This workshop was held at the 2017 Equal Justice Conference in Pittsburgh, Pennsylvania.

Title:
Providing Effective Legal Representation to Veterans

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Low-income veterans may have unique legal issues by virtue of their veteran status. To best assist this population, those providing legal services to veterans - from nonprofits to volunteers to courts - should be familiar with ways in which low-income veterans' legal issues are distinct from those of non-veterans. Panelists will provide an overview of legal benefits, rights and remedies unique to veterans and invite attendees to engage in visioning ways they can better address these needs through pro bono legal service.
PANELISTS – PROVIDING EFFECTIVE LEGAL REPRESENTATION TO VETERANS
EJC 2017

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PROVIDING EFFECTIVE LEGAL REPRESENTATION TO VETERANS
What or Who is a Veteran? Is this really a unique legal population?

• The Second Question First: Yes! Veterans (22 million in the U.S., 7% of the population) are a unique legal population by virtue of their status of having served in the armed forces of the United States. The very definition of who is a “veteran” can be one fraught with legal significance. Veterans have unique legal needs that by and large arise out of federal law.

• Because it is a unique legal population, veterans advocates (including attorneys) are accredited by the VA to represent veterans

• Who is a Veteran: “a person who served in the active military, naval, or air service and who was discharged or released therefrom under conditions other than dishonorable.” 38 U.S.C. § 101 (2); See 38 C.F.R. § 3.1(d)
What Benefits Might A Veteran Have?

- Healthcare through the Veterans Health Administration

- Benefits through the Veterans Benefits Administration which include: Disability Compensation, Education Benefits, Needs-Based Pension, Vocational Rehabilitation and Training Benefits, Home Loan Guaranty Benefits, Life Insurance Programs

- What Benefits May Be Eligible for Qualifying Survivors? A Veteran’s Accrued Benefits, Monthly Compensation for a Veteran’s Spouse where the Veteran’s death was related to a Service-Connected Condition, A Needs-Based Pension for poor survivors, Dependents’ Educational Assistance
What a Claim is...

• Begins when it is filed at the VA- if veteran has **never** filed for benefits before, will need to submit a claim*:
  – e.g. “Application for Compensation And/Or Pension,” VA Form 21-526
  – “Application for Dependence and Indemnity Compensation, Death Pension, Etc.” VA Form 21-534

• If the first claim is filed with the VA without a 21-526, the VA will (should) ask for one. The 21-526 must be substantially complete – the VA must inform the Veteran if it is not. A 21-526b is used for Supplemental Claims

• A claim can be a vital source of revenue for low-income clients

*–Informal claims permitted from (?)1862-March 2015 however Veterans Justice Group LLC et al. v. McDonald (Fed. Cir. April 2016) held an informal claim is now an expression by the veteran of an intent to file a claim and from that expression the veteran, arguably, now has one year in which to file his/her “formal” claim- Did we witness the Death of the Informal Claim???
What a Claim is not ...

- The mere mention of a disability in a medical record (including service records)

- The mere request for information about a claim, how to file a claim, etc.

- A statement to a VA physician about seeking benefits, even if recorded in the medical record
Visual Representation of VA Claims

Structure of Benefits System

- **VA REGIONAL OFFICE**
  - **SOC – Form 9**
  - **BOARD OF VETERANS APPEALS**

- ***U.S. COURT OF APPEALS FOR VETERANS CLAIMS***

- **U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

- **U.S. SUPREME COURT**

*“CAVC” Art I Court- 1988*