

**Testimony of Chris Kent**  
**Chair, Oregon State Bar Military and Veterans Law Section**  
**Before the Senate Committee on Veterans & Military Affairs**  
**Senate Bill 125**

February 7, 2013

My name is Chris Kent, and I am the Chair of the Military and Veterans Law Section of the Oregon State Bar and a volunteer attorney with the Military Assistance Panel. I am submitting this written testimony in support of Senate Bills 124 and 125.

The Oregon State Bar has been working to improve legal services to Oregon servicemembers for many years, and these bills are two more pieces to that puzzle.

In November of 2003 the Oregon State Bar joined with the Oregon Department of Justice to address the legal concerns of Oregon soldiers stationed overseas. The Oregon State Bar's Military Assistance Panel connects Oregon lawyers with active duty enlistees and their dependents in need of legal help.

The panel was established to help servicemembers and their families enforce their rights under the Servicemembers Civil Relief Act (SCRA) – the federal law that postpones or suspends some civil legal obligations against active duty servicemembers. Although many military personnel and their families are aware of the SCRA, they may not have the legal expertise or financial resources available to take advantage of the Act's important provisions. Senate Bill 125 has been proposed in order to ensure that servicemembers are aware of their rights under the law, by requiring that the state notify servicemembers of their SCRA rights in contested case hearings.

The Oregon State Bar maintains a referral panel of over 100 lawyers willing to help in these situations. Our lawyer volunteers have been trained to provide legal assistance primarily relating to the SCRA. Many volunteers are also willing to assist with family law, consumer/credit law, real property/landlord tenant law, labor and employment, criminal law and estate planning issues. Since its inception, the Military Assistance Panel has made more than 800 referrals.

The Oregon Department of Justice, through its website and written materials, has made available fact sheets regarding the SCRA, Oregon's consumer protection laws, and general information on the rights of families with a member in active duty. See <http://www.doj.state.or.us/veterans/index.shtml>

Volunteer panelists expect to give at least one hour of advice and counseling to a client free of charge. It's up to the attorney and client to decide whether to continue the attorney/client relationship beyond the pro bono consultation. Many attorneys continue to represent the veteran family members free of charge as long as necessary.

A servicemember seeking services from the panel first contacts the Oregon Army National Guard for an authorization, then contacts the bar's lawyer referral service for a referral to a specific participating attorney, and then contacts the lawyer. This procedure is set forth on the bar's website at <http://www.osbar.org/docs/ris/militaryflier.pdf>

The OSB Board of Governors has recognized that veterans need legal services as well, and in November approved the Lawyers for Veterans project as a year-long initiative to increase legal assistance for Oregon's veterans. In January the Oregon State Bar president appointed a steering committee to review issues and ideas for development and assignment to various bar groups and staff. The steering committee has been working on several projects:

- Recruiting and training Oregon lawyers to assist with VA benefits claims
- Increased assistance to veterans involved in the criminal justice system, including diversion programs, and possible establishment of Veterans Courts in collaboration with the Governor's office
- Legislation for the 2013 session, addressing SCRA rights in administrative hearings and mitigating factors in sentencing veterans suffering from Post Traumatic Stress Disorder or Traumatic Brain Injury.

## **OSB Military Assistance Panel Overview**

### **Overview**

The Oregon State Bar's Military Assistance Panel matches lawyer volunteers with Oregon soldiers deployed overseas in support of Operation Iraqi Freedom and Operation Enduring Freedom, and their dependents. To participate, servicemembers must first contact their family support unit or the Oregon Army National Guard (503-584-3571) for a determination of eligibility. If eligible, they will receive a Military Reference ("MR") number and instructed to contact the Oregon State Bar's Lawyer Referral Service for a referral to a volunteer lawyer.

### **Available Services**

Lawyer volunteer expect to give at least one hour of advice and counseling to a client free of charge. It is up to the lawyer and client to decide whether to continue the lawyer/client relationship beyond the pro bono consultation. Volunteers have been trained to provide legal assistance primarily relating to the Servicemembers' Civil Relief Act (SCRA); however, many volunteers are also willing to assist with family law, consumer/credit law, bankruptcy, criminal law, labor & employment, taxation, immigration, real property/landlord-tenant law, and estate planning.

### **Operations**

The program launched in 2004 as a joint endeavor of the OSB, OJD, DOJ and Oregon Army National Guard. The program has made more than 791 referrals in that time, and approximately 110 lawyers currently volunteer with the program. In the early years referrals related to alleged SCRA violations were common, although the most common referral area was family law. In recent years the vast majority of requests are for help with family law issues. Volunteers also assist with consumer issues, bankruptcy, criminal law, labor & employment, taxation, immigration, real property/landlord-tenant law, and estate planning.

### **Policy Developments**

The original panel was proposed by a special committee appointed by the Board of Governors and chaired by former OSB President Charlie Williamson. In its first year, and subsequently at the request of the BOG, the committee explored expanding services from active-duty only to include veterans. The committee recommended against expansion both times.

Although the special committee sunsetted as planned, members and panelists have remained active primarily through an OSB-sponsored list serve. Members have co-sponsored several CLE seminars with the OSB, PLF and outside groups. They have also been active in the legislative arena – sometimes with the active support and guidance of the bar's Public Affairs Program.