



How to Help FOR LEGAL PROFESSIONALS Military & Veteran Families

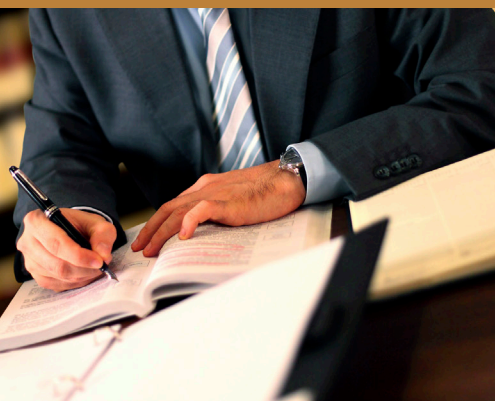
As a provider of legal services, you know the importance of establishing a relationship of trust with your clients. Understanding military culture can help you to open clear communication channels and offer better services to military members, veterans and their families. You can familiarize yourself with existing legal provisions that have been crafted to help service members, veterans and their families navigate some of the unique and challenging situations that they encounter.

Due to the military drawdown, during the next five years an estimated 1 million active duty service members are expected to join the ranks of more than 22 million U.S. veterans.¹ Despite recent legislation, these military members, veterans and their families are still in many ways treated differently under U.S. law.² Legal professionals such as you can help these men and women by learning more about military culture and related legal issues. The compassionate and accurate information that you deliver can help answer critical questions, minimize stress and anxiety, and strengthen the resilience of the entire military community.



How to Help Military & Veteran Families

FOR LEGAL PROFESSIONALS



Did you know?

- » Clients with a military connection commonly have three broad categories of legal need: veterans' benefits, criminal defense and personal civil matters.³
- » The Uniform Interstate Family Support Act helps to determine jurisdiction between states where family court orders exist. It provides certain enforcement mechanisms for inter-jurisdictional situations. While it does not specifically address military family issues, it helps to clarify and provide guidance on legal interpretation of salient issues such as domicile and residency.⁴
- » The National Veterans Legal Services Program's Lawyers Serving Warriors offers pro bono legal help with disability issues to veterans from all eras.⁵
- » An easy way to identify whether your clients might be eligible for military-specific legal help is to ask them whether they have a military identification card of any kind (including retired or dependent) and/or military orders.³
- » The Veterans' Judicial Review Act has given veterans who are denied benefits by the U.S. Department of Veterans Affairs the right to appeal to the U.S. Court of Appeals for Veterans Claims.⁵
- » The American Bar Association and many state and local bar associations offer resources to those providing assistance to military families, and an opportunity to support judge advocates around the world with real-time expert consultation.

Practical Applications

IF YOU PROVIDE LEGAL ASSISTANCE TO SERVICE MEMBERS AND VETERANS

- When working with military members or veterans, legal aid attorneys should canvas their state bar association and law schools to identify pro bono or low-cost military legal services.
- Attorneys who want to volunteer their time on behalf of military members and their families can provide pro bono services by registering online at the American Bar Association's Military Pro Bono Project.
- Legal advocates can also receive training on providing legal advice to veterans and military members from the National Veterans Legal Services Program (NVLSP), a national, nonprofit veterans' service organization.
- The NVLSP also administers the Lawyers Serving Warriors program, where veterans can get free legal representation in disability, discharge and veterans benefits cases. Each participating lawyer is connected with a mentor experienced in military and veterans' law, which helps to ensure all cases are litigated by top-notch legal representatives.
- Thanks to the Veterans' Judicial Review Act, veterans who are denied benefits by the VA can now appeal their cases to the U.S. Court of Appeals for Veterans Claims. However, more than 70 percent of veterans lack legal representation when they file their appeal, often because they can't afford it. This puts them at a significant disadvantage. To remedy this, the NVLSP will provide training and malpractice insurance to volunteer attorneys willing to represent these appellants. Most cases can be completed in 50 hours.



- The Uniformed Services Former Spouse Protection Act helps to clarify certain issues that arise during a military divorce. Disposition of child support, alimony, health care benefits and retirement pay are among the topics covered.
- Attorneys working with military members should familiarize themselves with the Uniformed Services Employment and Reemployment Rights Act (USERRA). The law provides certain employment protections for veterans and members of Reserve components, disabled veterans, de-activated Reserves and National Guard members. It also helps with a number of other labor-related issues. The Department of Labor provides assistance to those with USERRA claims.
- Employer Support of the Guard and Reserve can help answer related questions, and also has an ombudsman available to help mediate some kinds of disputes between service members and civilian employers.
- The Servicemembers Legal Defense Network offers free legal counseling to service members with legal issues stemming from perceived or actual discrimination in the military based on sexual orientation, gender presentation, HIV-positive status, and related issues.

Additional Resources

A community's support and commitment, particularly during deployments, is an important part of keeping our military families strong. Civilian attorneys, legal aides and experts can respond to the needs of military members and their families by building a support system, providing resources and helping military clients to access laws that have been crafted with them in mind. Sometimes, knowing assistance is just a phone call away is enough to help ease stress and create a sense of empowerment and self-confidence. Once you have accessed appropriate training and education, you can provide knowledgeable guidance that will help to smooth family transitions after a military member returns from deployment.

Even if you do not have clients associated with the military, you can still help. The ranks of America's veterans will expand in the next five years. Volunteer with an organization, access training opportunities, and connect with veteran service organizations within your community.



FOR MORE INFORMATION

- » *American Bar Association Home Front, Legal Resources for Military Families*, www.abahomefront.org
- » *American Bar Association, Military Pro Bono Project*, www.militaryprobono.org
- » *American Bar Association, Standing Committee on Legal Assistance for Military Personnel*, www.americanbar.org/groups/legal_assistance_military_personnel.html
- » *Employer Support of the Guard and Reserve*, www.esgr.mil
- » *Military OneSource Legal Assistance*, www.militaryonesource.mil/legal
- » *National Resource Directory (NRD) Legal Rights and Assistance*, www.nationalresourcedirectory.gov/other_services_and_resources/legal_rights_and_assistance
- » *National Veterans Legal Services Program*, www.nvlsp.org
- » *Uniformed Services Former Spouse Protection Overview*, www.military.com/benefits/content/military-legal-matters/uniformed-services-former-spouse-protection-overview.html
- » *U.S. Department of Labor, Job Rights for Veterans and Reserve Component Members*, www.dol.gov/vets/programs/userra
- » *U.S. Department of Veterans Affairs*, www.va.gov

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About MFRI

The goal of the Military Family Research Institute (MFRI) at Purdue University is to create meaningful relationships that bring organizations together in support of military families. Working with researchers and practitioners from both the military and civilian communities, MFRI strives to develop outreach and research programs grounded in scientific evidence.



About the *How to Help* Series

The *How to Help* series equips communities to better serve service members, veterans and their families. The series offers effective, evidence-based guidance on how best to help military and veteran families given the unique challenges they face. Each *How to Help* addresses a different segment of that community, such as extended family, friends and neighbors; teachers; early childhood educators; faith-based groups; and professional service providers. We hope that by increasing understanding of the unique stresses, obstacles and opportunities that often accompany military service; we can strengthen communities by building their capacity to better support the military families within them.

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United States Department of Agriculture
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Together we're stronger

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RESEARCH REFERENCES

- 1 Petzel, R. A. (2012). Remarks before the National Congress of American Indians in Washington, D.C., March 7, 2012. United States Department of Veterans Affairs, Office of Public and Intergovernmental Affairs. Retrieved from http://www.va.gov/opa/speeches/2012/03_07_2012.asp
- 2 American Bar Association. (2004). *Report of the working group on protecting the rights of service members*. Retrieved from <http://www.v-r-a.org/USERRALW/ABARept.pdf>
- 3 Lynch, S. T. (2009). An introduction to legal services and protections for military personnel and their family members. *Clearinghouse Review: Journal of Poverty Law and Policy*, 43, 200-207.
- 4 Booth, J. W. (2009). A Guide for Assisting Military Families with the Uniform Interstate Family Support Act (UIFSA). *Family Law Quarterly*, 43(2), 203-215,217-222,224-225.
- 5 National Veterans Legal Assistance Program. (2012). *Lawyers Serving Warriors program*. Retrieved from <http://www.nvlsp.org/what-we-do/lawyers-serving-warriors>
- 6



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