Working With Military and Veterans 101
Today’s Speakers

- Margaret Kuzma, Staff Attorney Skadden Fellow, Legal Assistance Foundation of Chicago, Chicago, IL

- Jason Vail, Senior Attorney/Chief Counsel, American Bar Association, Chicago, IL
Objective of Presentation...

- Discuss the current status of the veteran community;
- Illustrate the importance of screening for military status in all types of law
- Identify specific challenges and protections facing veterans and military families
- Provide information on legal programs and referral resources that can assist you and/or your military-connected client.
The Veteran Community Today...
Distinct Generations of Veterans...

- WWII - 16.1 M served; 291K KIA; 670K WIA; 1.111 M still living as of 2013*; 92 median age
- Korea – 1.7 M served in theater (5.7 M overall during KW era); 54K KIA; 103K WIA; 1.878 M still living*; 81 median age
- Vietnam – 3.403 M served in theater (8.74 M overall during VW era); 55K KIA; 153K WIA; 6.962 M still living*; 62 median age
- Peacetime – Served during a “non-war” era: 5,337 M
- Gulf War – 694K Deployed (2.322 M serving during conflict; 338 KIA; 467 WIA; 2.244 still; median age varies, on average mid-40’s
- Post 9/11- 2.3 M served (serving) since 9/11; multiple deployments; increased % of women veterans; PTSD/TBI; downsizing expected to have a 1M exit service. 4,486 OIF KIA; 2309 OEF KIA
Women Veterans...

A growing part of the veteran community!

Unique Challenges:
- Larger combat role and experiences
- Deployed and left dependents in “fragile system of care”
- Younger demographics, with unique healthcare needs
- Lack of self-identification and accessing veteran resources
- Military Sexual Trauma experiences.
Snapshot of Illinois Veterans...

- Veterans: 782,747 (6.1%) of 12.8 M Illinois Residents
  7th most populous veteran state in US
- Male: 725,647
- Female: 57,100 (12%)
- Wartime: 581,600 (75%)
- Peacetime: 201,100
- OIF/OEF Casualties: OEF 83 KIA; 376 WIA (459 Casualties)
  OIF 162 KIA; 1092 WIA (1244 Casualties)
- ILNG/Reserve Personnel Deployed Since 9/11 in Iraq/Afghanistan: 22,000
- ILNG/Reserve currently deployed: Appx 540
Societal disconnect...

All Volunteer Force

.4 of 1% of US Pop
WWII = 9%

Values
Training
Education

High-quality Force
HS Grad/GED @ minimum
Battle tested
Combat hardened
Social issues – resolved in service

Not Society Rejects

Transition to civilian status is the biggest challenge, and is determined by the factors of the era of service...
Challenges in Transition...

**Factors that Predict an Easy or Hard Re-entry into Civilian Life**

Percentage-point change in the likelihood that a veteran with each characteristic had an easy time re-entering civilian life:

- Experienced a traumatic event: -26
- Seriously injured: -19
- Post-9/11 veteran who was married while serving: -15
- Post-9/11 veteran: -15
- Served in combat: -7
- Knew someone killed/injured: -6

**Coming Home**

Share of all veterans who say their re-entry into civilian life was...

- Very difficult: 6%
- Somewhat difficult: 21%
- Somewhat easy: 29%
- Very easy: 43%

**Emotional Issues and Re-entry**

% in each group who say they had an easy time re-entering civilian life:

- Suffered from PTS: 34
- Did not suffer from PTS: 82
- Experienced flashbacks: 34
- Did not experience flashbacks: 72

Integration – Education – Employment

Notes: Based on survey of 1,853 veterans. "Don't know/Refused" responses are shown but not labeled.

Pew Research Center
Common underlying issues affecting a veteran’s quality of life...

- Non-user friendly transition
- Access to health care
- Mental health issues
- Financial assistance
- Access to federal benefits
- Lack of legal support (Civil/Criminal)
- Employment/Unemployment
- Access to education/training/certification
Common underlying issues affecting a veteran’s quality of life...

- Housing/Homelessness
- “Bad paper”
- Addiction/alcohol and substance abuse
- Criminal history (non-access to expungement)
- Terminal un-employability
Trends & Challenges...

- An incomplete narrative, with veterans as victims rather than *assets*
- A hard-to-find community
- Worst time to re-enter the economy for employment purposes
- "Veteran" resources will decrease...
- Unnavigable "*Sea of Goodwill*"...but state collaboratives are forming...
Layers in the Veterans System...

Federal: Health Care + Disability Compensation

State: Veteran Homes, Veteran Service Officers, Special Projects

County Veterans Assistance Commissions:
Transportation + Emergency Assistance

Veteran Service Organizations

Organizations w Veterans Programs
LAF
Legal Services for Veterans, Service Members, and their Families
Who is LAF?

For over 40 years, LAF (formerly the Legal Assistance Foundation) has provided comprehensive, free civil legal assistance to people living in poverty and seniors in Chicago and suburban Cook County.

With more than 80 full-time attorneys and staff, we help 40,000 people each year resolve their legal problems and get back on track.
LAF Areas of Practice

**Public Benefits** (VA benefits, Social Security, Food Stamps, TANF, Medicaid, and Medicare)

**Consumer** (bankruptcy, utility service, car repossession, collection defense, foreclosure, SCRA)

**Housing** (Section 8 voucher preservation, eviction defense, public housing admissions denials)

**Children & Families** (orders of protection/domestic violence, child endangerment, divorce and custody)

**Immigrant & Workers’ Rights** (unemployment benefits, wage claims, employment discrimination, USERRA)
“The Ask”

- Regardless of your practice, it is crucial to ask about military/veteran/dependent status
  - Don’t just ask “are you a veteran?”
- Instead:
  - Have you ever served in the military, including the Reserves or the National Guard?
  - Has anyone in your family ever served?
Veteran-Specific Legal Issues

Federal VA Benefits

- Financial:
  - Service-Connected
    - Compensates for reduction in earning capacity
    - NOT means tested
  - Non Service-Connected Pension
    - Low-income, 65+ or permanently disabled

Both Provide vitally needed resources which can ensure on-going stability
Veteran-Specific Legal Issues

Other Federal VA Benefits/Programs

- Educational:
  - GI Bill, Post 9-11 GI Bill, Post 9-11 Reserves, Kicker programs, Yellow Ribbon, etc.

- Other:
  - HUD Vash
  - SSVF
Veteran-Specific Legal Issues

Discharge Upgrades

- “Bad Paper” – OTH and below
  - Jeopardizes all VA benefit programs, including healthcare and housing programs
  - Barrier to Employment/social stigma

Discharge Upgrades can be life altering: granting access to benefits and restoring an important aspect of personal identity
LAF and Current SMs

Protecting Current Service Members

- **Foreclosure** – Deployments often result in pay gaps or a decrease in wages which can lead to missed payments.

- **Tenants’ Rights** – Landlords have refused to rent to service members unless the service members waive their rights to break the lease if suddenly deployed.

- **Consumer Fraud** – Military families are targeted by predatory lenders at far greater rates than the population at large.
Advocacy -- Connecting the Military-Connected Client to Resources...
Available Resources and Services...

- Federal and State agencies
- Military Legal Assistance
- Veteran Service Organizations (VSOs)
- Veteran Assistance Commissions (VACs)
- Veteran Treatment Courts (VTCs)
- Veteran Justice Outreach Coordinators (VJOCs)
- Illinois Joining Forces
- ABA Home Front
- Legal Aid (LAF), pro bono, lawyer referral, and others.
Navigating the Resources...

IJK is a joint effort to better serve veterans, service members, and their families throughout the state.

IJK brings together, under a common umbrella, public (DVA/DMA), non-profit, and volunteer organizations in order to foster increased awareness of available resources and collaboration among participating organizations.
Legal Trends and Needs...

Veterans' needs are broader than legal assistance during the claims process:

- **Family Law**
  - Child Custody Matters
  - Child Support Order Modification/Visitation
  - Dissolution of Marriage (Benefits?)
  - Domestic Violence

- **Consumer/Property Law**
  - Debt Management
  - Credit Repair
  - Bankruptcy
  - Mortgage/Foreclosure Defense
  - Unfair practices/consumer fraud

- **Elder Law**
  - Transitioning Benefits for survivors/widows
  - Estate Planning
  - Health Care for Seniors
ABA Programs for Military and Veterans

- Standing Committee on Legal Assistance for Military Personnel (LAMP)
- Coordinating Committee on Veterans Benefits and Services
- ABA Home Front – www.ABAHomeFront.org
- ABA Military Pro Bono Project – www.militaryprobono.org
- ABA Veterans’ Claims Assistance Network – www.ABAVCAN.org
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Conclusion