

Notes from the Field

Legal Aid Societies, The Internet, & Legal Assistance

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Introduction

Legal assistance providers will find it helpful to know about their nearby legal aid society. It may be an alternative free source of legal advice for persons eligible to receive legal assistance or an informative source about state law and local procedures. Even without referring a client to a local legal aid program, or talking to a local office, legal assistance officers can benefit from the many legal aid web sites that are freely available to them.

What Legal Aid Societies Do

Legal aid societies, sometimes called legal services societies, represent people who are below or near the poverty level, and sometimes the elderly (regardless of their income level), in a wide variety of non-criminal legal matters. Similar to legal assistance offices, legal aid societies provide legal service on family cases, landlord-tenant disputes, consumer complaints, and government benefits cases. They also prepare documents such as powers of attorney and advanced medical directives.

Some legal aid programs also offer *pro bono* service by private attorneys. The volunteer private attorneys expand the amount and types of cases legal aid offers. Some *pro bono* programs are organized directly by the legal aid societies. To be eligible for these programs, clients must qualify for legal aid. Other *pro bono* programs are separate and independent, but many still require potential clients to be qualified and referred by the local legal aid society.

Local legal aid societies that are funded by Legal Services Corporation (LSC),¹ which is subject to certain restrictions set by Congress, may set their own priorities and determine the types of cases they will handle. While it is not entirely predictable what types of cases any local program will handle, the

most common are family law, housing, employment, government benefits, and consumer matters.

Potential legal aid clients qualify for legal assistance in two different ways. First, they can qualify by being sufficiently poor. Second, they can sometimes qualify by being a senior citizen. The maximum income levels for programs funded by LSC is 125% of the federal poverty guidelines.² For example, for a family of four, the limit is \$20,875. Many junior military members (E-1 to E-4, and some E-5s with two children) may qualify for assistance from legal aid societies based on their annual military pay. For individual cases, programs can make exceptions to the maximum income levels up to 187% of the federal poverty guidelines. Poverty guidelines change annually—usually in April.

Senior Citizens

Another way legal assistance personnel may find legal aid societies helpful is by referring military retiree-senior citizens (age sixty or older) to them. Local agencies on aging that are funded by the U.S. Administration on Aging, a part of the Department of Health and Human Services, cover every region of the United States. These regional agencies on aging fund legal services for senior citizens. Frequently, but not always, they contract with the local legal aid office to provide legal services to senior citizens. While there are web sites that index local aging services, the easiest way to find the legal service provider for senior citizens is to contact the local legal aid office. If the local office is not the legal service provider, the staff there will refer you to the organization that is the legal service provider for aging citizens in that area.

An installation legal assistance program may benefit from the availability of these services because there are no maximum income limits for senior citizens. This means that many military retirees are eligible for assistance. For example, this option is helpful for a retiree who is over sixty, who needs a power of attorney or advance medical directive, and who lives far from a military installation or cannot obtain assistance as quickly as desired. The legal assistance office could refer the caller to the nearest local legal aid office, saving them a trip to the military legal assistance office.

1. On 23 July 1974, President Nixon signed legislation that created the LSC. Pub. L. No. 93-355 (1974) (codified as amended at 42 U.S.C. § 2996 (1976)). Legal Services Corporation is a quasi-governmental organization that distributes federal funds to 258 local legal aid programs serving every county and congressional district in the United States and every area in U.S. territories. In addition to federal funding, some LSC programs receive state, local, and private funding, while some programs are completely funded by state, local, or private funding. Legal Services Corporation recently celebrated its 25th anniversary at the White House on 27 July 1999, where President Clinton stated, "Legal Services Corporation has helped millions of our poorest citizens solve important, sometimes life-threatening legal problems, while ensuring that all Americans have equal access to justice." National Legal Aid & Defender Association, *President Hosts 25th Anniversary Celebration for LSC* (visited Oct. 7, 1999) <<http://www.nlada.org/n-brief.htm>>.

2. A chart listing the maximum income levels can be found in Appendix A of 45 C.F.R. § 1611 (1999) available at <<http://www.lsc.gov/1611.html#Appxa>>. Because federal regulations do not mandate how legal aid programs should treat military entitlements, such as the basic subsistence allowance (BAS) or the basic housing allowance (BAH), different programs may treat them differently.

Referrals

Even if a legal assistance attorney is not referring a retiree-senior citizen to a local legal aid office, referrals of clients that are income eligible are frequently possible. A dependant spouse seeking to divorce a service member is a common referral. In addition, very junior enlisted soldiers with families frequently have incomes below 125% of the federal poverty guidelines and could qualify for legal services at a legal aid society.

Legal Aid Web Sites

Legal assistance attorneys also may benefit from legal aid web sites. Some legal aid web sites are designed to assist legal aid attorneys search the Internet by providing hyperlinks for legal research and other useful information. These are usually state support center web sites. However, many legal aid web sites are designed for legal aid client use too.

A list of LSC-funded programs with web sites is at the LSC web site (<<http://www.lsc.gov/>>). A more extensive list of legal aid programs with web sites is at the Pine Tree Legal Assistance web site (<<http://www.ptla.org/links.htm>>). This site even links to web sites of legal aid programs around the world and includes legal aid programs in Africa, Asia, Australia, Canada, and Europe.

An example of a legal aid web site intended for legal aid attorney use is the Ohio State Legal Services web site (<<http://www.iwaynet.net/~oslsa/>>). It provides extensive links for legal research. It lists web sites that search the United States Code, the Code of Federal Regulations, the Ohio Revised Code, the Ohio Administrative Code, and Ohio cases. It also links to other sites, that provide additional legal research links such as the American Bar Association's web site. In addition, it links to federal and state agencies such as the Department of Veterans Affairs and the Social Security Administration. It also lists an Ohio Legal Aid Directory, which includes the addresses, telephone numbers, e-mail addresses, and the counties covered for all Ohio legal aid offices.

Most legal aid web sites are designed to be helpful to clients rather than legal aid attorneys. Some sites are more useful than others. Many have self-help pamphlets available online. For example, Legal Services of North Texas has a web site (<<http://www.lsnr.org/>>) that has an online pamphlet titled "Texas Tenant Handbook Online." It includes a fairly extensive discussion

of tenant's rights, duties, remedies, and consequences. Another pamphlet that the Legal Services of North Texas has available online is "Texas Unemployment Compensation: Representing Yourself at the Hearing." Many legal aid web sites link to governmental organizations which provide self-help pamphlets. For example, Pine Tree Legal Assistance (<<http://www.ptla.org/links.htm>>) has links to the State of Maine Judicial Branch which has online self-help pamphlets.

Other legal aid sites provide links to local community social services. For example, Appalachian Legal Services (<<http://www.lsnr.org/als/>>) in North Carolina provides links to the local counsel on aging and county child care services. Still others may not have self-help pamphlets available but they do provide information on how to apply for legal services, who is eligible, and what services are available.

Legal assistance officers may find it helpful to explore the various legal aid web sites or at least the legal aid web sites for the state in which their installation is located. Also, it may be useful for a non-lawyer assistant to review legal aid web sites for referral purposes.

MTF Compliance with the Americans with Disabilities Act Standards

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The Americans with Disabilities Act³ (ADA) was enacted in 1990. The ADA mandates equal opportunity for individuals with disabilities in terms of employment,⁴ and in terms of access to both public services⁵ and public accommodations operated by private entities.⁶ Statutorily, the ADA does not apply to the military.⁷ However, other laws and regulations require the same compliance. This article demonstrates how those other laws and regulations require military treatment facilities (MTF) to comply with standards similar to those prescribed by the ADA, especially in terms of patients, employees, and visitors. This article also discusses how MTF can meet ADA-like standards and how to process complaints when standards are not met. Finally, this article suggests the role of judge advocates in helping MTF achieve and maintain the same standards established by the ADA.

3. 42 U.S.C.A. § 12101 (West 1999).

4. *Id.* § 12112.

5. *Id.* § 12132.

6. *Id.* § 12182.

7. *Id.* §§ 12111(5)(B)(i), 12131(1), 12181(6).

The Americans With Disabilities Act

Congress enacted the ADA in 1990 to “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities,” having found that “some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing.”⁸

The ADA prohibits employment discrimination against disabled individuals, both in terms of hiring and conditions of employment.⁹ The ADA prohibits an employer from asking an applicant about a disability unless such inquiry is shown to be job-related and consistent with a business necessity.¹⁰ Once on the job, employers must make “reasonable accommodation” for those with disabilities.¹¹ The ADA does not require an employer to accommodate an employee if the employee poses a “direct threat” to the health or safety of the employee or others.¹² “Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.¹³ An employer does not have to provide an accommodation if doing so imposes an “undue hardship,” defined as “significant difficulty or expense.”¹⁴

Along with prohibiting employment discrimination, the ADA also prohibits discrimination in the participation in, or benefits of, “the services, programs, or activities” of non-federal government entities.¹⁵ Disabled individuals often invoke this section of the ADA to demand special accommodations in prisons, schools, and universities.¹⁶ The ADA further prohibits discrimination by private entities that offer public accommodations.¹⁷ The definition of “private entity” is very broad, and

includes most businesses with buildings or offices accessible by the public.¹⁸

The ADA defines “disability” as a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.¹⁹ “Major life activities” are those activities that the average person can perform with little or no difficulty. They do not include temporary, non-chronic impairments of short duration.²⁰ For the most part, the “test for whether a person qualifies as disabled under the ADA centers *not* on the condition itself, but on whether the condition *substantially limits* them.”²¹

Although Congress applied the ADA to the legislative branch, it did not apply the ADA to the executive or judicial branches.²² This, along with the definitions at sections 12111(B), 12131(1), and 12181(6), means that the ADA does not apply to the military. Despite this statutory non-applicability, MTFs must comply with ADA-like requirements.

Why MTFs Must Comply With ADA-Like Requirements

Several federal statutes require MTF compliance with ADA standards. The Rehabilitation Act of 1973 states that

no otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or

8. *Id.* § 12101.

9. *Id.* § 12112(a).

10. *Id.* §§ 12112(d)(2)(A), 12112(d)(4)(A); William A. Harding, Putting the Pieces Together: The Family and Medical Leave ADA, The Americans With Disabilities ADA and Workers’ Compensation, National College of District Attorneys 14 (1998) (unpublished seminar materials).

11. 42 U.S.C.A. § 12112(a).

12. *Id.* § 12113(b).

13. *Id.* § 12111(3); Harding, *supra* note 10, at 8.

14. 42 U.S.C.A. § 12111(10).

15. *Id.* § 12132.

16. *See generally id.* headnotes 7, 13.

17. *Id.* § 12182.

18. *Id.* § 12181.

19. *Id.* § 12102(2).

20. 29 C.F.R. § 1630.2(j) (1999); 45 C.F.R. § 84.3(j)(2)(ii) (1999).

21. Harding, *supra* note 10, at 1 (emphasis in original).

22. 42 U.S.C.A. § 12209.

be subjected to discrimination under any program or activity receiving [f]ederal financial assistance or under any program or activity conducted by any Executive agency.²³

Like the ADA, the Rehabilitation Act also prohibits discrimination in hiring and employing of handicapped individuals.²⁴ Because the Rehabilitation Act applies specifically to the executive branch, MTF must by definition follow its guidelines.

The Architectural Barrier Act of 1968 requires all federal buildings designed, constructed, or altered after 1968 to be accessible and usable by persons with disabilities.²⁵ Section 4154 of this act specifically requires the Secretary of Defense to insure that handicapped individuals have access to Department of Defense buildings.²⁶ This statute therefore requires post-1968 MTF to comply with ADA-like standards.

Along with these general laws, two other statutes address handicapped access in specific areas within the federal workplace. The Telecommunications Enhancement Act of 1988 requires that federal telecommunications systems be fully accessible “to hearing-impaired and speech-impaired individuals, including federal employees, for communications with and within federal agencies.”²⁷ Congress also amended the Rehabilitation Act of 1973 to require federal agencies to provide access by disabled individuals to computer and information technology.²⁸

Beyond federal statutes, federal regulations also require MTF compliance with ADA-like standards. Title 36 of the Code of Federal Regulations section 1190.1 requires that buildings constructed with federal funds be “designed, constructed, or altered so as to be readily accessible to, and usable by, physically handicapped persons.” Section 1191.1 prescribes accessibility guidelines for purposes of compliance with the ADA.

Army Regulation (AR) 600-7, *Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army*, establishes compliance requirements similar to those found under the ADA.²⁹ Section 1.4 of this regulation states, “[t]he Army’s policy is that no qualified handicapped person will be subjected to discrimination on the basis of handicap in any program or activity that receives or benefits from [f]ederal financial assistance disbursed by [the Department of the Army].” The regulation tasks the heads of installations and activities with implementing the regulatory guidance, with the assistance of EEO officers.³⁰ The regulation prohibits discrimination in employment and accessibility matters.³¹

For existing Army facilities, a

[Department of the Army] component will operate programs or activities so that they are readily accessible to, and usable by, handicapped persons. However, this does not necessarily require a recipient or [Department of the Army] component to make each of its existing facilities or every part usable by handicapped persons.³²

For further guidance in determining accessibility of Army facilities, the regulation refers readers to the *Office of the Chief of Engineers Manual 1110-1-103*.³³ The regulation also suggests several specific examples of compliance, such as redesign of telephone equipment, relocation of classes or services to accessible buildings, use of sign-language interpreters, home visits, and delivery of health services at accessible alternative sites.³⁴ The regulation also states that, in choosing among alternative methods of compliance, the organization “will give priority to methods that offer programs and activities to handicapped persons in the most integrated setting appropriate with non-handicapped persons.”³⁵ The regulation also man-

23. 29 U.S.C.A. § 794 (West 1999).

24. *Id.* § 791.

25. 42 U.S.C.A. §§ 4151-4157.

26. In light of 42 U.S.C.A. § 4154, the military exclusion in § 4151 appears aimed at training facilities designed for “able bodied” soldiers, as opposed to hospitals, headquarters buildings, and Army and Air Force Exchange Services facilities designed as much for non-soldiers as for soldiers.

27. 40 U.S.C.A. § 762(a) (West 1999).

28. 29 U.S.C.A. § 794(d).

29. U.S. DEP’T OF ARMY, REG. 600-7, NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES ASSISTED OR CONDUCTED BY THE DEPARTMENT OF THE ARMY (15 Nov. 1983) [hereinafter AR 600-7].

30. *Id.* paras. 1.7, 1.8.

31. *Id.* para. 2.5, sec. 3.0.

32. *Id.* para. 3.2a.

33. *Id.* para. 3.2a(1).

dates that “new facilities and alterations to existing facilities will be designed and constructed to be accessible and usable by handicapped persons.”³⁶

Like the ADA itself, *AR 600-7* only requires “reasonable accommodation” to the “known physical or mental limitations of an otherwise qualified handicapped” person.³⁷ Reasonable accommodation is not necessary if the organization demonstrates “that the accommodation would impose an undue hardship.”³⁸ The regulation offers several suggestions for “reasonable accommodation,” including modified work schedules and sign-language interpreters.³⁹ The regulation also suggests factors in defining “undue hardship,” such as the size of the activity, the number of employees, the activity’s budget, and the nature and cost of the accommodation needed.⁴⁰

Along with *AR 600-7*, another Army regulation addresses access by the disabled to Army facilities and programs. The Army Community Service (ACS) regulation, *AR 608-1*, states: “No qualified disabled person will, on the basis of disability, be excluded from participation in, be denied the benefit of, or otherwise subjected to discrimination under ACS programs.”⁴¹ This regulation also emphasizes “reasonable accommodation” and offers suggestions for making such reasonable accommodations.⁴² These suggestions include electronic devices and sign-language interpreters for those with impaired sensory skills.⁴³

Major General Cuddy, the Army Medical Command (MEDCOM) Chief of Staff, also emphasized accommodation for dis-

abled individuals in a memo addressed to all MEDCOM subordinate commanders dated 12 June 1998.⁴⁴ He stressed compliance in employment matters, as well as for those who use MEDCOM facilities.⁴⁵ He mandated awareness training for staff, especially in terms of what to do if someone files a complaint.⁴⁶

Aside from these statutory and regulatory reasons, compliance with the ADA is a requirement of the Joint Commission on Accreditation of Health Care Organizations (JCAHO) at least in terms of hiring and employment.⁴⁷ Through informal policy guidance, the Army has stated that it will comply with JCAHO standards.⁴⁸ Therefore, when a JCAHO survey team comes to inspect a MTF, that MTF must be prepared to demonstrate compliance with ADA-like standards. Therefore, although the ADA does not technically apply to MTF, it is clear that other laws, regulations, and command guidance mandate MTF compliance with standards as stringent as those found in the ADA.

Putting ADA-Like Standards Into Practice in MTF

Rather than searching for and applying several different laws and regulations perhaps it is simpler for an MTF staff to ensure compliance with ADA standards. So where does a MTF staff turn for guidance when putting all this into practice at a particular MTF? Information is available on ADA standards from the Department of Justice (DOJ), the Equal Employment Opportunity Commission (EEOC), other government entities,

34. *Id.* para. 3.2c.

35. *Id.* para. 3.2e.

36. *Id.* para. 3.3.

37. *Id.* para. 3.4a.

38. *Id.*

39. *Id.* para. 3.4b.

40. *Id.* para. 3.4c.

41. U.S. DEP’T OF ARMY, REG. 608-1, ARMY COMMUNITY SERVICE PROGRAM, para. 1.8a (23 Feb. 1998)

42. *Id.* para. 1.8b.

43. ² *Id.*

44. Memorandum, Office of the MEDCOM Chief of Staff, to MEDCOM subordinate commanders, subject: Reasonable Accommodation and Access to Services for Individuals with Disabilities (12 June 1998).

45. *Id.*

46. *Id.*

47. JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS, 1998 HOSPITAL ACCREDITATION STANDARDS 251 n. (1998).

48. Though not found in any specific directive or regulation, JCAHO compliance has become the standard adopted by all the services. Electronic Mail, from Lieutenant Colonel Rodney Hudson, MEDCOM Deputy Staff Judge Advocate and Captain Jeanette Stone, MEDCOM staff attorney, to author, 9 September 1999.

and private organizations. The DOJ ADA Information Line is 1-800-514-0301 (1-800-514-0383 TDD). The DOJ also has a wealth of ADA information available on its web site: <www.usdoj.gov.crt/ada>. The EEOC has an ADA website at: <www.eeoc.gov/fADAs/fs-ada>. The Architectural and Transportation Barriers Compliance Board offers technical assistance at: <www.access-board.gov>. The President's Committee on Employment of People with Disabilities answers employment questions at: <www.pcepd.gov>. The Council for Disability Rights has a great "frequently asked questions" section on its web site at: <www.disabilityrights.org>. The National Center for Law and Deafness also offers assistance at 1-800-651-5381 (fax) (1-800-651-5373 TDD).

An MTF staff must put this guidance into practice at its respective MTF to prevent complaints. As of June 1998, the MEDCOM Equal Employment Opportunity (EEO) Office was investigating two ADA-type complaints filed by family members. In one case, the MTF staff allegedly did not provide a deaf military dependent with a sign language interpreter, even though the dependent had given sufficient notice of the request. In the second case, the staff allegedly did not give a wheelchair-bound family member the assistance necessary for a routine exam.⁴⁹

When applying ADA-like standards in MTF, remember that accommodations need only be "reasonable," and will not be required if they create an "undue hardship." Staff of an MTF must view a proposed accommodation in light of how difficult and expensive it will be to implement, how often it will be used, and alternative accommodations. Handicapped parking spaces and curbside ramps may be fairly easy and inexpensive to install to facilitate visitor and employee access. Likewise, pro-

viding a number of wheelchairs near an entrance probably is not overly burdensome.

Being burdensome, though, would not necessarily mean that an MTF could avoid making an accommodation. It may be expensive to install a special telephone system⁵⁰ for patients (and staff) who have difficulty hearing. But if the MTF has a large patient and staff population with hearing problems, the law probably requires spending the money to install the TDD system. If a voice-activated computer system⁵¹ costs an extra \$1000, the law probably requires assuming that extra financial burden for an employee without the use of her hands.⁵²

The key to ADA compliance seems to be finding reasonable alternatives which are satisfactory to the disabled individual and to the MTF. If a disabled patient cannot reach a particular clinic because there is no elevator access, it probably makes more sense to refer the patient to an accessible civilian clinic rather than moving the military clinic itself. As an alternative, the military provider could see the patient in another clinic that is accessible to the patient. If a blind patient wants to bring her Seeing Eye dog into a sterile area and this is not possible for sanitary reasons, the patient would probably accept a staff member as an escort instead. On the other hand, the law may require a Seeing Eye dog for a blind employee in a nonsterile area in lieu of a constant staff escort. If a deaf family member cannot hear what the doctor is saying regarding a loved one, the MTF could provide a sign-language interpreter. Or perhaps the doctor could just write down what he is saying for the deaf family member.⁵³ Although not always possible, the key to ADA-like compliance in MTFs is finding reasonable accommodation alternatives for patients, employees, and visitors.

49. Information Paper, MEDCOM Office of EEO Programs, Reasonable Accommodation and Access to Services for Individuals with Disabilities (4 June 1998) [hereinafter MEDCOM Office of EEO Programs Information Paper].

50. "TTY" is an abbreviation for "teletypewriters." They are

[m]achinery or equipment that employs interactive text based communications through the transmission of coded signals across the standard telephone network. [Teletypewriters] can include, for example, devices known as TDDs (telecommunication display devices or telecommunication devices for deaf persons) or computers with special modems. [Teletypewriters] are also called text telephones.

Architectural and Transportation Barriers Compliance Board, *Telecommunications Act Accessibility Guidelines*, sec. 1193.3 (last modified Feb. 3, 1998) <<http://www.access-board.gov/rules/telfin12.htm#3>>.

51. A voice-activated computer system refers to personal computers that execute their commands through recognition of the user's voice, rather than through typing on a keyboard. These personal computers are quite useful for those with limited or no use of their hands. For example, "Home Access" is a commercial software program that allows an individual to execute computer commands by speaking into the computer. MRF Adaptive Resources, *Home Access Voice Activated Environmental Control System* (visited Oct. 18, 1999) <<http://www.adaptiveres.com/prod01.htm>>.

52. On the other hand, if that same system costs an extra \$100,000, purchasing it would probably be an undue hardship.

53. When discussing examples, it is worthy to note that Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency virus (HIV) are considered disabilities under the ADA to the extent they substantially limit major life activities. *United States v. Morvant*, 898 F. Supp. 1157 (E.D. La. 1995); *Hoepfl v. Barlow*, 906 F. Supp. 317 (E.D. Va. 1995); *Saladin v. Turner*, 936 F.Supp. 1571 (N.D. Okla. 1996). However, simply being a transvestite may not qualify someone as "disabled." 42 U.S.C.A. § 12208 (West 1999).

Processing Complaints

Paragraph 4.1 of *AR 600-7* has a long and detailed discussion of how MTF should process complaints from disabled individuals. Disabled individuals should present their complaints to the EEO office. The EEO office then has the lead for addressing those complaints.

As a practical matter, disabled individuals may also want to lodge complaints with the patient representative or the inspector general. In certain circumstances, it may also be appropriate for an individual to seek assistance from the civilian personnel advisory center or from a legal assistance attorney.

The Role of the Judge Advocate

To secure ADA-like compliance, MEDCOM recommends establishing a clear policy, developing and distributing easily understood standard operating procedures (SOP), and conducting the right training for the right people.⁵⁴ Judge advocates should take an active role in these activities.⁵⁵

Attorneys, familiar with the law and with the facts of their particular MTF, can formulate a compliance policy. The policy ought to be a very brief (one page) summary of compliance requirements, the MTF commitment to those compliance requirements, and complaint processing procedures. The MTF should post this policy in employee handbooks and in public areas for patients, employees, and visitors.

Judge advocates should also get involved in developing easily understood SOP. Those closer to compliance issues (perhaps the patient administrative division or the patient rights committee) should take the lead with developing an SOP because they will know what types of compliance questions the

staff will need answered in an SOP. Although longer than the policy, the SOP should also be short enough to ensure easy access and understanding by the staff.

Judge advocates should also be proactive in providing the right training for the right people. They should try to sift through all the legalese and condense both ADA requirements and the requirements of applicable laws, regulations and command guidance, into easily understood concepts. Judge advocates should then try to disseminate these concepts through customer relations training, newcomers, birth-month orientations, and articles in the MTF newsletter. Most importantly, they must encourage staff (including the EEO office) to seek legal advice when compliance issues arise. Judge advocates clearly do not bear the entire burden for policy, SOP, and training guidance, but they are in a unique position as the command's legal counsel to help transform legal requirements into practical applications.

Conclusion

The ADA mandates equal opportunity for individuals with disabilities in terms of employment, and in terms of access to both public services and public accommodations operated by private entities. Statutorily, the ADA does not apply to the military. In effect, however, several other laws and regulations require the same compliance. Because of these other laws and regulations, all MTFs must comply with standards similar to those prescribed by the ADA in terms of patients, employees, and visitors. Judge advocates should play an active role in policy drafting and staff training.

54. MEDCOM Office of EEO Programs Information Paper, *supra* note 49.

55. Judge advocates taking a role in these activities should familiarize themselves with the Supreme Court's three 1999 decisions interpreting the ADA: *Murphy v. United Parcel Service*, 119 S. Ct. 2133 (1999); *Sutton v. United Airlines, Inc.*, 119 S. Ct. 2139 (1999); *Albertson's, Inc. v. Kirkingburg*, 119 S. Ct. 2162 (1999). Although not in the contexts of either the military or of hospitals, these cases present the Court's views on what constitutes a "disability" under the ADA.