



REPORT

# Veterans Assistance Project

## Supporting our Troops through the Law

FALL 2008

City Bar Justice Center  
42 W. 44th St.  
New York, NY 10036

**Contact**  
Executive Director  
**Lynn Kelly**  
212.382.6678  
lkelly@nycbar.org

Managing Attorney  
**Alice Morey**  
212.382.6682  
amorey@nycbar.org

Director of Communications  
**Eric Friedman**  
212.382.6754  
efriedman@nycbar.org

Director of Pro Bono Initiatives  
**Carol Bockner**  
212.382.4714  
cbockner@nycbar.org

### Who We Are

The City Bar Justice Center is the direct services 501(c)(3) affiliate of the New York City Bar, one of the largest and most influential bar associations in the country. The City Bar Justice Center uses staff and pro-bono attorneys to assist 25,000 clients each year and operates the largest general free civil legal hotline in New York City. The Justice Center's close relationship with the private bar, and long experience responding to emerging legal needs, gives it a unique ability to leverage civil legal services. It is estimated that for every \$1 spent, the Justice Center is able to deliver \$9 in free civil legal services.

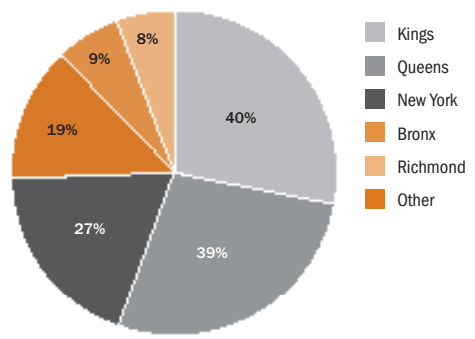
### The Growing Need for Veteran's Legal Assistance

Although there are a number of organizations advocating for veteran's rights in the U.S., there are not nearly enough legal services to assist the growing number of veterans. According to the Government Accountability Office, it takes an average of 280 days to process an initial veteran's claim and 657 days to resolve a claim appeal. Over 100,000 claims are wrongly decided each year. In New York regional offices alone, of 20,000 disability compensation claims more than 70% were veterans reopening claims either to increase their disability rating or to appeal a denial of benefits. The strain on the system will only intensify as Iraq and Afghanistan War veterans file a projected 638,000 new claims over the next five years.

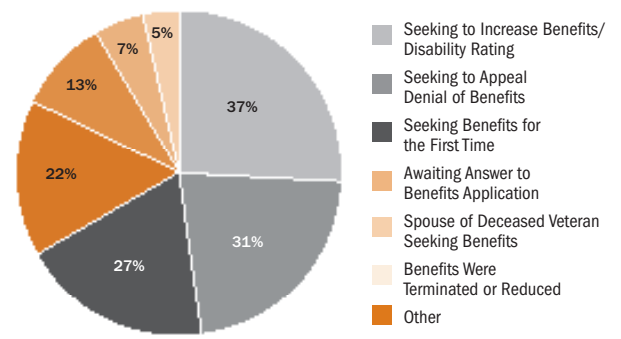
### Responding to the Challenge

Convinced that having skilled legal counsel greatly improves veterans' chances of receiving the benefits they deserve, the City Bar Justice Center launched the Veterans Assistance Project in October of 2008. With the guidance of Justice Center staff, volunteer lawyers help veterans file claims and appeals with the Department of Veterans Affairs. Assistance ranges from locating service documents and medical records to preparing and filing claims and directly representing veterans at hearings. In less than a year, more than 160 veterans met with legal counsel, and the Project leveraged over half a million dollars in free legal services for veterans.

Veterans Served By County



Legal Issues Faced



# Lessons from Year One of the City Bar Justice Center's Veterans Assistance Project

## **1. Establish Strong Leadership at the Outset**

The leadership and involvement of 10 founding law firms helped to guide the initial stages of the project, recruit volunteers and staff the clinics. Over 40 firms are now involved.

## **2. Focus**

The Justice Center's Veterans Assistance Project decided to focus on assisting veterans in obtaining disability benefits and handling initial applications, reopenings and appeals. Research showed this to be an area of unmet need, where having a lawyer makes a difference in the outcome of a claim. Defining the scope of the pro bono services offered allows the Project to handle more cases and train more volunteers.

## **3. Start Small**

The Justice Center chose to launch the Project on a modest scale to ensure a steady yet manageable flow of clients, a workable ratio between clients and lawyers, and guaranteed that the services offered would prove to be the ones most needed.

## **4. Establish Partnerships**

The Justice Center is collaborating with the Mayor's Office of Veterans Affairs and the Commissioner of Veterans Affairs, as well as with many of the veteran's advocacy organizations in New York City, including Wounded Warriors and Disabled Veterans of America. The Project also works with the Veterans Administration and hospitals. Veterans who call NYC's 311 line for assistance are referred to the Veteran's Assistance Project. The Project staff's efforts to establish these networks are an essential part of managing cases.

## **5. Recruit and Train Volunteers**

The Justice Center did a pilot training for 70 pro bono volunteers and started a waiting list of lawyers who wanted to volunteer. Within six months, more than 200 volunteer lawyers had been trained.

## **6. Provide Mentors for Volunteers**

Few volunteer attorneys had any experience with veterans disability issues, and there were few available resources. In addition to comprehensive training, it has proven invaluable to have experienced mentors available for volunteers.

## **7. Outreach in the Client Community is Crucial**

Developing outreach materials and conducting extensive in-person outreach are crucial for an active project. The Justice Center and its law firm partners regularly visit homeless shelters, drop-in centers, advocacy groups, colleges and other locations to inform veterans of their services.

## **8. Expect New Issues to Emerge**

During the first year, the Justice Center spotted several issues to keep an eye on, including traumatic brain injury, survivors' benefits and sexual abuse. Based on these observations, trainings are being updated to assist pro bono attorneys in interviewing and issue-spotting skills and case strategies in these areas.

## **9. Make Use of Technology**

The Justice Center has actively used social networking and other Internet sites to reach out to the younger veteran community.

## **10. Scale Up!**

Building off its successes pulling together the structure, materials and network needed to launch a dynamic new project, the Justice Center will be hosting additional trainings to accommodate the positive response from volunteers and firms.

# War—and Red Tape—Stories

The human stories behind these cases underscore the importance of having skilled legal counsel:

Mr. L., a Vietnam veteran, has been seeking disability benefits since June, 2005. His chief disability is Post Traumatic Stress Disorder (PTSD), which was caused by the routine mortar and rocket attacks he endured while stationed at Tuy Hoa Air Force Base in Vietnam. Despite being diagnosed and treated for PTSD, the VA repeatedly refused to grant Mr. L. benefits, based on lack of corroborative evidence. Due to his assignment in a special operations unit, Mr. L.'s personnel record does not plainly indicate an assignment to Tuy Hoa. The Justice Center's volunteer attorneys discovered new military evidence and obtained an affidavit from a fellow serviceman placing Mr. L. on Tuy Hoa base, and indicating the base was attacked when he was there. In order to maintain a June 15, 2005 effective award date, the attorneys prepared a Motion for Reconsideration and submitted it to the Chairman of the Board of Veterans Appeals. If the Chairman grants the pending motion, the case will be remanded to the Board of Veterans appeals where it is expected that the PTSD benefits will be granted.

Mr. S. is a veteran of the Korean War who suffers from a shrapnel injury to his eye, PTSD, memory loss, anxiety and arthritis in his shoulders and neck. Mr. S. is seeking to appeal the decision made by the VA on his disability claim so that he may have his benefits increased. The Veterans Assistance Project has assisted Mr. S. in obtaining necessary medical records and is preparing to file an appeal on his behalf.

Mr. H. is a veteran of the Army Reserves who recently returned from active duty in Iraq. While serving he suffered injuries due to a roadside bombing. In addition to his brain injury, hearing loss and damage to his shoulder Mr. H. also experiences headaches, anxiety, difficulty sleeping and mood swings – all symptoms of PTSD. Mr. H. has applied to the VA for disability benefits but has not yet received any response. The Veteran's Assistance Project will assist him in pursuing his claim.

## Widows and Family Members

Mrs. P's deceased husband was a World War II veteran who had also been a prisoner of war. Before he passed away, Mr. P had applied to the VA for pension benefits and his claim had been approved. Unfortunately the processing was not complete at the time of Mr. P's death, and Mrs. P did not receive the benefits she was entitled to as his widow. Mrs. P was unaware that she had the right to apply for these benefits after his death. With the help of the Veterans Assistance Project, Mrs. P has now begun the process of applying to the VA for her benefits.

## Sexual Harassment

Ms. K. is a veteran of the Air Force who was on active duty in Kuwait during the first Gulf War. After returning from Kuwait, she was stationed at a base in the United States, where she was sexually harassed by a superior officer. Ms. K. was not able to report these incidents because there were no witnesses willing to support her. Ms. K., is currently in treatment for the lasting psychological effects of this abuse. Some women serving during the first Gulf War experienced sexual harassment that was never investigated. The Veterans Assistance Project has been working with Ms. K. on resolving her claim.

*“It is not often that we hear of such caring from attorneys that are willing to fight for the little guy, especially the veterans. We have an 84-year-old World War II veteran that cried at a group meeting because he was so happy that he had an attorney and a major law firm that was going to fight for him.”*

–Veterans Assistance Project Client

### City Bar Justice Center Veterans Assistance Project Founding Firms

Reed Smith LLP; Cleary Gottlieb Steen & Hamilton LLP; Covington & Burling LLP; Howrey LLP; Mayer Brown Rowe & Maw LLP; McCarter & English LLP; Orrick, Herrington & Sutcliffe LLP; Paul Weiss, Rifkind & Wharton LLP; Shearman & Sterling LLP; Weil, Gotshal & Manges LLP and Winston & Strawn LLP.

Other participating firms and corporate departments to date include ABP Investments U.S. Inc.; Bernstein, Liebhard & Lifshitz LLP; Bingham McCutchen LLP; Cadwalader, Wickersham & Taft LLP; Debevoise & Plimpton LLP; Dewey & LeBoeuf LLP; Dickstein Shapiro LLP; DLA Piper Rudnick Gray Cary US LLP; Fulbright & Jaworski LLP; Greenberg Traurig LLP; Hogan & Hartson LLP; Hughes Hubbard & Reed LLP; Hunton & Williams LLP; Jones Day LLP; JP Morgan Chase; Kirkland & Ellis LLP; Kramer Levin Naftalis & Frankel LLP; Latham & Watkins LLP; Linklaters LLP; McKenna, Long & Aldridge LLP; Morrison & Foerster LLP; Nixon Peabody LLP; Proskauer Rose LLP; Rheingold, Valet, Rheingold, Shkolnik & McCartney LLP; Richard Kibb & Orbe LLP; Schulte Roth & Zabel LLP; Skadden, Arps, Slate, Meagher & Flom LLP; Stroock & Stroock & Lavan LLP; Sullivan & Cromwell LLP; Sutherland Asbill & Brennan LLP; Troutman Sanders LLP; Wells Fargo Legal Group and Wilmer Hale.

### City Bar Justice Center Veterans Assistance Project Calendar

More than 200 pro bono attorneys were trained at the City Bar on October 24, 2007 and March 5, 2008.



#### 2007–2008 Clinic Dates

October 25, 2007	June 24, 2008
December 4, 2007	July 24, 2008
February 11, 2008	September 11, 2008
April 3, 2008	October 27, 2008
May 19, 2008	December 5, 2008

If interested in participating in the Veterans Assistance Project, please contact Carol Bockner at [cbockner@nycbar.org](mailto:cbockner@nycbar.org) or 212.382.4714. All clinics are held at the House of the Association at 42 W. 44th St.