

REPORTS OF THE SECTIONS

MILITARY LAW SECTION

David A. Buzard, chair

Our nation's armed forces have been engaged in sustained combat operations for three years now, sustained by the Reserves and National Guard. The strains of this war are being acutely felt by all of our clientele throughout the Commonwealth—be they the service members themselves, their families, the civilian businesses who employ them, or the local governments who lose their services when they are called to active duty. Never before has it been more relevant to participate in the Military Law Section, as matters military now affect everyone's clientele, directly or indirectly.

Two major changes in state and federal legislation this past year directly and profoundly affect the rights and obligations of litigants in matters to which a service member is a party, as well as creditors of service members. Nationally, what was known for over half a century as the "Soldiers and Sailors Civil Relief Act" (SSCRA) was completely revamped and renamed the "Servicemembers Civil Relief Act" (SCRA) (50 USC App. §§ 501 *et seq.*). Service members' rights were broadened to apply in more types of proceedings, and to more types of financial obligations. Statewide, the default judgment provisions of the Virginia Code (§ 8.01-15.2) were amended to require anyone seeking a default judgment affirmatively to determine whether the defendant is in the military, and to attest thereto.

The Military Law Section provided education to the Virginia State Bar on both of these new pieces of legislation, as well as the ever-evolving and growing area of Guard and Reserve employment and reemployment, both in its newsletter and at the annual meeting. Courtney B. Wheeler, Esquire, a renowned national expert on the Uniformed Services Employment and Reemployment Rights Act, spoke on these topics at a section-sponsored continuing legal education program on June 18, 2004. The Honorable Edward A. Robbins Jr., a judge in the twelfth judicial district (and member of the section's board of governors), described the new Servicemembers Civil Relief Act and Virginia default judgment statute. He gave the audience a truly enlightening perspective from the bench with practical guidance.

The section continued its efforts at implementing Virginia Supreme Court Rule of Practice 1A:6 and Virginia Code § 54.1-3900, under which uniformed legal assistance attorneys could appear in Virginia courts in very limited circumstances. However, these efforts were grossly frustrated this year by an unexpected position taken by the Virginia Board of Bar Examiners, which has for now prevented any use of this tool designed to bring effective legal assistance to those who cannot afford private counsel, yet who are not poor enough to qualify for legal aid. Addressing the Board of Bar Examiners' concerns will be a priority in the coming year.

I wish to thank Gary Solis and Diana Branscome for their service as vice chair and secretary, respectively; and also each member of the Board of Governors for their outstanding support throughout the year. I especially wish to thank Diana for coming through in a pinch to publish the section's newsletter. The board again this year self-imposed a moratorium on submission of travel claims, and with dues now coming into line with those of other sections, board members hopefully can be reimbursed their mileage to attend meetings. We wish all the best to next year's officers and look forward to supporting them in a successful year: Charles L. Allen Jr., chair; Diana Branscome, vice chair; Marcus Brinks, secretary; and Matthew W. Smith, newsletter editor.