

MILITARY LAW SECTION

Robert B. Thomas, Jr., Chair

This year, the Military Law Section's main project has been to implement Virginia Code §54.1-3900, to clearly establish guidance to Virginia and out-of-state licensed military legal assistance attorneys providing legal services to low income military clients in and out of court. The military services have routinely provided advice and document preparation for military members and their dependants; however, through the Expanded Legal Assistance Program (ELAP), the services have moved to provide in-court representation for a limited number of junior personnel. Our section drafted an amendment to the Rules of the Supreme Court to explicitly authorize and provide standards to put the Virginia Code section into practice. On May 17, 2001, members of the section's board of governors presented its proposed amendment to the Unauthorized Practice of Law Committee, along with letters from the senior legal officers of each of the uniformed services urging the adoption of implementing rules.

The section held business meetings at military installations to provide our section members an up-close view of active duty. On October 6, 2000, we met at Marine Corps Base, Quantico. We received Virginia CLE certification for our program, "Legal Assistance Issues for the Virginia Practitioner." Our speakers were the heads of legal assistance for the five military services. On April 23, 2001, we met at the U.S. Military Academy in West Point, NY. Col. Patrick Finnegan, the head of the law department, hosted us and provided a tour of the academy.

Section newsletters have featured articles on ELAP, the origins of Marine Corps judge advocates and obedience of orders and the law of war, and real estate contracts for military families and tax issues associated with combat pay and military quarters and subsistence allowances.

Finally, the ABA Standing Committee on Legal Assistance to Military Personnel has asked the section board to review and comment on a proposed amendment to 10 U.S.C. §1588 to permit service secretaries to accept voluntary legal services and to provide liability protection for them. We are currently staffing the proposal within the board and awaiting guidance from the bar's executive committee concerning limitations on our involvement in "legislative activities" before responding.

