
MILITARY AND VETERANS' LAW SECTION

Theme Introduction

By Steven A. Schultz

The State Bar of Michigan Military and Veterans' Law Section is happy to have the opportunity to present a theme issue of the *Michigan Bar Journal*. One of our section's missions is to provide information to legal practitioners that will help them better serve their military and veteran clients. This issue is part of fulfilling that mission.

Military planners are taught to consider not just the intended outcomes of a given mission, but the second- and third-order effects the mission may produce. The Military and Veterans' Law Section is a third order of public service. The military service members are the first order — they are the ones who sacrifice beyond measure to serve our country. Our legal systems value that service, granting benefits and protections based on it. Laws like the Uniformed Services Employment and Re-employment Rights Act (USERRA) and the Servicemembers Civil Relief Act (SCRA) are a couple of examples of how we respect this service. Attorneys who advocate on behalf of military and veteran clients, often pro bono, are the second order: serving those who served. We thank all of you who have ever taken on a military or veteran client and helped fight for their rights or benefits. The Military and Veterans' Law Section is the third order: we're here to help those who help those who have served.

As with other demographic groups, military and veteran clients have a wide range of legal needs — they typically need assistance with family law, criminal law, and property and

estate planning issues — but you may be surprised at how often these individuals need specialized help with immigration law, employment law, or elder law issues. For those reasons, we see this as an opportunity to reach out not just to Military and Veterans' Law Section members, but all State Bar of Michigan members who may be helping clients in any of these areas and may not even realize their client is a military service member or veteran to whom special provisions in the law or special laws may apply.

If you practice in the criminal courts, especially if you are a defense attorney, the article by Terrence Bronson on veterans' treatment courts (VTC) is a must-read. He tracks a case through the VTC system and details the benefits to everyone involved. The amazing success stories of those who graduate from a VTC program are inspiring and we are all better off due to the dedication, service, and compassion of the attorneys, judges, administrators, and mentors who make these diversion programs a model of restorative justice. If you are a defense attorney, ask your clients if they have served in the military. If you don't, you could miss out on an opportunity for a successful outcome.

If you have dealt with Veterans Affairs on behalf of a client seeking benefits, you may have an idea of the vast bureaucracy and confusing outcomes many veterans have faced. Mike Viterna's article on the Veterans Appeals Improvement and Modernization Act may provide some hope. He summarizes



some of the most important changes to the veterans' benefits application and appeals processes and how those changes are designed to make the VA more responsive to the needs of those it serves. This is great news not just for veterans, but also for attorneys advocating on their behalf.

For more on dealing with Veterans Affairs, check out Chantal Wentworth-Mullin's article on the VA's modernization efforts. She describes the results of those efforts as a mixed bag: the agency has improved its responsiveness in some areas but has possibly made an already challenging process more difficult for others. Understanding the benefits and potential pitfalls of the VA's modernization efforts will help attorneys trying to navigate the agency on behalf of deserving veterans.

The final article by Carson Tucker and John Wojcik details the Medical Malpractice Claims Act, which opens a new avenue for soldiers and veterans who were victims of malpractice at the hands of a military medical provider. Claims previously barred under the Feres Doctrine will now be possible, creating additional opportunities for attorneys to advocate for

military service members and veterans to receive just compensation for their injuries.

We hope you find these articles interesting and informative, and we thank you for advocating on behalf of military and veteran clients. If you have any questions about military or veterans' law or representing a military member or veteran, please reach out to a section member; we have many members, including those with military experience, happy to assist. ■



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