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Army Adopts Colorado Bar Plan for Legal Aid to Military Personnel

Dicta Editorial Board

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Army Adopts Colorado Bar Plan for Legal Aid to Military Personnel

Chief of Staff G. C. Marshall announced that the War Department and the American Bar Association have agreed to sponsor jointly a plan to make adequate legal advice and assistance available throughout the military establishment to military personnel in the conduct of their personal affairs.

Genesis of the plan originated at the Lowry Field Post when the Colorado Bar Association's War Committee, under the able chairmanship of John L. Zaroni, originated free legal service to men in the armed forces. The Lowry Field plan was approved first by the Area Corps Commander and has since been adopted, with some modifications, by the War Department. When George M. Morris, President of the American Bar Association, was in Colorado, he explored the Colorado bar plan and stated that it was the most feasible and workable in the country. As a result of his efforts, coupled with those of the state association, the plan is now in effect in the entire country.

The service is to be gratuitous and will be rendered by volunteer civilian lawyers and by lawyers who are in military service. General Marshall's circular states that such gratuitous legal advice "should not be considered as charity but entirely as a service of the same nature as

medical, welfare, or other similar services provided for military personnel." He also adds that in any proper case the legal assistance office may refer the serviceman to civilian counsel for retention upon the usual civilian basis.

The general organization and direction of the plan have been assigned to the Judge Advocate General, who will collaborate with the Committee on War Work of the American Bar Association. Similarly, the staff judge advocates of the various service commands will collaborate with the committees on war work of the several state bar associations within their respective service commands. Legal assistance offices are to be opened at each post, camp and station within the United States, and offices will also be established overseas with such modifications as may be necessary to meet local conditions.

Each legal assistance office will, as far as practicable, be composed of such military personnel as may be assigned to it; and such volunteer civilian lawyers as may be designated by the appropriate state bar association's committee on war work. The legal assistance officer must be a licensed attorney at law (apparently not required to be licensed in the particular state where the camp is located). However, in the few cases where lawyers in the armed forces are not available, suitable officers may act temporarily, but may not give legal advice and counsel.

The usual attorney and client relationship is to be maintained and all matters are to be considered as confidential and privileged. "Strict observance of this rule is essential to the proper working of the office in order to establish confidence in its integrity and to assure all military personnel regardless of grade or position that they may disclose frankly and completely all material facts of the case to the office personnel without fear that such confidences will be disclosed or used against them in any way." The military personnel at the office will not appear before civil courts, boards, or commissions as attorneys for persons using the facilities of the office.

The new service is to be made available only to military personnel and their dependents, "and this will include all members of, and persons serving with the armed forces of the United States, including Army nurses, members of the Women's Army Auxiliary Corps, and civilian employees actually employed and residing on the military reservation served by the office or employed at an overseas installation."

The Colorado Bar Lawyers War Emergency Committee, under the chairmanship of Ben E. Sweet of Denver, has appointed a statewide committee with lawyers in every county to act in furtherance of this plan. Each state in this army corps area is likewise appointing such statewide committees.