



Legal Assistance for Veterans

What Can a Lawyer Do?

By Margaret Costello

Many military veterans face legal challenges—civil and criminal. However, the U.S. Department of Veterans Affairs (VA) does not provide or pay for legal services for veterans. At an April 2014 VA forum on veterans' legal needs, Secretary of Veterans Affairs Eric Shinseki stated, "The unmet legal needs of veterans are one of the root causes of homelessness."¹ In fact, 4 of the top 10 unmet needs of homeless veterans involve legal assistance for eviction/foreclosure prevention, child support issues, outstanding warrants/fines, and driver's license restoration.² Other common legal issues include accessing public benefits, guardianship, issues with debts and creditors, and expunging criminal records.³

There also appears to be a significant correlation between mental health issues such as posttraumatic stress disorder (PTSD) and incarceration. For example, a 1990 study found that 45.7 percent of

Vietnam veterans diagnosed with PTSD had been arrested and jailed more than once.⁴ Veterans are not automatically eligible for benefits such as medical care, housing, or job assistance from VA. They often do not have the necessary information and understanding to navigate the complex VA system and obtain the benefits to which they are entitled, thus requiring legal assistance. The complexity of current VA statutes, regulations, and procedures contributes to the difficulty of obtaining benefits, which often results in poverty and the concomitant homelessness.⁵

Law school clinics at the forefront

In the past 10 years, at least 22 law school clinics devoted solely to assisting veterans with specific legal needs have arisen, and more are being developed. At the August 2014 annual meeting of

the American Bar Association, the ABA House of Delegates passed a resolution calling for all law schools to create veterans law clinics or, at a minimum, meet the legal needs of qualifying veterans through an existing legal clinic.⁶

The law school clinics, which provide free legal services to those who qualify, vary in the type and extent of services offered, with some dedicated to helping veterans in specific areas such as obtaining VA benefits or discharge upgrades and others addressing more general legal needs. In Michigan, two law schools have established legal clinics for veterans and service members—Western Michigan University Thomas M. Cooley Law School and the University of Detroit Mercy College of Law.⁷ Wayne State University Law School recently announced it will establish a veterans legal clinic.

Development of other service delivery models to address the legal needs of veterans

Legal aid organizations, law firms, local bar associations, and others have coordinated with VA to provide free legal clinics at VA facilities. These clinics provide advice and self-help and may accept clients for ongoing assistance.⁸

Nonprofit organizations with the goal of helping veterans obtain benefits or addressing other legal needs have also formed. Several nonprofit organizations in California serve veterans. For example, OneJustice serves California veterans who are attempting to access VA medical care and benefits, in many cases by linking them to pro bono attorneys.⁹ Swords to Plowshares, established in 1974, partners with pro bono attorneys in more than 25 Bay Area law firms to provide legal services to veterans seeking VA benefits and military discharge upgrades.¹⁰ These nonprofits are funded primarily with financial contributions from law firms, corporations, foundations, and private individuals.

National pro bono programs seeking volunteer attorneys

A longstanding program is the Pro Bono Consortium, which provides representation to veterans at the Court of Appeals for Veterans Claims. The consortium screens cases and provides extensive training to volunteer attorneys wanting to take on cases. Training is provided live in Washington, D.C., and by video; volunteer attorneys also have mentoring and other support available. Attorneys can volunteer at the Pro Bono Consortium's website at <http://www.vetsprobono.org>. Volunteer attorneys must be admitted to the Court of Appeals for Veterans Claims, but this is a simple process for attorneys licensed in any state and requires completion of an application and a one-time payment of \$100.¹¹

The Federal Circuit Bar Association offers pro bono opportunities for those wanting to represent pro se veterans at the United States Court of Appeals for the Federal Circuit. Cases are appealed to the Federal Circuit from the Court of Appeals for Veterans Claims. To participate in the Federal Circuit's Veterans Pro Bono Program, attorneys must be admitted to practice in the Federal Circuit and be members of the Federal Circuit Bar Association.¹²

VA has partnered with the ABA to launch the Veterans' Claims Assistance Network (VCAN), a program designed to help reduce the backlog of claims for benefits filed with VA. The pilot program, which will run through 2015, offers assistance to unrepresented veterans with claims pending at the VA regional offices in St. Petersburg, Florida and Chicago, although attorneys licensed in any state are encouraged to participate.¹³ To participate in VCAN, volunteer attorneys must be VA-accredited, which requires submitting an application to VA. Interested attorneys can obtain additional information and volunteer at the ABA's VCAN portal.¹⁴

The ABA offers other opportunities to provide pro bono legal services. The ABA's Military Pro Bono Project provides general legal services to military families, and Operation Stand-By is an attorney-to-attorney project that assists military attorneys by responding to calls or e-mails to provide advice related to state-specific legal information or particular areas of expertise.¹⁵

Attorneys can also contact Public Counsel's Center for Veterans Advancement to volunteer for available cases and other opportunities, which may include research and training related to veterans' concerns. The center matches national and local matters with attorneys' interests.¹⁶

Michigan pro bono opportunities for attorneys

A comprehensive list of legal services for veterans in Michigan is available in the *Michigan Military and Veterans' Legal Service Guide*.¹⁷ The guide includes legal services and other programs providing opportunities for pro bono participation.¹⁸ The State Bar of Michigan's Pro Bono Manual also identifies pro bono opportunities.¹⁹

Attorneys wanting to assist veterans in obtaining VA benefits can volunteer with the University of Detroit Mercy Project Salute and Veterans Law Clinic.²⁰ A variety of options are available, ranging from representing a veteran on his or her appeal before the VA regional office or Board of Veterans' Appeals to discrete records

FAST FACTS

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review, research, or drafting projects on a veteran's matter. Volunteer attorneys receive ongoing training and support.²¹

Opportunities also exist for attorneys who want to assist veterans with other legal needs, including mortgage/foreclosure issues, family law, driver's license restoration, bankruptcy and creditors' issues, and criminal expungements. Several legal services agencies have tracks dedicated to veterans; if an agency does not have a specialized program, volunteer attorneys can indicate they want to represent a veteran.

Legal services agencies with specialized programs for veterans, particularly homeless veterans or those at risk of homelessness, include Neighborhood Legal Services of Michigan Supportive Services for Veteran Families²² and Legal Aid of Western Michigan.²³ Pro bono opportunities are also available through other agencies that provide assistance to low-income individuals, including veterans.²⁴

Another option is seeking volunteer opportunities through the veterans treatment courts, which emphasize getting veterans needed treatment and resources rather than jail time. Veterans appearing before these courts on criminal matters also have other legal needs appropriate for assignment to a pro bono attorney.²⁵

Accreditation to practice before the U.S. Department of Veterans Affairs

To represent a claimant in the VA system, an attorney must be accredited. To become accredited, an attorney must be in good standing with a state bar and submit an application (VA Form 21a) to the VA Office of General Counsel; there is no fee. After becoming accredited, the attorney must complete and report three hours of qualifying continuing legal education within the first 12 months and at least two hours of approved CLE every subsequent two years.²⁶

Conclusion

Although an increasing number of programs offer legal assistance to veterans, there is still a tremendous need for attorneys interested in serving veterans and their families. It is clear that many veterans in Michigan and throughout the country would benefit from the help of a lawyer. Lawyers who want to fulfill the recommended pro bono obligation by helping those who have served our country have many and varied opportunities to do so. ■



Margaret ("Peggy") Costello is a clinical associate professor at the University of Detroit Mercy School of Law, where she was instrumental in establishing the Veterans Law Clinic and Project Salute. A former member of Dykema's litigation department for more than 20 years and past co-chair of the State Bar's Pro Bono Initiative, she is an accredited VA attorney and admitted to practice at the Court of Appeals for Veterans Claims.

ENDNOTES

1. U.S. Department of Veterans Affairs, *News Release April 4, 2014: VA Hosts Forum on Veterans' Legal Needs* <<http://www.va.gov/opa/pressrel/docs/Legal%20Forum.docx>>. All websites cited in this article were accessed January 14, 2015.
2. U.S. Department of Justice Access to Justice Initiative April 2014, *Civil Legal Aid Supports Federal Efforts to Help Veterans and Servicemembers* <<http://www.justice.gov/sites/default/files/atj/legacy/2014/04/16/veterans-and-servicemembers-case-study.pdf>>.
3. Gunn, et al, *Serving Those Who Served: Meeting Veterans' Unmet Legal Needs*, 23 *Experience* 8, 9–10 (2014).
4. Kulka, et al, *Trauma and the Vietnam War Generation: Report of Findings from the National Vietnam Veterans Readjustment Study* (New York: Brunner/Mazel, 1990), pp 142–143.
5. See, e.g., Costello, *Heroes or Hopeless? Homeless Veterans Caught in a Dysfunctional System*, 13 *J of Law in Soc* 417 (2013).
6. ABA Young Lawyers Division, *Report to the House of Delegates* <http://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/resolutions/2014_hod_annual_meeting_104a.authcheckdam.pdf>. State Bar of Michigan Commissioner Greg Ulrich spoke in support of the resolution. It should be noted that there has been opposition to this resolution, as some service providers believe that a focus on veterans may have a negative impact on legal services for other populations including immigrants, children, and victims of domestic violence.
7. *Id.* at 3–4.
8. See U.S. Department of Veterans Affairs, *Free Legal Clinics in VA Facilities* <<http://www.va.gov/ogc/docs/LegalServices.pdf>>.
9. OneJustice, *Veterans: California's 2 Million Vets Need Your Help* <<http://www.one-justice.org/templates/System/details.asp?id=53135&PID=949524>>.
10. Swords to Plowshares, *Pro Bono Program* <<http://www.swords-to-plowshares.org/legal-services/pro-bono-program/>>.
11. See U.S. Court of Appeals for Veterans Claims <<http://www.uscourts.cavc.gov>>.
12. See Veterans Pro Bono Initiative, *Veterans Pro Bono Program* <<http://www.memberconnections.com/olc/filelib/LVFC/cpages/11/Library/VETERANS%20PRO%20BONO%20PROGRAM%20PDF.pdf>>.
13. ABA, *Veterans Affairs, ABA, Legal Services Corp announce program to help with veterans' disability claims* <http://www.americanbar.org/news/abanews/aba-news-archives/2013/08/veterans_affairsab.html>.
14. ABA, *ABA Veterans' Claims Assistance Network* <http://www.americanbar.org/portals/public_resources/aba_home_front/Military_Pro_Bono/aba-veterans-claims-and-assistance-network.html>.
15. ABA Military Pro Bono Project, *Military Legal Assistance Attorneys* <<http://www.militaryprobono.org>>.
16. Public Counsel, *Center for Veterans' Advancement* <http://www.publiccounsel.org/practice_areas/center_for_veterans_advancement>.
17. See Michigan Department of Attorney General, *Michigan Military and Veterans: Legal Service Guide* <http://www.michigan.gov/documents/ag/MI_Military_Veterans_Legal_Services_Guide_463213_7.pdf>.
18. *Id.*
19. See SBM, *Pro Bono Manual* <<http://www.michbar.org/programs/probonomanual.cfm>>; see also SBM, *Pro Bono Training & Volunteer Opportunities for Lawyers* <<http://www.michbar.org/programs/probonoOpportunities.cfm>>.
20. See University of Detroit Mercy Law School, *Project Salute* <<http://www.law.udmercy.edu/udm/index.php/projectsalute>>.
21. Interested attorneys can call (888) 836-5294 or contact Professors Peggy Costello or Tammy Kudialis directly.
22. Neighborhood Legal Services Michigan <<http://www.nlsmichigan.org>> or call (313) 964-1975.
23. Legal Aid of Western Michigan <<http://www.legalaidwestmich.org>> or e-mail admin@legalaidwestmich.net.
24. See Michigan Legal Services <<http://www.milegalservices.org>>; Berrien County Legal Services <<http://www.berriencounty.org/legalservices>>; Lakeshore Legal Aid <<http://www.lakeshorelegalaid.org>>; Legal Aid and Defender Association, Inc <<http://www.ladadetroit.org>>; Legal Services of Eastern Michigan <<http://www.lsem-mi.org>>; Legal Services of Northern Michigan <<http://www.lsnm.org>>; Legal Services of South Central Michigan <<http://www.lsscm.org>>; see also *Legal Service Guide*. A more complete description of services provided by these organizations can be found on their websites.
25. See *Legal Service Guide*.
26. 38 CFR 14.629 (2013).