

# DIALOGUE

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**From the Chair**

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## From the Chair...

*By Donald J. Guter, RADM JAGC USN (Ret.)*

### Standing Committee on Legal Assistance for Military Personnel

As 2010 draws to a close, I am presented with an opportunity to reflect on all of the excellent work undertaken by our standing committee. The LAMP Committee is a very active one, and I am constantly impressed by all that we are able to accomplish on behalf of the men and women serving in our armed forces.

One of the high points of the year was LAMP's receipt of the 2010 Supporting Military Families Award from the National Military Families Association (NMFA). In presenting this prestigious award to LAMP, the NMFA noted the committee's work to strengthen legal protections for servicemembers through legislative advocacy and the delivery of pro bono legal counsel through the Military Pro Bono Project. I was joined by ABA President-Elect Bill Robinson and ABA Executive Director Jack Rives in accepting the award on behalf of LAMP at an awards ceremony in Washington, D.C., in September. It was a proud moment for both our committee and the American Bar Association to receive such recognition.

Our committee held three on-site meetings in 2010. In March we were at Pope Air Force Base and Fort Bragg in Fayetteville, North Carolina. There, in addition to our meeting, we sponsored an all-day CLE for military attorneys and other interested attorneys from the area, which was very well-attended and well-received. In November we met at Fort Sam Houston in San Antonio, Texas, where we held another successful CLE. We thank our contacts at these installations for their assistance and hard work supporting these educational opportunities and our committee business meetings.

Of particular note was our July meeting in Boston, Massachusetts. The driving force behind meeting in Boston was our coordination of what we dubbed the "New England Military Pro Bono Roundtable," which we could not have so effectively organized without the help and support of the Boston Bar Association. The Roundtable brought together our committee and military service liaisons with representatives from a wide array of programs throughout New England, including bar organizations, veterans groups, veterans' agencies, legal aid, and military legal assistance. The multi-disciplinary forum allowed for information sharing, coordination, networking, and breakout planning sessions. Attendees commented that this type of meeting had been badly needed and was very much a success from their perspective. I hope the committee will continue to play an important role in supporting coordination among diverse local groups delivering legal help to those currently or formerly serving in the military.

Our Military Pro Bono Project has continued to effectively deliver pro bono legal support to active-duty servicemembers for those cases where military legal assistance cannot provide representation. In 2010 the Project assisted over 140 servicemembers and their families, bringing the total number to over 270 cases in 40 states since the Project launched in September 2008. For these cases, our pro bono volunteers report a value of the donated legal work at well over a million dollars. Though the Project has achieved these results with extremely limited funding and less-than-full-time staffing, the Project received a boost this year with the Pentagon's mobilization of New York National Guardsman LTC George McHugh to serve as a full-time,

dedicated liaison to the Military Pro Bono Project from the Department of Defense. LTC McHugh has worked hard to expand the Project's ability to reach out to both the military and civilian bars through outreach, speaking engagements, and program development, and the result has been a much higher visibility of the Project than could otherwise be accomplished with our limited resources. LAMP is very grateful for LTC McHugh's ongoing work. We are similarly pleased to have had Defense Secretary Gates note the value of the Project in providing important legal support in family law matters, as well as the public acknowledgement by the services' Judge Advocates General and Staff Judge Advocate to the Commandant of the Marine Corps of the Project's value to the all of the services. Though we face funding challenges in sustaining the Project's work in 2011, we remain hopeful that we will not only secure ongoing funding, but that it will be sufficient to expand the staffing and resources provided by the Project and thereby get us closer to seeing the Project achieve its fullest potential to meet the legal needs of our servicemembers.

Policy advocacy and education continue to be priorities of the committee, and we worked hard in 2010 in both arenas. Our committee was a proponent behind federal legislation signed into law by the President in October adding new sections to the Servicemembers Civil Relief Act providing for Attorney General enforcement in certain cases, clarification that a private cause of action exists under the Act to sue violators, and providing that damages (both compensatory and punitive) plus attorneys fees can be awarded in such civil actions. Strengthening the law in this manner will better enable military attorneys to help their clients enforce their rights under the Act. We have also begun the process to promote amendments to the Uniformed Services Employment and Reemployment Rights Act to address a number of problems that have arisen for our National Guard and Reservists who have encountered problems with their employment situations post-deployment. And we continue to monitor child custody proposals also working through Congress to ensure that the child custody needs of active-duty servicemembers are met in the best possible ways. Finally, on the education front, we are pleased to be in the final stages of the development of our latest publication, "The Judges' Guide to the Servicemembers Civil Relief Act," written by Colonel John Odom (USAFR), a nationally-recognized expert on the Act and former member of the committee. We look forward to getting the Guide into the hands of judges across the country, who, in this day and age, are encountering more and more instances where a party to a case has a military connection and rights under the Act in need of observation.

It has been a remarkably productive year for our committee, and as I move into the final months of my term as chair, I continue to be honored by the opportunity to be involved with its work and look forward to many more challenges and opportunities for LAMP in the years to come.

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