



## Raising the Bar to Help Veterans

by Kaleia Edmundo and Jessica Limbacher

**T**here are currently over 21 million veterans in the United States.<sup>1</sup> The bleak reality for a substantial number of these men and women is that despite having served their country, the services they so desperately need upon returning home are simply not available. While veterans and active service members often have critical legal needs, there is a lack of legal services for this population, especially related to post-service transition back into civilian life.

Due to the nature of military service, veterans returning home often face obstacles in the form of civil legal problems. In fact, five of the top 10 needs reported by male homeless veterans require legal assistance to solve.<sup>2</sup> Veterans are impacted by certain mental health conditions, like depression and

post-traumatic stress disorder (PTSD), at a much higher rate than other populations—nearly 20 percent of recently returned service members report symptoms of PTSD.<sup>3</sup> Because mental health is so closely linked to poverty, veterans frequently struggle with issues that threaten their source of income, reliable housing, or family stability.<sup>4</sup> In fact, 1.4 million U.S. veterans live below the poverty line, and an additional 1.4 million live only slightly above it.<sup>5</sup>

Many of these issues cannot be sufficiently addressed without the help of an attorney to navigate the legal system. But, knowing where to turn can be a challenge. A 2013 study by a legal services organization in Maine, the state with the third highest population of veterans per capita, found that veterans were unlikely to seek assistance for legal problems, and when

they do, they are more likely to contact a private attorney than a legal aid provider.<sup>6</sup> Furthermore, social service providers self-reported that, while 98 percent of their clients had experienced at least one legal issue in the past year, the providers had a limited understanding of most legal issues and were unsure where to refer their clients.<sup>7</sup> Although the U.S. Department of Veterans Affairs (VA) provides support related to physical and mental health services, housing assistance, and job training, there is a significant gap in services related to civil legal issues.<sup>8</sup>

Obtaining adequate legal services can be extremely difficult, and not just for veterans. In New Jersey, for example, of the nearly 3 million people living in poverty, one-third have a civil legal issue requiring the assistance of a lawyer but only one-fifth will get the help they need.<sup>9</sup> These statistics emphasize why free limited-scope legal services clinics are so crucial in helping low-income New Jersey residents, especially veterans who are at a higher risk of facing legal problems.

An example of this type of clinic is one held through the Veterans Legal Program of Volunteer Lawyers for Justice (VLJ), a nonprofit legal services organization in Newark. The clinic is held at PSEG and staffed by attorneys from PSEG's legal department, as well as the law firms Gibbons, PC and McCarter & English, LLP. Clinics are held on the fourth Tuesday of the month at PSEG's Newark office. Three lawyer teams meet with up to three clients, who are scheduled for one-hour appointments. Volunteer lawyers interview the clients and provide them with legal advice and/or brief legal assistance.

The issues with which veterans receive help through this program often involve barriers to successful return to civilian life, such as driver's license restoration and criminal record expungement. One veteran who went

through the program said, "I really believe this meeting was a blessing to me. I never thought that I could really have an opportunity to get my license back...It has been a struggle always using public transportation, as well as my feet, to get to appointments and to work. I thank you so much for your help." For these veterans, having their drivers' licenses restored means they have the ability to reconnect with their communities, find employment, access medical care, and help their families.

With the success of the PSEG clinic, VLJ investigated another model for supporting veterans: a legal wellness or holistic intake clinic. This concept is based on the recognition that low-income clients often have more than one legal issue; these legal issues are often intertwined; and the clients may not actually be aware that the issues they face are, in fact, legal in nature. A movement toward holistic models of indigent defense initially became popular with public defender offices upon recognizing that clients often need a host of other services (crisis counseling, therapy, substance abuse treatment, housing assistance, immigration advocacy, child welfare representation, etc.) in addition to criminal defense.<sup>10</sup> But the same model can be used to address the relationship of multiple interrelated (and often inconspicuous) civil legal needs, in particular when it comes to the veteran population.

Earlier this year, VLJ launched the Veterans Legal Wellness Clinic. Held at the VA hospital in East Orange, the clinic is staffed by attorneys from BASF Corporation and Panasonic Corporation of North America, partnering with attorneys from Day Pitney LLP, McGuire Woods LLP and Nukk-Freeman & Cerra, PC. Attorneys meet with clients one-on-one to complete a legal screening questionnaire, spot checking what issues are related to a legal problem or could be resolved through legal relief. Volunteer

attorneys then provide advice and limited services on issues such as child support, criminal record expungement, consumer debt, driver's license restoration, employment, and estate planning. If the veteran requires any additional services, he or she will be referred either to a VLJ program that addresses that area of law or another organization that does.

One of the goals of this clinic model is to attempt to detect and address a potential legal issue before it becomes a crisis. By answering a series of questions, designed to serve as a check up, attorneys may be able to spot a problem that has the potential to develop into a legal issue and give the veteran advice on how to handle it before that happens. Attorneys also provide veterans with information on their legal rights, with which they may not be familiar. For example, a veteran with significant debt who is being harassed by creditors might just assume that there is nothing he or she can do, when, in fact, a debtor has the right, under the Fair Debt Collection Practices Act, to write a letter telling the creditor to cease all communication. Instead of feeling overwhelmed or scared, or trying to pay back a creditor when the client may not even be sure he or she owes the debt, simply to get the creditor to stop, the veteran will leave the clinic armed with knowledge of his or her legal rights and solutions on how to proceed.

Each veteran leaves the clinic with a detailed 'action plan,' which prioritizes potential legal issues by level of importance, describes any action the client should take, and lists any phone numbers the client should call. VLJ has created a spreadsheet of resources, divided by legal issue, which paralegals consult at the clinic in order to provide the veteran with the most appropriate referrals.

The attorneys who volunteer at these clinics recognize the important role they play in meeting veterans' legal needs. "The clinic helps fill the gap in free legal

services available to veterans in and around Essex County,” said Mary Kenny, senior counsel at BASF. Louise Trezza, Compliance and Employment Counsel at BASF, added, “We not only help solve [veterans’] current legal issues, but we tackle any underlying causes. This helps position them for future success.”

Matt Lepore, senior vice president and general counsel, chief compliance officer at BASF, explained how lawyers spend time trying to get to the root of the problem at issue, which might not be immediately clear. For example, a veteran might be facing an eviction because a renewal notice went to the wrong address. “So the real issue is why you got evicted,” said Lepore. At the clinic, “[veterans] can come to us and ask us anything. We try to answer their questions or steer them elsewhere.”

Volunteers also emphasize how meaningful working with veterans can be. “The [clinic] is an excellent opportunity to interact with and help individuals that have given so much for our country. I was amazed to learn the number of legal issues that the veterans face and the dramatic impact these issues have on their everyday lives,” said Mark Degand, assistant general counsel at PNA Legal Department. “I left the clinic feeling as though I had received so much more from the veterans than I had given to them.” Shaun Bean, senior counsel at PNA Legal Department, said, “I am proud to have been a part of the Veterans Legal Wellness Clinic. These men and women have sacrificed so much for our country. As attorneys, the least we can do is offer them guidance which might otherwise be unavailable to them.” Damien Atkins, general counsel and secretary of PNA, added, “Giving back is a responsibility, not a choice. There will never be enough ways to express our gratitude to those who have sacrificed so much to ensure the liberties we all enjoy.”

Yet, collaborations between legal providers and the Veterans Administration are not new concepts in New Jersey. In fact, four years ago, Fox Rothschild LLP, with the approval of the VA, created a new legal program to assist veterans. This program is unique, as the firm brought legal services directly to veterans at the Lyons VA Hospital. Teams of attorneys from Fox Rothschild LLP go to the hospital on a regular basis and provide three-hour legal clinics for veterans. Alain Leibman, partner at Fox Rothschild, explained that “many [veterans] had child support or landlord-tenant issues, which, when added to their existing physical, emotional or mental health issues seemed insurmountable. We’ve seen hundreds of veterans and opened matters for more than 200 of them as non-paying clients of this firm, meaning that we have litigated child support and landlord-tenant issues, drafted wills, assisted with consumer affairs issues, and guided divorces and child custody resolutions. We are proud of the small service we have been able to extend to those who have given all of us so much.”

Additionally, DLA Piper and Verizon have their own collaboration with the VA to host a legal clinic at the Lyons VA Hospital. Richard Gruenberger, director and counsel for U.S. *pro bono* programs, explained, “DLA Piper has long provided *pro bono* legal assistance to veterans through its Signature Project, Serving Those Who Serve Our Country. I wanted to bring this work to New Jersey and thought that providing assistance directly at the VA would be the most efficient way to provide that assistance.” He added, “The partnership with Lyons has been terrific. We receive tremendous support from the VA and in return, we have been able to assist hundreds of veterans with their unmet legal needs.”

There are other programs that provide direct legal services for veterans in specific legal areas. One such program

includes the Veterans Justice Initiative through the Hope for Veterans program. Diane Smith, executive director, Legal Services of Northwest Jersey, said, “Hope for Veterans, a program of Community Hope, which provides essential services for veterans transitioning out of homelessness, struggled with addressing the veterans’ need for legal assistance until the launch of the Veterans Justice Initiative, a partnership of Community Hope, Merck, Sharp & Dohme, Lowenstein Sandler, and Legal Services of Northwest Jersey. Legal assistance in cases involving VA disability, drivers’ license restoration, debt collection defense and autonomy remove barriers to a veteran living independently in the community.”

Smith shared the struggles of one low-income veteran, who, “with the assistance of the partnership, restored his driver’s license, resumed a career, made arrangements to pay off child support arrears, and re-established his relationship with his children. This is the story of just one veteran among the more than 200 veterans who have been provided with legal assistance since the project launched in 2011. While the veterans deserve most of the credit for their success, VJI has been honored to be a part of the journey.”

Another program that provides direct legal services for veterans includes Northeast New Jersey Legal Services (NNJLS), whose Veterans Assistance Project provides low-income and homeless veterans and their immediate families with access to legal representation and advice to address civil legal issues that impact their health, income, housing, and family stability. A perfect example of a veteran assisted through this program is a veteran who retired from the Navy in Dec. 2015, after 20 years of service, but was unable to find a job when he returned to his hometown of Jersey City. When he filed for unemployment, he was deemed ineligible. After connecting with NNJLS, a staff

lawyer successfully argued in an appeal that he was entitled to unemployment benefits based on his long military career.

Moreover, the New Jersey State Bar Association, through its Military Law and Veterans' Affairs Section, in conjunction with McCarter & English, LLP, has established the Military Legal Assistance Program. This *pro bono* program provides assistance to New Jersey residents who have served overseas as active duty members of reserve components of the armed forces after Sept. 11, 2001. Robert B. Hille, NJSBA president, said, "The New Jersey State Bar Association is committed to assisting New Jersey service members who have sacrificed for our country. As attorneys, one thing we can offer is guidance for service members who are facing civil legal issues in the months and days leading up to their deployment, as well as helping them resolve legal issues that stem from their transition back to their communities after. The 200 volunteer attorneys who have handled matters through MLAP have provided free help on family matters, creditor-debtor issues, administrative law and benefits challenges, and more. There is a growing recognition in the legal system that the needs of veterans deserve additional and specialized attention and we are proud to be a part of that." Robert Ebberup, past chair of the Military Law and Veterans' Affairs Section, added, "Volunteering to help military service members with their legal struggles is a small sacrifice we can make for those who have sacrificed so much for us."

Finally, Legal Services of New Jersey (LSNJ) offers a statewide project that provides legal assistance to veterans. Dawn K. Miller, executive vice president and assistant general counsel of LSNJ, explained, "LSNJ's Veterans Legal Assistance Project (VLAP) provides advice and legal representation to low-income military veterans who are residents of

New Jersey. The project assists veterans with legal matters where veteran status may provide certain rights, benefits, or protections under law. Our attorneys practice many different areas of law and can provide a holistic approach to veterans' needs. Because veterans can have legal matters that are wholly unrelated to their status as a veteran, LSNJ's Legal Assistance Hotline can provide legal help to low-income veterans in any civil legal matter. The representation provided through the VLAP may include full representation when warranted and resources permit. The VLAP does not assist veterans seeking discharge upgrades, but can provide full representation to veterans presenting claims to the Department of Veterans Affairs where the VA has made a determination to deny completely or award partial service-connected disability benefits and for denials of special health services for disabled veterans. LSNJ provides services through VLAP and hotline staff at its statewide office but, due to the current funding level, is unable to fully meet the needs of all veterans who seek our help. For these reasons, LSNJ seeks the assistance of private and corporate attorneys who are willing to accept cases on behalf of veterans for full representation."

Programs like these are essential to ensure that when veterans return home after serving their country, they can receive not only resources related to health, housing, or employment, but also free services to address legal matters. Understanding more about the unique legal issues that impact veterans, and the best methods to resolve those issues through legal assistance, is a vital component in guaranteeing the effectiveness of these programs. By providing *pro bono* assistance to veterans, attorneys can effectively thank the men and women who have served the nation by providing them with the service *they* need the most. ☺

**Kaleia Edmundo** is a staff attorney at Volunteer Lawyers for Justice (VLJ). She manages VLJ's Veterans Legal Wellness Program, which uses a holistic approach to provide assessment and advice to veterans who present with various civil legal issues; the Divorce Program, which provides legal advice and assistance to low-income individuals with divorce matters; and the Child Support Program, which provides advice and assistance to veterans and low-income individuals with child support matters. **Jessica Limbacher** is a staff attorney at VLJ. She manages VLJ's Bankruptcy Program, which provides pro bono representation in Chapter 7 bankruptcy cases; the Children's Representation Program, which serves students in special education, discipline, and bullying matters; and the Disaster Legal Response Program, which assists clients with legal issues related to Superstorm Sandy.

## ENDNOTES

1. Rishi Manchanda et al., *The Invisible Battlefields: Veterans Facing Health-Harming Legal Needs in Civilian Life* 3 (2016).
2. *Id.* at 5.
3. *Id.* at 4.
4. *Id.*
5. *Id.*
6. Robert M. Liscord and Catherine S. Elliott, Pine Tree Legal Assistance, Inc., *Serving Those Who Served: Understanding the Legal Needs of Maine's Veteran Community* 2, 7 (2013).
7. *Id.* at 7.
8. Manchanda, *supra* 1, at 6.
9. Legal Services of New Jersey, Poverty Research Inst., What is Poverty? Measuring Deprivation in New Jersey 5 (2014); Legal Services of New Jersey, New Jersey's Civil Legal Assistance Gap 4 (2012).
10. Robin G. Steinberg, Beyond Lawyering: How Holistic Representation Makes for Good Policy, Better Lawyers, and More Satisfied Clients, 30 *N.Y.U. Rev. L. & Soc. Change* 625, 4, 7 (2006).