MEMORANDUM OF AGREEMENT

Between

The United States Department of Veterans Affairs

American Bar Association

The Veterans Consortium Pro Bono Program

And

National Law School Veterans Clinic Consortium

I. PURPOSE:

This Memorandum of Agreement (MoA) is entered into between the U.S. Department of Veterans Affairs (VA), 810 Vermont Avenue NW, Washington, DC, 20420 and the American Bar Association (ABA), The Veterans Consortium (TVC), and the National Law School Veterans Clinic Consortium (NLSVCC), collectively referred to as the “Parties.” This MoA sets forth a commitment in which all entities will work in a mutually beneficial manner to advance and improve the quality of life for our Nation’s Veterans.

The Parties recognize that there is a critical need to provide pro bono legal assistance to Veterans. For purposes of this document, use of the term “Veterans” may generally include Veterans and their qualifying families, caregivers, and survivors. All Parties come together in this agreement and in accordance with their current mission statements to work towards improving Veterans’ access to legal services, and in particular, in expanding VA-hosted free legal clinics and Medical Legal Partnerships (MLPs) pursuant to VHA Directive 2011-034. The Veteran-focused legal clinics and MLPs aim to provide free legal assistance to Veterans with unmet legal needs through a legal clinic located on the campus of a VA medical center or other facility.
AUTHORITY

VA enters this MoA pursuant to its authority under Title 38, United States Code, specifically:

1) 38 U.S.C. § 2022(e) to carry out an outreach program to provide information to homeless veterans and veterans at risk of homelessness. In developing and carrying out this program, the Secretary shall, to the extent practicable, consult with appropriate public and private organizations to coordinate services provided to veterans with services provided by those organizations.

2) 38 U.S.C. § 523(b) to coordinate provision of benefits and services (and information about such benefits and services) with appropriate programs (and information about such programs) conducted by State and local governmental agencies and by private entities at the State and local level.

II. BACKGROUND:

U.S. Department of Veterans Affairs, Office of General Counsel (OGC)

VA’s mission is to fulfill President Lincoln’s promise, “[t]o care for him who shall have borne the battle and for his widow, and his orphan” by serving and honoring the men and women who are America’s Veterans in accordance with Federal law. The Department has identified five priorities in advancing this mission: 1) greater choice for Veterans, 2) modernize our systems, 3) focus resources more effectively, 4) improve timeliness of services, and 5) suicide prevention. VA has identified these priorities throughout the Veterans Benefits Administration, Veterans Health Administration, National Cemetery Administration, Staff Offices, and constituent-specific offices.

Based on its annual Community Homelessness Assessment – Local Education and Networking Groups (CHALENG) survey, VA has determined that the lack of access to legal representation contributes significantly to a Veteran’s risk of becoming and remaining homeless. In fact, the VA CHALENG survey has consistently demonstrated that five out of the top ten unmet needs of homeless veterans are legal needs, to include eviction/foreclosure, child support, outstanding warrants/fines, and discharge upgrades. Legal problems often contribute to Veterans’ risk of homelessness, and affect Veterans’ access to VA healthcare, benefits, and services.

Accordingly, VA OGC and the Veterans Justice Outreach (VJO) Program have developed relationships with non-VA legal service providers, for such entities and individuals to provide free legal assistance to Veterans on VA property, pursuant to VHA Directive 2011-034. These legal clinics range from brief advice and referral, to daily on-site legal services in partnership with VA clinicians. There are currently at least 165 such legal clinics hosted in VA
facilities offering such services to Veterans and their families. This includes at least 23 Medical Legal Partnerships (MLPs), which involve close collaboration between VA clinicians and the non-VA legal aid provider on-site, through training, coordinated referral and care delivery, and legal needs assessments.

American Bar Association (ABA)

The ABA is committed to ensuring the best possible legal outcomes for veterans, their families, caregivers, and survivors. The ABA seeks to accomplish this through support for pro bono and other free legal services, public and professional education, innovation in accessing and delivering legal support, and advocacy to remove legal barriers to due benefits, services, and treatment.

With more than 400,000 members, the American Bar Association is one of the largest voluntary professional membership organizations in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law.

The Veterans Consortium Pro Bono Program (TVC)

The Veterans Consortium believes that our Veterans in need—our nation’s defenders—deserve the care, benefits and compensation they were promised, and the best legal services free of charge to meet their challenges. For more than 25 years TVC has been providing the best legal services in federal venues free of charge to veterans and their families, caregivers, and survivors no matter where in the world they live. TVC’s National Volunteer Corps of more than 2,500 attorneys and related pro bono professionals provide pro bono representation at the U.S. Court of Appeals for Veterans Claims, the Federal Circuit, and the U.S. Supreme Court. TVC volunteer attorneys have an 82% lifetime success rate for deserving clients in more than 5,000 federal court cases, including two unanimous Supreme Court decisions. TVC operates the federal Pro Bono Program for the U.S. Court of Appeals for Veterans Claims, and annually handles approximately 3,000 requests for legal assistance.

Founded in 1992, TVC recruits and trains volunteer attorneys, carefully screens cases for issues of merit and places cases with attorneys for pro bono representation, mentors volunteers and supports them and their clients throughout the pro bono engagements. TVC volunteers also provide support to discharge upgrades appeals for cases impacted by Post-Traumatic Stress (PTS) and Traumatic Brain Injury (TBI), and TVC operates the weekly legal clinic at the DC VA Medical Center pairing local volunteer attorneys with law students to serve Veterans and to introduce aspiring students to a career in public service or public interest law. For professors who want to launch a veterans law clinic or related clinical program at accredited law schools, TVC provides training seminars, resources such as the TVC Clinic-in-a-FootlockerTM, and a
limited number of grants help launch new veterans law clinics or to help them get to the next level.

**National Law School Veterans Clinic Consortium (NLSVCC)**

The Consortium's primary purpose is to serve Veterans. Law schools across the nation are tasked with equipping future attorneys with the skills necessary to competently and professionally represent their clients' interests as well as instill a sense of service. As a result, law schools and their students are uniquely suited to serve U.S. military Veterans in a way that distinguishes them from many other types of organizations serving Veterans.

Many law schools, with assistance from medical professionals, law firms, medical colleges, psychologists, and students in these fields, have responded to the increased demand for Veteran's legal services by establishing Veteran's clinics. Each Veteran's clinic may have a different focus, range of expertise, or geographic area from which to draw their clients, but they all operate with one objective: to address Veteran's legal needs and to educate law students.

The need for pro bono legal services for Veterans is overwhelming and will likely remain so. The Consortium's attorneys and law students have recognized and established the Consortium to address this need. The Consortium was established in 2017 to provide a unified voice to identify and advance the law school clinics and their Veteran client's interests before the VA, U.S. Congress, and other federal entities.

**III. JOINT OBJECTIVES:**

*In order to better address the unmet legal needs of Veterans, including the homeless and those at risk of homelessness, VA OGC, ABA, TVC, and NLSVCC (the Parties) agree to pursue the following objectives, in accordance with their respective mission statements:*

1. Establish regularly occurring free legal clinics for Veterans in all VA medical centers, to help serve the unmet legal needs of Veterans, in accordance with VHA Directive 2011-034 (While lacking the requisite statutory authority to fund legal services for Veterans directly, VA agrees to coordinate and cooperate with the other Parties to this MoA as needed, to facilitate the granting of proper lawful non-VA access and usage of space in the VA medical centers (e.g., via a Revocable License), for the contemplated legal clinics and activities contemplated in this MoA);

2. Focus on improving Veterans' access to legal services in rural or less resourced areas, such as the use of technology and/or by arranging additional legal clinics inside VA Vet Centers and Community Based Outpatient Clinics (CBOCs), in accordance with VHA Directive 2011-034;
3. Encourage and facilitate pro bono representation and the development of additional law school initiatives for Veterans by increasing the number of Veterans law school clinics so there is at least one Veterans law clinic, or law school clinical program handling Veterans’ matters, in every state;

4. Encourage VA clinicians to collaborate, through Medical Legal Partnerships, with pro bono attorneys or other clinic providers that offer on-site legal services to Veterans, in order to address Veterans’ medical needs that may be caused or exacerbated by legal problems;

5. Engage in strategic partnerships with community organizations, law schools, state and local bar associations, and other stakeholders to enhance the quality and availability of free legal services to Veterans and their families, noting that VA currently lacks statutory authority to directly provide or fund legal services for Veterans.

IV. PERFORMANCE MEASURES:

VA and the ABA, TVC, and NLSVCC seek to increase access to, and enhance services to Veterans and their families. In an effort to measure the Parties’ efficacy at meeting the foregoing objectives, they will measure and share their progress towards these objectives in any of the following ways on an annual basis, including but not limited to:

1. Number of pro bono legal clinics and Medical Legal Partnerships hosted in VA Medical Centers, Community Based Outpatient Clinics, and Vet Centers;

2. Number of trainings and/or Continuing Legal Education (CLEs) developed and given by the Parties on Veterans’ civil, administrative, and criminal legal needs and pro bono legal services;

3. Number of Veterans and their family members, caregivers, and survivors served by free legal clinics located in VA facilities;

4. The market value of pro bono legal clinic hours donated each year to Veterans at VA-hosted and other Veterans legal clinics; and

5. Other metrics as deemed appropriate and agreed upon by all Parties.
V. POINTS OF CONTACT:

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VI. LIMITATIONS:

(a) This MOA is legally non-binding, subject to applicable Federal, State, and local law, and represents a voluntary, collaborative, working relationship between VA and ABA, TVC, and NLSVCC. The terms of this MOA do not imply or intend that VA, ABA, TVC, or NLSVCC is liable for any party’s obligations other than its own and it does not obligate any party to commit any funds or resources except as that party, in its sole discretion, may choose to apply toward this collaboration.

(b) No party will use this MOA to sell or promote any products or services.

(c) No party will use the name of any other party, except in factual publicity and with prior approval of said party. Such factual publicity shall not imply that the involvement of VA serves
as an endorsement of the general policies, activities, or products of the ABA, TVC, or NLSVCC.
Where the publicity references the Department, publicity will be accompanied by a disclaimer to
the effect that no VA endorsement is intended. The ABA, TVC, and NLSVCC may use VA’s
logo, seals, flags, and other symbols only pursuant to a written determination by VA that the
proposed use by the ABA, TVC, and NLSVCC advances the aims, purposes and mission of the
Department. VA approval is not guaranteed.

(d) VA has obtained no ownership interests in the ABA, TVC, and NLSVCC or other ABA,
TVC, and NLSVCC names, logos, and/or trademarks (the Marks). VA will obtain the ABA,
TVC, and NLSVCC’s prior written approval before any use of the Marks.

(e) This Agreement is not intended to be an exclusive arrangement. The relationship established
in this Agreement in no way limits VA or the ABA, TVC, and NLSVCC from establishing
similar relationships with any other entity.

(f) This Agreement does not represent any endorsement by VA of the general policies, activities,
or products of the ABA, TVC, and NLSVCC.

(g) Any publicity released by any Party concerning this MOA, the services or supports providing
within, or any resulting outcomes, will be subject to prior approval of the other Party.

(h) Each party shall bear its own costs, risks, and liabilities incurred by it arising out of its
obligations and efforts under this MOA. None of the Parties can commit the others to any cost,
expense, or obligation without the prior written consent of another Party. In the event that any
Party to this MOA wishes to pursue and enter into a formal agreement with any other Party or
Parties hereto, any such contract shall be subject to applicable law, and memorialize the pertinent
terms and conditions including, but not limited to a period of performance, funding issues, and
liability matters. Neither party may commit the other to any transfer of funds to achieve
objectives of this MOA, absent the ability to do so under applicable law and as applicable, a
formally negotiated agreement.

(i) This MOA may not be assigned or otherwise transferred by any Party, in whole or in part,
without the expressed prior written consent of the other Party, which shall not be unreasonably
withheld.

VII. DURATION, AMENDMENT, REVIEW, AND TERMINATION:

This MOA is effective when signed by all parties and will remain in effect until terminated by
any party or three years, whichever comes first. Amendments must be executed in writing,
signed by authorized representatives of all entities. No oral or unilateral amendments will be
effective. Only terminations done in accordance with the terms of this agreement may be done
unilaterally.
This MOA will be reviewed annually for compliance and effectiveness.

Any party may withdraw from this MOA by requesting withdrawal in writing sent from the authorized representative of the terminating party to the authorized representative of the other parties. In no case will any oral termination be effective nor will any termination attempted outside these stated requirements.

VIII. APPROVALS:

U.S. Department of Veterans Affairs

By: 
James Byrne
General Counsel
Department of Veterans Affairs

Date: 11/13/17

ABA

By: 
Jack Rives
Executive Director
ABA

Date: 11/13/17

NLSVCC

By: 
Edwin J. Olson, MD, JD, MBA
Board Member
NLSVCC

Date: 11/13/17

TVC

By: 
Mary Ann Gilleece, Esq.
Chairman of the Executive Board
TVC

Date: 11/13/17