RESOLVED, That the American Bar Association encourages all law schools to create veterans law clinics to ensure that all veterans who cannot afford legal services can access them.

FURTHER RESOLVED, That where a particular law school lacks the necessary resources to create a stand-alone veterans law clinic, the school is urged to meet those legal needs of qualifying veterans through an existing legal clinic.
“Many Veterans do not know what direction to go...”

On 9 November 2013 more than eighty U.S. Veterans were fortunate enough to receive much needed legal assistance from a clinic organized by the Veterans Legal Assistance Project (VLAP) whose home is Hofstra University School of Law in Hempstead, New York. To date, the clinics run by the VLAP have assisted over one hundred and fifty veterans who might not otherwise have been able to obtain such services. Indeed, one disabled Navy veteran summed it up best when he stated that “[t]he services [the clinic] provided for veterans [are] outstanding [because] [m]any veterans do not know what direction to go, and I cannot picture anyone leaving here without a smile on their face. I left with tears of joy.”

I. Why such Institutes / Clinics are Needed – By The Numbers.

1. High Unemployment Rate. Recent data released by the Bureau of Labor Statistics shows that the jobless rate for all U.S. veterans was 6.9 percent in October 2013. While this rate was just below the national average, the below chart (compiled by the Council of Economic Advisers) shows that the unemployment rate for recent veterans (those who served in Iraq and Afghanistan) was around 10 percent in October 2013:

\[\text{Unemployment Rate for Veterans}\]

12-Month Moving Average Based on Not Seasonally Adjusted Data

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The high unemployment rate among recent veterans was not a one-time occurrence. In 2012, the Congressional Research Service noted that the unemployment rate for recent veterans exceeded the national and overall veteran rates during the last four years.³

2. Cumulative Effects. Perceived biases in hiring practices, a younger demographic of veterans entering the workforce and disability issues have all been identified as factors contributing to the high unemployment rate for recent veterans. Regardless of the cause, the high unemployment rate has had a staggering effect on the overall veteran population. Once veterans return home, they often face a host of challenges directly related to being unemployed:

   a. Poverty.

      A 2010 study revealed that “[m]ore than 1.4 million veterans are living below the poverty line, and another 1.4 million veterans are living just above it—numbers that have likely not yet peaked given the tepid recovery from the Great Recession and the large number of service members expected to leave active duty in the near future.”⁴

   b. Foreclosures.

      Veterans are disproportionately likely to experience mortgage problems and, as discussed below, homelessness. Since the 2008 recession, more than 20,000 active-duty veterans and reservists have lost their homes. Moreover, the Office of the Comptroller of the Currency reported that ten leading financial institutions may have unlawfully foreclosed on the mortgages of nearly 5,000 active-duty members of the U.S. military in recent years.⁵

   c. Homelessness.

      Veterans are also more likely to become homeless. According to the National Coalition for Homeless Veterans, veterans make up 7 percent of the population; however, they account for nearly 13 percent of the total adult homeless population.⁶

Given the economic difficulties faced by many veterans, it is imperative that the legal community offer assistance to this vulnerable section of the population.

II. Current Models.

To date, some law schools have already heeded the call to serve veterans and have either stood up veterans law clinics aimed at that end or have provided legal services to veterans

as part of an already existing clinical program. The approach taken by each of these schools is very instructive and each provides a viable model from which other schools can draw ideas that will assist them in standing up their own programs.

1. Stetson University College of Law: Stetson has a functioning Veterans Law Institute (VLI) which encompasses the Veterans Advocacy Clinic (VAC) Pro Bono Service Initiatives. The VAC program focuses its efforts on assisting qualifying veterans appeal a decision of a denial of disability benefits by the Veterans Administration while the Pro Bono Initiative seeks to assist currently deployed military members by assisting them in obtaining free legal assistance for legal problems that they may face within the Tampa Bay, Florida area. In addition, Stetson’s VLI is also able to offer referrals and other resources for those veterans facing legal issues outside of the Tampa Bay area.7

2. Thomas M. Cooley School of Law: Thomas M. Cooley’s program, entitled Service to Soldiers: Legal Assistance Referral Program, launched in 2007 and aims to assist service members in both Michigan and Florida resolve non-military legal problems that they may face after returning from deployment. The program has three components: 1) Volunteer attorneys, students, and staff assist JAG officers in briefing deploying troops on their rights under the Uniformed Services Employment and Re-employment Rights Act (USERRA) and the Servicemembers Civil Relief Act (SCRA), and with creating wills and powers-of-attorney for those who need them. 2) Returning troops of E5 rank and below who are experiencing non-military civilian legal problems are matched with participating attorneys for free representation. 3) Program volunteers educate the legal and veteran communities through publications and presentations. This program coordinates the voluntary efforts of hundreds of attorneys and Cooley students, faculty, and staff members and works closely with military leadership to ensure eligible service members are aware of the resource.8

3. University of Detroit Mercy College of Law: The University of Detroit Mercy College of Law has stood up both a Veterans Law Clinic (VLC) (with an appellate component) as well as what the school terms “Project SALUTE.” The VLC focuses its efforts on having students assist qualifying veterans in disability cases and to that end, students practice before the Department of Veterans Affairs. The appellate component assists disabled veterans and their survivors by enabling students to prepare cases to be heard before the U.S. Court of Appeals for Veterans Claims. Detroit Mercy’s “Project SALUTE” program further assists veterans by holding legal clinics both in Michigan as well as the rest of the United States. This program’s goal is to provide far reaching assistance to veterans seeking assistance with their disability and / or pension claims. The project also

8 http://www.cooley.edu/probono/programs.html
trains volunteer attorneys in order to prepare them to represent veterans before the U.S. Department of Veterans Affairs.\textsuperscript{9}

4. Hofstra University School of Law: Hofstra ensures veterans are provided with much needed legal assistance through its Veterans Legal Assistance Project (VLAP). The VLAP was started by students who realized that there was a need for such a service within the local community. Before students are permitted to assist veterans, the faculty at the school conducts a required training which was designed to prepare student-volunteers to assist their clients. To date, the VLAP has hosted two successful clinics, the most recent having taken place on 9 November 2013 where it serviced over eighty veterans. The next clinic is scheduled to take place in March 2014. During each clinic, in addition to the student volunteers, veterans also obtain a free consultation with an attorney that specializes in such areas such as VA benefits and claims, family law, social security disability, employment, USERRA, housing, bankruptcy, debtor/creditor matters, landlord-tenant disputes, elder law, tax, wills, estates, Medicare and Medicaid.\textsuperscript{10}

5. Widener University School of Law: Widener has had a functioning Veterans Law Clinic (VLC) since 1997 and the program was significantly expanded in 2006. The VLC’s mission is to provide:

free legal assistance to veterans residing in Pennsylvania and Delaware and surrounding areas with meritorious VA claims resulting from a denial of benefits by their Regional Office. The VLC also engages in community outreach, providing wills and other estate documents to low-income veterans, sharing best practices with other clinics around the country, and recruiting and training local attorneys willing to take on veterans’ cases pro bono.\textsuperscript{11}

Given a recent increase in its qualified personnel, the VLC is also able to assist veterans in a broad range of civil legal issues including: benefits, housing, expungements, discharge upgrades, and consumer law, as well as health and social services case management.

6. Yale Law School: In fall 2010, Yale Law School launched its Veterans Legal Services Clinic (VLSC) in order to assist Connecticut’s over 250,000 military veterans obtain much needed legal services. The VLSC enables students to:

represent veterans and their organizations in a wide variety of litigation and non-litigation matters related to their military service or return to civilian life. Over time, the clinic expects to assist veterans with housing, employment, health care, foreclosure, and immigration and other issues, in addition to VA benefits and discharge upgrades.\textsuperscript{12}

\textsuperscript{9} http://www.law.udmercy.edu/index.php/academics1/clinics
\textsuperscript{10} http://law.hofstra.edu/news/articles/2013/11/veterans-clinic.html
\textsuperscript{11} http://law.widener.edu/Academics/ClinicalProgramsandProfessionalTraining/Clinics/VeteransLawClinic.aspx
\textsuperscript{12} http://www.law.yale.edu/about/12740.htm
7. The John Marshall Law School: In 2006 three J.D. candidates recognized that veterans were having extreme difficulty navigating the Veterans Benefit Administration Claims process and with faculty support began the Veterans Legal Support Center & Clinic (VLSC). The VLSC handles all aspects of the claims process; from intake to the appellate level where required. In order to ensure veterans are adequately represented, the VLSC recruits, trains and manages a network of pro bono practitioners.

In the years since its inception, the VLSC has expanded its devotion to assisting veterans by becoming involved in court programs at both the state and federal level. Indeed, with a grant from the Department of Justice, the VLSC has been able to stand up the Justice Involved Veterans Initiative which operates independently within the VLSC and which has four main objectives: (1) to continue working with the newly created Illinois Veterans Treatment Courts and to study the outcomes of similar courts throughout the U.S.; (2) to work with federal magistrates in implementing a holistic approach to aid veterans at the Federal Enclave Misdemeanor Court; (3) to provide a centralized source of information about the relationship of domestic violence to post-traumatic stress disorder and traumatic brain disorder; and (4) to replicate the VLSC at other law schools throughout the U.S.13

8. Harvard University: Harvard’s Legal Services Center, recognizing the over-arching need of veterans to have access to legal assistance, especially those of limited means, has started a clinic in order to ensure that such needs are met. Currently, the clinic assists veterans in the following areas: discharge upgrade and correction of military records cases; veterans benefits cases before Veterans Administration Regional Offices, the Board of Veterans Appeals, and the U.S. Court of Appeals for Veterans Claims; and representation of veterans, family members, or both in other matters involving access to healthcare, financial assistance, and similar life necessities.

Harvard has recognized that “[p]roviding representation in these various areas of practice is especially important given the dramatic growth in the number of new veterans, the aging of the overall veterans population, the complexity of the legal issues, the depth of need, and the gaps in existing services.” In addition to the assistance provided to low income veterans, students also benefit by obtaining significant hands-on experience in representing veterans in various areas of the law while concurrently attaining much needed lawyering skills that will benefit them long after graduation.14

9. Chapman University: In order to meet the legal needs of veterans, Chapman has stood up the Institute for Military Personnel, Veterans, Human Rights & International Law. The Institute not only engaged in scholarly research in relevant topical areas, but also pursues litigation on behalf of military members and veterans. The “litigation arm” of

13 http://www.jmld.edu/veterans/clients/index.php
14 http://www.law.harvard.edu/academics/clinical/lsc/clinics/veterans.htm
the Institute is AMVETS legal clinic and, according to the Institute’s website, it has been successful in “recovering millions of dollars in benefits, judgments and settlements for its clients.” In addition to pursuits involving litigation, the AMVETS arm of the Institute also is tasked with providing legal assistance to veterans and in such a capacity the Institute represents these individuals in the following areas: Discharge Upgrades, Traumatic Service Group Life Insurance Appeals, VA Benefits Appeals, and issues arising under the Service Members Civil Relief Act.

The Institute’s founder and Executive Director, Professor Kyndra Rotunda, has published two textbooks and has another forthcoming. Her first book, Honor Bound: Inside the Guantanamo Trials (Carolina Academic Press, June 2008), was followed by her textbook, Military and Veterans Law, published by Thomson/West Publishing - the first textbook of its kind, geared to the growing number of Military and Veterans Legal Clinics in the country.

10. Emory University School of Law: Beginning in February 2013 a student-founded veterans clinic began operating at Emory servicing the needs of the more than 200,000 veterans living in the Atlanta, Georgia area. The clinic enables student volunteers to work directly with experienced practitioners in ensuring veterans are provided free legal representation in matters involving disability benefit claims and appeal hearings.

In addition, the clinic also accepts cases involving pension claims, claims for increased rating before the regional office of the VA, total disability claims, requested to reopen a claim denied by the VA, issues with VA healthcare and VA determinations of incompetency, applications for discharge upgrades and records corrections, employment law claims and representations, correction of criminal records, consumer law and real property matters.

III. Conclusion.

Given the over three million veterans living in the United States, there exists a clear and present need for said veterans, especially those experiencing financial hardship, to have access to no cost legal services. In order to assist in meeting that end, it is incumbent on the American Bar Association to encourage all law schools to stand up veterans law clinics, or in the alternative, utilize existing clinics in order to ensure that these veterans have easier access to the legal services that many so desperately need. The ten models cited and described in this report not only show that some schools have realized the need for such services and have answered this call, but also illustrate what kinds of programs have worked for other schools—as such, they provide an admirable framework for other

15 AMVETS Legal Clinic is a cooperative effort with AMVETS Department of California, a non-profit organization that is committed to veterans and community service and that funds the AMVETS Legal Clinic. The clinic is housed on the Chapman University Campus.
16 http://www.chapman.edu/research-and-institutions/military-law-institute/
17 Id.
18 http://www.law.emory.edu/centers-clinics/volunteer-clinic-for-veterans/legal-assistance.html
schools to emulate and expand upon. All veterans have put their lives on the line in the service of their country and we owe it to them to ensure that legal services are attainable for those that have found themselves in financial straits.

Respectfully submitted,

Mario A. Sullivan
Chair, ABA Young Lawyers Division
August 2014
1. **Summary of Resolution(s).** The purpose of this Resolution is to ensure that veterans, especially those who are unemployed or are otherwise below a certain income level, have appropriate and unfettered access to legal services by creating veterans law clinics at all law schools. If a particular school is unable, due to financial or personnel constraints, to create a veterans law clinic, than the school would instead be urged to offer similar services by means of an existing clinic. Such services would range from assistance with filing / appealing disability claims with the Veterans Administration to assistance with other types of civil legal assistance issues. Given the over three million post 9/11 veterans scattered across all fifty states, the need exists for the creation of such institutes and / or clinics which, when attached to a host law school, would have the resources to make a positive impact not only on the lives of our veterans, but would also provide a valuable hands-on legal experience to students.

2. **Approval by Submitting Entity.** This Resolution was approved by the Young Lawyers Division during the meeting of the YLD Assembly at the 2014 Mid-Year ABA meeting.

3. **Has this or a similar resolution been submitted to the House or Board previously?** No

4. **What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?** No

5. **If this is a late report, what urgency exists which requires action at this meeting of the House?** N/A

6. **Status of Legislation.** (If applicable) N/A

7. **Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.** If this Resolution were adopted by the House of Delegates correspondence from the ABA President would be created and sent to the sitting deans at all law schools currently in operation throughout the United States requesting that each of their institutions support this new ABA policy.
8. **Cost to the Association.** (Both direct and indirect costs) If this Resolution passed and my suggestion for implementation under item 7 above is followed, there would be nominal indirect costs in the form of staff time needed to draft an appropriate letter. There would be some direct costs in the form of postal charges.

9. **Disclosure of Interest.** (If applicable) N/A

10. **Referrals.**
    a. ABA Standing Committee on Legal Assistance for Military Personnel (LAMP), Referred May 2014, Response – Voted to support
    b. ABA Standing Committee on the Delivery of Legal Services, Referred May 2014, Response – No decision regarding support has yet been made
    c. Solo, Small Firm & General Practice Division (GP Solo) Referred May 2014, Response – Voted to support
    d. Legal Education, Coordinating Committee on Veterans

11. **Contact Name and Address Information.** (Prior to the meeting. Please include name, address, telephone number and e-mail address)

Joshua A. Roman, Vice-Chair
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12. **Contact Name and Address Information.** (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address.) Same as above
EXECUTIVE SUMMARY

1. Summary of the Resolution

The purpose of this Resolution is to ensure that veterans, especially those who are unemployed or are otherwise below a certain income level, have appropriate and unfettered access to legal services by creating veterans law clinics at all law schools. If a particular school is unable, due to financial or personnel constraints, to create a veterans law clinic, than the school would instead be urged to offer similar services by means of an existing clinic. Such services would range from assistance with filing / appealing disability claims with the Veterans Administration to assistance with other types of civil legal assistance issues. Given the over three million post 9/11 veterans scattered across all fifty states, the need exists for the creation of such institutes and / or clinics which, when attached to a host law school, would have the resources to make a positive impact not only in the lives of our veterans, but would also provide a valuable hands-on legal experience to students.

2. Summary of the Issue that the Resolution Addresses

This Resolution attempts to address the lack of readily available no-cost civil legal services to the over three million veterans of the U.S. Armed Forces who are unable to access traditional legal services due primarily to cost and availability. Though various pro bono initiatives do exist at the local, regional and national level (i.e. ABA Legal Assistance Project) these efforts, though commendable, do not address the over-arching systemic issue itself. Given the over 200 law schools currently in operation throughout the United States, encouraging all such schools to stand-up veterans law clinics or to utilize existing clinics in order to assist this generally underrepresented subset of the population would ensure that a much larger percentage of all veterans could obtain readily available no-cost legal services for their civil legal needs.

3. Please Explain How the Proposed Policy Position will address the issue

See answer in question 2 above.

4. Summary of Minority Views

None.