



## SUPPORT AND DEFEND: PROVIDING LEGAL SERVICES FOR OUR VETERANS

*VLSP volunteers help a client at Veterans Connect, a focused project of Project Homeless Connect.*

**Kathleen Guthrie Woods**

In his 2012 State of the Union address, President Barack Obama spoke of the “courage, selflessness, and teamwork of America’s armed forces.” As they complete their tours in Afghanistan and elsewhere, our veterans will again need to call on their courage as they face new challenges upon reentering civilian society, from financial issues exacerbated by tough economic times to physical and mental health issues brought on by modern combat. By offering legal aid and assistance, by becoming part of their transition teams, legal professionals can be part of the solution.

Across the country, individuals and communities are coming together through programs such as First Lady Michelle Obama and Dr. Jill Biden’s “Joining Forces,” which provides opportunities and resources in the areas of employ-

ment, education, and wellness. Since California is home to the largest population of veterans, Senator Dianne Feinstein has made supporting veterans one of her key issues. Locally, The Bar Association of San Francisco (BASF) is partnering with military and civilian organizations to build awareness of and provide legal assistance to our veterans and their families.

“Veterans are to be treated as a special class,” says Mike Maffei, a San Francisco assistant district attorney, navy reservist, and legal aid attorney, “because their situation, their issues, are unique unto themselves.” Many of our veterans are returning stateside after multiple deployments, repeated physical and psychological trauma, and critical injuries, such as traumatic brain injury (TBI). It’s estimated 35 percent of Iraq and Afghanistan veterans will



experience posttraumatic stress disorder (PTSD), with symptoms ranging from sleeplessness to social isolation to self-medicating with drugs or alcohol. “It’s important to catch problems early, to get them into counseling and therapy before they get into trouble,” says Maffei. Far too many PTSD sufferers go from the military into the criminal justice system instead of getting the treatment they need.

Simply the nature of multiple deployments has a ripple effect. Maffei gives an example of a reservist who leaves a civilian job for a one-year deployment. While his employer at home is required by the Uniformed Services Employment and Reemployment Rights Act (USERRA) to hold his same position, or a position with the same level of seniority, and provide training to get him back up to speed upon his return, this frequently has to be enforced. (Senator Feinstein’s office reports “veteran unemployment is more than 15 percent, nearly 6 percent higher than the nationwide average.”) Families break up due to the stresses of lengthy separations, and returning veterans face divorce and child custody hearings. The loss of regular civilian-sector salaries and overall economic instability can affect families’ abilities to cover mortgage payments, leading to foreclosure on their homes, despite protections put in place through the Servicemembers Civil Relief Act (SCRA).

Michael Marken, a Legal Service Command legal assistance attorney on the U.S. Coast Guard base in Alameda, is a civilian who assists active duty, reservists on duty, and retired military members in civil matters, primarily family law and estate planning. “All [servicemembers] are eligible for legal assistance at any base,” he says, but there is high demand and he has limitations. He cannot go to court, help in a claim against the government, or represent defendants in criminal cases. This is where the partnerships thrive, with organizations such as Swords to Plowshares, the American Bar Association’s Legal Assistance Military Personnel (LAMP) Pro Bono Project, and BASF working together to make sure military personnel and veterans are getting the services they need and deserve.

BASF has long been, and continues to be, on the forefront of providing aid to military personnel. In 1946, the Lawyers Reference Panel was established specifically to help World War II veterans reenter civilian society. The erstwhile “Reference Panel” grew over the years into the Lawyer Referral and Information Service (LRIS), which now provides legal services in twenty-one areas of law, including military law and veteran’s benefits appeals, with more than a hundred subareas of law represented. A trained member of LRIS’s multilingual staff interviews each caller to determine the nature of the problem, then refers him or her to an experienced attorney (a thirty-minute consultation is arranged for the low fee of \$35) or to an appropriate community, social services, or government agency. Through its Military Assistance Program (MAP), attorneys assist military personnel, veterans, and their families for a reduced fee, what’s good-naturedly called “low bono,” in a wide range of civil law matters. A highly lauded feature of BASF’s LRIS is its ongoing oversight of participating attorneys and services provided: “Our attorneys are insured and have met strict professional experience qualifications to ensure clients receive the highest quality representation possible,” says LRIS Director of Public Service Programs Carole Conn.

In some cases, LRIS refers clients to BASF’s own Volunteer Legal Services Program (VLSP). VLSP is the largest provider of pro bono legal services and related social services to low-income and homeless San Francisco residents. While VLSP’s services are not veteran-specific, it has seen more and more veterans coming to it for assistance. “It’s an especially vulnerable population,” says VLSP Supervising Attorney Andrea Fitandes.

VLSP reaches out to veterans among the homeless population through its Homeless Advocacy Project (HAP). In HAP’s weekly Shelter Project, in partnership with Orrick, Herrington & Sutcliffe and UC Hastings College of the Law, a HAP attorney supervises Hastings students who go onsite at a shelter and set up a clinic to provide legal services. “This is one way we reach a segment of the population that might not otherwise know about services available to them,” says Fitandes. One area of focus is clearing

warrants, which might prevent someone from obtaining housing, employment, or government benefits. Volunteers also participate in Project Homeless Connect. Alongside representatives from the California Department of Motor Vehicles (DMV), who issue ID cards, and social services, who provide clothing, food, and health care, VLSP attorneys who specialize in immigration, criminal, family, and employment law screen and evaluate what legal services they might be able to assist in or provide a referral. An attorney from Swords to Plowshares attends each event to address veteran-specific issues.

BASF's partnership with Swords to Plowshares is longstanding, and these organizations continue to share referrals in an effort to give servicemembers the best possible service. Founded in 1974, Swords to Plowshares became the first nonprofit to become certified to represent veterans before the Department of Veterans Affairs (VA). This is a vital service because the sheer numbers and complexity of backlogged cases is staggering.

Currently, there is a backlog of 870,000 disability claims at the VA. The VA's goal is to review initial claims within 125 days. However "the average wait time for an initial review is 313 days here in the Bay Area," says Teresa Panepinto, Swords to Plowshares' legal director, "and if a veteran's claim is denied, the appeals process can take years"—five to ten years, in many cases. "Veterans returning after multiple deployments who suffer from PTSD simply cannot wait that long," says Panepinto. "The result is too many veterans who experience chronic unemployment, drug and alcohol dependence, and, ultimately, homelessness."

Swords to Plowshares attorneys also work with veterans to get military discharge upgrades. Typical cases involve "bad paper," meaning the servicemember did not receive a full honorable discharge from the military and must fight for the benefits he or she earned. This may be the result of minor infractions, or "misconduct" related to PTSD, or wrongful diagnosis, for example, when symptoms of PTSD are labeled as "personality disorder" or "adjustment disorder" and blamed on preexisting or temporary condi-

tions. "The bottom line," says Panepinto, "is they're not getting the benefits they need to recover from the traumas of war."

The good news is that veterans with attorney representation are twenty-five times more likely to obtain appropriate benefits. And to equip more attorneys to represent veterans before the VA, Swords to Plowshares partnered with the Practicing Law Institute (PLI) and the State Bar of California to offer online, on-demand seminars (see the link in the box on page 22). "Some courses are offered for free to encourage pro bono work," says Theresa Mesa, State Bar of California program developer for the Office of Legal Services. "Advocating for Veterans—the Basics on Benefits, Discharge Upgrades and Cultural Competency," a free, six-hour program, can be completed in one-hour sections. Three of those hours include what is required for accreditation to practice before the VA.

"We rely so much on volunteer support," says Fitanides, who oversees volunteer recruitment for VLSP, "and it's so crucial that people step up." Educate yourself through the Practicing Law Institute, and contact LRIS or VLSP or any of the groups mentioned in this article for information on how you can contribute your services (see the box on page 22). Take note of various organizations that provide services for our veterans and refer clients to them. The Coast Guard's Marken encourages attorneys to become familiar with the federal laws designed to protect servicemembers and their families, such as USERRA, SCRA, and the Americans with Disabilities Act (ADA). "There's a lot of work to be done in the civilian sector," he says.

At the very least, investigate ways you and your family can show appreciation and support for our veterans. "It's beyond whatever your politics are about our wars," says Conn.

"At a time when too many of our institutions have let us down," President Obama said in his State of the Union speech, "they [our servicemembers] exceed all expectations." Now it's our turn to return the favor.

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## FOR MORE INFORMATION

### For servicemembers, veterans, and military family members in need of legal assistance, contact or visit:

- ABA Home Front: [www.americanbar.org/portals/public\\_resources/aba\\_home\\_front.html](http://www.americanbar.org/portals/public_resources/aba_home_front.html)
- Armed Forces Legal Assistance Locator: <http://legalassistance.law.af.mil/content/locator.php>
- The Bar Association of San Francisco's Lawyer Referral and Information Service's Military Assistance Program (MAP): [www.sfbar.org/MAP](http://www.sfbar.org/MAP) or 415-989-1616
- BASF's Volunteer Legal Services Program: [VLSP@sfbar.org](mailto:VLSP@sfbar.org) or 415-782-9000 x8759
- Senator Dianne Feinstein's San Francisco Office: 415-393-0707
- Swords to Plowshares Legal Services: [www.swords-to-plowshares.org/legal-services](http://www.swords-to-plowshares.org/legal-services) or 415-252-4788
- U.S. Coast Guard Legal Service Command (Alameda): 510-437-5891

### For attorneys looking to get involved, contact or visit:

- ABA's Legal Assistance for Military Personnel (LAMP) Pro Bono Project: [www.militaryprobono.org/](http://www.militaryprobono.org/)
- LRIS's MAP: [www.sfbar.org/lawyerreferrals/att.aspx](http://www.sfbar.org/lawyerreferrals/att.aspx)
- PLI courses: [www.pli.edu/Content/OnDemand](http://www.pli.edu/Content/OnDemand)
- Swords to Plowshare's Pro Bono Project: [www.swords-to-plowshares.org/support-vets/volunteer/](http://www.swords-to-plowshares.org/support-vets/volunteer/)
- VLSP opportunities: [VLSP@sfbar.org](mailto:VLSP@sfbar.org)

### Support our veterans by:

- Participating in or contributing to July's Bike-a-Thon, VLSP's biggest fundraiser: [www/sfbar.org/vlsp-bike](http://www/sfbar.org/vlsp-bike)
- Attending BASF's Annual Gala—VLSP and Diversity Pipeline Programs are beneficiaries: [www/sfbar.org/gala](http://www/sfbar.org/gala)
- Visiting the Joining Forces site at [www.whitehouse.gov/joining-forces](http://www.whitehouse.gov/joining-forces) and learning more about how we can all help

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