



Pro Bono Legal Representation for Service Members and Families

States can assist service members and their families by enacting legislation to coordinate a military pro bono legal program throughout their state.

KEY MESSAGE:

Service members and their families have access to military legal assistance attorneys to receive advice and assistance. However, they must generally obtain their own counsel to represent them in court. State governments can assist by coordinating pro bono legal programs that can connect qualified attorneys with service members and their families.



DISCUSSION POINTS:

- The military services provide legal assistance to active duty service members and their families to prepare important legal documents, such as wills and powers of attorney, and also provide them advice on various legal matters, such as family law and contractual disputes. However, this assistance does not extend to representing them in a court of law.
- Service members and their families generally cannot afford to pay attorney fees for representation. Over 60 percent of active duty service members are in the first five enlisted grades.
- State governments can provide valuable assistance coordinating a pro bono program by establishing an office to:
 - Market the program to attorneys throughout the state and register volunteer attorneys;
 - Coordinate activities with organizations within the state that also provide pro bono services;
 - Liaise with Legal Assistance Offices on military installations and the applicable office within the state National Guard headquarters; and
 - Assess and assign requests for pro bono services.
- A pro bono program should ideally cover the representational needs of service members and families for topics such as: service member Civil Relief Act issues, Uniformed Services Employment and Reemployment Rights Act, civil liability, consumer protection, lease and other contractual disputes, citizenship, immigration and portions of family law where providing legal representation would not create inequity between family members.
- Existing programs have been organized under the state attorney general (as in Nevada) or the judiciary branch (as in Illinois). Having paid staff oversee coordination has been an important part of establishing this program within these states.

Many states have a requirement for attorneys to meet a minimum number of hours for providing pro bono services within their state. A military pro bono program would provide the opportunity for those attorneys to meet their requirements while serving military families.