

ANNUAL REPORT ²⁰¹⁵



THE VETERANS CONSORTIUM
PRO BONO PROGRAM
WWW.VETSPROBONO.ORG

OW We believe
that our veterans in need
our nation's defenders
deserve the benefits
and compensation
they were promised
and the best legal services
free of charge
to meet their challenges.





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PRO BONO PROGRAM
2015 ANNUAL REPORT

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**Providing *Pro Bono* Professional Services to Veterans,
Their Loved Ones, and Survivors Free of Charge Since 1992.**
www.vetsprobono.org



portrait of an American hero

CHAIRMAN'S MESSAGE



As The Veterans Consortium approaches its 25th year of service to our veterans—our nation's defenders—it is important to take this opportunity to reflect on the accomplishments of the past year. The Consortium remains steadfast in its resolve to provide the best legal services at no charge to our nation's veterans and their families, caregivers, and survivors through the Pro Bono Program so that they may justly obtain the benefits and compensation they were promised and so rightly deserve.

With completion of another successful year, this annual report of The Veterans Consortium explains the strength and value of the services the Consortium provides to those in need worldwide and the profound difference each and every member of the Consortium team makes to the lives of the veterans and their communities.

The entire Executive Board proudly recognizes the achievements of the Consortium's hard-working, mission-driven staff and successful nationwide volunteer corps of nearly 2,000 dedicated attorneys and associated *pro bono* professionals.

Please take the time to read one of the cases presented to you in this annual report from the 2015 Case Profile Project. These case profiles provide you an understanding of the challenges faced by our veterans and examples of the successes our volunteers enable and achieve. Learn more about the individual volunteers who have shared their experiences of their work performed for our country's veterans and what they have learned about themselves in the process. Please be sure to peruse the interesting infographics and metrics that demonstrate the growth and value of the worthy endeavors performed by our volunteers across this great country as the Consortium serves all deserving veterans wherever they may live.

As the need for the Consortium's services will continue to grow in the coming years, the Consortium's staff and nationwide volunteer corps stand ready to serve our country's veteran population, which includes a diverse representation of the American experience from WWII to Korea, the Cold War and the Vietnam Era, and from the first Gulf War to—most recently—Iraq and Afghanistan. The Consortium is increasing its outreach to veterans, “navigators” (such as veterans service officers, case workers, or caregivers), and volunteers by deploying a new web platform, strengthening communications with stakeholders, and collaborating with mission partners. In the coming year the Consortium looks forward to sharing its compelling story in the context of both the Pro Bono Program's impressive quarter-century milestone and The Veterans Consortium's concurrent 25th birthday celebration.

The Consortium invites you to consider the many ways you may help advance the mission as we prepare for our Silver Anniversary Celebration of Pro Bono Service—by volunteering, collaborating as a mission partner, becoming a donor, and helping us communicate our outstanding track record of delivering success for America's veterans in need by providing the highest quality *pro bono* professional services to meet their challenges.

“The Consortium is
increasing its outreach
to veterans...”

Sincerely,


Mary Ann Gilleece, Esq.
Chairman

The Veterans Consortium Pro Bono Program

BY THE NUMBERS

Cumulative Totals:

(as of October 1992 through December 2015)

82% WIN RATE

12,695 CASES SCREENED

4,745 CASES PLACED
WITH ATTORNEYS

3,646 COURT WINS

\$86M VALUE OF
DONATED SERVICES*

(ATTORNEY REPRESENTATION ONLY)

3,984
ATTORNEYS TRAINED

2 SUPREME
COURT CASES

(NOTE: 1 TVC ORIGINATED)



CY 2015:

82% WIN RATE

1,848 NON-APPELLANT
VETS ASSISTED

530 CASES SCREENED

243 CASES PLACED
WITH ATTORNEYS

171 COURT WINS

\$6.4M VALUE OF
DONATED SERVICES
(ATTORNEY REPRESENTATION ONLY)

102 HELPLINE USERS

211 ATTORNEYS TRAINED

25,000 WEB USERS

*ADJUSTED FOR INFLATION

FROM OUR DIRECTOR

It's been a true privilege this past year to work with the dedicated members of our Executive Board and highly skilled staff, serve side-by-side with veterans service officers and our mission partners, and support our specially trained and highly successful nationwide volunteer corps while delivering on the mission of The Veterans Consortium. We continue to help veterans in need and their families, caregivers, and survivors meet their challenges by providing the best legal services free of charge.



The Pro Bono Program saw strong results this past year. Through partnerships with veterans service officers, law firm and corporate *pro bono* projects, veterans law clinics, and community supporters, we increased our outreach to veterans in need and volunteers. We also added law school externship and fellowship opportunities to complement our existing internship program. With the support of the Court of Appeals for Veterans Claims, Legal Services Corporation, and our Executive Board, we invested in tools, mission infrastructure, and staffing to better respond to the multitude of requests we receive for legal assistance.

I'm pleased to report that The Veterans Consortium recently received two special recognitions: "Best in America" designation by Independent Charities of America and "One of the Best" by the Catalogue for Philanthropy. We believe this is the beginning of a trend of additional growth and recognition of service, well-deserved by our nationwide volunteer corps who are working to right wrongs and deliver the benefits and compensation our nation's veterans earned through their military service.

In October of 2017, the Pro Bono Program will mark its 25th year—a major milestone! We will recognize this momentous accomplishment through local, regional, and national Silver Anniversary Celebration of Pro Bono Program Service activities and events to show appreciation for the many stakeholders—volunteer attorneys and *pro bono* professionals; veterans service officers and their organizations; law students, professors, and veterans law clinics, plus mission partners, donors, supporters, and friends of The Veterans Consortium Pro Bono Program across the country.

During our Silver Anniversary in 2017, we will also take the opportunity to recognize the 25th birthday of The Veterans Consortium. On the eve of our 25th year, we are privileged to be recognized as the leading national charitable organization providing *pro bono* legal services to veterans seeking justice in federal venues. We will continue to strive to fulfill our commitment to our mission; marshal resources to deliver *pro bono* legal services effectively, efficiently, and with the highest quality; and provide the resources and support needed by both our veterans and our volunteers to achieve mission success.

Thank you to our more than 4,000 volunteers who have served veterans in nearly 5,000 cases since our founding, creating a winning record that any legal aid organization would be proud of and demonstrating that we will follow through to achieve success. We welcome the opportunity to serve our veterans and encourage you to join our efforts—assisting as a volunteer, sponsoring an outreach initiative, connecting with us on social media, or becoming an annual donor through one of our giving programs, such as the Catalogue for Philanthropy, the Combined Federal Campaign (CFC), our upcoming Silver Anniversary Campaign, or Giving Tuesday. Please see page 10 or visit our website for details on how to participate and join forces with The Veterans Consortium.

Sincerely,

A handwritten signature in black ink that reads "Edmund M. Glabus". The signature is written in a cursive style with a large, prominent "E" and "G".

Edmund M. Glabus
Executive Director

IN MEMORIAM

WILLIAM FRANCIS RUSSO



As a senior attorney for the U.S. Department of Veterans Affairs (VA), Bill Russo worked ceaselessly to ensure that our nation's veterans received the support that was their due. From 1999 to 2006, he was primary author and reviewer of regulations for VA's compensation and pension programs. In 2006, Bill became director of the Office of Regulation Policy and Management, where he oversaw major changes during an increasingly turbulent time for the agency. Before joining Veterans Affairs in 1999, he had served five years as director of the Veterans Benefits Program of Vietnam Veterans of America, where he oversaw the training and management of more than 300 veterans service representatives nationwide.

Bill's commitment to *pro bono* work, making sure that veterans had access to free legal services, led to his forging strong alliances with law schools, the American Bar Association, and legal clinics, as well as veterans organizations, including The Veterans Consortium Pro Bono Program.

We were privileged to have Bill's wisdom, advice, and support in this critical mission. His deep understanding of VA regulations and considerable skill at navigating "the system" on behalf of those it serves was invaluable to those of us engaged in veterans law.

A former colleague of Bill's perhaps put it best: "He was a man of great integrity; wonderful values; and commitment, creativity, brilliance, and fun—the kind of guy who made the title 'federal civil servant' one of honor. We all are poorer for his passing."

Veterans everywhere lost
a passionate advocate
with the untimely death of
William F. "Bill" Russo
June 24, 2016.



JUDGE WILLIAM S. GREENBERG

U.S. COURT OF APPEALS FOR VETERANS CLAIMS



For nearly 50 years in the legal field—first as a trial lawyer and now as a judge at the U.S. Court of Appeals for Veterans Claims (CAVC)—William S. Greenberg has been committed to ensuring active service members and veterans receive the legal representation they need and deserve.

His passion to make certain that all who serve have necessary legal representation grows from his upbringing as a son of two social workers and a family background with deep roots in the military. His father served in WWII; his brother was a doctor in the Army reserve; and for 27 of his 45 years as a top trial lawyer, Judge Greenberg also served in the Army, primarily as a reservist, retiring with the rank of Brigadier General.

While a partner at the McCarter & English law firm, he established a *pro bono* program in New Jersey for wounded or otherwise injured post-9/11 reservists who were required to leave service because they were classified as medically unfit for duty. For six years, he and fellow volunteers would represent their clients at medical disability hearings held in what he describes as the “dungeon-like atmosphere of Building 7” at the old Walter Reed campus. The process “was bad enough if you had a lawyer, and there were very few available,” he says.

As a result of this involvement, in 2009 Judge Greenberg was asked by the White House to become chairman of the Reserve Forces Policy Board at a time when the board was made up entirely of military personnel, with the exception of a civilian chairman. “That experience also gave me a special perspective on what was happening” to reservists and, more broadly, all service men and women, he recalls.

Six months before reaching his firm’s mandatory retirement age, Judge Greenberg again received a White House call—this time to join the bench at the Court of Appeals for Veterans Claims. The opportunity proved irresistible: In 2012 Judge Greenberg and his wife made the move from bucolic Princeton to a condo in Washington, D.C.

Judge Greenberg feels strongly that in a volunteer military, the country owes veterans—especially combat veterans. “It’s a struggle that began with John Jay and *Hayburn*—the start of the struggle to redeem the promise made by every Congress [to give veterans benefits] and continues now.”

“So why not act on behalf of veterans? It’s an honorable calling.”

Invited to speak at a Pro Bono Program training, Judge Greenberg says, “I’m a very big believer in encouraging all lawyers to do (*pro bono* work)—whether the veteran gets superior representation as a result of the Consortium or from others, like big firms that are best economically able to support these cases; all we’re left with is encouraging lawyers to represent veterans on appeal.” *Pro bono* activity is an obligation, he emphasizes, a matter of ethical responsibility. “So why not act on behalf of veterans? It’s an honorable calling.”

And Judge Greenberg’s advice to attorneys taking on appeals? “Don’t be afraid to think big, to state in plain English what you think the issue is.”

VIPs: VOLUNTEERS INSPIRING *PRO BONO*

GIVING BACK TO DESERVING COMMUNITY

JOHN MALSBARY, PAOLI, PENNSYLVANIA

“While I’ve never served myself, my Dad is a proud Marine and Vietnam veteran, so having the opportunity to participate in The Veterans Consortium Pro Bono Program because of the way it allowed me to give back to such a deserving community in need, in a substantial and meaningful way, is both extremely gratifying and humbling.

“As an attorney with no previous experience in veterans law, I cannot say enough good things about the Pro Bono Program and the support The Veterans Consortium provides to guide you through the process to get justice for your client. My client was an Army veteran who developed back pain because of the braces he wore for his knees as a result of his service. The VA denied service connection for his back pain without looking at all of his records, and he’ll now have the opportunity to go back to the Board of Veterans’ Appeals and prove the service connection of his back pain and be fully compensated for the pain he experiences daily as a result of his service to our country.”



FINDING THE ‘DOOR OF OPPORTUNITY’

TOMMY SMITH, PENSACOLA, FLORIDA
SHELL, FLEMING, DAVIS & MENGE



“I have never met the client I represented, and I do not know him personally. But I do know his story. He was in the U.S. Army from 1966–1972, and he served in Vietnam. I was in high school and college at that time. He was awarded the Vietnam Service Medal and the Vietnam Campaign Medal. I was safe at home and my biggest worries were my next calculus exam and the football game on Saturday. He had been dealing with the debilitating effects of psoriatic arthritis for much of his post-military life, and I had been blessed with good health, a wonderful family, and two careers, one in industry and a new one in the field of law.

“In December of 2014, when the CAVC vacated the Board’s denial of his benefits and remanded the matter for readjudication, the opinion contained the following quote, ‘[M]any unfortunate and meritorious (veterans), whom Congress have justly thought proper objects of immediate relief, may suffer great distress, even by a short delay, and may be utterly ruined, by a long one...’ Case of *Hayburn*, 2 U.S. 408, 410 (1792). This was certainly true of my client, but the sad fact is that he is joined by a host of fellow vets who are waiting for someone like you or me to let them know that they are not alone.

“When I found The Veterans Consortium, I was not looking for a way to help vets. I was a new attorney looking for a way to build my practice. I am an elder law attorney, but at that time I knew nothing about veterans benefits. The training was free and the potential was great. It was a ‘no-brainer’ for me. Although the training was good, it was overwhelming at the time. However, having a real case of my own forced me to wade through all the materials and begin to put the pieces of the puzzle in place. I wish I could tell you that I found a wonderful career handling compensation appeals, but I didn’t; however, I did find a door, a door of opportunity and a way to touch a life.”

KIRTH VANCE, JR. CARRYING THE FIGHT TO A FACELESS BUREAUCRACY

Kirth Vance remembers when his faith in the VA system began to waver. The former Army staff sergeant, who had served from 1974 off and on through 1999, filed a claim in 2008 for service connection for a number of hernias, one of which had required four surgeries. Despite treatment, the condition recurred not once but several times, making the vigorous activity of a drill sergeant impossible to continue. Vance had no choice but to retire, a few years short of his full 20.

VA did grant service connection for hernia in 2009, but with a noncompensable rating. Vance's first reaction was surprise: "I thought VA was better than that," he recalls. "I wasn't allowed to re-enlist because of this condition. It was a disability." Just as crazy in Vance's opinion was the fact that "every time I went to the doctor and filed a claim with Blue Cross Blue Shield, they denied me because my condition was service-connected."

Trapped in a classic catch-22, Vance again appealed his rating. This time the Board of Veterans' Appeals noted he had not had an adequate physical examination to determine the extent and impact of his hernias. It directed that he get one.

However, the doctor assigned to Vance ignored or only partially responded to the 10 specific questions the Board had given him. Despite being presented with this sketchy response to the exam it had ordered, the Board still denied Vance a compensable rating.

Almost as demoralizing was the fact he couldn't get a consistent point of contact at VA to discuss his claim. "They always say, 'Thank you for serving,'" Vance says, "but the people calling me back from VA wouldn't ever give their name. 'Why do you want to know?' they'd ask. I'd tell them, 'How can I make sure I'm talking to the right Mary?' It's always someone different."

"I was able to look with fresh eyes at an area of law I did not know much about."



As he considered his next appeal, Vance did considerable research on pro bono legal groups. "I was hearing from a lot of lawyers from all over the country willing to represent me," he explains, "but I wanted someone in DC to argue my case in the DC Court. So I asked a judge friend how I should choose." A brochure from The Veterans Consortium Pro Bono Program caught his eye. "I read it, I liked what it said. So I called them," he remembers.

Vance's case was assigned in 2014 to Jennifer Wagman, an experienced veterans law attorney with more than a dozen years in the veterans law field at that point. "I was a first or second year associate" she says, explaining how she had become interested in veterans law. "I was a small fish looking to gain more experience on my own. (The Pro Bono Program) popped up." Wagman already was interested in anything related to veterans and the military (her father had been an Air Force colonel). She signed up for training, and received her first case in 2003.

Wagman was given a mentor attorney, Linda Blauhut from Paralyzed Veterans of America. "I felt cradled in a way I hadn't felt before," Wagman remembers of her training. "It was liberating; I was able to look with fresh eyes at an area of law I did not know much about. I absorbed all the information and knowledge I could, and I turned that [first] case on a technicality."

continued on page 24

SUPPORT OUR MISSION

As the leading independent national charity providing free legal services to veterans in need in federal venues, The Veterans Consortium has earned the designation “Best in America” by Independent Charities of America. We have also been named “One of the Best” by the Catalogue for Philanthropy program. You can contribute to our mission through the following ways:

ONLINE VIA PAYPAL

The safer, easier way to donate online! You may indicate in the message field at checkout if your donation is being made in memory of someone or to honor someone.

CATALOGUE FOR PHILANTHROPY

You may contribute to our mission through the Catalogue for Philanthropy program, where we were named one of the “One of the Best.”

<http://cfp-dc.org/nonprofits/1636/The-Veterans-Consortium-Pro-Bono-Program>



COMBINED FEDERAL CAMPAIGN (CFC) # DONATION

We participate in donations through the CFC program. Please assist us in expanding our outreach to veterans by including us in your CFC giving campaign. CFC#: 95004

DIRECT MAIL

Checks made payable to The Veterans Consortium may be mailed directly to:

The Veterans Consortium
2101 L Street NW, Suite 420
Washington, DC 20037
Attn: Edmund Glabus, Executive Director



IN-KIND DONATIONS

Please contact Ed Glabus, Executive Director, at Ed.Glabus@vetsprobono.org or (202) 628-8164 to discuss ways that you or your firm may support our work through in-kind donations.

THANK YOU TO OUR ORGANIZATIONAL AND PRIVATE DONORS!

All donations are tax-deductible to the full extent permitted by law as no goods or services are provided to you from The Veterans Consortium in consideration for your contribution. If you'd like to make a donation in memory of a veteran who has served our country or to honor a volunteer attorney that has given his or her time to serve veterans, please contact Ed Glabus at Ed.Glabus@vetsprobono.org.



VETERANS LAW SCHOLARS PROGRAM

INTERNSHIP PROJECT DAVID ISBELL INTERN 2015: KEN ENRIGHT



Research for his disability case brought Ken Enright, 29, to The Veterans Consortium Pro Bono Program. Enright was looking for assistance with an appeal, and although his matter was not eligible for the Pro Bono Program, he recalls being “attracted to what they did.”

After leaving military service in 2009, Enright enrolled in college, where his interest soon shifted to the legal field. Applying to a number of law schools, Enright made it clear to all that he wanted to work with The Veterans Consortium Pro Bono Program. “I waited to apply for the David Isbell* summer internship until December 2014, when I thought I had more experience,” he says. Within a couple of months, he had been accepted.

Enright arrived in Washington, D.C., in May 2015, immersing himself in The Veterans Consortium Pro Bono Program’s mission, including all facets of the internship project. “I learned so much,” he remembers. “In law school they never go into any detail about veterans law.”

Through the internship project, Enright learned how to scrutinize medical records for potential mistakes by VA; he read briefs and learned how to assist an attorney in filing a claim.

He graduated in May 2016 from Indiana University’s Robert H. McKinney Law School. Having found his passion, Enright has decided to pursue a career in veterans law.

EXTERNSHIP PROGRAM HONORING JEFFREY STONEROCK

In late 2015 the idea of creating an externship project within The Veterans Consortium was born. In exchange for academic credit, law students would assist the Consortium in its mission to serve those who have served our nation, their families, caregivers, and survivors.

This project, like the summer interns project,* would be named for one of the Consortium’s former chairmen. The Veterans Consortium externship program is named for Jeffrey A. Stonerock, Esq., also a former chairman of the Consortium. A retired partner in the Washington, D.C., firm of Baker Botts, Mr. Stonerock passed away in 2011.

Mr. Stonerock served 13 years on active duty with the Army and retired from the Army Reserve as a Lieutenant Colonel in June 2001. His military career included service in the Judge Advocate General’s office and as an Army ranger and paratrooper. He was a native of Dayton, Ohio, and a 1979 graduate of the U.S. Military Academy at West Point, New York. While serving in the Army, he also graduated from Duke University Law School in 1984 and received a master’s degree in law from the University of Virginia Law School in 1989.

We look forward to honoring Mr. Stonerock’s memory by partnering with law schools to provide law students real-world experience in the Veterans Law and Appellate practice areas as part of the Jeffrey Stonerock Externship Project.



**The summer internship project is named for our former Chairman David B. Isbell, Esq., who passed away in 2011. Mr. Isbell was with Covington & Burling and is considered a founding father of our organization. His accolades were published in our 2011 Annual Report, available on our website.*

2015 VOLUNTEERS



ATTORNEYS, FIRMS, C

Without the commitment of individual attorneys, law firms, corporate partners, and other volunteers, we would not be able to serve veterans and their loved ones or survivors as effectively as we do today. Their expertise, and resources to this worthy cause—not only as advocates before the courts, but also as benefactors to The Veterans Consortium’s operations.

We know from experience that our volunteers are drawn to the Pro Bono Program. We go out from The Veterans Consortium to the many attorneys, firms, corporations, and individuals who serve veterans and their loved ones or survivors in 2015.

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CORPORATIONS AND LAW CLINICS

and law school clinics, The Veterans Consortium Pro Bono Program would be hard-pressed to carry out our mission to time and again, the dedicated members of our nationwide volunteer corps have shown a willingness to devote their time, Court, but also as strategic advisors to our staff, as mentors and guides to our other volunteers, and as generous financial

am for the opportunity to put their legal expertise to work for those who have given so much for our country. Our thanks s, and law school clinics that have contributed to the success of the Pro Bono Program by selflessly helping hundreds of

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EXECUTIVE BOARD



The Veterans Consortium's All-Volunteer Executive Board

L to R Front Row: William S. Foster, Jr., Esq., Director (Drinker Biddle & Reath LLP); Mary Ann Gilleece, Esq., Chairman (The Veterans Consortium); and Steven Henry, Alternate Director (The American Legion)

L to R Back Row: Roy E. Spicer, Director (Disabled American Veterans); Leonard J. Selfon, Esq., Secretary (Paralyzed Veterans of America); Ronald B. Abrams, Esq., Director (National Veterans Legal Services Program); and Gary M. Butter, Esq., Vice Chairman (Google Inc.)



In addition, the Executive Board is supported and advised by a Treasurer, who also performs *pro bono* Chief Financial Officer duties for The Veterans Consortium.

Bill Levi, CPA, CGMA of W. Levi & Associates, LLC

VISION & STEWARDSHIP

Our all-volunteer Executive Board in 2015, consisted of seven voting directors—four of them veterans—who are responsible for establishing the vision, providing stewardship and governance, and supporting The Veterans Consortium as it delivers high-quality *pro bono* legal services effectively and efficiently.

The Executive Board meetings include Invited Guests from the U.S. Court of Appeals for Veterans Claims and the Legal Services Corporation.

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LAW CLINICS



VETERANS MOTIVATED TO SERVE VETERANS VOLUNTEER AT LAW SCHOOL CLINICS

Encouraging more attorneys to participate in the challenging yet rewarding practice area of veterans law is essential to the continued success of our Pro Bono Program mission. The Pro Bono Program provides support in the form of advice, training materials, and/or grants to more than half of the veterans law clinics at more than 50 law schools across the country. One example of this effective

partnership involves the University of Missouri School of Law Veterans Law Clinic, which enrolled its first students for spring semester 2014.

The clinic was the brainchild of two Iraq veterans—Larry Lambert and Scott Apking—who took the idea to Angela Drake, a law professor and daughter of a Vietnam veteran killed in action in 1970. The two Mizzou law students recognized the need for veterans to receive legal help with their benefits—they already had “witnessed VA’s stonewalling of friends.”

“We weren’t aware of too many veterans law clinics,” Apking says. “I had heard about The Veterans Consortium Pro Bono Program and emailed them. As law students, we wanted to do good, and in a clinic we’d be uniquely positioned to be involved with a whole case.”

With veterans law being such a multifaceted field, they decided to focus on helping veterans with disabilities. “I had ideas and talked to a number of people in the field, like Dave Myers from The Veterans Consortium,” Drake says. “We wanted students to have a meaningful real-world experience.”

Besides offering advice in the initial stages or organization, the Pro Bono Program was asked to conduct one training prior to the clinic’s opening and again at the standup ceremony, at which Myers was also the keynote speaker. “The Veterans Consortium has been a big help to us all along,” Drake says, citing what she terms the “invaluable” advice and training.

“We wanted students to have a meaningful real-world experience... the Consortium has been a big help to us.”



FAULKNER LAW



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NCCU LAW

DICKINSON LAW



THE UNIVERSITY OF ARIZONA
James E. Rogers College of Law



SCHOOL OF LAW
UNIVERSITY OF CALIFORNIA • IRVINE



Mary Ann Gilleece and Ed Glabus address law students.

To date, the clinic has taken on seven Pro Bono Program-referred cases, including several that Myers describes as “very complicated.” Among them was a major case on behalf of a Filipino soldier that involved oral arguments before the Court of Appeals for Veterans Claims and the Federal Circuit on the issue of equitable tolling. In non-Program cases, students succeeded in getting Agent Orange service connection and a significant award for a Blue Water Navy veteran; a service-connection rating and back benefits for traumatic brain injury for a veteran of Iraq and Afghanistan; and a service-connection rating and awards for a Marine veteran who had developed scleroderma from contaminated water consumed while serving at Camp LeJeune.



GROWING THE NEXT GENERATION VOLUNTEER CORPS

At the Consortium, we consider clinics like Missouri’s to be incubators for attorneys who are the future of veterans law. The Consortium currently provides support in the form of expert counsel, onsite training, and, in some cases, financial grants to more than half of the 50 or so veterans law clinics across the United States. The grants may not be used for teachers’ salaries but can and have been used for a variety of expenses, from psychological exams to office equipment. In return, we are able to call on the energy and commitment of students working under experienced veterans law professors/practitioners who agree to take screened Pro Bono Program appeals. This win-win situation can only benefit those we serve—the veterans who have done so much for all of us.

The Consortium currently provides support in the form of expert counsel, onsite training, and, in some cases, financial grants...

• • •

To learn more about our support for veterans law clinics and how to become a Pro Bono Program law clinic partner, please visit our website: vetsprobono.org, or contact Dave Myers, Director of Case Evaluation & Placement at david.myers@vetsprobono.org or 202-628-8164.



CASE PROFILE

JOE A. TROUT A SECOND CHANCE FOR JUSTICE

What options does a veteran have when VA repeatedly denies a claim because he can't prove he was where he said he was? This was just one of the burdens Navy veteran Joe Trout experienced while filing for service connection.

Even before Trout's first claim in 2006, he had been told by VA representatives for four years that he "was not entitled to anything." Only after interviewing at an employment center did he learn different. "The rep there told me that my chances of his finding me a job were slim to none," Trout remembers, "but he could help me get benefits. I said I didn't qualify, but he said I wouldn't know unless I pursued this, so I did."

Trout initially claimed service connection for tinnitus and post-traumatic stress disorder: "They gave me tinnitus but denied PTSD because they said they needed more info." He refiled in September 2007 for PTSD plus increased hearing loss and diabetes; everything except the hearing loss was denied. In 2008, he filed again for Agent Orange exposure: "They found I was presumptive for AOE for the diabetes. But VA said it doesn't matter."

Finding the Pro Bono Program, Trout says, felt as if he were being thrown a lifeline. He had just lost at the Board of Veterans' Appeals and was being besieged by lawyers from around the country wanting to take his appeal. A brochure from The Veterans Consortium, explaining its services and free representation for anyone who qualified, resonated with him. "I thought they would understand," he says.

"I know I will win. The only question is, 'Will I win and then die; or will I die and then win?'"

Vincent Petrocelli, Esq., Petrocelli Law, in Boston, Trout's volunteer attorney, received the case—his first veterans law appeal—in December 2014. "You need someone on your side to make the transition—it's important," he says. "When I saw the opportunity to have training through The Veterans Consortium, I went to D.C. and met the folks there. The idea I could call a mentor and bounce ideas off someone was very appealing," he says.

Himself a Vietnam veteran (4th Infantry Division), Petrocelli's own experience with PTSD inclined him to the case: The first Iraq war disturbed him, but the second stirred up memories that sent him to his primary care doctor, who said he was suffering from PTSD. When he asked how this could be, given he'd served 40 years ago, he was told "it happens."

After reviewing the Pro Bono Program-prepared summary and sorting out what seemed viable or not, what jumped out at Petrocelli were "the blatant errors." It was apparent to him that the Board was not correctly reading the stressors Trout had expressed; among other things, it had failed to determine Trout's whereabouts during the time of the stressors, despite having the necessary logistical information.

Trout had served on the aircraft carrier *Ticonderoga* when it was sent to waters off North Korea in the wake of the Pueblo intelligence ship's capture. However, according to VA, there was no record of his deployment or service ergo his stressors could not be validated and thus the basis for VA's denial of PTSD.

"He gave them his unit and the time frames; what more is needed?" Petrocelli asks.

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Milestones Achieved Since 1992

The Veterans Consortium Pro Bono Program

★ **Won 3,646**
cases in court for
deserving clients—
an over **82%** lifetime
win rate, with
a **100%**
win rate at the
U.S. Supreme Court



★ **Initiated**
a *pro bono*
medical
project for
independent
medical reviews
for our clients



★ **Helped**
12,695
veterans
and their loved
ones or survivors



★ **Recruited and trained**
3,984
volunteers
to provide
pro bono services



★ **Provided**
pro bono **legal and**
professional
services
worth more than
\$86 Million



★ **Launched**
a **helpline**
that provides
valuable legal
information



2015 FINANCIALS

REPORTED | ESTIMATED CONTRIBUTIONS (unaudited)

Organizational Benefactors & Donors*:

Butler Craig Weihmuller Katz	\$ 10,000
The Nathan P. Jacobs Foundation	7,500
Vinson & Elkins LLP	7,214
Pfizer Foundation	1,000
Dykema Gossett	500
McDermott, Will & Emery	500
Duane Morris LLP	150

Individual Benefactors (\$500+)*

Daniel Smith	\$ 2,000
Jacquae S. Smith	500
Wayne Smith	500
Matthew Connolly	500

Individual Donors (\$10-\$499)* \$ 42,631

TOTAL VALUE OF CONTRIBUTIONS: \$72,995

* Please see honor roll of donors and benefactors at www.vetsprobono.org.

SUMMARY OF DONATED FUNDS AND EXPENSES (unaudited)

Contributions available as of 12/31/2014	\$ 261,124
Contributions received as of 12/31/2015	72,995
Interest earned 1/1/2015 - 12/31/2015	13

TOTAL CONTRIBUTIONS/INTEREST \$334,132

LESS

Expenses Paid from Contributions 1/1/2015 - 12/31/2015 \$22,917

CONTRIBUTIONS AVAILABLE AS OF 12/31/2015 \$311,215

2015 FINANCIALS

STATEMENTS OF FINANCIAL POSITION (unaudited)

December 31	2015
ASSETS	
Cash and cash equivalents	\$ 1,177,906
Investments	363,967
Accounts receivable	5,720
Prepaid expenses	168,666
Property and equipment, less accumulated depreciation and amortization (2014 - \$6,639)	—
TOTAL ASSETS	\$1,716,259
LIABILITIES AND NET ASSETS	
Liabilities	
Accounts payable and accrued expenses	\$ 84,619
Payable to LSC	201,139
Deferred revenue	988,058
Deferred rent liability	82,183
Accrued salaries and related benefits	44,087
Total Liabilities	1,400,086
Net Assets - unrestricted	316,173
TOTAL LIABILITIES AND NET ASSETS	\$1,716,259

STATEMENTS OF ACTIVITIES (unaudited)

Year Ended December 31	2015
REVENUE	
Legal Services Corporation – Veterans Pro Bono Program	\$ 2,302,871
Donated Services	198,966
Contributions	72,995
Investment Income	181
TOTAL REVENUE	\$2,575,013
EXPENSE	
Program Services	
Legal Services Corporation – Veterans Pro Bono Program	\$ 2,502,004
The Veterans Consortium – donated funds	31,129
TOTAL EXPENSE	2,533,133
CHANGE IN NET ASSETS	41,880
Net Assets - beginning of year	274,293
NET ASSETS - END OF YEAR	\$316,173

CASE PROFILES

KIRTH VANCE, JR. • CARRYING THE FIGHT TO A FACELESS BUREAUCRACY

continued from page 9

Knowing that the VA system is overwhelmed and thus frequently makes mistakes, Wagman was not surprised by what she found in Vance's records. "In Kirth's case they had completely missed the diagnosis. Everything was in the record; it just needed someone to go through with a fine-tooth comb."

She describes why fresh eyes are needed for medical records to get an understanding of the case. "For example you see that here's this record—but wait! Where's the exam? In Kirth's case, the remand from the Board for a medical examination had included a series of questions that simply were not answered."

Wagman notes that when the Board was questioned about its failure to give Vance the required standard of care and treatment, it responded that the doctor had "substantially complied" with its remand. "My reaction was, 'substantially complied'? What does that mean—we mostly did what you told us to do?"

Arguing that the Board had failed to provide Vance with adequate VA examinations; that its records were incomplete, missing some of his surgeries; and that it had not adequately consider referring a total disability individual unemployability (TDIU) claim, Wagman succeeded in having the Court of Appeals for Veterans Claims remand the case in March 2015. In late 2015, they learned that his conditions would be rated compensable, with TDIU. Vance received a check for \$37,000 in January 2016—eight years after filing his first claim.

Vance is still dealing with VA over other matters, including the retroactive date for his benefits. "When I talked to (a VA representative) she said, 'We gave you \$37,000,' and I said, 'You owed me more than that.' With the award he has been able to make home repairs, travel, and help his two daughters.

As for the attorney, Vance has nothing but praise. "When Jen called me, right away I felt comfortable with her. She seemed to know what I was going through...her and her mentor—they are great."

JOE A. TROUT • A SECOND CHANCE FOR JUSTICE

continued from page 20

"You're telling me you didn't even know where an aircraft carrier was? They knew Joe was assigned to a certain squadron, but couldn't put those 30 aircraft on the *Ticonderoga*? You wouldn't think it was possible to say that, with any honesty or integrity.

"Joe's experience on the *Ticonderoga* was clearly stressful—no one knew if their ship would be taken, and he thought they all would be dead. The information was there. The Board didn't do its job."

Nor had the Board of Veterans' Appeals provided necessary medical examinations for depression and exacerbation of an eye injury. "When you look carefully through the documents, there are so many mistakes. A lawyer for the Board even told me that if we appealed, we'd get a remand," Petrocelli remembers. In June 2015, they did appeal, and the CAVC granted the motion. Now they await the decision.

"It will probably take two years," Trout says, admitting he has no illusions about VA being on a veteran's side. "They drag their feet waiting for us to go away or die. I know I will win. The only question is, 'will I win and then die; or will I die and then win?'"

Petrocelli concurs. "It's mind-boggling that we commit people to wars and do not commit ourselves to those returning from war. If they're going to put their lives back together they need support right away. Veterans should not have to fight for what they have already fought for. Help delayed is help denied."

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