

SCRA Changes Can Help Troops With Cell Phone Contracts, Lawyer Fees

Q: I'm about to be deployed. Can you explain the recent changes to the Servicemembers' Civil Relief Act?

Four notable changes to the SCRA were included in the Veterans' Benefits Act of 2010 that was recently signed into law.

The SCRA's main purpose is to provide temporary financial relief to active-duty members and their families while they're devoting themselves to military service.

The recent amendments to the law address a number of issues left out of the original SCRA and its predecessor, the Soldiers and Sailors Civil Relief Act.

Under the first change, service members now can terminate cell phone contracts if military orders require relocation for more than 90 days to an area that does not support the contract.

In such instances, the service provider must reserve the phone number for up to three years in case the service member resubscribes for cell service within 90 days of the end of the relocation. The amendment applies to family plans as well as individual contracts.

The next two enhancements apply once a service member's SCRA protections are violated.

Previously, a member was not entitled to attorney fees or costs in SCRA cases, which could be many times more costly than the original financial damages. Also, without the possibility of recovering attorney fees, many attorneys refused to accept SCRA cases because the possible win was financially small and the work involved too great.

Under the recent changes, service members are entitled in certain circumstances to receive reimbursement of court costs and attorney fees — a major improvement that likely will help with enforcement of SCRA.

Another change now allows the U.S. Attorney General to bring civil actions on the part of individuals if SCRA protections are violated. This will protect people who can't find a qualified or affordable private attorney to enforce their rights.

These two amendments make it easier to hold specific violators of SCRA protections accountable for their actions while helping to alleviate the financial burden placed on service members who pursue civil action in court.

The final change: SCRA violators can be fined up to \$55,000 for a first offense and up to \$110,000 for each additional offense. Previously, there were no penalties for SCRA violations.

The protections afforded by the SCRA can be critical to troops facing financial difficulties — and possibly bankruptcy — because of their military service. These new changes make a strong law even stronger.

