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Law Clinics Answer the Call

Veterans finding allies in dealing with VA and more.

Karen Sloan, The National Law Journal

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Coffee? Check. Pastry? Check. Advice on filing for disability benefits with the U.S. Department of Veterans Affairs? Check.

A Starbucks in Williamsburg, Virginia, lists that last menu item courtesy of a collaboration with the College of William and Mary Marshall-Wythe School of Law's Lewis B. Puller Jr. Veterans Benefits Clinic. The clinic holds weekly benefits counseling and outreach programs for veterans at the coffeehouse — a pilot program dubbed Military Mondays that organizers hope to expand nationwide with the help of other law schools.

"There are going to be a lot of veterans we can get to come to their local coffee shop who might not be comfortable reaching out for formal help at our law school," said clinic director Patricia Roberts. She conceived of the partnership after reading about the company's commitment to veterans in a Time magazine profile of chief executive officer Howard Schultz in February. She cold-called Schultz and the company responded within a week. The program kicked off on June 29.

She won't have far to look for partners — the number of law school clinics and pro bono projects addressing veterans' unmet legal needs has exploded. A half-dozen such clinics existed when William and Mary began representing vets in 2008. Today, approximately 50 schools operate clinics or pro bono programs for veterans. Syracuse University College of Law; the University of California at Los Angeles School of Law; the State University of New York at Buffalo Law School; and Pennsylvania State University Dickinson School of Law added clinics this spring. The University of Michigan Law School; Indiana University Maurer School of Law – Bloomington and the University of Denver Sturm College of Law will launch clinics this fall.

Administrators at veterans organizations are delighted. "Especially in the past five years, it's been like rabbits reproducing," said Barton Stichman, joint executive director of the National Veterans Legal Services Program, which directly represents veterans

and provides training, advice and a manual for handling Veterans Administration (V.A.) cases to law schools and other veterans initiatives.

Late last year, 17 law schools formed the National Law School Veterans Clinic Coalition to share information and improve relations with the V.A. The American Bar Association's House of Delegates last August passed a resolution urging all law schools to create veterans clinics.

Observers credit pressure on law schools to expand their clinic offerings, to give students practical experience. Second, waves of veterans returning from Iraq and Afghanistan have boosted demand for legal assistance. Nearly 400,000 disability and pension claims were pending in late June, according to the V.A.

Many law faculty are of an age to remember the indifference returning Vietnam War veterans met and want to avoid repeating it, said Brian Clauss, director of The John Marshall Law School's clinic. And military veterans are enrolling in law school and pushing administrators to help, said David Myers, an administrator at the Veterans Consortium Pro Bono Project.

That's precisely what happened at the University of California at Los Angeles (UCLA), where a small group of student veterans lobbied to expand a volunteer veterans project into a full academic clinic last year. It opened in the spring and has served 23 homeless veterans, director Melissa Tyner said.

'THE RIGHT PLACE AT THE RIGHT TIME'

"There was a group of us who were in the right place at the right time," said recent UCLA law graduate David Tierney, who served in the U.S. Marine Corps. "No matter what I do now, I have the ability to work on veterans benefits claims on a pro bono basis."

Most clinics help individual veterans file benefits claims and handle appeals. Some also represent veterans seeking discharge upgrades — that is, appealing unfavorable discharges that can bar them from benefits and hurt their job prospects. The University of Michigan surveyed area veterans before structuring its new clinic around civil matters, director Joshua Kay said. "We discovered that veterans have many unmet civil legal needs, from family law matters like child custody and divorce to employment law, landlord-tenant law and various consumer-related claims," he said.

A few clinics, including those at the University of Arizona James E. Rogers College of Law and Touro College Jacob D. Fuchsberg Law Center, work in veterans treatment courts — an expanding local and state venue for addressing underlying problems of vets charged with low-level crimes. The veterans complete substance-abuse, domestic-violence or anger-management classes in exchange for dismissal of charges. "Our job is to find out what's going on with the client," said Kristine Huskey, who directs the

Arizona clinic. "Why did they miss their treatment? We're there as defense counsel and we present that information to the judge."

Yale Law School's Veterans Legal Services Clinic, launched in 2010, is one of several that include public policy work. In any given semester, students examine witnesses, write appellate briefs, lobby federal lawmakers or testify before a state legislature, director Michael Wishnie said.

"There is real money available to veterans when you win a case," Wishnie said. "There can be thousands of dollars of tax-free money a month. There is real health care, benefits and housing support available. It can be life-changing for your client."

Students in UCLA's clinic take a "trauma-informed" approach intended to help clients, who may suffer from post-traumatic stress disorder (PTSD) or brain injuries, feel comfortable. They take pains to establish rapport, Tyner said. John Marshall in 2013 opened a clinic in a space specifically designed as a calm environment with muted paint colors and sound-insulated windows that let in plenty of natural light.

Law schools aren't alone in offering help. The American Bar Association launched a pro bono project last summer aimed at clearing the V.A.'s backlog of disability claims. Equal Justice Works in 2013 began hiring law graduates and student fellows to represent veterans. As an example of law firm involvement, attorneys from Orrick, Herrington & Sutcliffe and Patterson Belknap Webb & Tyler teamed with the New York County Lawyers' Association in 2013 for a pilot program representing veterans with PTSD and seeking discharge upgrades.

"The military has been very slow to recognize PTSD," said Orrick senior associate Stephen Lessard, a Navy veteran.

Military Mondays got off to a good start last week, when students and volunteers counseled eight veterans. "Everyone needed assistance in interpreting a V.A. decision and advice on what they needed to move forward," Roberts said. "They were just eager for help and very appreciative."

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