

VETERANS AFFAIRS

Protecting the rights of those who fought to protect ours.

BY HANNAH KIDDOO

Whether at war or peace, accounts of Texans in uniform fill U.S. history books. From revolution battles to the 17 active installations around the state today, Texas has an extensive military history.



At present, 1.7 million veterans reside in Texas. Some of them are still at battle on the home front, fighting for their rights and benefits. For a number of veterans, a complex mixture of social, environmental, and physical barriers can limit access to support, and law resources are no exception. Lawyers are in a unique position to assist veterans who have served in the past, as well as those who are returning home from war.

Three years ago, then-State Bar of Texas President Terry Tottenham, who served in the U.S. Marine Corps, launched Texas Lawyers for Texas Veterans (TLTV), a State Bar initiative with a mission to develop pro bono legal clinics for military veterans who otherwise can't afford or access the legal services they need.

Since its 2010 launch, 3,000 volunteer attorneys have supported more than 10,000 veterans, and the program has set an example for other bars across the nation. Services can be as simple as offering a referral, or as complex as navigating a VA claim. No matter the circumstance, assistance is needed—and appreciated.

While these accomplishments are an exciting first step, they are far from the end goal. The State Bar of Texas supports veterans initiatives and encourages each local bar to conduct at least one veterans legal clinic each year; so far, more than 50 local bars have accepted the challenge. In this feature, we focus on some of the issues that veterans face in the legal system, how attorneys are helping, and how more can be utilized.

COMMON LEGAL ISSUES FACING VETERANS

You have these people coming back and hitting a brick wall; they're so far behind. They just didn't know what to do and what their rights were, and that's how we guide them in the right way.

—Chris Waller, TLTV chair,
Corpus Christi Bar Association

In recent years, Congress has passed legislation that makes it easier for attorneys to assist veterans. Many of the legal issues veterans face are parallel to those of the general population. Common concerns include bankruptcy, consumer protection, family law, probate law, and property disputes. Because of this, lawyers from all specialties are able, and called, to join efforts at veterans clinics.

Additionally, there are legal situations that are distinct to the military population, including U.S. Department of Veterans Affairs (VA) issues and disability claims. In these cases, veterans might need support navigating the VA system, understanding their rights, or simply connecting with the right resources. Assistance from the VA includes disability benefits, education support, burial and widow benefits, and pension, among other resources.

While attorneys can work with veterans on a pro bono basis at all phases in the claims process, lawyers representing veterans before the VA must be accredited through the Office of the General Counsel of the VA and must complete legal education to maintain that accreditation. The State Bar of Texas supports this education through free continuing legal education courses.

CLINIC IN A BOX

I know in one case that there was a veteran who really didn't know what to do as far as completing disability forms to be able to get VA disability. Some of the folks that were there at the clinic were able to provide direct assistance so that they could get their veterans benefits taken care of.

—Steve Walden, president,
Bell County Bar Association

Whether through an entire bar association, or simply as an interested solo attorney, there are ample opportunities to get involved with veterans legal services. One of the most common efforts is a legal advice clinic. For those seeking assistance in planning a clinic, the State Bar of Texas provides a “Clinic in a Box,” designed to make the process simpler. The purpose of the box is to serve as a one-stop shop for planning and preparing for a veterans legal clinic.

Each kit contains an assortment of office supplies, as well as printed materials on everything from customizable fliers and applications for services to federal poverty guidelines. There are questionnaires on custody, identity theft, bankruptcy, and other common issues to help veterans understand their rights and focus on their specific concerns.

Tools include materials to guide the family members of both living and deceased veterans and take-home pamphlets, such as *Resources for Veterans Seeking Help* and *Resources for Lawyers Assisting Veterans*, developed with support from the Texas Young Lawyers Association.

To order a Clinic in a Box, contact lratliff@texasbar.com or call (512) 427-1517.

WE DID IT!

It really showed how the intervention of a lawyer could turn what would have been a horrible story for this World War II veteran into a great story for her, just because of the fact that we were there at the right time when she needed us.

—Andrew Lehmann, staff attorney, Houston Bar Association Veterans Legal Initiative

Whether you're a solo practitioner from a small town, or a member of a large local bar, opportunities to assist veterans in need abound. Let these success stories serve as inspiration.

Launching: Corpus Christi

After attending a State Bar of Texas Bar Leaders Conference, Chris Waller headed back to the Corpus Christi Bar Association with a new project in mind: a veterans clinic. Inspired by successful examples at the conference and the clear need in his naval community, Waller worked with Executive Director Dick King and President Judge David Stith to get members of his bar motivated to help.

The group hosted its inaugural clinic in August, and in just three hours, members were able to assist 64 veterans.

The Corpus Christi Bar utilized the Clinic in a Box, but Waller said one of the most helpful things he did to prepare for the Corpus Christi clinic was observe a project happening in San Antonio. "When I went into it, I had no idea how it was supposed to be. Watching them do it was really good for me, because then I could visualize how we should do it down here," Waller said.

Now preparing for its second clinic, tentatively scheduled for March 2014, the Corpus Christi Bar is looking for additional attorneys to support even more veterans.

Connecting: Bell County

Situated near Fort Hood, Bell County lawyers are no strangers to veterans; in fact, some area attorneys have been working with them on a pro bono basis for a long time. Three years ago, the Bell County Bar Association decided to host an official veterans clinic. What started as a group of attorneys setting up at the courthouse has steadily grown into regularly scheduled clinics. "We started hav-

ing so many people come in we had to meet in different locations so we could meet the demand," said Steve Walden, president of the Bell County Bar Association.

Walden explained that part of the process for expanding was simply connecting with resources that were already in existence. The bar reached out to VA clinics and schools, put up fliers, advertised through local media, and trusted in word of mouth.

Walden stressed that those assisting at clinics need not be military law experts. "Whenever I put an email out there to solicit volunteers to come, I'll get a lot of responses [saying], 'Well, I don't have a military background. I don't know anything about veterans affairs.' The biggest thing is don't worry about that. There will be somebody there who can always help you."

Expanding: Houston

The Houston Bar Association is full of innovators. Its original efforts served as the inspiration for Tottenham's statewide initiative, and its members are continually setting the standard for pro bono services and training other bar leaders around the state.

In the past three years, the Houston Bar has expanded into 17 surrounding counties, hosting a clinic in at least one of those locations on any given Saturday, as well as a regular clinic on Fridays at the local VA.

"In this area there are 500,000 vets," said Houston Bar Association Executive Director Kay Sim. "I know that we're never going to reach all 500,000 vets, but HBA's long-term goal is to help as many as we can. We'll go and stay as long as it takes to help every vet that walks in. We don't walk away because it's noon. We keep going. Our goal is to make sure that we have clinics available wherever they're needed."



Attorney Daniella Landers counsels a client during the Houston Stand Down for homeless veterans.

CHAMPIONS OF JUSTICE GALA

Texas Lawyers for Texas Veterans (TLTV) launched in 2010 with the help of a grant from the Texas Bar Foundation. Today, the program continues to flourish because of the dedicated support of the State Bar of Texas and strong partnerships with local bar associations, legal service providers, like-minded groups, and individuals.

Each year, generous donors, including Texas firms and corporations, contribute to TLTV efforts at the Texas Access to Justice Commission's annual Champions of Justice Gala. Because the State Bar funds the event in full, all proceeds go to the Texas Access to Justice Foundation to grant local bar associations' funds for veterans legal service initiatives. During the April 2013 gala, more than \$341,000 was raised to assist those local efforts.

The event is also an opportunity to honor select veterans and legal aid providers, celebrating those who have served our country, along with those who help servicemen and servicewomen when they return home.



SHARING HISTORY

Bob Vial was 18 when he received his draft notice in the fall of 1943. After training in the U.S., he was sent to the war abroad. In his service across Europe during World War II, Vial witnessed war crimes he hopes future generations will never face.

“It was so different than current warfare. It’s almost a historic relic of our past,” said Vial, who is now an attorney in Dallas. “Fortunately or unfortunately, wars of that type are apparently not in the cards anymore. Just matters of history, not matters of what could happen in the future.”

His account of the war, recorded in April 2012, is now digitally archived as part of the Veterans History Project, a Library of Congress initiative brought to Texas through a partnership between the Texas Court Reporters Association (TCRA) and the State Bar of Texas.

Vial was introduced to the program when Stephanie Moses, TCRA Veterans History Project liaison, reached out to him about participating. Vial said that while he was not looking for opportunities to tell his story, he was glad to share with her and others who might be interested in listening.

Vial is just one of more than 200 Texas veterans who have preserved stories through the project. His rich narrative includes comments on Pearl Harbor, basic training, encounters with the enemy, and the various emotions tied to serving. He also touches on the conditions he saw at concentration camps, including dead and starving prisoners. “It’s hard to imagine that human beings would treat fellow human beings as the Nazis treated them,” Vial said.

Vial’s account is housed in the American Folklife Center at the Library of Congress in Washington, D.C. Other Texas veterans who have contributed to the project include Retired 1st Lt. Jerry Davis Minton, who served in the U.S. Air Force during the Korean War; retired Maj. John Dennis Thomson, who served in the U.S. Air Force during the Vietnam War; and retired Cpl. Herbert Baker Jr., who served in the Marine Corps during World War II.

Select interviews with Texas veterans are available online at texasbar.com/TLTV.

FAQS

While each veteran’s and volunteer’s situation is unique, some common questions exist. Lean on these frequently asked questions and answers when working with veterans.

Q: How do I find out if veterans clinics are needed in my community?

A: Contact your nearest VA facility, Texas Veterans Commission office, Veterans of Foreign Wars or American Legion post, as well as homeless shelters and other social services groups to see what is already in motion. Local VA clinics can be found by visiting va.gov.

Q: How can we best promote our clinic to the veteran community?

A: Partner with your local veterans services organizations and social services groups, and work with their representatives to build awareness among the veteran community about your clinic. You can also connect with media groups and advertise through their outlets.

Q: What resources are available to attorneys taking on a veteran’s case pro bono?

A: If accepted through an approved legal services provider, an attorney may be eligible for several benefits, including malpractice insurance, a pre-screening of referred clients, and free continuing legal education training.

Q: How do I know if my client is entitled to VA disability benefits?

A: Each case is unique, but a veteran must suffer from a current recognizable disability and must have suffered from an injury or disease that was “incurred” or “aggravated” during active-duty service. There must also be a “nexus” connecting the disability to the event that took place.

Q: My client has been displaying signs of a mental health issue. Should I say something?

A: Mental health issues have always been common among veterans, and research shows it is becoming even more of an issue. The Rand Corporation found that one-third of Iraq and Afghanistan veterans suffer from post-traumatic stress disorder, traumatic brain injury, or major depression. While it is not your role to diagnose a client with mental illness, you should be alert for the possibility and be ready to refer him or her to appropriate resources. For more information, go to mentalhealth.va.gov or 211texas.org.

Q: Is my bar or area need too small to host a clinic?

A: If your community has veterans, chances are likely that there is a need for services. Some larger bar associations are expanding their reach to assist smaller bars, but a small group can be powerful on its own. **TBJ**