

*From the Chair...*



*by Gen Earl E. Anderson, USMC (Ret.)  
Chair of the ABA Standing  
Committee on Legal Assistance  
for Military Personnel*

*It's Time for Entitlement*

Access to legal assistance services for active-duty personnel should be viewed as neither a luxury nor a command option. It is essential to military preparedness. Those serving our country, many in hostile and remote environments, don't need lawyers less than they did back home—they typically need them **more**, and more urgently, often due to circumstances created or exacerbated by their service-related absence from home. Domestic strains, landlord disputes, custody problems, creditor difficulties, personal estate adjustment needs—these issues inevitably become more distracting over time for service members, compromising effectiveness, unless timely and competent legal advice is at hand.

Certainly commanders in the field recognize the vital link between readiness and ready access to good legal assistance on civil-law matters. There has been no indication that field commanders' demand for essential legal counseling for their people has declined in step with defense funding. In this environment, the case for a federal statutory entitle-

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*SCRA Enforcement by the  
Department of Justice: Let Us  
Help Protect Your Rights, as  
You Have Protected Ours*

*by Wan J. Kim*

**A**s a former soldier, I know that the brave men and women in our armed forces risk their lives every day and make great personal sacrifices to defend our great nation in a time of war. It is incumbent upon us, as officials of the United States Government, to do what we can to ensure that the legal rights of our service members and the families that they left behind are protected during this very challenging time in our country's history. Service members deserve our support in every respect, including protection of their rights under the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. §§ 501-596.

The enforcement of these important provisions recently has been transferred to the Civil Rights Division of the United States Department of Justice. The division expects to play a key role in the federal government's enforcement of the SCRA and stands ready to enforce the important protections provided by the SCRA such as

- reducing the rate of interest for debts incurred before entering active duty to 6 percent
- tolling civil statutes of limitations
- staying civil and administrative proceedings and execution of judgments
- protecting against default judgments, evictions, mortgage foreclosures and repossessions of property
- providing the ability to terminate residential and automobile leases

The Civil Rights Division is committed to the vigorous enforcement of the SCRA, and we want to help the military legal assistance officers make sure that service members are receiving the full benefits of the law. We simply cannot afford to have our men and women in Afghanistan, Iraq or elsewhere distracted by concerns over whether someone is seeking a default judgment against them back home, or repossessing their leased car, or evicting their spouse and children, or selling their house at an auction sale, or running up penalties on credit cards with 21 percent interest rates.

Most individuals and institutions comply with these SCRA provisions as soon as a service member or JAG educates them about the law. However, where additional action is necessary, we know that military legal assistance officers are the first line of defense in enforcing the SCRA and that private practitioners also have an important role to play. We also know that bringing the power of the Department of Justice to bear on SCRA violators will do much to deter abusive practices among lenders,

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## Service Awards

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before the Virginia Senate Courts of Justice to speak out against then-pending legislation that would have compromised existing consumer credit protections and limited car dealers' liability for certain types of abusive credit practices. The legislation was withdrawn.

As an instructor, Alexander was responsible for an innovative attorney education program that trained 19 accession judge advocates at NLSO MIDLANT in 2005. He compiled a substantive week-long training program and devised an innovative Personnel Qualification Standard (PQS) for legal assistance attorneys. The PQS instrument was so well regarded, it was subsequently selected for

implementation throughout the Navy JAG Corps.

Alexander selflessly shared his knowledge beyond his command. When local Coast Guard legal assistance providers sought to establish a separation agreement program, he provided substantive legal training and documents to assist. For the Office of the Judge Advocate General, USN, Mr. Alexander was a key contributor in the effort to revamp the Navy Family Care Plan, developing the initial draft and revisions of the Family Care Plan instruction. As a Commander in the JAG Corps Reserve, he published a Legal Assistance Practice Advisory on automobile transactions that was published to the Navy worldwide.

Alexander is a sought-after mentor and a major contributor to the ongoing professional develop-

ment of all attorneys in the Legal Assistance Department at NLSO MIDLANT. In many respects, Alexander has proven to be a model legal assistance attorney.

## Group Recipients

### United States Air Force, 81st Training Wing, Office of the Staff Judge Advocate, Kessler AFB, Mississippi

In the immediate aftermath of Hurricane Katrina, the legal assistance team members of Kessler AFB distinguished themselves by refusing to yield to physical hardship and complex legal challenges as they helped those hard hit by the storm.

Despite losing its office to Katrina's storm surge, the Kessler legal team worked tirelessly to open temporary legal assistance

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## SCRA Enforcement

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landlords or others who cater to military members and their families.

A service member seeking help under the SCRA should first contact his or her appropriate military legal assistance office. If the Department of Defense determines that assistance from the Department of Justice would be appropriate, it will submit a request to the Civil Rights Division or a U.S. Attorney's Office. In addition, the Civil Rights Division encourages communications from military and civilian lawyers on enforcement of the SCRA. We hope that the division's work on SCRA will complement private enforcement actions.

In order to provide more



**Wan J. Kim**

information on this important area, the Civil Rights Division has launched a new Web site dedicated to the protection of the rights of service members: [www.usdoj.gov/crt/military](http://www.usdoj.gov/crt/military). This site provides information about how the Department of Justice—in partnership with other federal agencies—can help service members. It also details what we can do to protect their financial security through the SCRA, their civilian employment rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and their voting

rights under the Uniformed and Overseas Citizen Absentee Voting Act of 1986 (UOCAVA).

If you would like to discuss SCRA issues with attorneys at Department of Justice, please contact Steven H. Rosenbaum, chief of the Housing and Civil Enforcement Section, at 202-514-4713 or Elizabeth A. Singer, director of the U.S. Attorneys' Fair Housing Program, at 202-514-6164.

The Department of Justice views the safeguarding of the benefits of the SCRA as a very serious matter. We are proud to be of service to our nation's men and women in uniform.

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