

DIALOGUE

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News and Perspectives from the ABA Division for Legal Services

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From the Chair...

By Donald J. Guter, RADM JAGC USN (Ret.)

Standing Committee on Legal Assistance for Military Personnel

The impressive first operational year of the ABA Military Pro Bono Project, a program founded by the Standing Committee on Legal Assistance for Military Personnel, has tapped a deep reservoir of interest within the civilian bar in giving back to our active-duty American servicemembers. The volunteer spirit let loose by the Project has proved even stronger than anticipated, as the statistics reported in the accompanying story on the Project's first year bear out.

In engaging in pro bono support for those on active duty, one becomes more acutely aware of the even more complex set of challenges facing that other great patriot population – our American veterans. The line between these two populations, although rigidly drawn by federal bureaucracies in the past, can seem almost artificial when viewed from the individual's perspective. The legal, financial and personal issues facing servicemembers rarely disappear at discharge. In too many cases, they are exacerbated by joblessness and other difficulties associated with return to civilian life after long, high-stress deployments to conflict zones. Thousands of our new veterans are dealing with physical disability, too many are beset by Post Traumatic Stress Disorder, and a significant number are even encountering homelessness.

Not to minimize our duty as a nation to those older veterans who served in prior eras, but our government and private sector must now respond to the distinct set of challenges confronting these new American veterans, so many of whom have served nobly, selflessly and at significant personal cost in Iraq, Afghanistan or both. The recent tragedy at Ft. Hood only underscores the extreme demands placed on these individuals, who have endured deployment after deployment over half a decade or longer.

As tens of thousands more of these new veterans filter back into full-time civilian life in the years just ahead, the challenge to afford them the social

and legal support they deserve will be immense. As Brigadier General Clyde "Butch" Tate II ("BG Tate"), Deputy Judge Advocate General, U.S. Army, recently cautioned, "I don't think we fully appreciate yet the numbers of veterans who soon be back in the civilian world." In remarks at a veterans law seminar hosted by the John Marshall Law School Veterans Legal Clinic in Chicago, attended by our committee staff, Brigadier General Tate challenged those present "to figure out what difference you can make in the life of a soldier, a veteran or a family member in recognition of the quality of their service. It is time to take action."

BG Tate also invoked the remarks of Mr. Ken Fisher on the occasion of Mr. Fisher's receipt of the George Catlett Marshall Medal, conferred by the Association of the United States Army at its annual dinner on October 7, 2009. Mr. Fisher was honored for his work and that of Fisher House, an exemplary philanthropic program providing free or low cost lodging to veterans and military families receiving treatment at military medical centers.

Observing that this generation of returning servicemembers is routinely greeted by the thanks of their countrymen, unlike their counterparts who served in Vietnam, for example, Mr. Fisher urged that words are insufficient:

Yet there is a paradox alongside this sea change in public attitudes and the positive understanding and emotion that underlie them. It is this: Just when we as a people have accepted how much we owe our military and our veterans, it is becoming obvious that "thank you for your service" is no longer enough...

It is a compelling idea. Maybe the thanks of a grateful nation can and ought to be more tangible. Maybe the warm feelings we experience when we shake a soldier's hand and offer best wishes ought to be accompanied by resolve. A resolution to not just SAY something but DO something.¹

Of course, much good work is under way on many fronts to aid our servicemembers and veterans in transition. The efforts of the Dole-Shalala Commission and new federal statutory mandates have engendered a whole new slate of federal programs for wounded warriors and compelled far closer coordination between the services and the Veterans Administration, particularly on disability matters. The Army and the other branches have moved swiftly to create a cadre of specially trained lawyers and other specialists to support wounded warriors, and the services are more focused today on facilitating the transition to civilian life.

Law firms across the nation have stood up veterans legal support programs; the Pro Bono Institute is coordinating a large-scale initiative to train lawyers and involve firms on veterans benefits cases; the National Veterans Legal

Services Program has performed great work in the veterans benefits law arena; the ABA Commission on Law and Aging is funding programs in four states with emeritus attorney pro bono practice rules to establish pilot programs to provide veterans with pro bono legal assistance; and veterans legal clinics are doing great work in various locations, including the exemplar clinic at John Marshall Law School, untangling and fighting through the morass of veteran's benefits red tape on behalf of their clients. Nearly two dozen ABA entities with shared interest in legal issues facing veterans have joined in a Coordinating Committee to provide support ranging from pro bono representation to changes to the legal system. The ABA Law Student Division, through its innovative Duty Bound program, connects law student volunteers with private-practice lawyers who could use assistance on veterans' benefits appeals. The recent movement to set up "veterans' courts" in local court systems must also be applauded and encouraged.

And yet, a multiple of those existing resources will be required to give this generation of veterans its due, resources that must largely come from the heart of the nation through the work of volunteers. As Gordon Erspamer, a San Francisco lawyer in private practice and a recipient of the 2009 ABA Pro Bono Publico Award for his tireless volunteer work with veterans, noted in a 2007 National Law Journal Article: "The need is staggering." As the new veteran population surges, that staggering need will only intensify.

But we take heart from that vast reservoir of volunteer spirit among lawyers tapped by the LAMP Committee's ABA Military Pro Bono Project. We have faith that when the nation's lawyers are called to help our new class of veterans, lawyer volunteers will do their part, as our new veterans surely did when their country called them to service.

¹ Mr. Fisher's complete remarks on the need to act in support of Iraq and Afghanistan veterans may be found at: www.marshallfoundation.org/news/Fisher.htm.

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