

GENERAL INFORMATION FORM

Submitting Entity: Section of Litigation

Submitted By: Judith A. Miller, Chair

1. Summary of Recommendation.

The proposed policy urges Congress to pass the Veterans Advocacy Act of 2007, a bill that would create a grant program for organizations providing pro bono legal representation to service members and veterans to ensure that they receive the health care and benefits to which they are entitled.

2. Approval by Submitting Entity.

The Section of Litigation Council approved the proposed policy recommendation on November 13, 2007.

3. Has this or a similar recommendation been submitted to the ABA House of Delegates or Board of Governors previously?

No.

4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?

Adoption of the proposed policy is consistent with the ABA's general policy of supporting legal assistance for military personnel.

The proposed policy is consistent with the ABA's general support of the independence of advocacy and access to legal system. As noted by Senator Feingold in his introduction:

...My Bill would ensure that service members and veterans who have trouble accessing the care to which they are entitled will have an advocate outside the chain of command who can negotiate with the Departments to ensure proper care.

...Meredith Beck of the Wounded Warrior Project summarized the problem as follows: ' 'In many of the cases we have seen, the creation of new benefits wasn't needed to aid the service member, rather, the wounded warrior just needed to have the existing benefits systems better explained and untangled in order to understand what was available to them.'

...But the reality is that many veterans face unnecessary delays and appeals of legitimate compensation claims that could be avoided if there were enough advocates to ensure that every veteran's case is carefully developed from the beginning. Several judges of the Court of Appeals for Veterans Claims have described the importance of ensuring that veterans have legal representation throughout the claim process. Judge Holdaway summarized the need as follows:

If you get lawyers involved at the beginning, you can focus in on what is the case about. I think you would get better records, you would narrow the issue, there would be screening...I think if we had lawyers involved at the beginning of these cases, it would be the single most fundamental change for the better that this system could have.

...there are legal service organizations and attorneys who are willing to provide assistance to these service members and veterans free of charge. The purpose of this bill is to help these organizations get the training they need to help veterans and service members.¹

5. What urgency exists which requires action at this meeting of the House?

Passage of this resolution in February 2008 would give the ABA an opportunity to advocate for this legislation at its annual ABA Day in Washington in April 2008, and the ABA's support would provide much needed momentum.

6. Status of Legislation. (If applicable.)

The bill has been referred to the Committee on Veterans' Affairs on June 7, 2007.

7. Cost to the Association. (Both direct and indirect costs.)

None.

8. Disclosure of Interest. (If applicable.)

N/A

9. Referrals.

The recommendation has been referred to the following ABA entities:

Standing Committee on Armed Forces Law
Standing Committee on Legal Assistance for Military Personnel
Standing Committee on Legal Aid and Indigent Defendants
Standing Committee on Medical Professional Liability

¹ <http://thomas.loc.gov/cgi-bin/query/F?r110:1:./temp/~r110pzS2B1:e48528>

Standing Committee on Pro Bono and Public Service
Commission on Mental and Physical Disability Law
General Practice, Solo and Small Firm Section Division
Government and Public Sector Lawyers Division
Health Law Section
Individual Rights and Responsibilities
Young Lawyers Division

10. Contact Person. (Prior to the meeting.)

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11. Contact Person (Who will present to the House)

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