the committee, notes that the idea for the annual meetings “came from the awareness that we were all working on the same goals and it would further our efforts to exchange information about effective methods that we had each developed.” Each year’s agenda is based on input from the attendees, which includes staff representatives from Maryland, Virginia and Philadelphia. The 2002 agenda mirrored those found in other states, and included such topics as advertising, mediation programs, and reduced fee programs.

Florida’s approach to developing its network began with a Florida Bar Lawyer Referral Committee meeting that included a brief visit from ABA Program of Assistance and Review (PAR) consultant Sheldon Warren. Within several months, a consortium of three local bar associations had joined together to organize Florida’s first statewide LRIS workshop. They again called upon ABA PAR consultants, this time Lish Whitson and Janet Diaz, to facilitate the daylong meeting in June 2001. Connie Pruitt, executive director of the Hillsborough County Bar Association, in Tampa, said, “it was a real eye-opener for the attendees.” This meeting included executive directors of the bars and the front-line staff responsible for intake. “We don’t usually have a lot of time to convey the message of the value of LRIS—this meeting gave us that opportunity. Front-line staff does not always get the opportunity to get to the national workshop. This meeting provided an outside perspective from the PAR consultants and it has helped in building relationships within the state.” Plans are now in the works for a follow-up workshop.

New York is the most recent state to stage a homegrown gathering. Michelle Benjamin, lawyer referral coordinator for the Onondaga County Bar Association, organized the state’s 2002 inaugural event for executive directors and LRIS managers and committee members. The survey-developed agenda included sessions on revenue sources,



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LRIS Networks

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technology applications, followup as a quality control and fee collection measure, the how-tos of developing subject matter panels, and marketing. Audrey Osterlitz, director of the New York State Bar Association LRIS program, noted that it was "very productive for all of us to get together. The Dutch-treat dinner the night before the meeting also allowed us to talk shop and get to know each other's issues." Discussions at the meeting also included strategizing about perennial issues such as how to increase staffing and innovations in fund-raising, and a bar association dues surcharge devoted to supporting LRIS marketing.

Ohio has taken its meeting initiative a step further. In addition to meeting annually, the coordinating group is now developing a joint intake manual

"We don't usually have a lot of time to convey the message of the value of LRIS—this meeting gave us that opportunity."

containing substantive case screening questions with an initial version scheduled for release this fall. Additionally, the group has met with the Ohio Supreme Court Lawyer Referral and Information Services Committee (which is responsible for implementing the Ohio Supreme Court rules regarding lawyer referral and information services) to discuss regulatory and trend issues. According to Chris Albrekton, director of the Dayton LRIS program, "it is great to be able to bounce around

ideas with program managers from similar programs. The Ohio Metro Bar is a great resource for questions and problem solving. Down the road I see the Ohio Metro Bar doing great things in the advancement of the lawyer referral service."

All of these efforts share a kinship with the California lawyer referral programs, which for years have organized an annual workshop devoted to LRIS. The more formally structured California workshops have frequently served as a discussion forum for the standards that regulate lawyer referral services in that state, along with multiday programming devoted to the wide range of LRIS topics.

Jane Nosbisch is staff counsel to the Standing Committee on Lawyer Referral and Information Service. The committee is interested in providing support to your local or regional group that is developing a local program. Please call 312-988-5754 to discuss your ideas.

From the Chair...

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on. Your LRIS program provides a vital service, one that many people desperately need.

When faced with a legal issue, many individuals are unable to determine even whether their problem requires the attention of an attorney. The next step—finding a lawyer competent in the relevant area of law—is no easy task for lay persons. Your friend's cousin's divorce lawyer may have done a good job for her, but isn't necessarily equipped to handle to your complex product

liability suit or bankruptcy.

Of course, much of the benefit the public derives from a lawyer referral and information service is information. Often a lawyer is neither required nor even appropriate; rather, a referral to a government or community agency is sufficient to resolve the matter.

Programs that are understandably and appropriately concerned with making ends meet and providing good cases for their panel members may be inclined to devalue such information-oriented cases and their role in resolving them. That's a shame because, while such calls admit-

tedly do not produce clients for the service and its attorneys, the service is solving callers' problems. And that's what lawyer referral is all about. (These calls may eventually produce clients, of course, as word of mouth about good service is a prime source of referral callers.)

Sadly, these important programs are often taken for granted by bar presidents and other bar leaders. Worse, sometimes they become viewed as drains on the bar association, to which resources are grudgingly provided. In such cases, that grudging attitude sometimes percolates through

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Quality

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the use of legal technology or managing law practice economically. With more attorneys taking advantage of technology to maintain a home office, a seminar addressing professionalism and working from home might also help your panel attorneys.

Presenting seminars does take administrative time, as it requires scheduling meeting space, securing speakers, and producing materials provided by the speakers. An LRIS program's capabilities will depend on its staffing and whatever CLE resources might be at hand. Committee members may want to chair a presentation. If the bar association has a CLE department, perhaps its staff would cooperate with the LRIS program to create seminars that do not conflict with the bar association's revenue-generating seminars. Also, keep in mind that each state has its own requirements for granting CLE credit, so researching the specific state rules is a prerequisite to setting up a CLE.

Presenting a completely free seminar may seem like a great LRIS member benefit, but free sessions tend to have large registration numbers and small actual attendance numbers. This can be frustrating after all the work a program does to put one together. A small fee, lower than

that of a normal CLE session, will still give panel members a reward but remain a spur to attend. The fee could also help the LRIS program cover its materials cost.

Mentor programs

Many LRIS programs offer mentor programs, pairing newly licensed lawyers with more experienced lawyers to form a mentor/protégé relationship to discuss matters involving professional development and career decisions. Some LRIS programs pair lawyers with the specific goal of assisting the protégé in gaining the experience necessary to qualify for participation on LRIS subject matter

panels. Mentoring is a wonderful member benefit, so be prepared to assign mentors at an LRIS orientation program.

If your bar has a pro bono program, it may be possible to create a cooperative arrangement whereby the pro bono program provides a mentor and training materials for the newer panel member, and the attorney agrees to accept a pro bono case. An extensive program may qualify attorneys for one or more experience

panel. Family law and bankruptcy matters work well in this format.

Conclusion

The program guidelines codified in the Model Rules should continue to be the primary reference point for LRIS programs. However, training for panel members is yet another way bar-sponsored lawyer referral and information programs

can rise above other referral sources. The extra effort can help ensure that panel members possess the basic knowledge of the referral process and the skills necessary to handle cases in the particular areas of law in which they seek referrals. Having experience standards and training for

Do not underestimate the power that word-of-mouth comments can have in improving the image of the service.

panel members enhances the quality of the services offered by the LRIS program. Do not underestimate the power that word-of-mouth comments resulting from a successful referral to a quality attorney can have in improving the image of the service with both consumers and the local legal and judicial community.

Janet Diaz, a certified association executive, is the executive director of the Houston Lawyer Referral Service.

It's Never Too Early to Plan...

Plan now for the 2003 LRIS Workshop, which will be held October 22 through 25, 2003 at the Adams Mark Hotel in Denver. A block of rooms at the hotel has been reserved at a nightly rate of \$149. Early registration for the conference will still be at the low rate of \$245. We hope to see you there!

iLawyer Express: A New Way to Join the Internet with iLawyer

iLawyer Express brings referrals from the ABA Web site (www.abanet.org) and Internet search engines directly to participating bar association lawyer referral programs that meet ABA standards.

iLawyer developed its Express service for lawyer referral programs that want to process referrals using their own technology. Here's how it works:

1. iLawyer pays for keywords at major search engines targeted to geographic regions and areas of law. Clients find iLawyer links and click.
 2. iLawyer dynamically generates a Web page specially tailored to the client's search terms. For example, if a client searches for family law in New York, the client will arrive at an iLawyer home page focused on family law in New York.
 3. Each bar association has a customized intake questionnaire for the client to describe his or her legal matter.
 4. iLawyer Express displays referral information so that LRIS staff can cut and paste into any referral software.
- For more information, contact Adam Slote of iLawyer at 415-292-0660 or adam@ilawyer.com.

From the Chair...

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to the public when it attempts to utilize the service. Except in fairy tales, it is unduly optimistic to expect the poor stepchild to rise above his or her circumstances.

I would hope, then, that bar presidents and other leaders will consider the strengths, weaknesses and needs of their lawyer referral programs, and consider how their LRIS programs can be improved and, where necessary, brought up to date. For example, is your program in compliance with the ABA Model Supreme Court Rules Governing LRIS? If not, are you content to let your LRIS program remain a second tier service, rather than directing it to join the many programs (already one-third nationwide and steadily growing) that do comply?

If you're concerned that your bar lacks the resources to improve your program, consider that your LRIS program doesn't have to be a financial drain on your bar.

Nationally, well-managed programs routinely hold their own financially and often even turn a "profit" which can (and for tax reasons generally must) be used to support the bar's other public service activities. If your service has not yet implemented percentage fees, it probably should. If you have, and after an initial start-up period you still feel your LRIS is not pulling its own weight, your program probably could use some fine-tuning.

The LRIS Committee can offer ample help in efforts to improve programs. Committee Staff Director Jane Nosbisch and the rest of our staff in Chicago have a wealth of experience and material to share with you on virtually any LRIS issue you may need to address. If you want a check up, or help with specific issues, our PAR (Program of Assistance and Review) consultants travel all over the country every year reviewing and advising programs in the latest proven techniques. (And did I mention the PAR service is free to state and local bars?)

The Lawyer Referral Workshop each October brings together the LRIS community—veterans and neophytes alike—to participate in workshops and plenary sessions on the hot, as well as the everyday, issues in the field. Participants typically discover that the opportunity to meet and discuss matters with peers is often as valuable as the programming itself. The LRIS Committee also maintains a Listserv that ensures peer insight and support is available year round. Finally, *Dialogue* brings the latest in lawyer referral news to your mailbox four times a year.

As you bar leaders begin your all-too-fleeting year, I wish you good luck, and ask that you keep your LRIS program—and the ABA's resources—in mind.

The LRIS Committee program of Assistance and Review can be accessed by any local or state bar LRIS. To inquire about a PAR visit for your program, please contact Staff Counsel Jane Nosbisch at 312-988-5754 or jnosbisch@abanet.org

From the Chair...



by *Mary K. Ryan*

Chair of the Standing Committee on the Delivery of Legal Services

In August, the Standing Committee on the Delivery of Legal Services held a hearing on access to lawyers and justice. We took advantage of the ABA Annual Meeting in Washington, D.C. to secure testimony from those in the D.C. area, as well as those attending the meeting. The 15 people who testified were from as far away as Spain to the east and California to the west.

The committee received input from those representing public interest and consumer groups, court management, legal aid, state bars, ABA entities, technology initiatives and academia. Their perspectives were varied, insightful and well thought out.

At least three themes were common, if not pervasive, throughout the testimony.

- First, technology has and continues to change the way people obtain legal information, advice and representation. It is as if we are in the midst of a laboratory experiment that is using the Internet to change the interactions and relationships between lawyers and their clients and between the courts and their customers.
- Second, some of these changes

will result in better access and a greater sense of fairness, while others will not. Evaluation of new methods must be undertaken to assess the value of these models and advance the successful experiments.

- Finally, we heard over and over that those who need legal services should be viewed on a continuum. At one end, people can probably meet their legal needs with little or no help from a lawyer. At the other end, people must have the assistance of a lawyer to accomplish any semblance of justice. Consider the analogy we were given—if you have a headache, you take an aspirin rather than see a brain surgeon. The challenge to the profession and society as a whole is to advance a common notion of that continuum, rather than advance needless trade barriers that serve neither the public nor lawyers.

Lawyers will never be replaced, but the hearing testimony showed us that not only will “business as usual” have to change, it already has. There was testimony recognizing the legitimate concerns of the bar about the risks of pro se litigation and the fear of loss of market share. But this testimony also suggested that for lawyers who represent individuals, not corporations, the answers lie on the continuum. Some states—Maine for example—have already amended court rules to authorize not just limited representation but limited court appearances as well. The ABA Litigation Section’s Modest Means Access Task Force will

be focusing on how to make discrete task representation a practical alternative for solo and small firm practitioners. Public education—whether community based or even through advertising—was described as essential in teaching consumers why and how a lawyer can help them. And any solutions to new demands for access and service from lawyers and courts must always help the middle class as well as the poor.

The committee will now take information from the testimony, along with the written material that was submitted, and prepare a report as part of a larger project on policies that have an impact on the ability of people to obtain access to lawyers and the courts.

Brown Award Nominations

Another way that the committee advances legal access is through the *Louis M. Brown Award*. We are now seeking nominations for the 2003 Brown Award, which will be given at the ABA Midyear Meeting in Seattle next February. The Brown Award is given each year to an innovative program or project that encourages better delivery of legal services to those of moderate income while advancing opportunities for lawyers. Recipients of the Brown Award have included the AARP Legal Hotlines for the Elderly, the Baltimore-based Civil Justice Network and the Houston Bar Association’s Modest Means Program. **Entries are due by November 25, 2002.** For more details about the Brown Award, go to the committee’s web site, at <http://www.abalegalservices.org/delivery>

Distinguished Service Award Nominees

by Traci Jones

Dialogue concludes its look at the nominees for the 2001 LAMP Distinguished Service Award. The award winners were profiled in the Spring 2002 issue of Dialogue, and other nominees were featured in the Summer 2002 issue.

Coast Guard nominees

Members of the **Commander (dl), Thirteenth Coast Guard District Legal Office** in Seattle maximized their limited resources to assist forces mobilized after September 11. Legal assistance attorney Elizabeth Fugelstad, legal technician YN3 Andresen Hambright and reservist attorney Ed Simmers worked as a team to schedule remote legal assistance visits within days of the attacks.

The **Coast Guard Legal Assistance Program Web Portal Management Team** was nominated for its management and enhancement of the Coast Guard's legal assistance Web site at www.uscg.mil/legal/la/index.htm

Comprised of LCDR Benes Aldana and computer specialist John Brown from Washington, D.C. and Web master and attorney Ben McCarty from Boston, the team has enhanced the portal's capacity to provide legal information to legal assistance beneficiaries anywhere, anytime.

Marine nominees

The **Marine Corps Air Station Miramar, Joint Law Center Legal Assistance Office** in San Diego, which provides legal assistance to over 20,000 service members, developed an expanded civil litigation representation program for qualified legal assistance

clients. This enabled the center to provide full representation to its clients, including in-court representation for junior Marines and their families.

Renowned for its tax program, the **Legal Services Support Section, 3d FGGS** in Okinawa provides electronic tax filing assistance for more than 50 percent of its client base, and has exceeded its goal of expanding the number served by 10 percent annually. It is the largest tax program in the Marine Corps and the fifth largest VITA program in the world.

Navy nominees

The **Naval Legal Service Office Northwest** in Bremerton, Washington co-sponsored a successful proposal to augment the Armed Forces Expanded Legal Assistance Program. The result is an amendment to Washington State Admission to Practice Rule 8 that will permit in-court representation by military lawyers not admitted to practice in Washington State. In addition, the office saved approximately 1,460 attorney hours in 2001 by utilizing legalmen to draft 4,380 dissolution pleadings and 1,050 adoption documents.

The **Naval Legal Service Office Central** in Pensacola, Florida implemented a "File of Life" (FOL) program in a joint effort with the local sheriff's department and council on aging. The FOL program is intended to provide vital medical and personal information to emergency medical personnel in the event of an illness or injury. Distributed to the office's estate planning clients, the FOL packet contains red

plastic folders that hold full-sized and wallet-sized medical information cards and a weatherproof decal to alert emergency workers to look for the medical information folder.

With an aggressive preventive law program, the **Naval Legal Service Office Pacific** (with attorneys in Japan, Guam and Hawaii) made weekly legal assistance visits to ships and shore commands. The office also distributed a monthly legal assistance newsletter published by the Pearl Harbor Detachment, and weekly newspaper articles from the Guam office.

The **Naval Reserve Legal Service Office Southwest 119** in San Diego exemplified the "One Navy" concept by providing valuable ongoing contributory support to its active duty gaining command while also handling legal matters and providing mobilization support for reserve commands. Reserve JAGC officers and legalmen met each Saturday from February through April to assist active duty personnel with tax preparation and on-site electronic filing of federal income tax returns.

Breaking new ground in the area of case management software, the **Naval Legal Service Office Southeast** in Jacksonville spearheaded the effort to bring "Time Matters" (a popular case management program) to the Navy legal assistance community. After demonstrating the improvements and the model for using the program, the NLSO SE version was adopted by OJAG as the standard.

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From the Chair...



by David C. Hague
Brigadier General,
U.S. Marine Corps, Retired
Chair of the ABA Standing
Committee on Legal Assistance
for Military Personnel

"Recent studies reveal that almost half of Marine infantrymen are unqualified with their M-16A2 service rifle, 35 percent of sailors cannot swim, and most soldiers fail occupational skill tests."

If a headline like the one above appeared in the *Washington Post*, our military and civilian leadership would, in naval parlance, go to general quarters. Immediate action would be taken to get Marines to the rifle range, sailors into water survival training and soldiers back to the classroom. Up and down the chain of command individuals would be taken to task for dereliction of duty. Money and manpower would flow into training and education programs. Now consider the consequences of headlines like these:

"The Armed Services, with thousands of lawyers, fail to provide wills, advance medical directives and other basic legal support to their members."

"Relatives fight over estate and minor children of soldier killed in combat."

"Navy ship sinks—all hands lost—only officers had adequate estate plans."

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LAMP Spotlight...
**Marine Corps Base
Quantico, Virginia**

by Christo Lassiter

The ABA Standing Committee on Legal Assistance for Military Personnel customarily meets at military bases to see, and to be seen by, military legal assistance practitioners first hand. Our host commands appreciate this approach, and LAMP Committee members and liaisons are energized by these contacts. For the LAMP Committee's quarterly meeting and CLE conference on August 14-15, 2002, Committee Chair Brigadier General David C. Hague, USMC (retired) made certain that the Marine Corps' turn in the rotation at Marine Corps Base Quantico was worthwhile. Well attended by military and civilian lawyers from every branch of service including the Coast Guard, the location made this a special event for all, especially the many Marines in attendance.

Every Marine officer matriculates through officer candidate school as well as the basic school at Quantico, making it the spiritual home of the Marine Corps officer grades. Marine Corps Base Quantico hosts five commands in addition to the base command. These consist of the Training and Education Command, Marine Corps Recruiting Command, Marine Corps Systems Command, Marine Corps Combat Development Command, and the War Fighting Laboratory. Only the Marine Corps headquarters in Arlington, Virginia hosts more general officer commands.

The CLE program began with opening remarks consisting of fond recollections by Hague, who served as Staff Judge Advocate to the Quantico Command before retiring in 1998. Colonel Kevin Winters, USMC, the current Staff Judge Advocate, added his remarks. The lead CLE presenter was Gerald Robbins from the North Carolina Office of the Attorney General, who spoke on child support. He was followed by a series of highly regarded private practitioners from Virginia, including Dale W. Pittman who spoke on fair debt collection; Emory Hackman, who spoke on wills and probate; and Stephen Swann, who spoke on lemon law. The Honorable Judge James E. Baker of United States Court of Appeals for the Armed Forces spoke during lunch.

LAMP Committee member Lori Kroll again organized the CLE program, a role that she has filled exceptionally well in the past and will fill again for the committee's November 14-15 meeting in Raleigh, North Carolina.

The LAMP Committee met in full and subcommittee format to go through 21 agenda items. Meeting highlights included discussions on Operation Enduring LAMP, the expanded legal assistance program, and analysis of previous ABA efforts to support federal legislation that would establish legal assistance as a military entitlement. The committee also discussed tracking current legislation on extending Soldiers and Sailors Civil Relief Act protection to the National Guard and amendments to the Internal Revenue Code to ensure fairness to military

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From the Chair...

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What is the likely response to such headlines? Would there be official embarrassment and recrimination, public outrage and congressional hearings? Who would be held accountable for the thousands of service members who die each year unprepared, without wills, testamentary trusts, advance medical directives, and other basic legal documents:

- a) Congress, which has authorized estate planning and other legal support of military personnel but failed to demand and fund it?
- b) The leadership of the Armed Services, who by recent count have available almost 10,000 active duty, selected reserve and civilian lawyers?
- c) Military commanders, who are directly responsible for the well being and readiness of their troops?

The answer is "all of the above." Congress, the leadership of the Armed Services, and commanders are all accountable for the increased suffering and legal and emotional turmoil caused by the lack of an advance medical directive and appropriate

estate plan upon the death of a service member.

Ironically, it is not these accountable parties, but the American Bar Association, that appears to understand the importance of individual legal preparedness to overall readiness, morale and quality of life. It is the ABA alone that is urging action, including amendment of 10 U.S.C. § 1044, to make mandatory the provision of basic legal assistance for junior enlisted military personnel.

All active duty and selected reserve personnel (and their spouses) should be entitled to readiness-related legal assistance, specifically a will with a testamentary trust, durable power of attorney, advance medical directive, and an annual consultation with an attorney in a confidential setting. Furthermore, junior enlisted personnel should be entitled to additional legal services currently being provided on an ad hoc, discretionary basis such as assistance relating to domestic relations, consumer affairs, probate, and adoptions.

Congress must take the lead and make legal assistance an entitlement. It should do so by passing legislation similar to the

Veterans Education and Benefits Expansion Act of 2001, which guarantees retiring and separating service members pre-separation counseling and job search assistance. The Armed Services must respond with a can-do approach. The vast and talented military legal community of lawyers, paralegals and legal support staff must be energized to meet the challenge with fresh thinking and strong leadership.

Commanders and judge advocates must first be made to understand the importance of the undertaking. Beginning with officer and recruit training, service members must be indoctrinated on the importance of personal legal readiness. The message must be delivered continuously just as it is in other areas of personal readiness by means of annual dental and medical screening, physical fitness tests, and weapons re-qualification.

We must act now to take care of our men and women in uniform and their families, or be compelled to action by dispiriting headlines like those above. The challenge is to lead, follow, or get out of the way.

Service Awards

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Lieutenant C. Tyler Mulligan, NLSO Southeast was nominated for an individual award for writing the command's DL Wills Handbook, which is used to train new attorneys and reservists at five legal assistance offices throughout the Southeast.

Another individual, LN1

John Carrasco of the Naval Dental Center, Camp Pendleton, California, coordinated, on short notice, a successful power of attorney and will workshop for 85 personnel. Carrasco's efforts as the sole legal officer for the command resulted in the 100 percent personnel readiness for deployable members of the command.

Trudy V. Murphy of the NLSO, Mid-Atlantic provided over 25

training sessions to junior legal assistance attorneys on estate planning, consumer law, and guardianship. She also revised form worksheets and court pleadings for adoptions and name changes.

Traci Jones is a member of the ABA LAMP Committee. She is an attorney for the U.S. Navy Office of General Counsel, and also serves as a reservist attached to the Navy Reserve Legal Service Office Southwest 119.

Coast Guard Charts Course toward Legal Readiness

by Peter Seidler

"You have to go out, you don't have to come back."

—Old Coast Guard saying

"Before anything else, legal assistance is a readiness issue... The Coast Guard's commitment to providing legal assistance is critical to achieving our mission."

—Rear Admiral Jay Carmichael, former USCG chief counsel

Coast Guard men and women go in harm's way every day. Rear Admiral Jay Carmichael, quoted above, perfectly captures the spirit and sense of purpose of the United States Coast Guard's legal assistance program: to provide its people with the best personal legal services so they can go about the business of the Coast Guard confidently, knowing that they and their families are watched over.

As one of the Uniformed Services, the Coast Guard participates fully in the military legal assistance program authorized under 10 U.S.C. § 1044. Along with their colleagues in the Army, Navy, Air Force and Marine Corps, Coast Guard attorneys throughout the country provide a full range of services to Coast Guard military members, their families and others as permitted by the law.

Full time legal assistance attorneys

The Coast Guard's 37,000 military members are spread throughout the United States in one of nine operational Coast Guard districts. Each Coast Guard district has a legal office (Staff Judge Advocate) as part of its headquarters staff. Today, every one of these district



Coast Guard members are often assigned to extremely small commands far from any legal offices.

offices has a full time civilian attorney responsible for providing legal assistance services throughout the district. These nine attorneys form the core of the Coast Guard's legal assistance program, bringing a focused expertise, commitment and professionalism to Coast Guard legal assistance.

The Coast Guard provides legal assistance support beyond the civilian attorneys. Coast Guard law specialists (Coast Guard military attorneys, who are equivalent to JAG officers of the other services, but who act as line officers as well) are assigned to provide legal assistance support in addition to their other duties. Supporting these attorneys is a small but dedicated group of paralegals and legal assistants. The Coast Guard recently revamped its training for enlisted

administrative personnel assigned to legal staff offices. Known as legal technicians, these specialists are a critical part of legal assistance. Their responsibilities include managing legal assistance offices and handling tasks such as scheduling and interviewing clients. Several have obtained paralegal degrees and certification.

Legal assistance renaissance

It was not always this way. Prior to 1994, the Coast Guard had scaled back its legal assistance program to a point where it was strictly a collateral duty of military attorneys and reserve officers. Some Coast Guard legal offices provided a fairly broad range of legal assistance services while others, facing critical staffing shortages, could not. In 1994,

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Coast Guard

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with a renewed Coast Guard emphasis on its “Work Life” (family support) programs, the chief counsel of the Coast Guard embarked on a concerted effort to enhance legal assistance throughout the service. In 1996, six full-time legal assistance attorneys were hired and assigned to legal offices in Boston, Miami, New Orleans, Norfolk, Seattle, and Alameda, California.

These attorneys quickly became the focal point for legal assistance in the Coast Guard, completely re-energizing the program. In conjunction with Coast Guard military attorneys at major Coast Guard commands (such as the Coast Guard Academy, the Coast Guard Yard and

other training centers), they established a new standard for legal assistance. In 2001, the service hired three additional full-time legal assistance attorneys to serve Coast Guard commands and their personnel in the Great Lakes (Cleveland), Hawaii (Honolulu) and Alaska (Kodiak). Today, Coast Guard legal assistance provides a full range of legal services to Coast Guard personnel, their families and members of the other branches of service.

Challenges to delivering service

Though the Coast Guard is small in comparison to the other Uniformed Services, the challenge of delivering legal assistance to Coast Guard men and women remains a daunting one. Coast Guard members are scattered

throughout the United States, often assigned to extremely small commands far from any legal offices. Coast Guard stations can be found on Indian reservations and in other small, isolated communities. Ice breakers sail to the Arctic and Antarctica for up to nine months, and Coast Guard port security units deploy overseas in support of Department of Defense missions.

None of these units have their own legal staff members. In fact, with the Coast Guard’s centralized legal structure, few members are actually assigned to commands with legal assistance staff geographically collocated with them. This requires legal assistance attorneys to engage in an active schedule of unit visits and other creative means to provide assistance. One example is a comprehensive Internet site (www.uscg.mil/legal/la/index.htm) designed as a first stop for Coast Guard members needing legal assistance information and services.

September 11

On September 11, 2001 the Coast Guard’s investment in legal assistance paid off. Immediately after the terrorist attack on the Pentagon, a Coast Guard legal assistance support team was deployed at the behest of the Department of Defense to provide casualty assistance and estate and family law advice at the Family Assistance Center established to help victims’ families. The team, led by Coast Guard legal assistance attorney Nick Grasselli, was on the scene within 24 hours. It combined to provide the extensive array of critical legal services required to meet the needs of the families and friends

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Coast Guard port security units were deployed immediately after the September 11 attacks to protect U.S. ports and to support overseas military missions.

