Marine Corps Exceptional Family Members

By Vickie M. O’Brien

Since 2009, I have had the pleasure of representing some wonderful military families. Coming from a private practice background, working for the military was an adjustment but a good one nonetheless. I have been given the wonderful opportunity to help those who sacrifice so much each day for all of us.

I am one of two civilian attorneys employed by the Marine Corps to assist Marines who have family members with a disability who are enrolled or pending enrollment in the Exceptional Family Member Program (EFMP). I am located at Marine Corps Base Camp Lejeune and my west coast counterpart is located at Marine Corps Base Camp Pendleton in California. We are both housed at the legal assistance office and are supervised by other civilian attorneys. We provide direct client representation for Exceptional Family Members in our geographical area for many disability-related legal matters although our focus is special education. Although the other branches of service (the Army, Navy and Air Force) have an Exceptional Family Member Program, the Marine Corps is unique in its design and organization. The Marine Corps is the only branch that offers direct civilian legal representation for its Exceptional Family Members.

Chapter 4 of the Marine Corps Order 1754.4B as well as 2017 MCLAP Manual Section 9001, both provide good insight as to the responsibilities of my position. The majority of my time is spent advising and representing families regarding special education issues. Being a civilian in this capacity is a definite advantage. Because I live and have practiced locally, I have built relationships with those in various county school administrations. It has been extremely helpful to have built a good rapport with school board attorneys and the Exceptional Children’s Program Director from this county and others. My job is made easier and students have better outcomes because of these relationships. Litigation is rare but is available as an option when required.

I also represent families in incompetency/guardianships proceedings. This includes the filing and serving of all paperwork and representation at the hearing. Other responsibilities include advising clients on their rights under the Americans with Disabilities Act, to include public accommodations, service animal issues, or discrimination. I answer questions regarding Social Security (SSI or SSDI) and assist with overpayment issues or requests for reconsideration. If a special needs trust is something the client should consider, then I answer their questions and ensure they handed off to the appropriate attorney for the drafting of documents.

Because I so often deal with school systems, I often help other legal assistance clients (non-EFMP) navigate school enrollment issues and school discipline. And, because I previously practiced in the area of juvenile law, I am able to competently discuss with clients the process of juvenile delinquency or DSS cases.

Apart from practicing law and representing families, I also provide presentations/lectures regarding disability law to EFMP staff and families and I assist families located on Marine Corps installations outside of North Carolina with finding legal help in their area with a special focus on trying to find low cost or pro bono services.

In general, my job feels and looks very much like private practice (although luckily without worrying about billable hours!). My clients have an attorney who works on base but is able to represent them outside the front gate in their community. This is a rarity for the military and something I hope other service branches will consider putting into place.

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