
Judiciary Committee

HB 1055

Title: An act relating to pro bono legal services for military service members, veterans, and their families.

Brief Description: Concerning pro bono legal services for military service members, veterans, and their families.

Sponsors: Representatives Kilduff, Muri, Haler, Shea, Appleton, Klippert, Lovick, Stokesbary, Stanford, Jinkins, Reeves and MacEwen; by request of Attorney General.

Brief Summary of Bill

- Creates an Office of Military and Veteran Legal Assistance within the Office of the Attorney General to promote and facilitate civil legal assistance programs, pro bono services, and self-help services for military service members, veterans, and their families.

Hearing Date: 1/11/17

Staff: Audrey Frey (786-7289).

Background:

"Civil legal aid" refers to free or low-cost legal services designed to help low-income individuals, families, and communities solve civil legal problems that they experience.

Civil legal aid programs in Washington include:

- the Northwest Justice Project, which provides civil legal aid services to low-income clients, maintains a toll-free legal assistance hotline, and operates 17 regional offices and special service units that address the needs of vulnerable communities; and
- the Washington State Office of Civil Legal Aid, a statutorily created judicial branch agency that funds and provides oversight for the Northwest Justice Project's programs,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

the statewide legal services self-help website, and other advocacy coordination and training programs for legal aid advocates throughout the state.

Civil legal aid services available specifically for low-income veterans, military personnel, and their families in Washington include:

- the Northwest Justice Project's Veterans Program, which provides free legal services to financially eligible low-income and homeless veterans on a variety of civil law issues, such as barriers to employment and housing, child support, and vacating criminal records;
- the Washington State Bar Association's (WSBA's) "Call to Duty" program, which facilitates referrals and access to free or reduced-fee legal help for low-income veterans; and
- the WSBA's Legal Assistance to Military Personnel Section, which addresses matters related to providing appropriate and efficient legal service to members of the United States Armed Forces and compiles a list of legal resources for veterans.

National and regional organizations providing civil legal aid services to veterans, military personnel, and their families include:

- the American Bar Association's (ABA's) Standing Committee on Legal Assistance for Military Personnel, which supports several initiatives to deliver legal assistance to service members, veterans, and their families, such as ABA Home Front, ABA Military Pro Bono Project, and ABA Veterans' Claims Assistance Network; and
- the Veterans Consortium Pro Bono Program, which provides pro bono professional services to veterans and military families.

Other protections and resources available to veterans, military personnel, and their families include:

- the federal Servicemember's Civil Relief Act, which provides a number of protections to military personnel on active duty, including protecting service members from default judgments and staying court proceedings if the service member is unable to defend his or her interests in the proceeding;
- the Washington Service Member's Civil Relief Act (the Act), which provides certain rights and protections in civil proceedings to service members and their dependents, and authorizes the Attorney General to enforce the Act through civil proceedings; and
- the Office of the Attorney General's *Military & Veteran Legal Resource Guide*, which is designed to help inform veterans, military personnel, and their families about available benefits and protections regarding issues such as employment and housing discrimination.

Summary of Bill:

An Office of Military and Veteran Legal Assistance (the Office) is created within the Office of the Attorney General. The purpose of the Office is to promote and facilitate civil legal assistance programs, pro bono services, and self-help services for military service members, veterans, and their family members domiciled or stationed in Washington.

Definitions.

- "Service member" is defined as an active or reserve member in any branch of the United States armed forces.

- "Veteran" is defined to have the same meaning as provided in the state laws on public employment, civil service, and pensions.
- "Family member" is defined as the spouse or domestic partner and dependent minor children of a service member or veteran.

The Attorney General (AG) may not provide legal assistance, pro bono services, or self-help services to a service member, veteran, or family member with regard to a criminal prosecution.

Duties of the Office of Military and Veteran Legal Assistance.

The Office shall:

- recruit and train volunteer attorneys to perform pro bono services for service members, veterans, and their family members;
- create and maintain a registry of service programs and volunteer attorneys available to perform pro bono services for service members, veterans, and their family members; and
- assess and assign requests for pro bono services to volunteer attorneys and service programs registered with the Office.

Advisory Committee.

The Office shall establish an advisory committee to provide advice and assistance to the AG regarding program design, operation, volunteer recruitment and support strategies, service delivery objectives and priorities, and funding. The committee shall include, among others:

- representatives from legal assistance offices on military installations in Washington;
- the Office of Civil Legal Aid;
- the Washington State Bar Association's Legal Assistance to Military Personnel Section;
- the Washington State Veterans Bar Association;
- the Washington Department of Veterans Affairs;
- the Washington Military Department;
- veteran service organizations;
- military support organizations; and
- organizations involved in coordinating, supporting, and delivering civil legal aid and pro bono legal services in Washington.

The AG may apply for and receive grants, gifts, donations, bequests, or other contributions to help support, and to be used exclusively for, the operations of the Office.

Appropriation: None.

Fiscal Note: Requested on 1/9/17.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill is passed.