

**THE EL PASO COUNTY VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE
(VLIAO)**

A Proposal of the **El Paso Lawyers for Patriots (EPLP)**

A Committee of the El Paso Bar Association

Submitted by

Donald L. Williams, Chairman

I. The Active Duty/Veteran Military Component

- A. Now that the Commissioners Court has established a Veterans Mental Health Treatment Court in accordance with SB 1940, effective June 16, 2009, to handle veterans and active duty military personnel involved with criminal misdemeanors and felonies caused by brain injury, PTSD, other mental and psychological disorders brought about as a result of military combat, the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** will encourage said judge(s) to bring domestic relations issues of the defendants within the same court and use the services of the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** to assist in resolving those family-related issues often accompanying defendants (One client/One Court Concept). It is estimated that 82% of all issues of conflict involving veterans in the state of Texas is family law related.
- B. To improve the quality of representation involving military personnel, the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** along with the Family Law Bar Association, the Probate Bar Association and other specialty bars will provide periodic legal orientations/training involving the military to the local practicing bar through live seminars, telecasts, webcasts or CD/DVD presentations. Those who successfully complete the orientations/programs will be eligible to be placed on the various lawyer referral lists to receive cases involving veterans and the military. The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** will work closely with the Domestic Relations Office, the El Paso Bar Association Lawyer Referral Service, the Ft. Bliss Legal Assistance Office, the William Beaumont Army Medical Center Legal Assistance Office, White Sands Missile Range, the El Paso County Domestic Relations Office, the Office of the Attorney General, the Texas Rio Grande Legal Aid and any other referral source to also adopt said practice and procedures before referring veterans/military to attorneys. The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** will maintain an on-site training resource center for participating lawyers and their legal personnel.
- C. Assist the WBAMC “Wounded Warriors” program by providing periodic legal orientations through the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)**; provide training to volunteer lawyers in Medical & Physical Examination Board advice and representation as offered by the relevant authorized entities.

- D. Encourage Family and other courts to appoint **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** trained attorneys as ad litem in default cases where military matters involving the Servicemembers Civil Relief Act is involved.
- E. Provide periodic training to Judges and practitioners on the Servicemembers Civil Relief Act.
- F. Encourage Courts to appoint **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** trained social workers or social workers trained in PTSD, Traumatic Brain Injury and other mental health conditions as Guardians Ad Litem for mentally impaired Wounded Warriors/veterans and active duty military personnel to assist attorneys when competency is an issue particularly in Family and Probate Courts.
- G. Establish a Military Retirement Review and Referral Service to assist military retirees and their spouses in educating, establishing, calculating, applying for and enforcing military retirement pay. The DOD has an instructional power point and I will relinquish the use of my Military Retirement Handbook to the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** to publish, distribute and sell with the proceeds going to the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)**. The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** will also be able to refer such cases to qualified/trained attorneys. Normally, this will be a fee-generating service and referral.
- H. Explore and Develop a “**PTSD and the Practice of Family Law**” program”. Have social services personnel trained to recognize PTSD and how it affects the servicemember, family members and others in custody and adoption evaluations. Grants and funding will be sought through MHMR, the Veterans Administration, Health and Human Services Resources and other federal and state agencies to detect and evaluate these conditions. The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** can also play a role in providing volunteer lawyers in contested Protective Order hearings involving eligible veterans and servicemembers as required by the new Texas Supreme Court mandate that allows on- post, non-Texas licensed JAGs to perform limited practice before Texas courts for servicemembers E-4 and below. The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** can train and provide volunteer lawyers in representing veterans and eligible active duty defendants/respondents in civil Protective Order matters.
- I. The VLIAO will encourage the El Paso County Veterans Assistance Office to refer area veterans and their family members to the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** for any services that we offer and include their affiliated organizations in our orientations and legal clinics.
- J. Initiate, plan, coordinate and execute Legal Clinics for eligible area veterans/military at various locations throughout the year.

II. Extend Pro Se Services

- A. Temporarily release my copyrighted Pro Se Divorce Handbook to the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** to publish, sell and distribute with any proceeds returned to the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** as long as I’m affiliated in the direction of the program.

- B. The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** will conduct periodic Pro Se Orientations for veterans and active duty personnel and the general public throughout the county specifically discouraging Pro Se divorces involving Children and Property. The Orientation will include:
1. An Initial Orientation with a powerpoint presentation
 2. Materials (Handbook/CD Optional)
 3. The value of Settlement Conferences/Mediation (If contested)
- C. The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** will provide a service for drafting Pro Se pleadings and decrees for agreed, waiver and default family law cases for a fee for those veterans/military not meeting the established financial guidelines.
- D. The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** will encourage Family Court Judges to refer Pro Se veteran/military litigants to the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** for a Sufficiency Review prior to proceeding to court for a final hearing. The Sufficiency Review may include:
- The appropriate Decree, Orders or Judgment; requisite Service and the required time to be filed; Withholding Orders; Ad Litem for Publications and Servicemember Civil Relief Act cases; Statements of Evidence, Waivers, COPE; Written Depositions and any other requirements of sufficiency needed to finalize the case. A Sufficiency Certificate will be issued to the Pro Se litigant to be presented to the court if all requirements to finalize the case have been met. Pro Se litigants may voluntarily apply for the Sufficiency Certificate or the courts may require that veteran/military Pro Se litigants obtain a certificate prior to the final hearing at the Uncontested Hearings Docket. This information can also be included in the Pro Se Notice requirements issued by the District Clerk's Office.
- E. The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** will encourage the Family Court Judges to refer all contested Pro Se cases involving veterans/military to the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** for Settlement Conferences prior to setting them on the Contested Docket or require them to show that they have attended a Settlement Conference with the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** before the case is heard or docketed. A nominal fee will be charged for those not eligible for pro bono representation. These requirements can also be included in the Pro Se Notice issued by the District Clerk's Office.

III. Assisting the Courts

- A. Offer Guardian Ad Litem (GAL) services/reports for veteran/military wards in Probate Courts involved in domestic relations issues if this service is not provided by the Domestic Relations Office (must receive appropriate training).
- B. Encourage the various other Drug and Mental Health Courts to refer veteran/military clients/defendants with domestic relations, consumer credit, financial issues and veterans claims to the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** for any unique assistance that can be offered as part of their treatment program.

IV. Family Law Assistance Services

- A. Revise, adapt and relinquish all of my handbooks (Divorce, Paternity, Child Support, Custody, Pro Se, Military Retirement) to the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)**. Offer them in the form of hard copies, CDs and E-mail attachments free to veterans/military clients and attorneys who meet financial eligibility requirements and participate in our program. All others will pay a fee.
- B. Present periodic orientations at various schools in the various districts.
- C. Present periodic orientations/clinics and partner with community and civic groups such as the El Paso Commission for Women, the Junior League, League of Women Voters, Junior Achievement of the Desert Southwest, The Links, Fort Bliss Spouses, the Silhouettes, various church youth groups, March of Dimes, Mother-Daughter Programs, Father-Son Conferences, The McCall Neighborhood Center, in addition to the VA Healthcare Centers, the Veterans Home, VFWs, American Legions, American GI Forum, National Guard Associations, Paralyzed Veteran Associations, Disabled American Veterans, Viet Nam Veterans Association, Texas Lawyers for Texas Veterans (TLTV) and other similar organizations and entities. Local businesses are also encouraged to participate in hosting and funding clinics.
- D. Lawyer Referral Service for veterans/military. Attorneys must be qualified as previously mentioned. In order to maintain a constant pool of pro bono lawyers, it is proposed that our volunteers be referred one fee-generating case to every three pro bono cases they are assigned. There will be a separate consideration for those lawyers who provide Disability Appeals representation. The same for mediators as indicated below.
- E. Mediator Referral Services for veterans/military (sliding fee, no charge or free).
 - 1. After hours.
 - 2. Weekend.
- F. Request program assistance from the University of Texas at El Paso (UTEP) Pre-law Programs/Institutes, the El Paso Community College (EPCC) Legal Assistants Program, the Veterans Affairs Offices at these institutions, the Texas Young Lawyers Association, the El Paso Young Lawyers Association, the El Paso Women's Bar Association, the El Paso Paralegal Association, the Legal Secretaries Association and the Court Coordinators organizations and the Texas Rio Grande Legal Aid.
- G. Propose and initiate a veterans/military "Incarcerated Parents Program" to address the needs of children of incarcerated parents and develop a program that protects the rights of the incarcerated parent and the best interest of the children.
- H. Partnership with the Army OneSource Program (Department of the Army) to provide any additional legal assistance proposed in their Community Support Programs.

V. Veterans Legal Initiative Section

- A. The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** will assist the volunteer lawyers of the Veterans Mental Health Treatment Court (criminal) and the El Paso Lawyers for Patriots Legal Initiative Program (civil) as allowed by the respective programs.

- B. Establish and present various Veterans Legal Clinics throughout the year in conformity with the Texas Lawyers for Texas Veterans State Bar of Texas Program.
- C. Establish and provide standard training for lawyers and judges in the area of legal information for veterans/military issues to include veterans benefits and disability claims and appeals representation.
- D. Establish a lawyer referral service unique for military and veterans and develop a certificate of completion of training prior to appointments and referrals.
- E. Develop a program and coordinate with the local Staff Judge Advocates at Ft. Bliss, Texas, William Beaumont Army Medical Center, White Sands Missile Range and Holloman Air Force Base, New Mexico to assist them in representing their servicemembers and their family members that may need legal representation under the Texas Supreme Court Order allowing military lawyers to limited practice before Texas Courts. The El Paso Lawyers for Patriots (EPLP) volunteer lawyers can assist with the representation if the servicemember cannot show the requisite financial hardship. A reduced fee program with local attorneys can be initiated as contemplated in other areas of this proposal.
- F. Coordinate and work with the Labor and Employment Lawyers, the Texas Veterans Commission and other agencies and entities in assisting veterans in obtaining employment with employers represented by the Labor and Employment Lawyers and others. Develop programs that can assist the veterans in (1) Interviewing and Resume Skills, (2) Spanish Speaking Skills, (3) Computer Skills, (4) Transportation; and, (5) Marketing the Veteran to the Employer.
- G. Find attorneys who are knowledgeable with USERRA laws and regulations and refer them to the appropriate governmental agencies and other associations and entities to counsel and represent, when appropriate, those returning veterans who are denied re-employment rights by their former employers. To partner with said agencies, associations and entities to offer training to those lawyers who are interested in this area of the law.
- H. Provide or work with other agencies or entities to provide transportation for disabled or homeless veterans to legal clinics, orientations , appointments and court appearances.

VI. Miscellaneous

- A. Set up an Advisory Council of local attorneys, members of veterans groups, JAGs, Judges and other relevant personnel to recommend and evaluate the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE** (VLIAO) programs, their effectiveness and make recommendations for improvement, revision or cancellation.
- B. Coordinate with the El Paso Community College (EPCC) and the University of Texas at El Paso (UTEP) to provide interns for college credit to work with the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE** (VLIAO) for at least one (1) school year (2 semesters) and also assist attorneys who work with our program on veterans/military cases.
- C. Investigate the possibility of the Office of the Staff Judge Advocate to provide administrative/paralegal personnel periodically to assist with the active duty military

requirements of the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)**.

- D. Sponsor Seminars with the local Bar Associations and other subject-matter specialty bars and share proceeds to continue to run the office and provide services. The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** will only refer cases to those who have completed recommended courses.
- E. The VLIAO shall contact and visit all Veterans entities that operate locally and get them to "Buy In" to the program.
- F. Get all businesses and other commercial enterprises who cater to the military/veterans to donate/fund programs and offer military/veteran discounts and special programs.
- G. Get businesses to strive to be an El Paso Lawyers for Patriots (EPLP) or (VLIAO) recognized or compliant business like the BBB (Better Business Bureau) designation and use in their advertisements. Requirements must be created.

The **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** will set reasonable fees or rates for each of the services mentioned above for those not eligible for pro bono services. Some funding can be assessments through the Office of the District and County Clerks, from the funds of other accounts already in existence for counsel representation; grants and judicial orders. Fee generating referrals to mediators and attorneys can be subsidized like the Lawyer Referral Service conducted by the El Paso Bar Association if the attorneys are not a part of the volunteer/pro bono program. Discussions and negotiations with the El Paso Bar Association and the Domestic Relations Office can be held concerning military/veteran referrals; and, the requirement that attorneys meet a minimum CLE standard before receiving referrals from them.

The minimum educational requirement in order to receive military family law referrals from the **VETERANS LEGAL INITIATIVE ASSISTANCE OFFICE (VLIAO)** and other referring entities should include jurisdiction, service of process, the Servicemembers Civil Relief Act; custody, relocation, possession and access and rights of the deployed servicemember. There has to be a basic understanding of establishing, calculating and enforcing military child support; the financial support requirements for family members by military regulations; and, establishing, calculating, clarifying and enforcing military retirement pay. This can be acquired by viewing webcasts/telecasts, CDs/DVDs, State Bar of Texas Self-Study and / or attending relevant seminars.