

Corporate Counsel Organization Highlights

Letter From The President Of The Boston Bar Association

To The Readers Of *The Metropolitan Corporate Counsel*:

The Army And The BBA

Though we see news accounts of soldiers being deployed to Iraq and Afghanistan from National Guard and Reserve components in Massachusetts, Boston is no longer a place where the military is seen in uniform on the streets – except on infrequent occasions, such as holiday weekends when a Navy ship is in port.

Recently, however, the U.S. Army came to the Boston Bar Association and asked for help. Lt. Colonel Anthony Sciaraffa of the U.S. Army's Judge Advocate General (JAG) Corps accompanied by Bill Sinnott, Corporation Counsel of the City of Boston, and Don Stern, former U.S. Attorney and now a partner at Cooley Godward, made the request. They explained that the Army, and particularly the families of soldiers deployed to Iraq and Afghanistan from National Guard and Reserve components, were being overwhelmed with legal issues arising from the hardships of lengthy deployments and the economy.

The result is that soldiers in the field are being distracted from their missions. They often arrive home to a host of legal issues, some known, some unknown, after lengthy deployments. Many of the legal issues continue after the service members' discharge from active duty or the reserves, and their transition into veteran and civilian status.

The soldiers and their families need help knowing how to access the extensive legal services community in Greater Boston. They also need help learning how to apply for pro bono assistance from the many lawyers and private law firms ready, willing, and able to offer such assistance.

Facilitating access to justice is a key component of the BBA mission. When we learned that the enlistees and their families, a seemingly invisible client population, need help with many of the same legal issues as low income people served by Boston's extensive legal services network, the BBA responded.

The BBA promptly formed a Committee for Legal Services for Veterans, Military Personnel, and their Families. Bill Sinnott, a retired Colonel in the Marine Corps Reserves, kindly agreed to chair the Committee, bringing to this challenging task his extensive knowledge of the military and its culture.

About 25 lawyers have agreed to serve on the Committee. They are a very diverse group, and include experienced representatives of Greater Boston Legal Services and the Volunteer Lawyers Project; two Army National Guard JAG officers; the head of the Attorney General's Civil Rights Division (which oversees the enforcement of veterans rights for the Commonwealth); private lawyers and in-house counsel who have served as line or JAG officers in all five military branches (Army, Navy, Air Force, Marine Corps., and Coast Guard); former Co-Chairs of the BBA Sections most implicated by the needed legal services, such as Trusts and Estates, Bankruptcy, Family Law, and Public Service, who can, through the networks in their Sections, enlist many lawyers to assist, on a pro bono basis or otherwise; legal affairs and active duty Coast Guard officers; pro bono counsel and public service managers from various private firms, who handle the intake of pro bono cases into their firms' assignment systems; a lawyer/Army veteran who serves on the ABA's Legal Assistance for Military Personnel (LAMP) Committee, which addresses these issues nationally; and two first-year students at Boston College Law School, both just discharged from the U.S. Navy – one as a helicopter pilot and the other as a surface officer from the fleet – who volunteered to take the Committee's minutes and share current stories about legal issues faced by sailors they commanded.

One particularly important set of voices on the BBA Committee are the legal services lawyers and administrators at the New England Center for Homeless Veterans and Shelter Legal Services, who have shared candid descriptions of their clients, who served in conflicts ranging from Vietnam to Desert Storm to Iraqi Freedom. These veterans are often reluctant to ask for legal assistance, coming as they do from a culture that defined them as the ones who should protect the vulnerable and never seek help for themselves.

The BBA Committee has learned, for instance, that while Vietnam veterans became homeless, on average, in about 10 years after discharge, veterans coming home from Iraq and Afghanistan often have no place to live within 18 months. Five percent of homeless veterans at the New England Center are female.

The goal of the Committee is to first learn the facts and the scope of this situation, including the types of legal services needed, the best methods to deliver them, and how an effective and sustainable referral network can be established between the military community, on the one hand, and the legal services community and the private bar on the other.

This is no small undertaking given the range of issues that the Committee has heard about to date, the crisis in which many veterans, military personnel, and their families find themselves, and the absence of any regular process for the military to communicate with legal services lawyers and the private bar on a large scale basis. Several leadership initiatives are already underway, from which the BBA and its members can draw lessons.

One notable model, which has been in place for several years, is Looney & Grossman's program for providing legal services to members of the U.S. Coast Guard and their families. Led by Dick Grahn, the firm's Managing Partner and a member of the BBA Committee, Looney & Grossman has implemented an effective referral system that matches Coast Guard personnel with interested lawyers competent in the relevant areas of legal need. Working with the Legal Affairs Officer and active duty Coast Guard Officers at the Coast Guard Headquarters in the North End of Boston, Looney & Grossman has handled matters involving family law, estate planning for Coast Guard members with special needs children, probate, consumer law, the Uniformed Services Employment and Reemployment Right Act, and landlord-tenant problems. The Coast Guard has honored the lawyers at Looney and Grossman with a major award for their work.

A remarkable initiative, led by Norfolk County District Attorney William Keating, and his assistant Kevin Bowe, who also are members of the BBA Committee, is a program to educate first responders, such as police, firefighters, and emergency medical technicians, about how to detect the symptoms of post-traumatic stress disorder (PTSD) when they confront participants in emergency or criminal incidents. The program has recently been expanded to identify defendants at the District Court level who are recent combat veterans and provide them with information regarding PTSD and substance abuse counseling, as well as financial assistance for veterans. The goal is to create awareness among prosecutors, defense counsel and court personnel so that appropriate remedies – such as pre-trial probation – are used to both protect public safety and offer relief outside of the criminal justice system to individuals who suffer from PTSD as a result of their combat experiences.

The BBA Committee has also identified the need for training materials, both for lawyers and judges, to familiarize them with essential but unfamiliar aspects of the law pertaining to military personnel. These statutes include the Service Members Civil Relief Act, which provides important rights (such as loan interest reductions and foreclosure prohibitions) to the military and their families while the service member is deployed, and the Uniformed Services Employment and Reemployment Rights Act, under which employees retain the right to regain their civilian jobs once they return from military duty. When military personnel and their families appear pro se in our Housing, District, Juvenile, Probate and Family, and Bankruptcy Courts, their veteran status may not be recognized and their lack of legal representation strains already overburdened judges and clerks in these sessions.

These are pressing needs: the increased deployments ordered by the President will affect many of our fellow Massachusetts citizens – 3,700 members of the National Guard and Reserves are expected to deploy overseas in 2010. More will be heard on this important initiative from the BBA, which is very glad that the U.S. Army came by to visit.

Sincerely,
Jack Regan

Editor's Note: BBA members interested in serving on a legal subject matter panel to represent military personnel, veterans, and their families on a pro bono basis may contact Paul Dullea, the BBA's Director of Community Affairs, at pdullea@bostonbar.org.

Boston Bar Examines Foreign Trusts And Tax Considerations

On Thursday, February 11 the Boston Bar Association will hold a seminar focusing on Foreign Trusts and U.S. Income Tax Considerations.

The event will be held from 4:00 until 7:00 p.m. at the Boston Bar Association, 16 Beacon Street, Boston, MA.

Attendees will learn about the popularity of offshore trusts that are becoming more widely used. In light of the UBS scandal and the overwhelming response to offshore voluntary disclosure programs, the IRS is focusing increased attention on foreign trusts and compliance with the rules governing them.

The program will demystify these complex U.S. income tax issues for U.S. advisors that represent U.S. clients who are or may become beneficiaries of foreign trusts.

Topics will include how to determine if a trust is foreign or domestic, the tax treatment of controlled foreign corporations and passive foreign investment companies held through foreign trusts, and the implications of migrating foreign trusts to the U.S.

The speakers for this program include Stephen Ziobrowski, Day Pitney, LLP; Melissa Langa, Bove & Langa, P.C.; Jay Rosenbaum, Edwards Angell Palmer & Dodge LLP; and Nancy N. Keller-Go, Day Pitney LLP.

For information about available CLE credits and fees, visit CLE Events on *The Metropolitan Corporate Counsel* website at www.metrocorpocounsel.com.

To register for the program, call (617) 742-0615 or visit www.bostonbar.org.

CASE IN POINT

by Tom Fishburne



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