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## THE ABA MILITARY PRO BONO PROJECT FAQs

### *What civil legal needs of servicemembers will the Project serve?*

Extended American military missions overseas have generated unprecedented civil-law challenges for servicemembers, many of whom have left family, home, and job for years at a time to serve their country in Iraq, Afghanistan, and other locations.

Our servicemembers are increasingly saddled with legal needs that distract them from their mission and can make their already difficult daily lives even more challenging. These needs are arising in the areas of consumer law, family law, landlord-tenant, employment law, and other areas. Their families often unfortunately require assistance in the area of probate, trusts and estates, or guardianship law.

The Military Pro Bono Project will directly help servicemembers who are sacrificing greatly for their country by moving pro bono referrals straight from military law offices to willing-and-able private sector lawyer volunteers throughout the country.

### *Why was the ABA Military Pro Bono Project created?*

The Military Pro Bono Project is a joint venture of the ABA Standing Committee on Legal Assistance for Military Personnel (LAMP) and the ABA Section of Litigation, with assistance from the ABA Center for Pro Bono.

Unlike several legal service programs that have surfaced to assist veterans, the Military Pro Bono Project is uniquely focused on provision of pro bono services to *active-duty servicemembers*, many of whom remain deployed to areas of conflict.

Three primary factors moved the ABA to take on this Project:

- (i) Strong expressions of interest from firms across the country in assisting active-duty servicemembers;<sup>1</sup>
- (ii) the lack of a central clearinghouse for generating and monitoring referral of active-duty cases; and
- (iii) recognition that the military services' own legal assistance offices, despite their excellent record of client service, are not in position in the current environment, to assist every servicemember with a civil legal dispute that may arise in any state or locality in the country.

In many states, for example, a military Judge Advocate is not allowed, by state court rules, to appear in court on behalf of a servicemember client. Many active-duty servicemembers, including members of the National Guard and Reserve components, have legal disputes arising in their home areas where their service branch simply has no legal assistance presence. Volunteer lawyers under the program will be in position, for example, to handle a qualifying court case for an active-duty servicemember who otherwise would lack access to representation.

### ***Where do the cases come from?***

All cases originate with a referring attorney in a military legal assistance office. The JAG attorney interviews the client, collects substantive case information, and screens for income eligibility, as most referred clients will typically have a paygrade of E6 or lower. The attorney will also determine whether the case is legally meritorious and has adequate cause for referral based on an analysis of a number of qualitative factors. Thus, participating firms can be assured that only those clients with the most significant legal needs will be referred.

### ***How to I receive potential referrals?***

Registration is quick and easy! Visit the Project website at [www.militaryprobono.org](http://www.militaryprobono.org) and click the "Join this Area" link. You will be prompted to provide information that will become your registered profile with the site. If you are already a member of another Probono.net website, you need only login with your existing password. Once you are registered, you will receive requests for case referrals via email when a servicemember has a case in your geographic area and within your substantive legal areas of expertise.

### ***Do I have to accept all case referral requests sent to me?***

Though we hope you will take as many cases as you can, registration with the site does not obligate you in any way. When you receive a referral via email, you may either accept or decline the referral by simply clicking a link in the email. If you are uncertain about the referral and would like additional information, you may request

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<sup>1</sup> A 2007 ABA survey of 200 large law firms found overwhelming interest in providing pro bono legal support to active-duty servicemembers.

contact from the Project Director to discuss the case further by clicking another link in the email.

### ***How do I prevent conflicts of interest?***

All referral requests will be accompanied with sufficient information for you to run a conflict check within your firm. When you register with our website, you may choose to designate a legal assistant or some other member of your firm to receive this conflict check information. The Project will never send you confidential case information until you have confirmed that you are willing to take the referral and that no conflict exists.

### ***How will the cases be screened to ensure that only meritorious cases on the part of financially qualified clients are referred to my firm?***

All referred cases will originate with military handling attorneys, typically in military legal assistance offices. These attorneys will assess the client's case against the Project's substantive legal area guidelines and will determine whether the client meets the financial eligibility guidelines, and whether the client has a meritorious legal position and available legal remedy based on the facts as understood by the attorney. The case referral, including all factual and legal analysis, will be secondarily reviewed by a supervising military attorney, often higher in rank than the handling attorney, to ensure that the referral is substantively meritorious and contains all information necessary for a pro bono attorney to quickly assess the case. Finally, the ABA Military Pro Bono Project Director, who is an attorney, will review the case for merit while making determinations about appropriate firm placement. At every stage of the process, a Cause Panel made up of volunteer attorneys with expertise in military law is available for consultation regarding case merit, including consultation by participating pro bono attorneys.

### ***What kinds of cases might be referred to me?***

You will be sent only cases within your substantive legal area of expertise and that fall within forums where you practice. Case types will typically involve the following legal areas: landlord-tenant, for tenants in all manner of disputes with landlords, including eviction; consumer law, particularly predatory lending issues and those implicating the Servicemembers Civil Relief Act, and including some chapter 7 bankruptcies; family law cases where a significant interest of a servicemember is at stake in a disputed proceeding; employment law, including cases involving the Uniformed Services Employment and Reemployment Rights Act; probate, including assistance to a servicemember's next of kin; trusts and estates; and guardianship, especially where a servicemember's spouse or family member seeks to secure a guardianship of an incompetent servicemember.

### ***What are my obligations once I accept a case?***

Acceptance of a case will allow you full access to case materials through the Project website. When accepting a referral, you are agreeing to assist the servicemember to reach a resolution of his or her civil legal issue without charge. Whatever casefile creation, timekeeping, retainer agreement, or any other requirement of your firm when accepting a case is your own responsibility. The Project itself requires only that you indicate completion of specified case milestones through the website and provide certain pieces of case-closure information once you complete the case. The reporting requirements through the Project website are minimal and will require only a few minutes of your time.

***I am a pro bono coordinator in a large law firm. How can I get my pro bono attorneys involved in the Project?***

If you supervise attorneys who do pro bono work, you may register with the Project website as a supervising attorney and have full access to all of the casefiles on which your volunteers are working. You also have the ability to approve or deny registration with the Project website of the attorneys under your supervision, or remove attorneys you no longer supervise.

***I know very little about legal issues specific to military personnel in civil cases. If I accept a referral, where can I go for support and training?***

Members of the military have special legal protections that may be asserted in civil proceedings under certain circumstances. For example, the Servicemembers Civil Relief Act can be a powerful tool to protect the legal rights of military personnel. Once you register with the Project website, you become part of a large, national community of advocates that can support you in your pro bono work. You can connect with other attorneys, review pleadings in an online brief bank, pose questions on an email distribution group, or download educational materials from our online learning library. In short, you will have many resources available to help you competently represent your military pro bono client.

**We welcome your firm's participation in the Military Pro Bono Project. Visit [www.militaryprobono.org](http://www.militaryprobono.org) to sign up today! Contact Project Director Jason T. Vail at [vailj@staff.abanet.org](mailto:vailj@staff.abanet.org) or 312.988.5783 if you have any questions.**