

Office of Military Legal Assistance @EASE Program

Free Legal Assistance for
Nevada's Military Heroes



Making the Case for Protecting the
Legal Interests of Nevada's Military Families



Nevada Office of
The Attorney General

Adam Paul Laxalt

June 2016





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Attorney General Letter

Dear Fellow Nevadans,

I am excited to announce the creation of **@EASE**, the flagship program of the Nevada Attorney General's Office of Military Legal Assistance (OMLA). As a former Navy Judge Advocate General (JAG) and professor at the U.S. Naval Academy, I take to heart a popular Latin inscription in the Navy: "Non sibi sed patriae" meaning, "Not for self, but for country." It is this selfless mentality that forged the collective courage of our graduates and Servicemembers of all stripes. Our military members have sacrificed throughout their service for our families, communities and countrymen. It was their duty to protect our country and to fight for freedom and justice. It is this country's duty to protect our Servicemembers, promote their freedom and ensure justice for them and their families. We must promise that their sacrifice does not land them in legal jeopardy and assert legal protections that provide our military with a safer and easier return home after fighting our nation's wars—putting them **@EASE**.

It is with this intention in mind that I created the Office of Military Legal Assistance. The Office is the nation's first attorney general-led, public-private partnership giving military communities access to pro bono civil legal representation on a variety of important civil issues. The Office facilitates a range of free civil legal services for qualified Active Duty, Reserve and National Guard members and their families in Nevada. For veterans living in Nevada who have an honorable or general discharge from service, the program covers the productions of wills and powers of attorney. In order to shape the legal parameters of the program, I brought together an advisory committee comprised of both military and civilians.

The Office strives to bolster military readiness by providing Servicemembers with the knowledge that the OMLA has capacity to manage legal affairs in their absence. In practice, the Office will pair military Servicemembers in need of legal assistance with pro bono private legal counsel on approved civil cases. We have partnered with the Nevada State Bar, county bars and numerous statewide legal organizations to recruit local lawyers willing to represent our military heroes and their families pro bono. We are also grateful for the wonderful partnerships developed with existing legal aid service providers in the state committed to this mission. This is a program designed to give back to the Servicemembers and veterans who have sacrificed so much for the state of Nevada and for our country.

@EASE endeavors to serve as a model to other states, and this business case empirically illustrates that our military communities need the legal representation this program offers. **@EASE** hopes to inspire a deeper commitment to military personnel and their families. In collaboration with the National Association of Attorneys General (NAAG) and Department of Defense (DoD) state liaisons, this Office will support any efforts to form legal assistance offices in other states.

“The Office strives to bolster military readiness by providing Servicemembers with the knowledge that the OMLA has the capacity to manage legal affairs in their absence.”

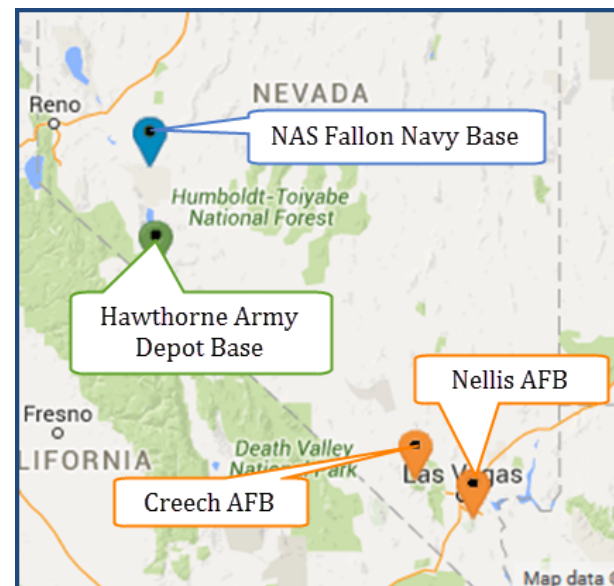
- Nevada Attorney General Adam Laxalt

Executive Summary- Meeting Military and Veteran Legal Needs – Why Now?

Active duty Servicemembers, veterans and their families support and defend our nation both domestically and abroad. Their sacrifices provide the freedom and security we value as a state and a nation. As a veteran, Nevada Attorney General Adam Laxalt knows firsthand the devotion, loyalty, courage and honor demonstrated by our Servicemembers and veterans. To improve services to Nevada military Servicemembers, veterans and their families, Attorney General Adam Laxalt created the Office of Military Legal Assistance (OMLA) and its flagship program **@EASE** to provide legal services specifically tailored for active duty and veteran populations. In addition to providing needed legal support, **@EASE** increases military readiness by providing competent legal representation to Servicemembers – even when they are on deployment. The **@EASE** program has been awarded the Department of Defense best practice distinction for both the legislation that created the program and the program itself.

Nevada is home to an estimated 11,400 active duty military members,ⁱ 7,620 reserve members,ⁱⁱ and over 228,000 veterans.ⁱⁱⁱ Active duty Servicemembers are distributed across each of the five branches of the military with over 90% serving in the U.S. Air Force as shown in Table 1. There are four active military bases in Nevada—two in southern Nevada (Nellis AFB and Creech AFB) and two in northern Nevada (Hawthorne Army Depot Base and Naval Air Station Fallon Navy Base),^{iv} depicted in Figure 1. Unmet legal needs in the military and veteran community impact large numbers of our military men and women across the United States, with nearly 1.35 million active duty Servicemembers nationwide, 815,653 Department of Defense reservists from the Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve and Air Force Reserve, and another 6,844 reservists reported from the Coast Guard Reserve.^v

FIGURE 1
MAP OF NEVADA MILITARY BASES



This business case provides a summary of the need for the **@EASE** program, a discussion of military and veteran specific legal issues, a layout for the program's design, developed program models, a discussion of implementation and evaluation strategies, and a list of partnering agencies and elected officials who support this first-of-its-kind program.

The **@EASE** program utilizes a colloquium of legal providers, including Judge Advocate Generals (JAGs), Legal Aid attorneys and private pro bono attorneys to meet unmet needs. It is additionally supported by the Nevada Department of Veterans Services (NDVS) whose Veteran Service Officers (VSOs) screen clients for **@EASE** program eligibility.



Historically, Nevada has been very friendly to its large number of military residents. Attorney General Adam Laxalt, through the first-of-its-kind OMLA **@EASE** program, continues to diversify the programs and services available to Nevada Servicemembers, veterans and their families. Together with the NDVS, partnering agencies across the state, and numerous state and federal elected officials, the OMLA has emerged as a “best practice” model for a national legal service program.

While several national initiatives through the American Bar Association aim to protect the rights of Servicemembers, many of these programs do not offer actual representation by a barred attorney able to protect the rights of military families from filing to judgement. For example, the numerous “ask a lawyer” programs can educate military members about the rights and current status of the law as it applies to their legal issue. However, these programs usually do not extend beyond free legal advice, and because most of the cases require actual legal representation in order for the Servicemember to protect their rights, the need for legal representation still remains. It is a well documented frustration for many military families who receive advice about their legal issue but then need to hire an attorney to have it resolved.

@EASE ensures that Servicemembers of any rank will have access to a broad range of legal assistance to enforce existing state and federal protections and alleviate the pressures that legal problems impose. In a survey taken for Nevada’s Green Zone initiative, 61% of the military members surveyed stated that affordable legal representation was their largest area of need. For most military families, the salaries they earn from serving our nation is not enough to be able to hire attorneys to protect their rights when they are targeted or victimized. Many Servicemembers must rent or purchase homes and automobiles as they transition from one location to another because the nature of military service requires frequent deployments and relocations. These decisions, involving large expenditures occur more often for military families than for their civilian counterparts and, leave many Servicemembers and their families more vulnerable to scams and unscrupulous parties. **@EASE** was created to protect military families by arming them with access to legal representation should they fall prey to unconscionable business practices.

To minimize the fiscal impact on the taxpayer, and realize a high return on investment of time, effort and resources, the OMLA **@EASE** program is structured very simply using pre-existing institutions and intake structures that can be found in most states across the country, including VSOs and JAGs. Therefore, the program could easily be replicated in other Attorneys General Offices throughout the country with minimal costs and manpower. Most state bar associations have ethical obligations that require or encourage pro bono hours for practicing attorneys licensed in their state that can anchor the service provision model. With an efficient advertising and outreach campaign, and the leadership of elected officials dedicated to providing support for our military families, the needs of veterans and active duty military can be met by utilizing program like **@EASE** in communities across the country.



Defining the Need

The need for @EASE and programs like it continue to increase as more Servicemembers become veterans and join the 2.8 million men and women who have already returned from Iraq and Afghanistan over the past 14 years.^{vi} Table 1 provides a summary of the total number of Servicemembers in Nevada based on a 2013 report as compared to nationally reported data from the Defense Manpower Data Center from 2016.^{vii}

TABLE 1
ACTIVE DUTY POPULATION IN NEVADA, COMPARED TO NATION

	Air Force	Army	Coast Guard	Marines Corps	Navy	Total
United States*	311,883	481,741	39,755	184,426	328,810	1,346,615
Nevada**	10,267	202	4	28	882	11,383

*Note: United States data as of February 29, 2016 from https://www.dmdc.osd.mil/appj/dwp/dwp_reports.jsp

**Note: State of Nevada data as of August 2013 from <http://www.governing.com/gov-data/military-civilian-active-duty-employee-workforce-numbers-by-state.html>

“We owe it to the men and women who have worn the uniform to provide access to services that will help improve their quality of life. That includes ensuring they receive the benefits they have earned and deserve and connecting them with employment and educational opportunities. Now, through this first-in-the-nation Office of Military Legal Assistance, we will be able to connect veterans with free legal assistance so they can get help with civil cases that can be time consuming and expensive. I commend Attorney General Laxalt for initiating this program in Nevada, and hope it serves as a model to other states around the nation.”

- Joe Heck, Congressman
Nevada District 3

LEGAL SERVICES AFFORDABILITY

The average hourly cost of individual legal representation in the private marketplace creates potential barriers to accessing legal services for our military members. A 2014 research report on legal fees found the average hourly rate for attorney fees was \$361 nationally as compared to \$365 in Nevada.^{viii} Additionally, the study found the national median for attorney fees was \$350, which was less than the \$375 median cost per hour in Nevada.^{ix} Considering the distribution of active duty and reserves across rank and grade as a function of their wages, there are many Servicemembers, particularly enlisted Servicemembers, who would have difficulty paying for legal fees at this rate. Nationally, enlisted active duty and reservists make up 82.9% of the U.S. Military.^x A detailed summary of active duty and reservists by rank is provided in Table 2.

TABLE 2
ACTIVE DUTY AND RESERVISTS BY RANK, FREQUENCIES AND PERCENTAGES

Rank	Active Duty	Percent of All Active Duty	Military Reserves	Percent of All Reserves	Active Duty & Reserves	Percent of All Military
E1	47,008	3.5%	29,917	3.6%	76,925	3.6%
E2	65,878	5.0%	35,584	4.3%	101,462	4.7%
E3	190,482	14.4%	94,949	11.4%	285,431	13.0%
E4	268,701	20.3%	199,518	24.0%	468,219	21.7%
E5	227,375	17.1%	140,488	16.9%	367,863	17.0%
E6	159,738	12.0%	105,596	12.7%	265,334	12.3%
E7	94,149	7.1%	66,900	8.0%	161,049	7.5%
E8	27,351	2.1%	22,082	2.7%	49,433	2.3%
E9	10,257	0.8%	7,103	0.9%	17,360	0.8%
W1	2,239	0.2%	1,515	0.2%	3,754	0.2%
W2	7,957	0.6%	5,267	0.6%	13,224	0.6%
W3	5,271	0.4%	2,918	0.4%	8,189	0.4%
W4	2,944	0.2%	2,167	0.3%	5,111	0.2%
W5	839	0.1%	489	0.1%	1,328	0.1%
O1	23,639	1.8%	10,598	1.3%	34,237	1.6%
O2	29,881	2.3%	16,505	2.0%	46,386	2.0%
O3	76,300	5.8%	32,622	3.9%	108,922	5.0%
O4	45,677	3.4%	28,619	3.4%	74,296	3.4%
O5	28,015	2.1%	21,468	2.6%	49,483	2.3%
O6	11,654	0.9%	7,068	0.8%	18,722	0.9%
O7	429	0.0%	434	0.1%	863	0.0%
O8	306	0.0%	178	0.0%	484	0.0%
O9	145	0.0%	4	0.0%	149	0.0%
O10	38	0.0%	1	0.0%	39	0.0%
O-Unknown	0	0.0%	2	0.0%	2	0.0%
Totals	1,326,273	100.0%	831,992	100.0%	2,158,265	100.0%

Using the base pay for enlisted active duty military personnel at less than 10 years of service, monthly basic pay ranges from \$1,734 (E1) to \$4,885 (E9). Table 3 provides detailed basic monthly pay data for 2015 enlisted active duty military personnel from a 2014 demographics report published by the Department of Defense.^{xi}

TABLE 3
2015 MONTHLY BASIC PAY, ENLISTED SERVICEMEMBERS,
FROM 2 OR LESS TO GREATER THAN 10 YEARS OF SERVICE^{xii}

Pay Grade	CUMULATIVE YEARS OF SERVICE						
	2 or Less	> 2	> 3	> 4	> 6	> 8	> 10
E1*	\$1,547	N/A	N/A	N/A	N/A	N/A	N/A
E2	\$1,734	\$1,734	\$1,734	\$1,734	\$1,734	\$1,734	\$1,734
E3	\$1,823	\$1,938	\$2,055	\$2,055	\$2,055	\$2,055	\$2,055
E4	\$2,020	\$2,123	\$2,238	\$2,351	\$2,452	\$2,452	\$2,452
E5	\$2,203	\$2,351	\$2,465	\$2,581	\$2,762	\$2,951	\$3,126
E6	\$2,405	\$2,646	\$2,762	\$2,876	\$2,995	\$3,261	\$3,365
E7	\$2,780	\$3,034	\$3,150	\$3,304	\$3,425	\$3,631	\$3,747
E8	N/A	N/A	N/A	N/A	N/A	\$3,999	\$4,176
E9**	N/A	N/A	N/A	N/A	N/A	N/A	\$4,885
<i>*Applicable to E1 with 4 months or more of active duty service. Base pay for an E1 with less than 4 months of active duty service is \$1,430.</i>							
<i>**For the Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Army or Marine Corps, or Senior Enlisted Advisor of the Joint Chief of Staff, basic pay is \$7,895.</i>							
<i>NOTE: This table was modified from the 2015 Basic Monthly Pay from 2014 Demographics Report published by the Department of Defense.</i>							

ⁱ Service length of less than 10 years was selected for the calculation provided because this is the first available service term that included all enlisted ranks, E1-E9.

Based on national data, there are an estimated 19,000 active duty and reservists in Nevada of which an estimated 15,750 are enlisted. Considering the basic monthly pay of enlisted military members, Federal Poverty Line qualification guidelines, annual salary information, and average or median Nevada legal fees, a significant need for the OMLA program becomes apparent. Under the military pay scale, there are very few active duty, reserve, or guard Servicemembers who would qualify for pro bono legal services using Federal Poverty guidelines.^{xiii} Nevertheless, nearly all Nevada Servicemembers would have difficulty affording legal representation at an average rate of \$375 per hour. Similarly, as demonstrated by the survey results included in the “Common Legal Challenges” section on page 16, approximately 43.5% percent of Nevada veterans (and/or their surviving spouses) retired with less than 10 years of service. Those Nevada veterans would likewise face undue financial hardship if forced to pay for legal representation at current market rates. Accordingly, available pay scale data demonstrates a need for affordable legal representation in the form of the @EASE program.

NEVADA'S VETERAN POPULATION

Veteran populations are found in each of Nevada's 17 counties with 82% residing in either of Nevada's two urban counties, Clark or Washoe^{xiv} (data presented in Table 4). The state of Nevada has a diverse population on a demographic basis as well as a geo-locational basis. Of the 17 Nevada counties, only two (Clark and Washoe) are considered to be urban counties, with the remaining 15 counties defined as rural based on population density. A state data report about Nevada veterans written by the Veteran Policy Leadership Institute in 2015 found that Clark and Washoe had the lowest rates of veterans per capita, 7.8% and 8.3% respectively.

Some of Nevada's least populated counties have the highest density of veteran residents per capita. For example; Esmeralda, Mineral and Churchill counties all have between 16.9% and 19.6% veteran residents.^{xv}

TABLE 4
NEVADA VETERANS BY COUNTY, 2014

County	Veteran Population*	Percent of Nevada Veterans
CHURCHILL	4,154	1.82%
CLARK	153,392	67.3%
DOUGLAS	4,824	2.12%
ELKO	4,214	1.85%
ESMERALDA	165	0.07%
EUREKA	201	0.09%
HUMBOLDT	1,560	0.7%
LANDER	602	0.26%
LINCOLN	634	0.28%
LYON	7,064	3.1%
NYE	6,488	2.85%
PERSHING	798	0.35%
STOREY	637	0.28%
WASHOE	35,245	15.5%
WHITE PINE	1,277	0.08%
CARSON CITY	5,848	2.56%
NEVADA (Totals)	228,027	100.0%

*Notes: * Veteran population estimates, as of September 30, 2014, are produced by the VA Office of the Actuary (VetPop 2014).*

Approximated from the number of enlisted active duty and reservists, it is anticipated that the vast majority of Nevada veterans had a final rank between E1 and E9. While the eligibility and specific pension payments are individually calculated from a variety of variables, a simple breakdown of maximum annual pension rates is presented in Figure 2. Even the maximum annual pension provided to a veteran would not be sufficient to afford sustained litigation at the average (\$365) or median (\$375) hourly rates in Nevada. To address this unmet need, the @EASE program asks pro bono attorneys to commit to 10 hours, or an average of \$3,650 in legal services per year.

FIGURE 2
MAXIMUM ANNUAL PENSION RATES BY CATEGORY FOR THE YEAR 2016 (MODIFIED)^{xvi}

Maximim Annual Pension Rate (MAPR) Category	Amount
If you are a veteran...	Your yearly income must be less than...
Without spouse or child	\$12,868
With one dependent	\$16,851
Housebound without dependents	\$15,725
Housebound with one dependent	\$19,710

**Defined acronyms and terms - MAPR: Maximum Annual Pension Rate. For more eligibility and related information visit: <http://militarybenefits.info/veterans-pension-rate-table/>*

In terms of U.S. Congressional Districts, Nevada veterans are fairly evenly distributed between the four districts^{xvii} as shown in Table 5. Based on estimates provided by the U.S. Census Bureau, the distribution of residents by U.S. Congressional District ranges from 693,623 in the 1st Congressional District to 734,973 in the 3rd Congressional District.^{xviii} Based on these distributions, the 2nd and 4th Congressional Districts have the highest percentage of veterans as compared to civilian residents. This finding is consistent with the presentation of data from the Executive Order 2014-20 Report as the 2nd Congressional District represents a large portion of the rural counties in addition to Washoe County in northern Nevada. The 4th Congressional District represents a large number of rural counties across central Nevada in addition to a small portion of Clark County. The 1st and 3rd Congressional Districts represent Clark County, which alone accounts for an estimated 72.6% of the statewide population.^{xix, xx}

TABLE 5
NEVADA VETERANS BY U.S. CONGRESSIONAL DISTRICT, 2014

Congressional District	Veteran Population*	Percent of Nevada Veterans
CONG. DIST (01)	47,231	20.7%
CONG. DIST (02)	63,600	27.9%
CONG. DIST (03)	55,662	24.4%
CONG. DIST (04)	61,535	27.0%
NEVADA (Totals)	228,027	100.0%

*Notes: * Veteran population estimates, as of September 30, 2014, are produced by the VA Office of the Actuary (VetPop 2014).*

“Our men and women in uniform sacrifice so much for our nation, even after their years of service have concluded. I’m proud to see that we have found an innovative way to give back to our active duty soldiers and veterans by providing pro-bono legal services for simple civil matters, as well as complicated legal issues. Under Attorney General Laxalt’s leadership, Nevada’s legal and military communities have come together to ensure the success of the Office of Military Legal Assistance, and we are grateful for his guidance.”

- Dean Heller, U.S. Senator



Common Legal Challenges Faced by Our Military Men, Women and Families

The legal challenges faced by members of our active duty military and veterans cross a number of categories, including:

- Housing
- Consumer Protection
- Employment Protection
- Family Law
- Benefits
- Taxes
- Civil Rights
- Education
- Estate Planning
- Health Care
- Immigration
- Uniformed Services Employment and Reemployment Rights Act 1994 (USERRA)
- Servicemember's Civil Relief Act 2003 (SCRA)

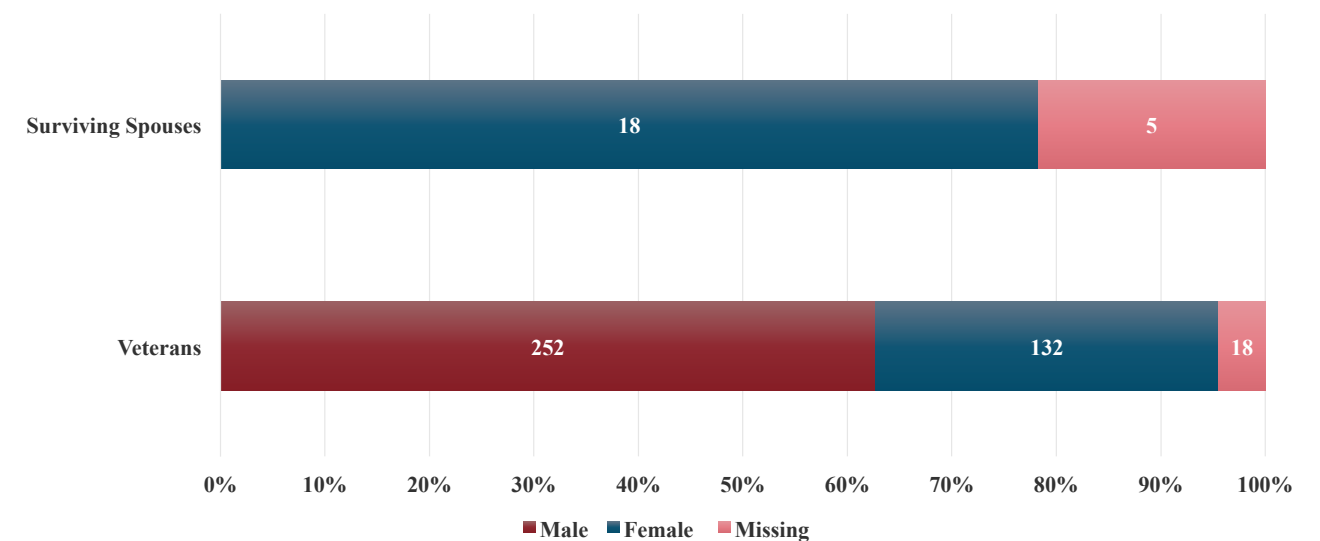
In order to better understand the legal challenges facing Nevada active duty Servicemembers, veterans and military families, we surveyed the following groups:

- Nevada veterans (402 respondents)
- Surviving spouses (23 respondents)
- Judge Advocate Generals (9 respondents)
- Nevada Department of Veterans Services Veteran Service Officers (29 respondents)
- Legal Aid service providers (8 respondents)
- Private pro bono attorneys (22 respondents)

VETERANS AND SURVIVING SPOUSES

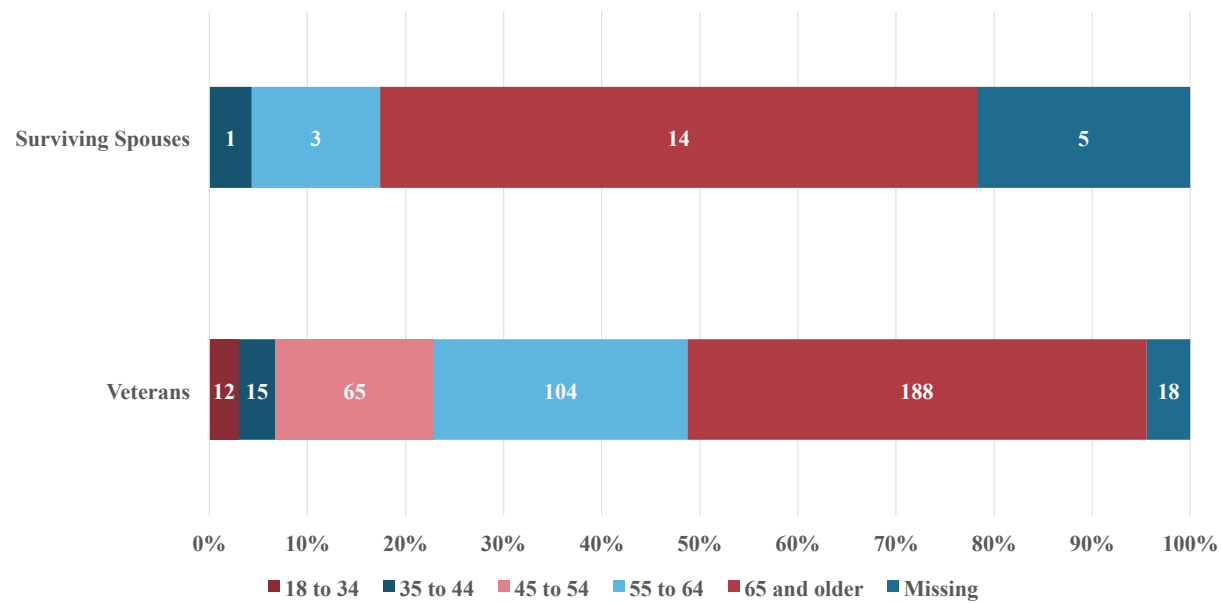
Based on the surveys distributed to veterans and surviving spouses, Graphs 1-3 provide summary statistics related to demographics and years of military service. In each of the graphs, there is consistent missing data reported from both veterans (n = 18 or 4.5%) and surviving spouses (n = 5 or 21.7%), indicating how many respondents did not provide an answer. In total, there were 425 total respondents to the survey, including 402 veterans and 23 surviving spouses. The veteran respondents were 62.7% (n = 252) males and 32.8% (n = 132) females with the remaining 4.5% (n = 18) who did not provide their gender. Of the 23 surviving spouse respondents, over 78% were females while none were male (some respondents did not indicate a category).

GRAPH 1
THE PERCENTAGE OF VETERANS AND SURVIVING SPOUSES BY GENDER



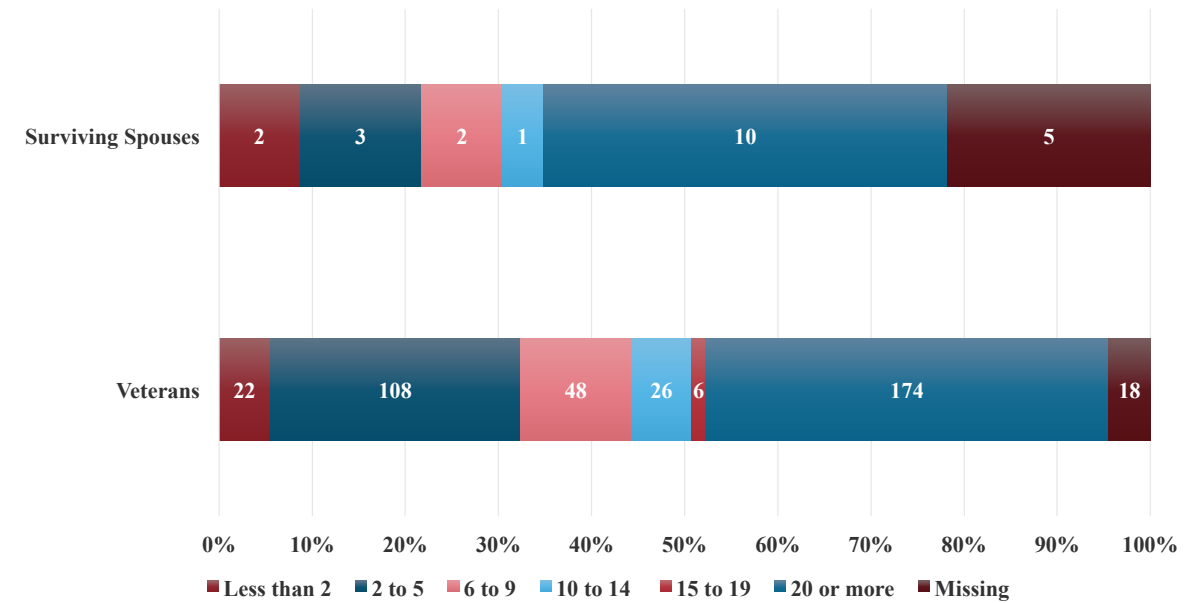
As illustrated in Graph 2, 47.5% of all respondents reported an age of 65 or older. Continuing the theme of an aging population of veterans and surviving spouses in Nevada, only 6.7% of veterans (n = 27) and 4.3% (n = 1) of surviving spouses indicated their age was under 45. In fact, 73.9% (n = 17) of surviving spouses and 72.6% (n=292) of veterans reported they were age 55 or older.

GRAPH 2
THE PERCENTAGE OF VETERANS AND SURVIVING SPOUSES BY AGE



There was a higher than anticipated number of veterans and surviving spouses who reported 20 or more years of service at 43.2% (n = 184). Beyond this finding, years of service was distributed well across the spectrum with both surviving spouses and veterans reporting service from less than 2 years (8.7% of surviving spouses and 5.5% of veterans); 2 to 5 years (13% of surviving spouses and 25.6% of veterans); 6 to 9 years (8.7% of surviving spouses and 11.9% of veterans); and 10 to 14 years (4.3% of surviving spouses and 6.5% of veterans). Additionally, there were another 1.5% of veterans who reported 15-19 years of service. This speaks to the fact that veterans across service ranges, including those with many years of active duty service, responded to the survey and identified either past or present legal needs.

GRAPH 3
THE PERCENTAGE OF VETERANS AND SURVIVING SPOUSES BASED ON YEARS OF MILITARY SERVICE



The @EASE survey sought to understand the unique legal needs, issues and experiences of veterans and surviving spouses in order to tailor program service delivery and model. Approximately 42.5% of veterans and 39.1% of surviving spouses reported a past legal issue (Table 6). Of those, 55.6% of veterans and 44.4% of surviving spouses accessed services for legal assistance. Additionally, of those who reported prior legal issues, 65.5% of veterans and 66.7% of surviving spouses reported that the issue had been resolved. For current legal issues (Table 7), there are 19.9% of veterans and 13% of surviving spouses facing legal issues. Of the veterans who reported current legal issues, 22.5% have accessed services, while 8.75% are currently working with an attorney and 11.25% are working with some other form of legal support. Of those surviving spouses currently facing legal issues, 66.7% have accessed services. While some data gathered from legal providers and VSOs (presented in a subsequent section) differed from veteran and surviving spouse respondents, the one commonality across all populations was the need for legal services.

TABLE 6
FREQUENCY OF PAST LEGAL ISSUES, VETERANS (N = 402)
AND SURVIVING SPOUSES (N = 23)

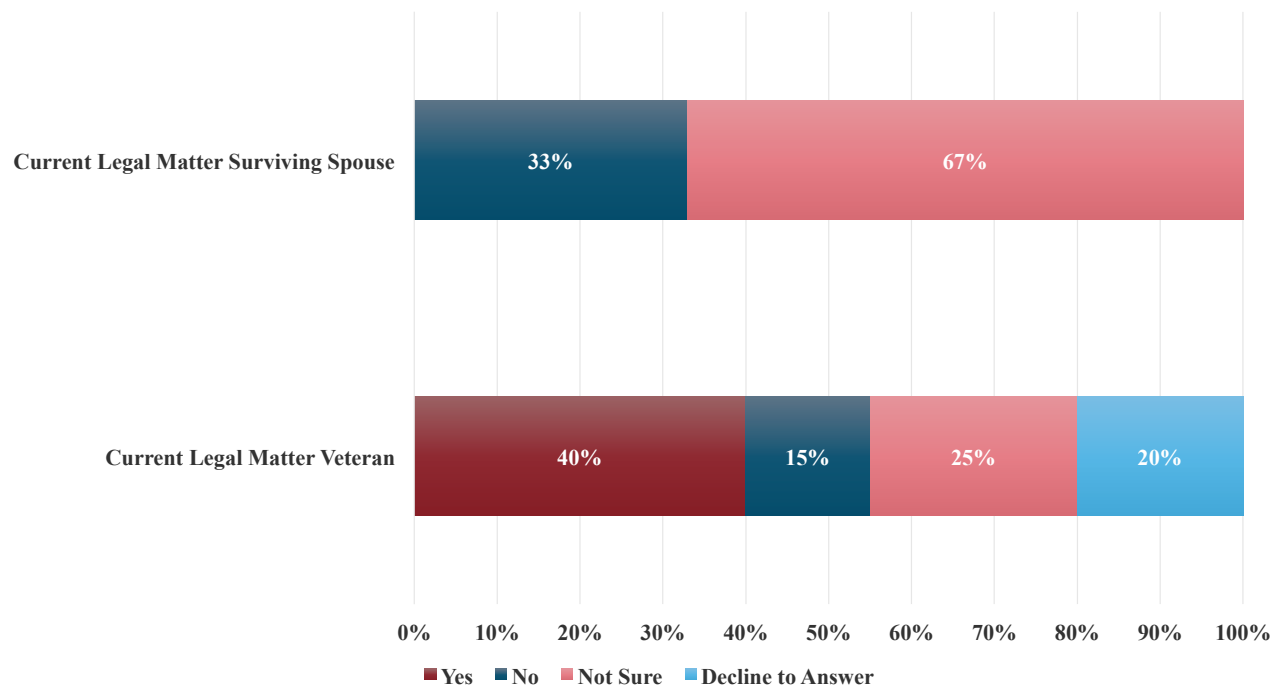
	Frequency of Legal Issue	Accessed Services	Issue Resolution
Past Legal Matter Veteran	171	94	112
Past Legal Matter Surviving Spouse	9	4	6
Total	180	98	118

TABLE 7
 FREQUENCY OF CURRENT LEGAL ISSUES, VETERANS (N = 402)
 AND SURVIVING SPOUSES (N = 23)

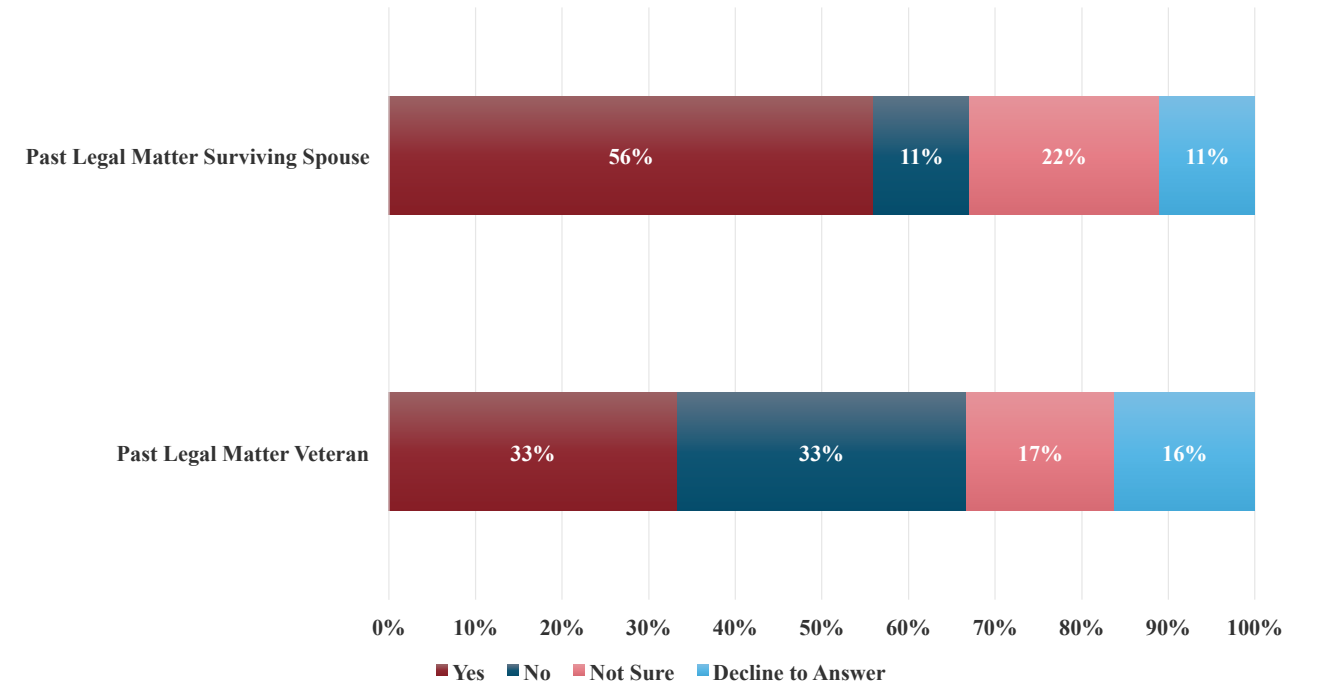
	Frequency of Legal Issue	Accessed Services	Working with Attorney	Working with Non-profit	Working with Other
Current Legal Matter Veteran	80	18	7	0	9
Current Legal Matter Surviving Spouse	3	2	0	0	0
Total	83	20	7	0	9

In order to assess financial stress or strain, the survey took into consideration both current (Graph 4) and past legal issues (Graph 5) of surviving spouses and veterans. From the past legal issue perspective (Graph 5), more surviving spouses, 56%, indicated reduced financial stress or strain as compared to veterans at 33%. Forty percent of veterans with current legal issues reported reduced financial stress or strain after receiving legal services, which is a significant outcome.

GRAPH 4
 THE REPORTED REDUCTION OF FINANCIAL STRESS OR STRAIN AFTER RECEIVING LEGAL SERVICES FOR CURRENT LEGAL ISSUES FOR VETERANS AND SURVIVING SPOUSES

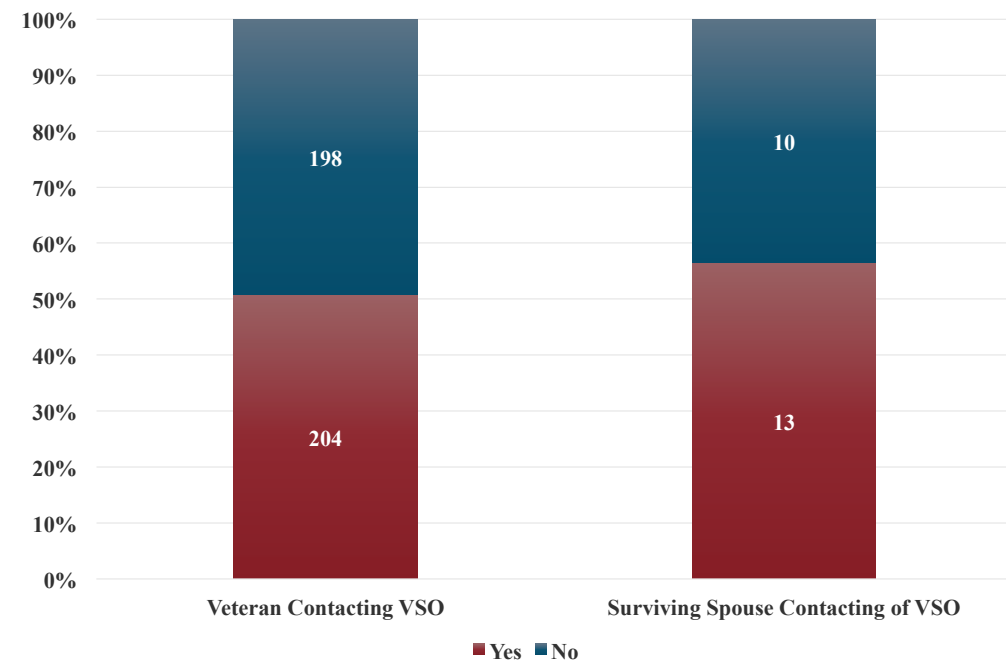


GRAPH 5
 THE REPORTED REDUCTION OF FINANCIAL STRESS OR STRAIN AFTER RECEIVING LEGAL SERVICES FOR PAST LEGAL ISSUES FOR VETERANS AND SURVIVING SPOUSES



Survey results indicate 50.7% of veterans and 56.5% of surviving spouses have utilized services provided by VSOs (Graph 6). This indicates the potential to increase outreach and service provision to those populations not currently utilizing VSO support. Nevertheless, the data also demonstrates that referrals to @EASE through the VSO is an effective mechanism for veterans to access the program.

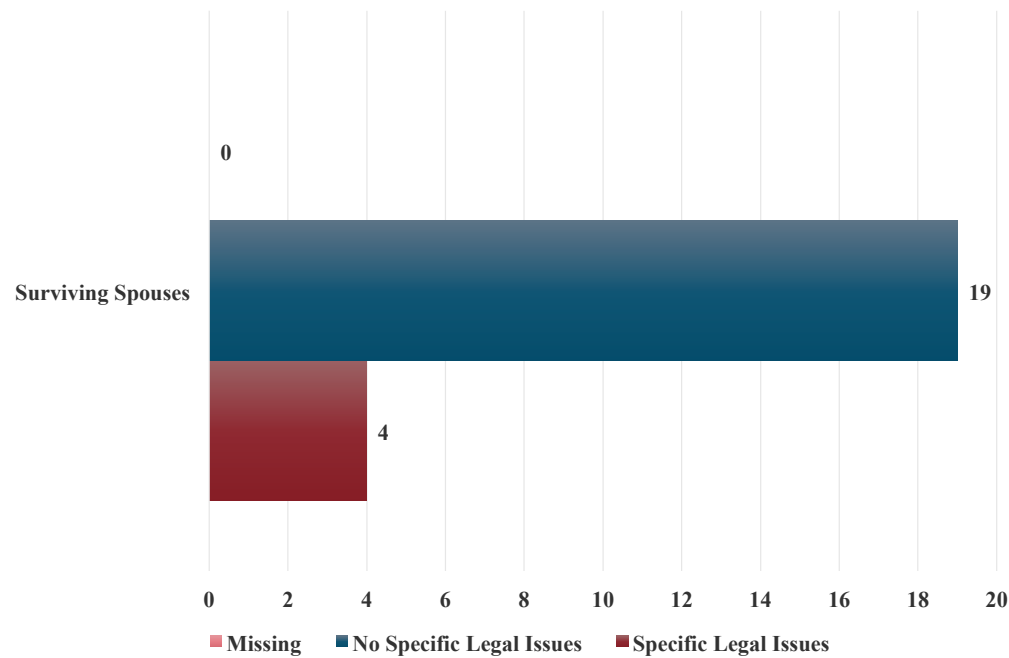
GRAPH 6
THE NUMBER OF VETERANS (N = 402) AND SURVIVING SPOUSES (N = 23) UTILIZING VSOS



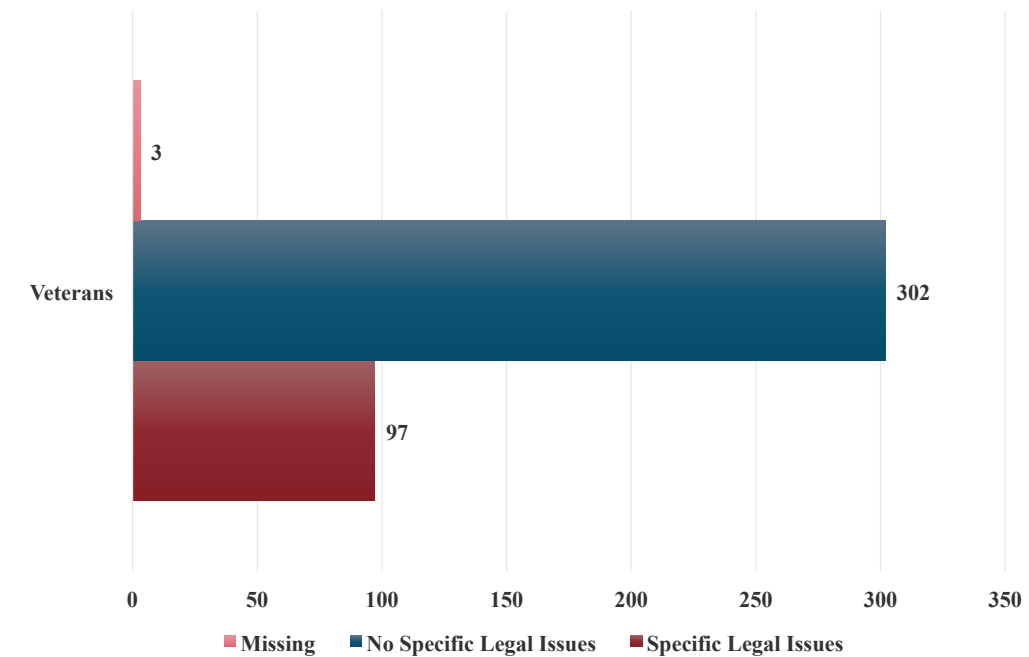
LEGAL PROVIDERS AND VETERAN SERVICE OFFICERS

The goal of the OMLA surveys to the JAGs, Legal Aid programs and private pro bono attorneys in addition to the VSOs was to determine a baseline of military-related legal needs and the states' capacity to meet those needs. In response to questions about reported legal issues from both veterans and surviving spouses, VSOs indicated 17.4% of surviving spouses (Graph 7) and 24.1% of veterans (Graph 8) recounted legal issues during meetings. The survey found 47.5% of veterans and 30.8% of surviving spouses who met with a VSO reported a history of legal issues.

GRAPH 7
SURVIVING SPOUSES' HISTORY OF LEGAL ISSUES AS REPORTED TO VSOS

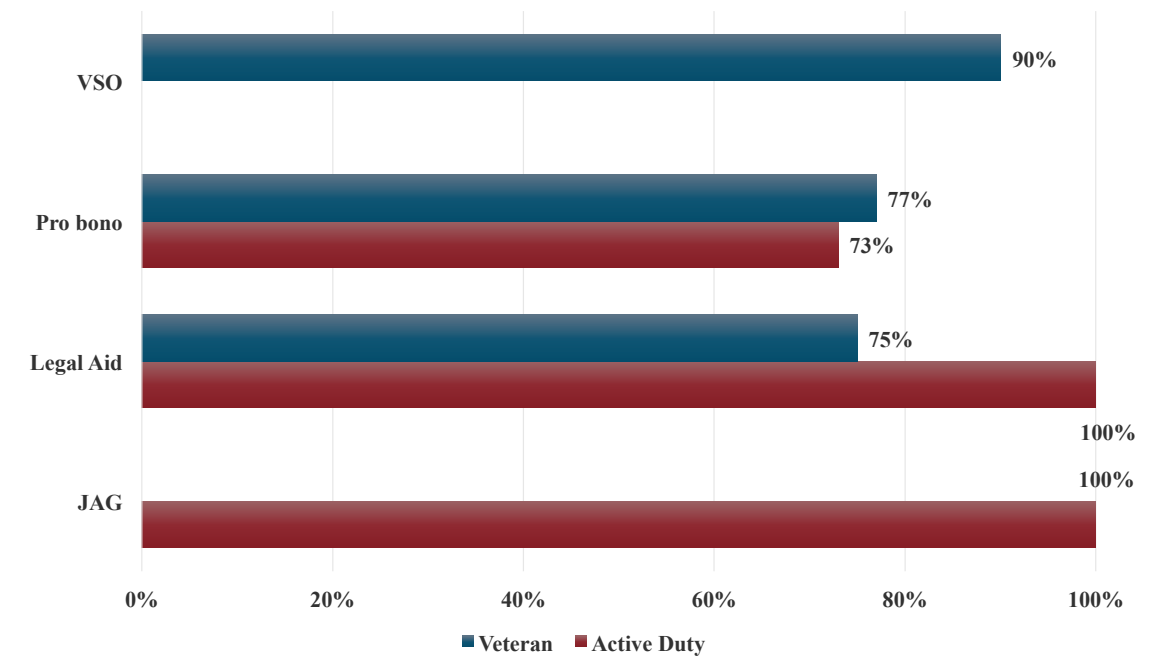


GRAPH 8
VETERANS' HISTORY OF LEGAL ISSUES AS REPORTED TO VSOS



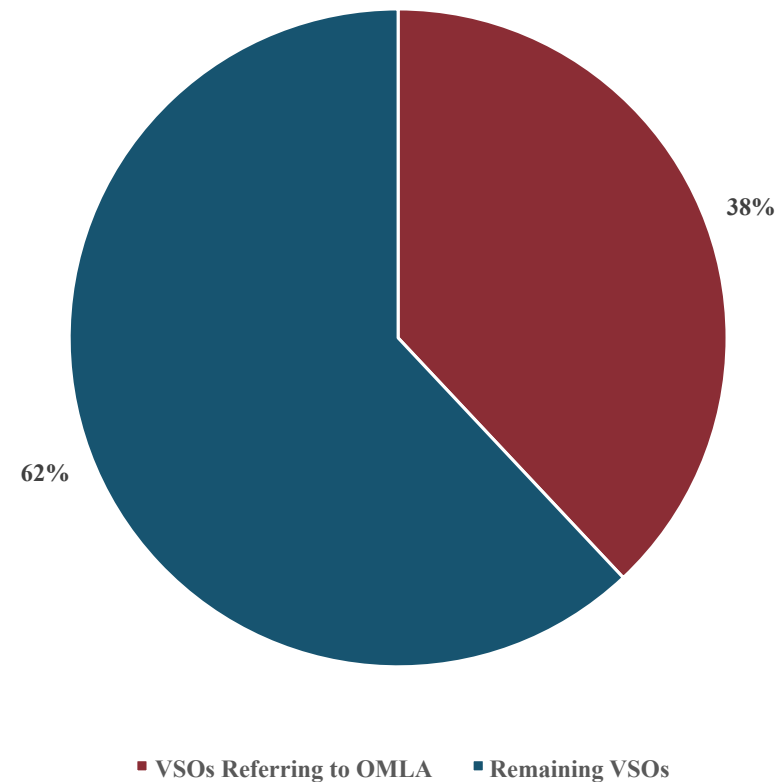
Surveyed legal providers and VSOs reported that active duty and veterans (including surviving spouses) have specific legal needs, underscoring the importance of having trained, committed providers who have experience with military Servicemembers and their families and who understand the unique needs of the military community. In fact, all of the surveyed legal providers and VSOs felt that veterans (including surviving spouses) and active duty personnel have specific or unique legal needs as presented in Graph 9 below.

GRAPH 9
THE PERCENTAGE OF ACTIVE DUTY AND VETERAN SPECIFIC LEGAL ISSUES BY LEGAL PROVIDERS AND VSOS



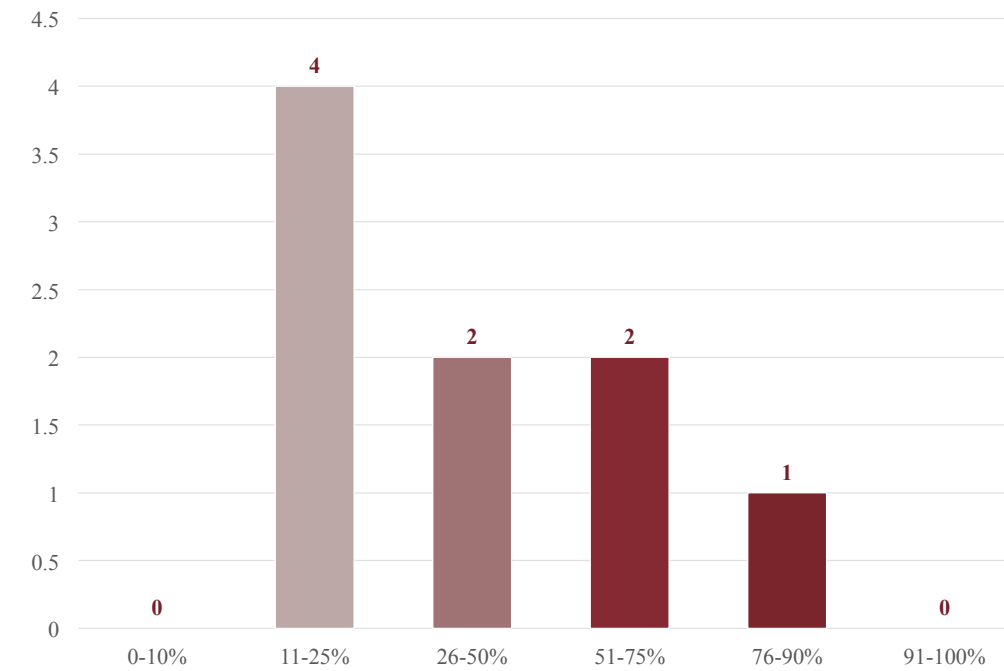
VSOs indicated a consistent need for legal services across their various active duty and veteran clients including surviving spouses. Of the 29 respondents, 38% reported they have already referred either a veteran or spouse to the OMLA for legal needs. Considering that 29% of VSOs indicated they are current partners of the OMLA and 38% are referring clients to the program, the OMLA program is already showing great potential for growth and expansion.

GRAPH 10
THE PERCENTAGE OF VETERAN SERVICE OFFICERS (VSOS) REFERRING TO OMLA

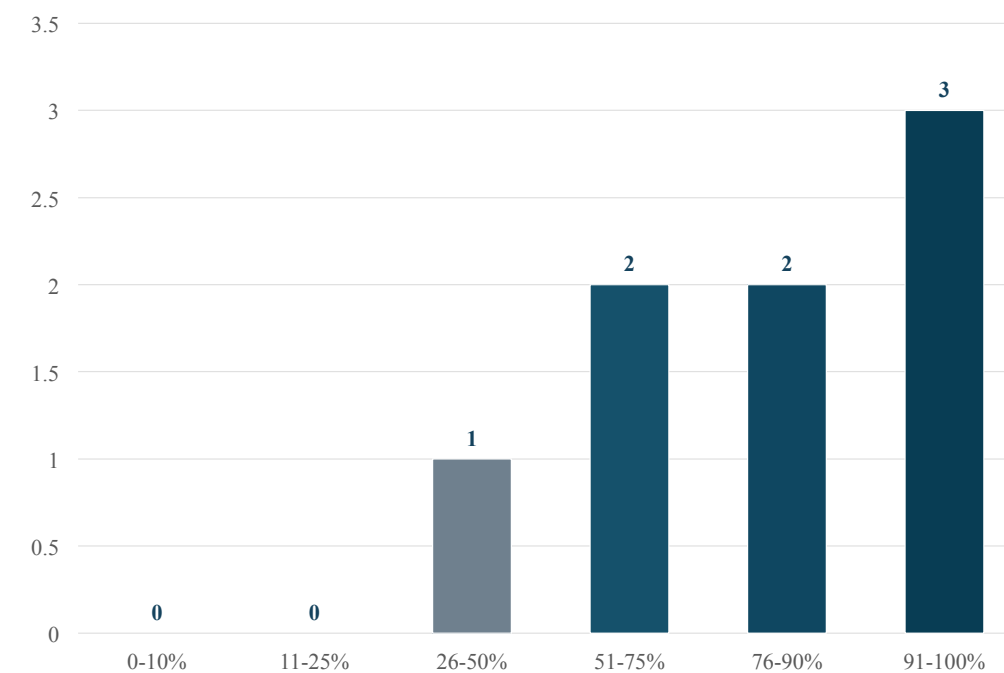


Financial stress or strain are some of the commonly reported challenges related to legal issues across not only active duty, veteran and surviving spouses, but also by general clients who use private pro bono and Legal Aid services. The significantly high number of Legal Aid clients with financial stress or strain as a result of legal issues, presented in Graphs 11-14, is reflective of their clients and is anticipated based on their services for low income individuals. It should be noted that Legal Aid organizations have strict requirements for accessing their services, which are based on income and capacity to pay for services.

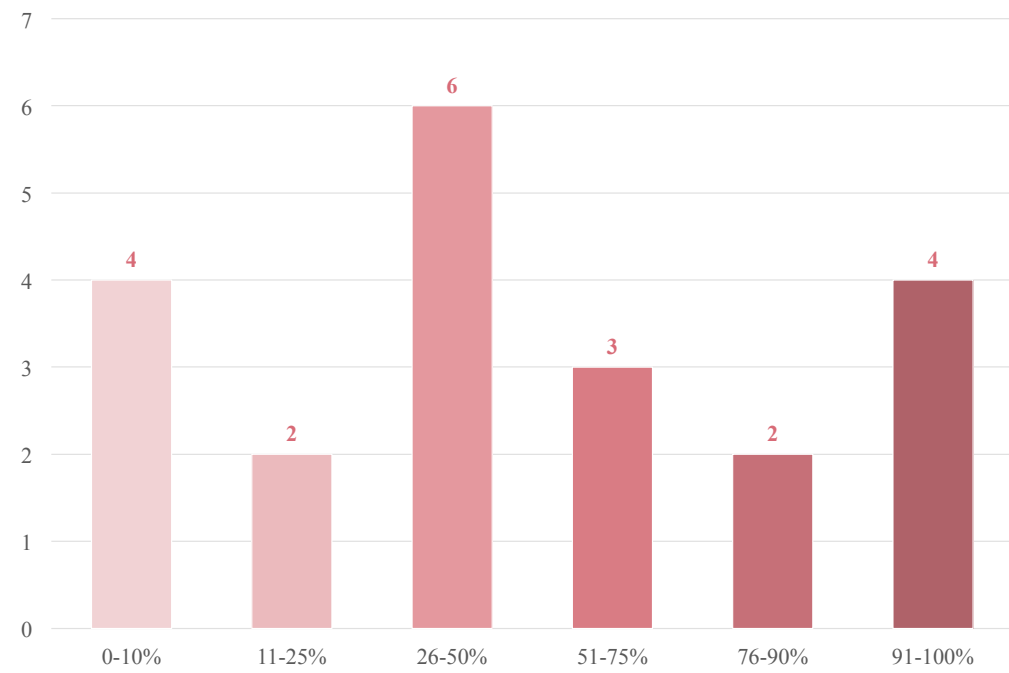
GRAPH 11
PERCENTAGE OF CLIENTS WHO REPORTED EXPERIENCING FINANCIAL STRAIN OR STRESS RESULTING FROM A LEGAL PROBLEM BY JAG RESPONDENTS



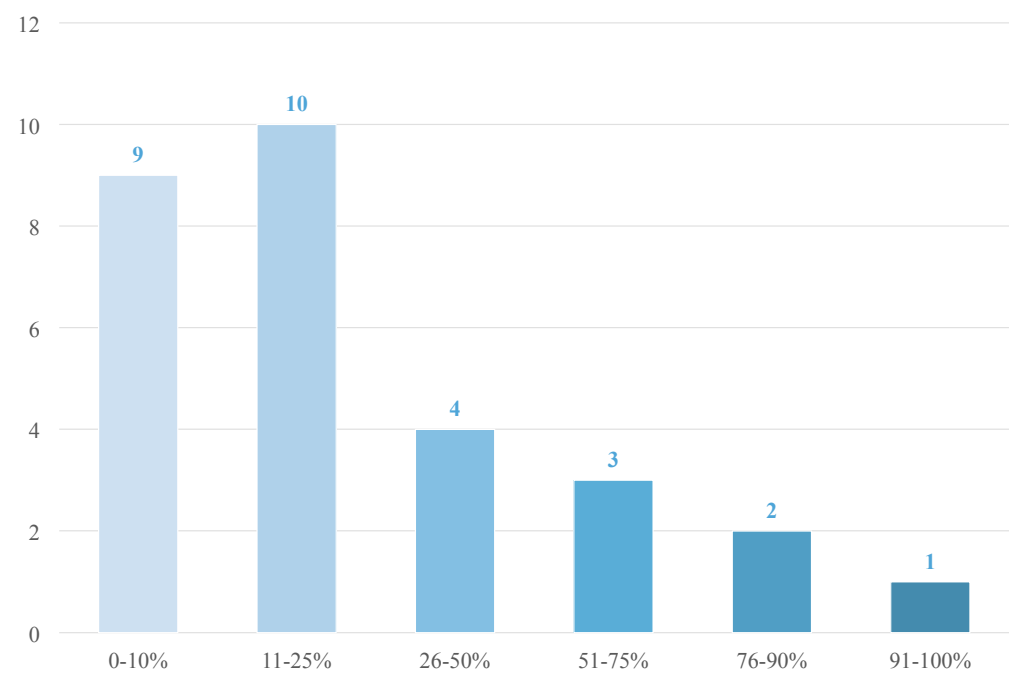
GRAPH 12
PERCENTAGE OF CLIENTS WHO REPORTED EXPERIENCING FINANCIAL STRAIN OR STRESS RESULTING FROM A LEGAL PROBLEM BY LEGAL AID RESPONDENTS



GRAPH 13
 PERCENTAGE OF CLIENTS WHO REPORTED EXPERIENCING FINANCIAL STRAIN OR STRESS RESULTING FROM A LEGAL PROBLEM BY PRO BONO RESPONDENTS



GRAPH 14
 PERCENTAGE OF CLIENTS WHO REPORTED EXPERIENCING FINANCIAL STRAIN OR STRESS RESULTING FROM A LEGAL PROBLEM BY VSO RESPONDENTS



To determine a baseline for outcomes of the OMLA program, we assessed the perceived reduction in the financial burdens of clients as a result of accessing legal services and supports. From the perspective of JAG respondents, 88% of their clients have realized reductions in financial burdens either most of the time or always. Similarly, Legal Aid attorneys indicated 88% of clients experienced reduced financial stress. Private pro bono attorneys and VSOs reported a much wider distribution of outcomes as compared to both Legal Aid and JAG respondents. Results for JAG, Legal Aid, private pro bono attorneys and VSOs are displayed in Graph 15.

GRAPH 15
 THE ESTIMATED RATE OF POSITIVE CLIENT OUTCOMES AFTER LEGAL SERVICES HAVE BEEN PROVIDED

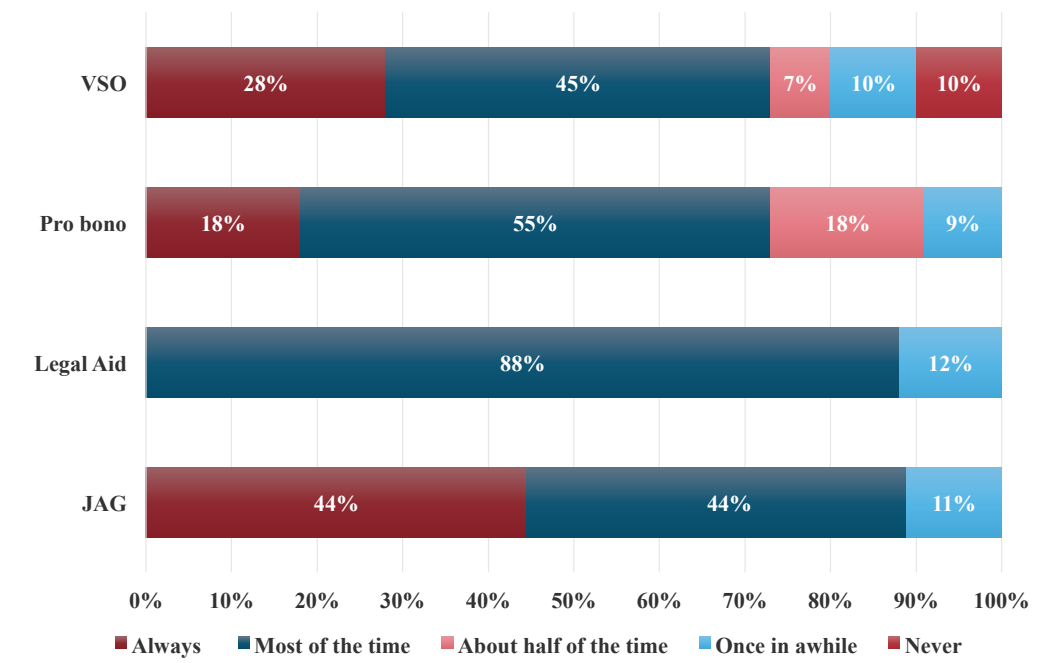


Figure 3 depicts the JAG and Legal Aid assessment of active duty and veteran legal issues, while Figure 4 focuses on the most common legal issues facing clients of both private pro bono and Legal Aid attorneys.

FIGURE 3
THE TOP-5 LEGAL ISSUES FACING VETERANS AND ACTIVE DUTY BASED ON JAG AND LEGAL AID ATTORNEY RESPONSES

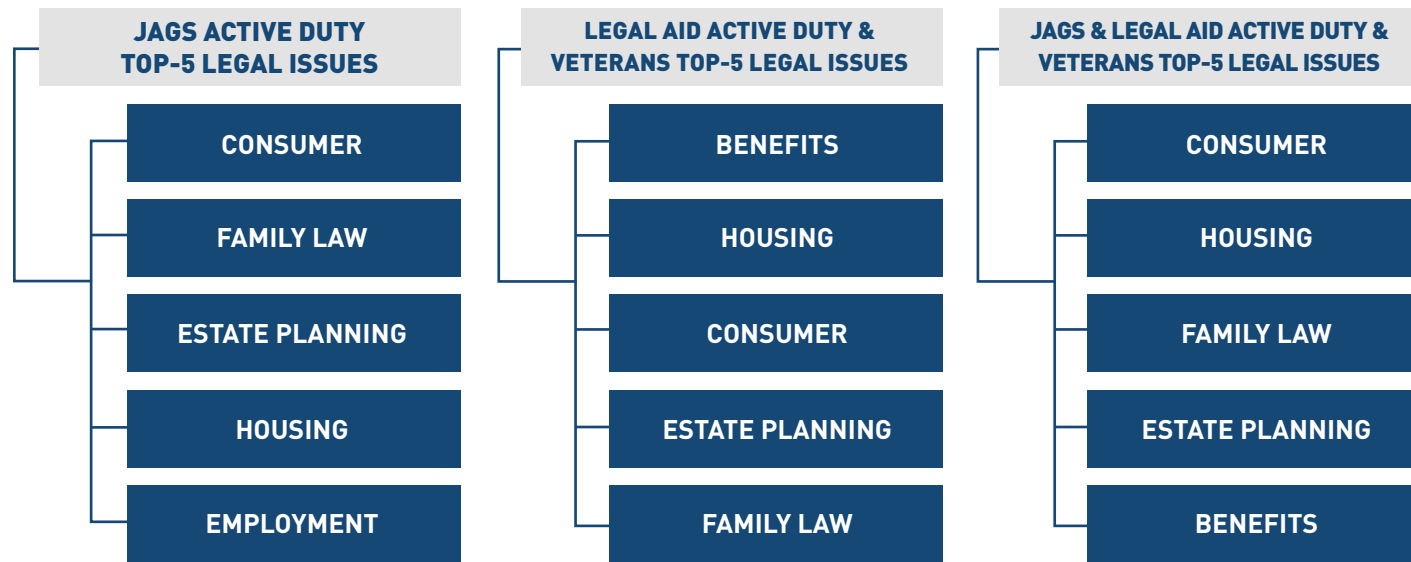
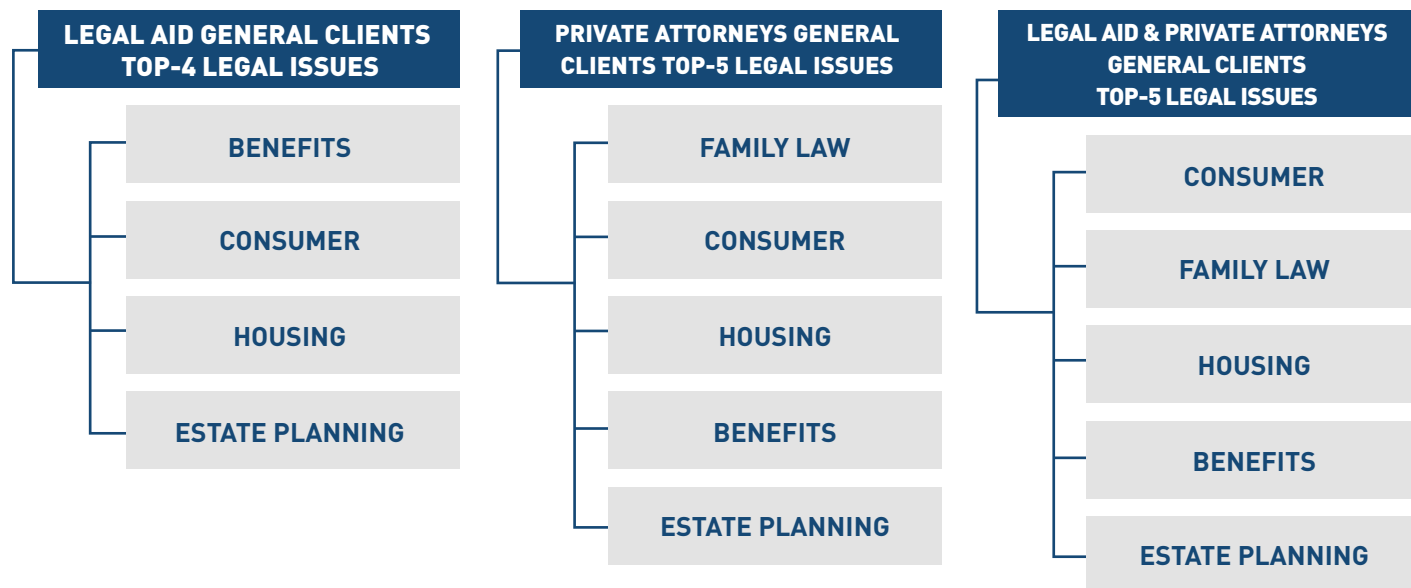
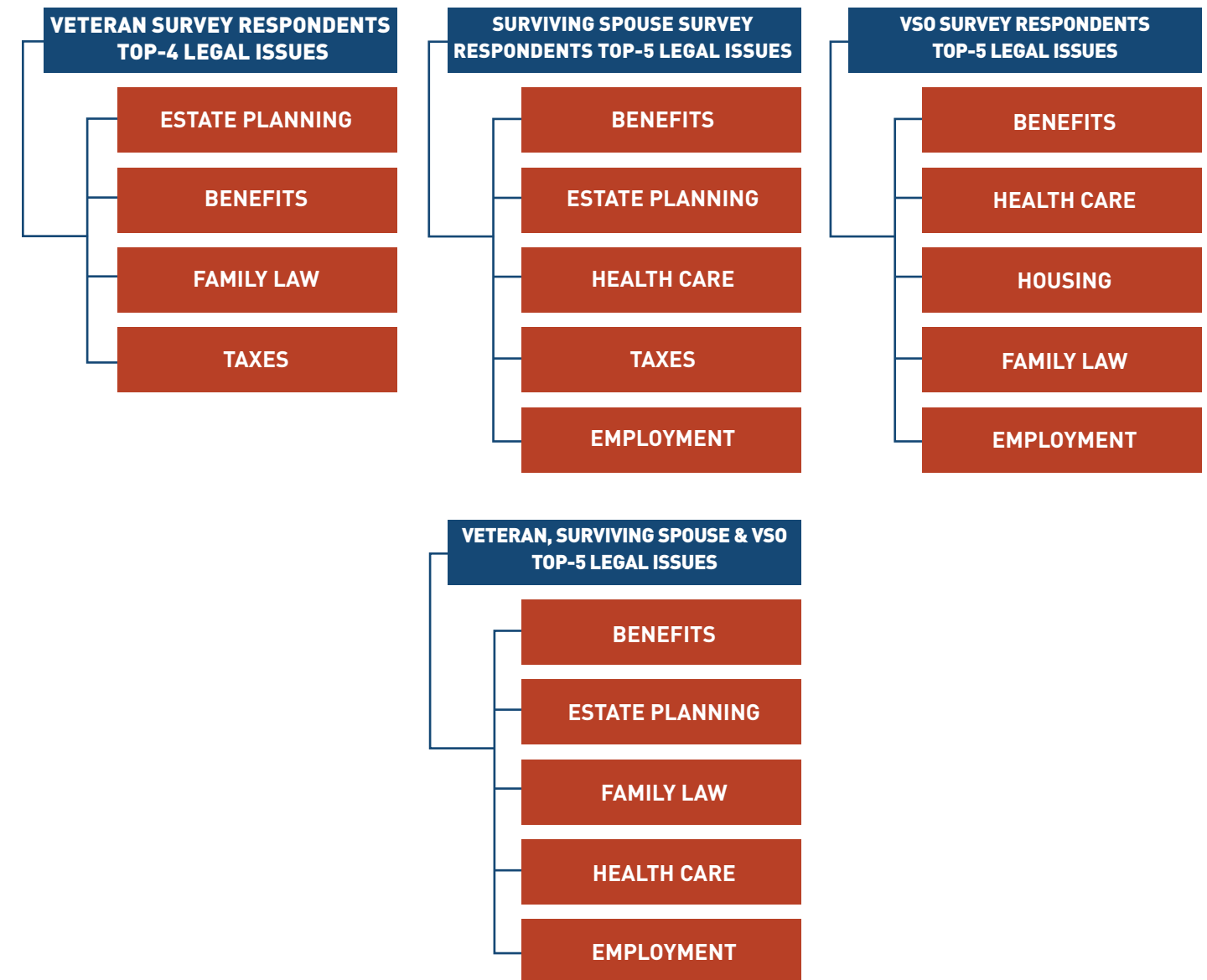


FIGURE 4
THE TOP-5 LEGAL ISSUES FACING GENERAL POPULATION CLIENTS BASED ON LEGAL AID AND PRIVATE PRO BONO ATTORNEY RESPONSES



Finally, Figure 5 presents the most common legal issues facing veterans and surviving spouses from the perspective of VSOs, veterans and surviving spouses. While many of the same legal issues were found in each figure, there were many observed differences. The OMLA hopes to further understand and integrate these observed differences into its program to ensure the future and long-term needs of Servicemembers are being met. To date, the @EASE program's will-drafting workshops have done much to assist veterans with their estate planning needs.

FIGURE 5
THE TOP-5 LEGAL ISSUES FACING VETERANS AND SURVIVING SPOUSES BASED ON VETERANS, SURVIVING SPOUSES AND VSO RESPONSES



Data gathered from these surveys support the need for a legal program in Nevada, provide insight into the connection between legal issues and financial strain and stress, and offer potential indicators of program success.

Aligning with National Priorities

We are honored to have the Executive Director of the National Association of Attorneys General and the former Judge Advocate General of the United States Navy, James McPherson, as a committee member of our program. Director McPherson has offered his support and his national influence to help our program from its genesis to achieve its goal of creating pro bono legal representation for our military families. With his wealth of experience, he is keenly aware of the issues facing our military. His statement below offers sophisticated insight into the pervasive challenge of providing our military members access to pro bono legal assistance.

“Since the beginning of the all-volunteer force nearly 42 years ago, the most challenging issue facing military leadership has been the emergence of the military family. Today, over 60% of the men and women who serve our country in uniform have families, referred to as ‘dependents.’ If you take a moment to consider that statistic, you would conclude that there are more dependents than there are military personnel. Those dependents and their military sponsors bring a need for support and service in a wide variety of areas including health care, housing and legal assistance. When we ask our military members to put on that uniform and protect this nation here in the U.S. or overseas, we owe it to them to take care of the families they leave behind. The least we can do is see to it that their families are not taken advantage of by unscrupulous lenders, car salespeople, landlords or any other predatory entities. The terrible truth is that none of the military services have sufficient resources to provide that protection.”

“When I was the Navy Judge Advocate General, I had to make the very difficult decision of reducing the staffing in our already overworked stateside offices in order to send my men and women to Iraq and Afghanistan. I had no other choice. I reached out to local bar associations, civic groups and even the American Bar Association for help. While some enthusiastically responded, most were unable to assist for a variety of reasons. The end result was that a young mother of two small children, whose husband was deployed on a navy ship to the Gulf, had to wait weeks before she could see a legal assistance attorney to help her with the eviction she was facing. Even when she was seen, that legal assistance attorney was limited in his ability to assist her because of state bar rules regarding legal representation in state courts. Much as I tried, I failed that young family and that sailor.”

“Through his Office of Military Legal Assistance initiative, Attorney General Laxalt has found a way to remedy the failure I experienced so that current Judge Advocates General do not have to feel so limited in the legal assistance they can offer their fellow Servicemembers. His tremendous undertaking that uses the prestige of his office and outstanding staff, helps enlist the assistance of the Nevada Bar and local law firms to fill this unfortunate gap in legal representation. I encourage Servicemembers to take advantage of this new and innovate program, and urge local attorneys in the strongest terms possible to join Attorney General Laxalt in this effort to support those that are protecting us.”

- James McPherson, Executive Director Of The National Association Of Attorneys General



The OMLA program is aligned with national efforts to address the enormous burden of Servicemembers' duties and the resulting challenges this burden creates. **@EASE** works to ensure that federal protections in place for military members are honored. The Servicemembers Civil Relief Act (SCRA) passed by the U.S. Congress in 1940 represents the centerpiece of federal legislation protecting active duty personnel, reservists and members of the National Guard. Though it covers a broad range of topics, the overall goal of the SCRA is to prevent certain issues and expenses from arising during a Servicemember's period of active duty.

Additionally, the Uniformed Services Employment and Reemployment Rights Act (USERRA) passed by Congress in 1970 prevents Servicemembers from facing discrimination from employers and from being fired while serving their country. Essential to the implementation of USERRA is the Veterans' Employment and Training Service (VETS) that provides limited assistance in order to enforce this legislation. However, it lacks a mechanism to offer broad legal services without incurring extra costs to the Servicemember.

The Department of Defense's legislative state liaisons have joined the OMLA to help bring the **@EASE** program to the attention of other states across the nation. The **@EASE** program was honored nationally and designated, not only a "best practice" statewide, military pro bono legal services program, but also as "best practice" enabling legislation. SB60 which is the originating legislation of the OMLA, passed with unanimous approval of both houses in Nevada, ensuring the program will continue within the Attorney General's Office for years to come. This latest development speaks to the fact that the OMLA program can easily be replicated in other states under our structural model.

The OMLA and our state and national partners share the same core belief, promoted by the Pentagon's Office of Family and Warrior Support, that there is a Sea of Goodwill^{xxi} in American communities that exists to support our military and veterans at all levels of community and society. The OMLA works with other existing programs that are committed to veterans' welfare, such as Nevada's veterans systems change initiative led by the Governor's Office of Military and Veterans Policy and the Nevada Department of Veterans Services. It is the goal of the OMLA to align efforts, create efficiencies and achieve sustainability through these partnerships.

“Our military members have sacrificed throughout their service for our families, communities and countrymen. It was their duty to protect our country and to fight for freedom and justice. It is this country's duty to protect our Servicemembers, promote their freedom and ensure justice for them and their families.”

- Nevada Attorney General Adam Laxalt

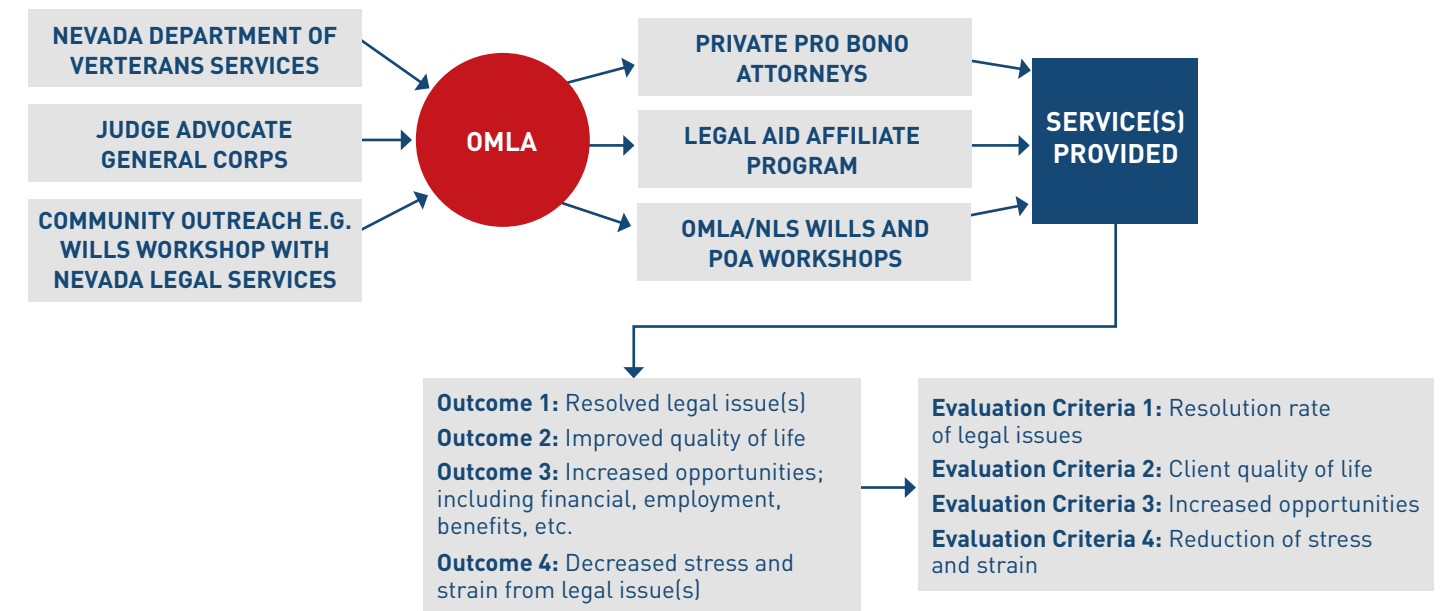
Legal Issues in the Military Context

Our branches of the military offer basic legal assistance services and advice to active duty Servicemembers through JAG Offices. JAGs are trained to be broadly skilled in multiple areas of the law including military justice, fiscal, operational and administrative law. The roles of JAGs vary between service branches, but services generally include: ministerial services, legal counseling, legal correspondence, legal negotiation, legal documentation preparation and legal document filing. While this may seem robust, regulations often outline strict restrictions on the services, and the JAGs are often unable to take on the role of representation in court. Moreover, due to the often-dynamic nature of military personnel, it is common for a JAG to not be licensed to practice law in the state where they are currently stationed. This limitation makes in-court appearances impracticable or even prohibited. Legal representation by JAGs also may be prohibited in certain cases because the case might detract from the quality or availability of other legal assistance services or because the attorneys available do not possess the requisite qualifications. Additionally, like in civilian matters, a conflict of interest may prevent a JAG, and in some instances, all the attorneys in a legal office, from providing legal assistance to a particular client.

When it comes to more complex or specialized personal legal assistance matters, JAGs may be able to refer the cases to private attorneys. For matters that inevitably require referral to private counsel, JAGs are limited to providing brief advice, an explanation of the possible options. Often, JAGs must advise Servicemembers that representation by their office will not include litigation and that civilian counsel may be necessary. This can leave the Servicemember navigating litigation and the court system “pro se,” or on their own behalf. These restrictions are specifically problematic in consumer affairs cases where predatory lenders and businesses target Servicemembers. JAGs have the ability to review contracts, warranties and other documents, and may contact and negotiate with businesses. However, by the time the Servicemember in need realizes that they may be in serious trouble, it is often too late for the preventive measures JAGs can provide. Commonly Servicemembers have to walk away from their rights as a result of not being able to afford adequate legal representation.

For the first time in Nevada’s history, the OMLA provides free legal representation to active duty, Guard and reserve components regardless of rank on a variety of civil issues. The OMLA is also able to relieve JAG Offices that have historically been unable to secure representation for their clients on critical issues. The OMLA allows military families to protect themselves from victimization and provides representation to our Servicemembers who have risked their lives protecting our state and nation.

FIGURE 6
THE OMLA REFERRAL AND LEGAL SERVICES PROCESS WITH OUTCOMES AND EVALUATION CRITERIA



Through excellent leadership from our military installations, the OMLA has partnered with statewide and neighboring JAG communities to quickly receive cases with immediate needs. For example, if a Servicemember goes to their legal assistance office with a legal issue beyond the scope of the JAG Office that requires representation in court, the JAG will offer the OMLA as a solution.

After the intake form is sent to the OMLA by a JAG or VSO, we set about finding representation for the client and look to our pro bono attorney pool and affiliate programs to match the client with the most suitable representation based on area of expertise, location and availability. The OMLA frequently has success finding a pro bono lawyer for cases within 24 hours.

For the Nevada veteran population in need of wills or powers of attorney, the OMLA relies on VSOs to provide intake to the program. VSOs may also draft these documents for a veteran in

need. If it is not an immediate need, the veteran can sign up for a wills workshop offered by the OMLA in locations across the state. However, if the need is urgent, The OMLA will refer the veteran to one of our pro bono attorneys or affiliate programs.

“The Nevada Attorney General’s Office of Military Legal Assistance is an important tool among several to ensure that our Servicemembers are ‘legally ready’ to perform their missions. For those Servicemembers stationed at Naval Air Station Fallon in a remote part of Northern Nevada, finding legal counsel to assist with in-state legal issues can be challenging. It is even more challenging especially when the cost of legal services often exceeds the budget of our junior Servicemembers. This program takes a leadership role in joining the legal needs of Servicemembers with local pro bono services that are willing to assist. We welcome this assistance and expect that it will have a lasting, positive impact on our Servicemembers and their ability to complete their missions”

- Lieutenant Victor Marquez, U.S. Navy, Staff Judge Advocate, Naval Air Station Fallon



Evaluating Program Success

In order to effectively measure our impact and evaluate the program, we are also partnering with the University of Nevada, Las Vegas School of Public Policy and Leadership (PPL), which provides us with a robust set of researchers, data analysts and tools to ensure we are investing our program dollars wisely. PPL will also be working with us to design thorough evaluation benchmarks and metrics that will provide strong data on the change in the quality of life for program participants as a result of having their legal needs met, including reduction in life stress, increase in financial stability, and improvement in employment, health and wellness outcomes.

OMLA GOAL

The goal of the OMLA is to improve military readiness, employment, health, wellness and education outcomes for Nevada active duty military and veterans by meeting critical unmet legal needs.

OMLA OBJECTIVES FOR ACTIVE DUTY SERVICEMEMBERS

- To improve military readiness by providing representation on their civil legal issues.
- To increase education, awareness and legal support (beyond JAG).
- To improve quality of life by reducing financial burdens, individual and/or family stress from legal issues.
- To improve active duty health and increase mission-driven focus by reducing stress and strain from legal issues.
- To increase opportunities for post-service employment through legal issue resolutions.

OMLA OBJECTIVES FOR VETERANS

- To increase opportunities for education and awareness of legal services.
- To improve opportunities to find gainful employment after legal issue resolution.
- To decrease the impact of veteran specific legal circumstances on civilian life and opportunities.
- To improve the overall quality of life by reducing financial burdens, individual and/or family stress experienced living with unresolved legal issues.
- To increase overall health and wellness by providing services for legal needs.
- To provide a solution-based program to resolve unmet needs and issues.

To determine improvement in the life of a client as a result of service provision, the program pre-tests each client when they enter the program to assess and understand the following:

- The type of challenge active duty military and veterans with legal issues are dealing with;
- How long they have been dealing with the issue without resolution;
- How and to what degree this issue impacts their life; and
- The financial impact of the legal issue.

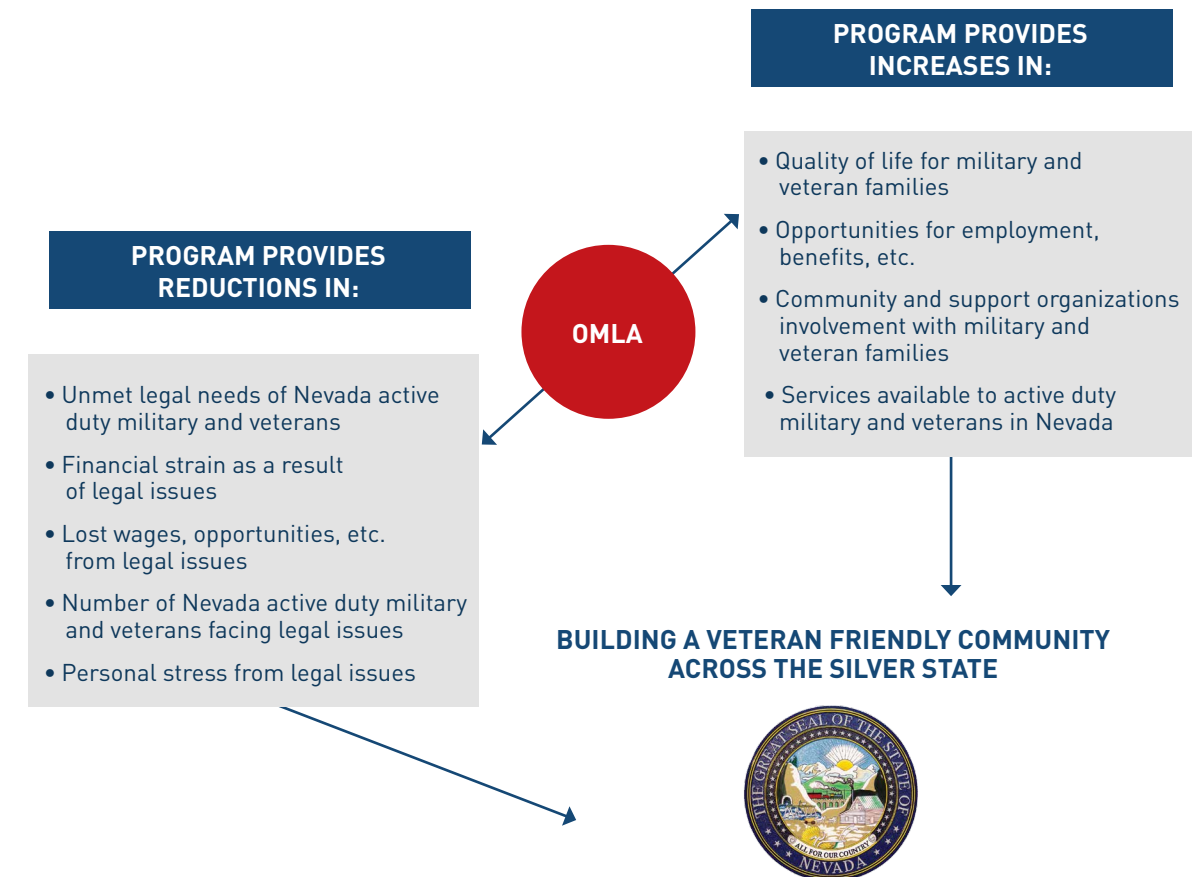
After the provision of legal services, we post-test the client to determine how the legal assistance has changed the client's living situation, quality of life and financial situation. Success, for the program, is defined as reduction in financial stress and strain, reduction in life stress and strain, improved ability to work and be productive, improved housing stability and improved family stability.

The program also tracks the number of pro bono hours provided by our attorney partners and calculates the value of those hours to determine the overall community benefit provided to Nevada through this project. Figure 7 presents the model for @EASE Program success with specific attention to outcomes of the program.

“Members of the military put their lives on the line for all of us. When they face a legal issue – a landlord unwilling to end a lease when orders come to move or a need to give guardianship of their children to a family member – it is important for them to know that we are there for them. That is why the Office of Military Legal Assistance is so important. It creates a critical connection between Nevada’s military and pro bono legal resources to ensure that our military families get the high quality legal help they need when they need it. Legal Aid Center of Southern Nevada supports this innovative program, and its staff and pro bono volunteers are committed to helping it become a success. Our troops deserve no less.”

- Barbara Buckley, Executive Director of Legal Aid Center of Southern Nevada

FIGURE 7
THE @EASE MODEL OF PROGRAM SUCCESS



Partnering for Impact

“The Nevada Military Support Alliance (NMSA) is proud to partner with Nevada’s Attorney General and his Office of Military Legal Assistance in order to bring critical legal services to our military and veterans through the pro bono efforts of Nevada’s legal community. For more than 12 years, the NMSA has been honored to serve Nevada’s warriors and their families with the support and compassion of our entire state.”

- Scott Bensing, Executive Director of the Nevada Military Support Alliance

Attorney General Laxalt assembled an outstanding group of representatives from Nevada’s military and legal communities. Members of the committee include representatives from the various military components in the state, private law firms, the William S. Boyd School of Law (Nevada’s only law school), the Legal Aid Center of Southern Nevada, Nevada Legal Services, state and county bar associations, general counsel’s offices from Nevada corporations, Nevada Military Support Alliance and the Nevada Justice Association. This group has shaped the parameters of the program to best serve all of our military communities.

BRANCHES OF THE MILITARY AND DEPARTMENT OF VETERANS SERVICES

We serve all branches of the military to ensure the program is able to meet the unmet needs of every active duty Servicemember or veteran and their families.

FIGURE 8
THE BRANCHES OF THE U.S. MILITARY THAT WE SERVE



FIGURE 9
THE NATIONAL GUARD BRANCHES OF U.S. MILITARY THAT WE SERVE



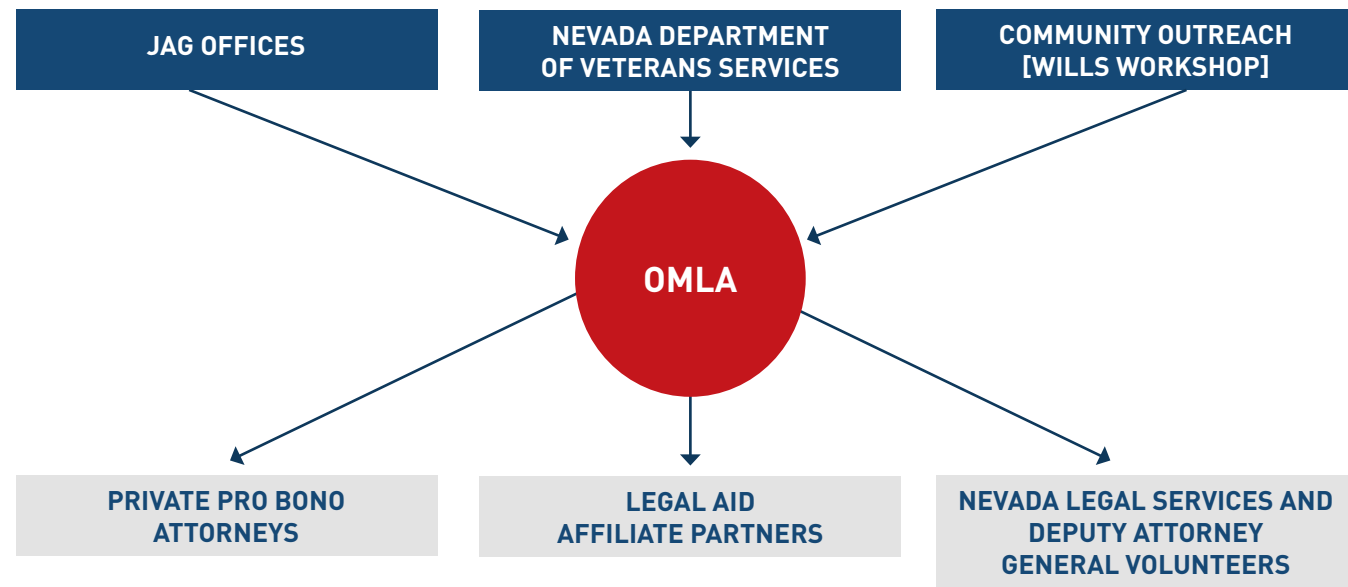
FIGURE 10
THE RESERVE BRANCHES OF U.S. MILITARY THAT WE SERVE



PRIVATE AND LEGAL AID ATTORNEYS

The support for this program has been overwhelming, and the 150 private sector attorneys who have agreed to provide pro bono legal services speaks to our state's incredible goodwill and desire to serve their military community. These attorneys come from all over Nevada and represent a broad spectrum of legal knowledge. The list of pro bono attorneys continues to grow, but the need remains high and the program's doors will always be open to private sector attorneys looking to provide legal assistance to our country's uniformed men and women.

FIGURE 11
THE @EASE PARTNERS AND THEIR PROGRAM ROLES



“The attorneys of McDonald Carano Wilson recognize that Nevada’s active duty military Servicemembers, reserves, National Guard and veterans need legal support services now more than ever. We are honored to participate in this program. Never has the law been more complicated and courts and government agencies more difficult to navigate. A veteran myself, I believe that pro bono assistance for military Servicemembers has become a critical civic and professional calling. I urge my fellow Nevada attorneys to support this program. Many of our troops are working poor, and suffer from wounds, disabilities and even homelessness. Given the hardship of service and challenges of constant deployments, Nevada’s Servicemembers should be able to count members of the legal profession among those who appreciate their sacrifice and stand ready to help them shoulder their legal burdens.”

- Jim Bradshaw, representing the Nevada Justice Association



Moving Forward: Call to Action

The OMLA is committed to meeting the legal needs of our active duty military and veterans in Nevada. This initiative continues to benefit from a coordinated effort between other agencies, programs, attorneys, military members and our communities.

“NON SIBI SED PATRIAE ~~ NOT FOR SELF, BUT FOR COUNTRY”

Everyone has a role to play in making sure our men and women who have served in our military lead healthy, productive lives. You can support the **@EASE** Program in a number of ways:

If you are active duty military or a veteran in need of legal services...

- Contact your JAG or VSO to be screened for the program.
- Visit our website at <http://nvagomla.nv.gov> for more information about the program.

If you are an attorney or provide legal aid...

- You can sign up to volunteer your time.
- Request that a representative of the program speak to your law firm about pro bono opportunities by visiting our website at <http://nvagomla.nv.gov>.
- Contact **@EASE** at (775) 684-1160 if you are interested in providing legal education or information at events to military members or veterans.

If you are a policymaker...

- Contact **@EASE** for more information about the program and policies affecting this population.

If you are a philanthropist or corporation...

- Consider investing in the **@EASE** program to support meeting the legal needs of our military personnel and veterans through our support fund at the Nevada Military Support Alliance.
- Contact **@EASE** for more information about the work we are doing across the state and how you can help.

If you are a community organization...

- Consider hosting an educational event.
- Hold a fundraiser for veteran legal needs.

“Nevada Legal Services is proud to be a partner with the new Office of Military Legal Assistance. One of the most overlooked areas of legal need are those of the people who have served or are serving their country. Nevada Legal Services looks forward to working with the Attorney General’s office to meet the needs of Nevada’s military families, especially Nevada’s homeless Veterans.”

- Anna Marie Johnson, Executive Director of Nevada Legal Services

Advisory Board Member lists

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Washoe Legal Services (Paul Elcano)
William S. Boyd School of Law (Daniel W. Hamilton)
William S. Boyd School of Law (Layke Martin)

Thank You to Our Sponsors

This undertaking would not be possible without the generous support from our partners in both the public and private sectors, from the hundreds of private sector attorneys who volunteer their time to help active duty Servicemembers and veterans with their legal matters, to the Nevada Military Support Alliance that has stood by the program since its inception. We are grateful to our program sponsors from the private sector including the Nevada Military Support Alliance, SWITCH, Las Vegas Sands Corporation, Cosmopolitan of Las Vegas, Zuffa LLC, the Nevada Community Foundation, the Federal Home Loan Bank of San Francisco, and other private entities who have dedicated resources to the program to make serving our military community possible.

About the Author

Strategic Progress, LLC is a Nevada-based company specializing in public policy research and analytics, the design and implementation of large-scale policy initiatives and federal grant competitiveness. Cyndy Ortiz Gustafson, Strategic Progress founder and CEO, holds a Master of Political Science with an emphasis in Public Law from Washington State University. She directed the research and writing of this project.

Innovative Research and Analysis LLC is a Nevada-based small business core partner of Strategic Progress LLC. Justin S. Gardner, the founder and CEO of Innovative Research and Analysis, was the lead research consultant and co-author of this project. Mr. Gardner is completing his PhD in Public Affairs at the University of Nevada Las Vegas.

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