



THE VETERANS CONSORTIUM
PRO BONO PROGRAM



TRANSFORMING
VETERANS' LIVES



TRANSFORMING
VETERANS LAW

2011 ANNUAL REPORT

OUR MISSION

No veteran or survivor who has taken an appeal to the U.S. Court of Appeals for Veterans Claims, who has a legally credible claim, and who wishes to be represented by counsel, will be without competent representation; and to accomplish this mission by:

- Recruiting and training volunteer lawyers in veterans law and the procedures of the Court;
- Referring to those lawyers, to handle without cost to the appellants, evaluated cases where there is an issue that should be fully presented to the Court and where the appellants are unable to afford counsel; and by
- Providing advice and support to the lawyers to whom cases have been referred.

Lawyers came from
42 states, Puerto Rico,
 and, of course, the
 District of Columbia.

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CHAIRMAN'S LETTER

Significant Changes, Lasting Legal Impact

The past year has been a time of great transition and transformation for the Veterans Consortium Pro Bono Program. Our shift to a stand-alone program with a new executive director, Camille Soleil, Esq., and our own staff is now complete. Our transformation will continue into 2012 and is based on the growing demand for the Pro Bono Program's services and a realization that with a new structure we can have an even greater impact—especially on veterans' lives.

With all these institutional changes, one thing is constant: we remain committed to our three-pronged mission to recruit and train volunteer lawyers in veterans law and Court procedures; to evaluate appellants' cases and provide them with a volunteer attorney at no cost or give them further information about their case; and to provide advice and support to the lawyers to whom cases have been referred. This has been our focus from the beginning and we will not waver in our pursuit of these goals.

Thanks to the dedication and generosity of our supporters, in 2011 veterans of World War II, Korea, Vietnam, the Persian Gulf War, Operation Iraqi Freedom, and Operation Enduring Freedom received expert legal counsel from the Pro Bono Program at no cost. In fact, even by conservative estimates, the volunteer attorneys who took our referrals donated more than \$6 million in legal services during the past year, bringing the total of legal services donated since our establishment in 1992 to more than \$60.8 million.

This Annual Report showcases several of the year's most significant cases and presents the perspective of the attorneys who represented the veterans involved. We also bring you the stories of several veterans who, thanks to the efforts of Pro Bono Program volunteers and Direct Representation counsel, realized successful endings to their appeals in 2011.

The practice of veterans law has evolved in the 19 years since our founding. So has our understanding of the role that the Pro Bono Program plays in the lives of veterans needing legal assistance in their appeals;

however, ensuring that veterans receive the benefits to which they are entitled and that they so greatly deserve remains the core of our mission. In 2011 our volunteers successfully appealed a number of cases that will continue to have a significant impact on the landscape of veterans law for years to come. Our attorneys' arguments on behalf of veteran appellants put new life into existing laws and set legal precedents that will benefit all veterans.

Despite our many successes this year, we also faced a significant loss of our prior Chairmen: the Consortium's founder, David B. Isbell, and his successor, Jeffrey A. Stonerock. These leaders guided our organization with great vision and brought us to the brink of change that we brought to completion this year. We recognize and are thankful for their tireless service. In this report we express our appreciation for and recognition of the valuable leadership each contributed to the Pro Bono Program.

All of you who support our mission—Members of Congress, the members of our supporting service organizations, our volunteers, and our tireless staff—can be proud of the assistance you provide, which has led to the success that has resulted in the Pro Bono Program's achievement of its goals. We thank you for your efforts and support in 2011 and look forward to continuing our shared commitment to ensuring that the veterans who put their lives in harm's way to serve our country receive the rightful assistance the Pro Bono Program provides.

Sincerely,



Mary Ann Gilleece
*Chairman, Veterans Consortium Pro Bono Program
Consortium Annual Report 2011*

TRANSFORMING VETERANS LAW

Significant Cases of 2011

In the past year Pro Bono Program volunteers participated in a number of appeals whose outcomes raised important issues, revitalized existing law, or set new precedents that will benefit not just the appellant veterans, but veterans everywhere. This made 2011 an exceptional year – whether successful or not, these volunteers advocated for issues that could truly transform veterans' lives now and for years to come through decisions achieved in the legal arena. A select synopsis of cases follows.

THE ISSUE: The entitlement of incarcerated veterans to a Board of Veterans' Appeals (Board) hearing, if suitable facilities and equipment are available, as set forth in 38 C.F.R. sec. 20.700. The Court of Appeals for Veterans Claims (CAVC) had asked the Pro Bono Program to assist the *pro se* and incarcerated veteran.

OUTCOME: The veteran received a joint remand from the CAVC in January 2011.

THE ISSUE: The veteran's entitlement to service connection for chronic lymphocytic leukemia (CLL). The attorney's argument was that CLL is a type of non-Hodgkin's lymphoma (NHL), and thus should be presumptively service connected under regulations extended to Vietnam "Blue Water sailors," unlike other statutes addressing most "Blue Water sailors," where the presumption of exposure to Agent Orange is not available.

OUTCOME: The veteran received a settlement in August 2011.

THE ISSUE: The case was important for its discussion of a very complicated area of the law: the varying levels of special monthly compensation (SMC) that are available to severely injured veterans. The veteran was asking for a higher rate of SMC for the loss of use of both feet, based on the need for another person's aid

and attendance. The Pro Bono Program attorney argued the case to a panel of the CAVC; it was decided in September 2011.

OUTCOME: Although the Court did not accept counsel's arguments on this precise issue, the veteran received a remand of the case for a related issue to be considered by the Board.

THE ISSUE: The issue at the heart of the appeal involved the standards to be used by a VA regional office in communicating a decision to a claimant. The case was another example of the court asking the Pro Bono Program to provide assistance to a *pro se* veteran.

OUTCOME: Counsel argued the case to a CAVC panel in November 2011; the veteran is awaiting the Court's decision.

THE ISSUE: The standard of review to be applied by the CAVC when the Department of Veterans Affairs is determining whether a common law marriage existed – for example, the state's common law standard of "clear and convincing" evidence, or the "preponderance of the evidence" standard typically employed in veterans' cases.

OUTCOME: The case was argued to the Court in October 2011, and the Court determined that state law prevails.

TRANSFORMING VETERANS' LIVES, TRANSFORMING THE LAW

When our military men and women swear to support and defend the Constitution of the United States against all enemies, they commit themselves to fight for freedom – for our nation and nations around the world – even if the result is injury or death. They willingly face the worst because they have promised to do so. At the time of a service member's honorable discharge, it becomes our government's responsibility to live up to its promise to assist them. If the Department of Veterans Affairs denies their claims, the effect can be devastating. Veterans go without necessary medical treatment; disabilities worsen, living conditions deteriorate, and homelessness too often is the outcome. Not only does the veteran suffer, family members – spouses, children, and grandchildren – also are victims of a veteran's downward slide.

The mission of the Pro Bono Program is to prevent or reverse this decline by ensuring that America's veterans get the benefits they deserve. Beyond that, our volunteers' legal representation of veterans' appeals at times results in decisions that set legal precedents.

To have an organization performing the Pro Bono Program's role is essential if veterans are to receive the benefits they deserve. This need first became apparent when Congress established the U.S. Court of Veterans Appeals in 1989. Until then, the law had prohibited judicial review of government decisions on veterans' benefits claims; in addition, anyone who charged a fee

of more than \$10 to assist an applicant for benefits was criminally liable – a restriction that, not surprisingly, reduced the number of attorneys willing to accept veterans' cases.

This sad state of affairs meant that in the Court's early years fully 75 percent of appeals were submitted by veterans *pro se*. Recognizing that without access to legal counsel, the appeals process – in many cases strung out over decades – would remain stacked against veterans, the Court asked Congress to establish a Pro Bono Program that would assign attorneys knowledgeable in veterans law to those veterans whose appeals qualified, at no cost to the appellant.

Congress responded by providing funding through the Court's budget for a pro bono program.¹ Four organizations – The American Legion, Disabled American Veterans, National Veterans Legal Services Program, and Paralyzed Veterans of America – formed the Veterans Consortium in 1992. From then until now, it has remained the sole recipient of the Congressional grant.

In 2011, the Pro Bono Program underwent a significant transformation as we moved from being an entity reliant on partner organizations for support to a stand-alone business model, with our own executive director and staff. What will never change, however, is our commitment to giving qualified veterans the best representation available, taking their appeals to the Court to ensure that justice is done.

¹ The authorizing legislation for the Pro Bono Program is Pub. L. No. 102-229, 105 Stat. 1710 (1991). Pub. L. No. 102-229 states in relevant part: "...for the purpose of providing financial assistance (through grant or contract...) to facilitate the furnishing of legal or other assistance, without charge, to veterans and other persons who are unable to afford the cost of legal representation in connection with decisions to which section 7252(a) of title 38, United States Code, may apply, or with other proceedings in the Court, through a Pro Bono Program that furnishes case screening and referral, training and education for attorney and related personnel, and encouragement and facilitation of pro bono representation by members of the bar and law school clinical and other appropriate Pro Bono Programs, such as veterans service organizations, and through defraying expenses incurred in providing representation to such persons...."

POSITIONING THE PRO BONO PROGRAM FOR THE FUTURE

In 2009 the Executive Board of the Veterans Consortium Pro Bono Program determined a new path for the organization, based on its assessment of the program and feedback solicited from stakeholders. The goal was to transition the organization to “stand alone” for operational functions and significantly increase the number of veterans served and enhance the services the Pro Bono Program provides to them.

Since its founding, the Pro Bono Program had counted on the constituent partners — The American Legion, Disabled Veterans of America, National Veterans Legal Services Program (NVLSP), and Paralyzed Veterans of America — for infrastructure support. Some of the partners hired and supplied employees for the Pro Bono Program by contract; some donated personnel to screen cases and mentor new volunteer attorneys; one provided accounting; and another supported operational functions. In 2009 and 2010, the Pro Bono Program took the first steps toward an independent structure, such as transferring its accounting from the NVLSP to a private vendor with oversight by a new treasurer.

The transition continued into 2011. In January the board hired Camille Soleil, Esq., to be the Pro Bono Program’s first executive director. Ms. Soleil was charged with transitioning the Pro Bono Program’s operations to the new stand-alone model. In the past 12 months, she and her staff implemented a number of the changes, including transferring employees from Paralyzed Veterans and NVLSP so that the Pro Bono Program has its own employees for the first time.

The future holds even more potential for the Pro Bono Program. The Executive Board and Ms. Soleil are working to increase services to reach more veterans, as well as incorporating innovation and experimentation to improve how the Pro Bono Program meets its mission.

The past year has provided a solid base from which to launch many progressive changes. We look forward to 2012, and the opportunities it will offer to implement this expanded vision of the Pro Bono Program’s mission.

I am so extremely satisfied with the manner in which [my attorney] handled my issues I sent a donation to a veteran-related charity of his choice. He provided prompt and efficient e-mail and telephone communication.”

- Vietnam-era veteran

IN 19 YEARS the Pro Bono Program has contacted more than **28,000 VETERANS** who have filed a *pro se* appeal at the U.S. Court of Appeals for Veterans Claims.

LIFE AFTER A LANDMARK DECISION:



Henderson vs Shinseki

In March 2011, veterans with disabilities triumphed with a victory in the Supreme Court decision in Henderson vs Shinseki, which examined whether equitable tolling – a legal concept that allows, in the interest of fairness, a case to go forward after a deadline has been missed. The Court held that procedures in cases involving veterans' disabilities were different from ordinary civil litigation and warranted different treatment. The Court found that Congress did not intend that stringent rules about deadlines and severe consequences of missing them should apply when the appeal was made to a specialized court established to review denials of benefits by VA.

David Henderson, a Korean War Veteran, died just before the Supreme Court heard his case in late 2010. However, his Pro Bono Program attorneys were able to effect the substitution of his wife, Doretha Henderson, which allowed the appeal to move forward. The result was a decision that has far-reaching implications for veterans whose physical and psychological difficulties and disabilities might prevent timely filing. The *Henderson* decision will require the Court to revisit more than 400 cases where there were late filings, and ensures that late filings in the future will be reviewed on a case-by-case basis. For example, if a veteran has filed an appeal with a VA office within the 120-day limit and the VA office fails to forward the appeal to the Court in a timely manner, or if a veteran experiences medical conditions that prevent a timely filing, the case should go forward as a matter of equity. On remand, and after reviews by the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Appeals for Veterans Claims, VA agreed to grant Mrs. Henderson nine years of back benefits—a happy outcome to a landmark case.



Tom Stover with his secretary, Jean Bushnell, his key aide in the Henderson case

Volunteer attorneys contributed services worth more than **\$6,283,200 FOR 2011** bringing the **18 YEAR TOTAL** to **\$60,880,000**.

TAKING UP THE CHALLENGE

The Pro Bono Program's **Case Evaluation and Placement Component** (CEPC) is charged with confirming a veteran's eligibility for representation and evaluating a case to decide whether it has sufficient merit to move forward in the appeals process. If the answer is "yes," a Pro Bono Program volunteer lawyer or Direct Representation lawyer is assigned to handle the appeal.

To date, more than 3,800 veterans have had their cases taken on by Pro Bono Program attorneys—208 in 2011 alone. Over the years, we have actively reached out to more than 28,000 veterans who, representing themselves, already had filed appeals at the U.S. Court of Appeals for Veterans Claims (CAVC). Since the Pro Bono Program's founding in 1992, more than 10,800 of these appellants accepted our offer of assistance and have benefited from some form of legal assistance or advice related to their claims and appeals—at no cost.

Impressive as those numbers are, there is far more to the story. Many of our staff and volunteer attorneys are former service members or children or spouses of veterans. We understand what our clients, or those who hope to become our clients, have been through in the military, and the obstacles they have encountered as they try to move their appeals forward. Our commitment to provide assistance frequently exceeds the basic function of evaluating the original Board decision.

Some appellants are referred to the Pro Bono Program by the CAVC when, after review of their cases, it determines that the appellants and the issues in their case would benefit from the experienced representation available through the Pro Bono Program. Beyond that, the Pro Bono Program receives six to eight non-court referrals a month from service organizations that have exhausted their ability to help the veteran. Referrals also come from private attorneys, who have some familiarity with veterans law but are too busy to take the case themselves.

The CEPC also gets inquiries from veterans whose cases are not ready for an appeal—often they are still awaiting a decision from VA—and we try to give those veterans guidance about where they might obtain appropriate assistance. When they are standing by to file an appeal



David Myers, Esq., Deputy Director; Brian Robertson, Esq., Director; Carol Scott, Esq., Deputy Director, Case Evaluation and Placement Component

they know that we are ready to help. In some situations, if the veterans need assistance with a civil action, the Pro Bono Program will refer them to the appropriate legal aid organization or veterans law clinic.

Even those appellants who do not receive legal representation at the CAVC are offered Pro Bono Program services. When they request our help, they are screened for financial eligibility.

Once their qualification is determined, one of our Pro Bono Program case management attorneys or a veterans law specialist evaluates the case, thoroughly examining the issues involved and their complexity. This results in a case evaluation memorandum that acts as a guide to assist in placing the case with the appropriate volunteer attorney and a suggested roadmap for litigation.

In assigning an attorney, our Case Evaluation and Placement Component takes into consideration the level of experience that is needed, as well as any potential language issues. Whenever possible, the Pro Bono Program tries to match the appellant with a lawyer who is within the same area of the country. Finally, the Pro Bono Program continues to monitor the progress of all evaluated cases, whether or not they were assigned to a Pro Bono volunteer.

The ultimate focus is how the Pro Bono Program can provide each veteran or their family member with the help that they need.

Raising Awareness of Opportunities: **OUTREACH COMPONENT**

The Pro Bono Program's **Outreach Component** is primarily responsible for recruitment activities that highlight opportunities available to volunteer attorneys. As a side benefit, outreach vehicles, such as our revised and expanded website, also place the Pro Bono Program before a wider public, including veterans whose cases might be eligible for representation.

In 2011, the Pro Bono Program undertook a number of outreach and recruitment activities that ranged from staffing information/recruitment tables at the annual seminar of the Pro Bono Institute of the Georgetown University Law Center and the D.C. Bar Pro Bono Partnership (PART) breakfast. The Pro Bono Program also kept Pro Bono Program Recruitment Committee members and friends up to date about 2011 training seminars through regular e-mail communications.

Outreach efforts included revising and expanding the Pro Bono Program's website in an effort to attract lawyers looking for pro bono opportunities. The Outreach Component also ensured that Pro Bono Program training seminars were included on the D.C. Bar Pro Bono Program's calendar of events and that training seminars outside of Washington, D.C., were appropriately advertised. All of these efforts ensured that potential volunteers were informed about the challenges and rewards of practicing veterans law in general and the Pro Bono Program in particular.



Meg Bartley, Esq., Director, Outreach and Education

In addition, the Outreach Component coordinates outreach and recruitment activities with small, medium, and large law firms (usually through the firm's pro bono counsel or public service counsel). We also work with state bar associations in states near training sites. Currently, volunteer lawyers are drawn from a pool that includes 42 states, the District of Columbia, and the U.S. territories/commonwealths. The Pro Bono Program is fortunate to attract volunteer lawyers from around the country with a breadth of experience that benefits our veteran clients!

The program fully evaluated **666** cases in 2011; **31 PERCENT** of cases were found to have **ONE OR MORE LEGAL ISSUES** warranting placement.

LOVE FOR FATHER LAUNCHES PRO BONO



PASSION: Sarah Schauerte

Pro Bono volunteer attorney Sarah Schauerte became involved with veterans law when her father, a veteran, lost his job in 2008. When her father was drafted into the service during the Vietnam War, his legs were already in such bad shape that he could not participate in sports. Basic training exacerbated his condition, but when he applied for service connected benefits after discharge, VA denied his request.

Although she was barely familiar with veterans law and the appeals process, Ms. Schauerte handled her father's claim, taking new witness statements and talking with service members who knew what you had to go through to appeal. "The amount of red tape veterans encounter is indescribably frustrating. If I had not gotten involved with his claim, my father would have given up long ago," she says, "and other vets don't get the help they need. They assume the government is there to help, and accept rejection. We should be falling at their feet to get them the help they want."

Her concern for those hapless veterans and desire to get into pro bono work drew her to the Pro Bono Program and a 2010 education session in D.C. conducted by members of the Pro Bono Program team. "I already had the book, and had taught myself a lot before I went to the training," she recalls. "There is so much to the law — what starts technically as an administrative proceeding then becomes judicial."

At the session Ms. Schauerte met Meg Bartley, Director of the Pro Bono Program's Education and Outreach Component: "I begged them for a case!" she says, and was assigned one that had been pending since 2000. Her client was incarcerated, which made exchanging information a challenge in itself. After a single one-hour conversation, Ms. Schauerte had to conduct the rest of her communications by letter, with delays of three or more weeks between her questions and receipt of the veteran's answers.

At issue was a claim for shoulder and back conditions. In 2004, VA had denied the shoulder claim and remanded the back claim, requiring the veteran to get an adequate physical exam to decide that issue. "But he was in prison," Ms. Schauerte says. "They kept sending



Veteran Bill Schauerte and his daughter, Sarah, a Pro Bono Program volunteer attorney

him notices saying 'you have to be in Chicago for your free medical exam.' He was in Indianapolis, and they were even sending the notice to the prison telling him to do this."

It took VA five years to give him the required medical exam, at which point the doctor said it was much more likely than not that his back problem was service connected. VA responded that the exam wasn't adequate under VA standards, what it already had was enough — and denied his claim.

"The case came to the CAVC on the issue of whether the VA erred in kicking out the medical exam and saying they had done enough. We said it was not enough; they could not be instructed to do something and then not do it," Ms. Schauerte explains. The case is now on remand, awaiting VA action that still has not come.

"And by the way," she adds, "my dad's claim is also still pending."

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"I am very grateful for your agency/office. I am so very grateful to [my attorney].... I think the Veterans Consortium Pro Bono Program is a great pro bono program. Continue the good work...[I]f I did not have your representation, I don't know how it would have turned out."

- Widow of Cold War veteran

BRINGING EXPERTISE TO THE MOST COMPLEX CASES

When a case is referred to the Pro Bono Program that is particularly difficult or requires swift action, the skills of the experienced attorneys in our **Direct Representation Component (DRC)** come into play. Currently, we contract with Paralyzed Veterans of America, one of the founding members of the Pro Bono Program, to perform the DRC function.

The cases sent to these DRC attorneys call for highly experienced, specialized lawyers able to deliver a speedy turnaround in situations, such as a brief being due as soon as possible or where the issues are extremely complicated. Cases run the gamut from a “tilt at the windmill” to more complex interpretations of a statute or regulation.

The Direct Representation Component arrangement allows the Pro Bono Program to respond in a professional and timely way to adequately protect an appellant’s interests. The following represent a few of the cases in which the DRC was involved in 2011:

- During 1999, the Little Rock VA Medical Center had reimbursed a veteran for the costs of his travel for medical care from Kempner, Texas, to Little Rock, Arkansas. But it then refused to reissue the checks that he had not cashed. It also refused to continue to reimburse him for travel in 1998 and going forward through 2006, despite the fact that no regulation

stated he could only be reimbursed if he went to his local VA medical center. The DRC attorney obtained a settlement agreement with VA to reimburse the veteran for travel from 1998 to 2006.

- A veteran who had gone on to work for the FBI and was on duty at Ground Zero experienced such pain from his service-connected condition that he had to be medically discharged. His DRC attorney is currently trying to obtain service connection for chronic fatigue syndrome and an earlier effective date for other conditions that are secondary to his service-connected condition.
- DRC attorneys were able to obtain joint motions for remand (JMR) for an Air Force veteran whose constant pain, headaches, and other problems, while not incapacitating, made him eligible for a higher rating, as well as for another veteran who, while he lived in San Diego, was given a fee-basis ID card but was denied the same card when he moved out of state.
- A client with Parkinson’s disease who is now confined full-time to a nursing home succeeded in having his wife appointed as his fiduciary for VA, thanks to the efforts of his DRC attorney.

In Memoriam: **DAVID B. ISBELL, ESQ.**



It is with great sadness that we report the death of David B. Isbell, Esq., the Pro Bono Program founding father, and our first Chairman. He passed away in December 2011.

Mr. Isbell was senior counsel in the Washington law firm Covington & Burling, former president of the D.C. Bar Association, past chair of the American Bar Association's Standing Committee on Ethics and Professional Responsibility, and an adjunct faculty member at the University of Virginia Law School for almost 50 years. He was considered an authority on legal ethics, chairing his firm's professional responsibility committee, advising other law firms and the D.C. government on ethical matters, ranging from client-lawyer disputes to disclosure processes for gifts to the D.C. mayor.

In 1991, Mr. Isbell received an award from the National Legal Aid and Defenders Association for "significant contributions to civil liberties, civil rights and advocacy for poor people." In 1994 the U.S. Court of Veterans Appeals (now the United States Court of Appeals for Veterans Claims) presented him with the Court's first Distinguished Service Award for his work as chairman of the Veterans Consortium Advisory Committee (now the Executive Board). In 2001, Mr. Isbell, with his wife, Florence Isbell, received the Wiley Branton Award for "extraordinary commitment" to equal justice from the Washington Lawyers Committee for Civil Rights and Urban Affairs.

Judge Lawrence Hagel, who previously served as the Paralyzed Veterans of America's representative on the Pro Bono Program Advisory Committee, was kind enough to share his thoughts about his experience with Mr. Isbell's leadership for the Pro Bono Program:

"As a member of the private bar, David was the first Chair of the Consortium's Executive Board, and I served with him there from the Consortium's birth until I joined the Court, a period of some 14 years...David, who was Ivy League educated, once told me that his service in the Army was the defining experience of his life. The energy and effort with which he pursued assisting veterans was testament to the value that he placed on military service to our country.

In my view, his vision and industry have been of great service to the Court by leading a Pro Bono Program from infancy that provides the Court with one means of dealing with its large population of self-represented veterans and by garnering some of the most able advocates the judges have seen argue here."

Mr. Isbell's courteous, vibrant spirit and humane perspective will be greatly missed.

"We [the US Court of Appeals for Veterans Claims] are instituting the Distinguished Service Award for an individual outside the Court whose service to the Court has been outstanding. This award...is intended to be given only for service of the highest merit. Today, I recognize the first recipient, a good friend, David B. Isbell."

- Chief Judge Frank Q. Nebeker (Ret.), 1994

JEFFREY STONEROCK, ESQ.

The Pro Bono Program has only had three Chairmen since its inception in 1992. Unfortunately, our second Chairman, Jeff Stonerock, died in October 2011.

Mr. Stonerock came to the Pro Bono Program as the Chairman of our Executive Board in 2005 and served in that role until he retired from the practice of law in 2009. His support of the Pro Bono Program was clear by the activities in which he was involved. He attended the Pro Bono Program's training class in 1998 and over the next several years personally represented four veterans before the U.S. Court of Appeals for Veterans Claims. He also was a staunch advocate of pro bono activities and chaired Baker Botts' pro bono committee in the firm's Washington, D.C., office.

Mr. Stonerock graduated from West Point in 1979 and from Duke University School of Law in 1984. He also earned a Master of Laws degree in 1989 from the Army's Judge Advocate General's School in Charlottesville, Virginia. He began his Army career as a field artillery officer and then became a member of the Army's Judge Advocate General's Corps. Among his assignments before leaving active duty in 1992 were tours with the 82nd Airborne Division and the Second Infantry Division in the Republic of Korea. He retired from the Army Reserves in 2011 at the rank of lieutenant colonel.

Mr. Stonerock was a partner at Baker Botts and began his career as a government contracts lawyer. Later he became a leader of the firm's Korea practice as a member of Baker Botts' Global Projects Department. He was a highly respected international lawyer.

A disabled veteran, Mr. Stonerock recognized the unique opportunities offered to America's veterans by the Pro Bono Program and by its dedicated staff. He was responsible for a number of new and exciting initiatives at the Pro Bono Program, many of which are now bearing fruit as we continue to explore new and



innovative ways to provide legal representation to our nation's veterans. He was instrumental in the creation of the Executive Director position and expanded the Board of Directors to include more independent Board members. His overall goal was to transition the organization to become an independent board and organization with employees reporting to the Executive Director. His vision has been implemented.

Before retiring from the practice of law and leaving the Pro Bono Program, Mr. Stonerock ensured that it continued to have strong leadership at the top and he was personally involved in recruiting our current Chairman to the position.

He is survived by his wife, Jeanine, their four children, and the heartfelt thanks of countless veterans who benefited from his exceptional talent and leadership.

A YEAR OF HAPPY THANKSGIVINGS:



Veteran Charles Henderson

Thanks to the efforts of Pro Bono Program attorney Stacy Tromble, Korean War veteran Charles Henderson recently won a joint remand to get an additional medical exam for an injury to his right hand. The exam findings took him from a 10 percent to an 80 percent disability rating. He also received a retroactive settlement in excess of \$90,000 and an \$18,900 entitlement toward a vehicle. These long-overdue payments have allowed him to have his roof repaired, buy a car that he can actually drive, and get a new suit for church. Reflecting on this win, Mr. Henderson recently told his attorney that Veterans Day 2011 would be the first he was really able to enjoy.

"I was in the Navy for about seven years, including the Korean War," Mr. Henderson says. "We were over in the Pacific, letting boats off the ship, when the friend I was working with fell down. I kept telling him to get up, I couldn't hold the ropes all by myself. The next thing I knew was my hand was being pulled into one of the bits." When he took off his glove, Mr. Henderson discovered his middle finger was bleeding, cut down to the bone. He went to sickbay, where he lost consciousness and when he came to, he found his hand swathed in bandages. After recovery, he continued on active duty another three years before being honorably discharged.

Then around 2000, he put his hand in his pocket and couldn't take it out—the finger had locked, and continued to lock off and on until finally he went to the VA Medical Center in Portland, Oregon. "They let me know I would have to have an operation," he recalls. "In fact, I had three operations, and the finger still gives me problems."

After trying other options, Mr. Henderson connected with the Pro Bono Program. "I got a pamphlet from D.C. about the program. I called. They referred me over to Stacy, who was very good," he remembers. "She stayed in touch the whole time. She was with me all the way. Up 'til then, I had done it all by myself. VA turned me down so many times in Portland, they finally referred me to D.C. and told me I would have to get this through the D.C. office."



Stacy Tromble

Ms. Tromble's successful appeal on Mr. Henderson's behalf didn't just bring him past-due benefits. "Basically, it changed my life," he says. "I used to get a check for about \$110 a month, now I get over \$1,000. And I can finally get a car. I love it!"

"This was a Thanksgiving where I was truly thankful," he says. "Anything that happens to a vet—he needs to go to Pro Bono. They will do the job for you."

INDIVIDUAL VOLUNTEER ATTORNEYS

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Sylvia Albert
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David Anaise
Marie C. Baker
Deana Balahtsis
V. Kimberly Baldwin
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COMMITMENT MATCHED BY GENEROSITY

In 2011, Butler Pappas attorney John Garaffa, a retired Navy captain with 21 years' service as a judge advocate before he retired from the military, won an appeal on behalf of a veteran in the Court of Appeals for Veterans' Claims. The case had been referred to Butler Pappas by the Pro Bono Program, and was undertaken by the firm on a pro bono basis. However, when a veteran prevails in his or her appeal, the pro bono attorney can seek attorney fees under the Equal Access to Justice Act (EAJA) – EAJA fees are not taken out of the veteran's benefits. As a result, the firm received \$18,000 for its winning efforts.

Nonetheless, citing the fact that it had taken the assignment on a pro bono basis without expectation of a fee, Butler Pappas generously donated its entire EAJA fee to the Pro Bono Program. This unexpected but much appreciated contribution to the Pro Bono Program will enable us to continue serving veterans in need of skilled representation on appeal, at no cost to themselves.



Pictured (from left to right): Doug Berry, Managing Partner, Lt. Col. USMC (Ret.); Brian Robertson, Pro Bono Program Director of Case Evaluation and Placement, CDR, JAGC, USN (Ret.); John Garaffa, Partner, Captain JAGC, USN (Ret.)

FOUR LAW FIRMS DONATED SIGNIFICANT IN-KIND PRO BONO LEGAL SERVICES AND LEADERSHIP TO THE PRO BONO PROGRAM IN 2011:

Holland & Knight



- Directly impacting the Program were the donated services of **Holland & Knight, LLP**, which included the leadership of Chairman Mary Ann Gilleece, Esq.
- **Baker Botts** provided pro bono legal services to advance our operations and also supported the participation of the Program's Vice Chairman Gary M. Butter, Esq.
- Hours of mentoring provided by Landon Overby of **Chisholm, Chisholm and Kilpatrick, LTD** have proven to be of immense value to Program attorneys and veterans alike.
- The continuing assistance of the firm of **Goodman, Allen & Filletti, PLLC**, through the generous efforts of Sandra Wischow, Esq., and others who evaluated cases and represented appellants, furthered the Program's impact.

The Pro Bono Program extends a heart-felt thank you to each of these firms for their support of our nation's veterans and the advancement of veterans law.

Preparing Legal Warriors for Battle: EDUCATION COMPONENT

Lawyers keen to learn about the nuances of veterans law and practice before the U.S. Court of Appeals for Veterans Claims have found they can turn to the legal seminars offered by the Pro Bono Program's **Education Component**. This education arm of the Pro Bono Program focuses on introducing attorneys to both the basics of veterans law and its intricacies through training, related education materials, and follow-up mentoring for every volunteer who accepts a Pro Bono Program referral. With the ultimate goal being training that deals with both the theoretical and the practical.

In 2011 more than 156 attorneys participated in Pro Bono Program training, bringing the total number of volunteer lawyers trained since our founding to more than 3,100. Six sessions were conducted from April to November in St. Louis, Chicago, San Francisco, and Washington, D.C. Three separate seminars took place in Washington, D.C., including one seminar for departing law clerks hosted by the U.S. Court of Appeals for the Federal Circuit.

Because the six training sessions were conducted in different areas of the country at different times of the year, individual faculty members and speakers varied. However, the composition of the training team remained essentially the same: Pro Bono training faculty are experts contracted from the National Veterans Legal Services Program and are joined by speakers from the Case Evaluation and Placement Component. Guest speakers usually include judges or senior personnel from the Court of Appeals for Veterans Claims, and members of the VA General Counsel's office.

In 2011, Pro Bono training faculty members included Meg Bartley, Ronald Abrams, Barton Stichman, Louis George, and Christine Cote Hill and Pro Bono Program Executive Director Camille Soleil, CEPC Director Brian Robertson, and Deputy Director David Myers. The Pro Bono Program is indebted to the following speakers for their willingness to take time from their busy schedules to share their knowledge and experience with the volunteer lawyers:

Judge William Moorman – Judge, U.S. Court of Appeals for Veterans Claims

Judge Mary Schoelen – Judge, U.S. Court of Appeals for Veterans Claims

Gregory Block – Clerk of the Court/Executive Officer, U.S. Court of Appeals for Veterans Claims

R. Randall Campbell – Assistant General Counsel, Department of Veterans Affairs

Mary Ann Flynn – Deputy Assistant General Counsel, Department of Veterans Affairs

The strength and success of the Pro Bono Program's Education Component owes much to the individual attorneys and law firms around the country that participate in and host our training sessions. In particular, we would like to recognize the following for their assistance in the 2011 training sessions:

- The law firm of Armstrong Teasdale and partner Patrick Kenny, who assisted in organizing and hosting our April training seminar in St. Louis.
- The law firm of Jones Day and partner Lee Ann Russo, who assisted in organizing and hosting our April training seminar in Chicago. We would also like to thank Michael Bergmann and the Public Interest Law Initiative in Chicago for cosponsoring the Chicago seminar.
- The D.C. Bar Pro Bono Program, Executive Director Monika Kalra Varma, and Training Manager Michele Meitl for assistance in organizing and hosting the training seminars in Washington, D.C., in April and October.
- The law firm of Arnold & Porter and pro bono coordinator Marsha Tucker, who assisted in and hosted our November training seminar in San Francisco.

Once they have attended a day-long training session and accepted a Pro Bono Program case, volunteer attorneys receive the current year's edition of the *Veterans Benefits Manual*, an exhaustive guide that provides lawyers and advocates with information about how to obtain VA benefits for veterans and their family members, and how to practice before VA and the Court. The *Veterans Benefits Manual* set includes a copy of current federal statutes, rules, and VA regulations and a companion CD-ROM containing 16 searchable databases. Volunteers also receive a subscription to *The Veterans Advocate*® veterans law journal.



The November 2011 training session in Washington, D.C.

IN 2011 THE EDUCATION COMPONENT PRODUCED A NUMBER OF NEW OR REVISED MATERIALS FOR VOLUNTEER ATTORNEYS:

- a new brochure that provides information about the Pro Bono Program to attorneys interested in volunteering;
- an updated Frequently Asked Questions (FAQs), available to lawyers on the Pro Bono Program's newly redesigned website;
- updated training materials, including revisions to the Training Outline, Training Appendices, and the Court Practice Guide; and
- a summary of changes to the Court's Rules of Practice and Procedure, distributed to Pro Bono Program lawyers after the Court issued rule changes on September 15.

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SERVING WITH A SENSE OF PURPOSE: Intern Javier Centonzio

To honor the Pro Bono Program's first chairman and founding father, David Isbell, the Pro Bono Program annually awards a summer internship to introduce a law student to the field of veterans law. Selected interns demonstrate an interest in this area. In 2011 the internship went to Javier Centonzio, himself a Marine Corps combat veteran. Mr. Centonzio reflected on his experience with the Pro Bono Program.

"After leaving the military I felt a void that was hard to explain. I felt as though I was no longer serving a higher calling. While I found several opportunities to volunteer and do pro bono legal work at my law school and in the surrounding community worthwhile, I still missed the sense of purpose I felt when serving my country. This internship allowed me to serve those who value service to others and have proudly worn the uniform of our nation's military. Once again, as was the case when I served in uniform, I felt a strong sense of camaraderie as I fought alongside our clients to obtain the benefits they deserve. I hope that this internship continues for many years to come. I would strongly encourage my fellow veterans in law school or those with an interest in veterans law to apply for this great opportunity."

Mr. Centonzio is finishing his legal education in 2012 at Stetson University College of Law.



Javier Centonzio while on active duty

\$440,394 donated services of the Program members, **\$5 MILLION** over the history of the program.

TAKING THINGS TO THE NEXT LEVEL:



Katrina Eagle

The case of Harvey vs Shinkseki involved extended VA delays in simply calculating the amount of the award due Mr. Cleveland Harvey. The Pro Bono Program entered the case at the request of the Court of Appeals of Veterans Claims. Mr. Harvey originally had won an award for service connection, which the CAVC remanded to VA so it could determine precisely how much he was owed. After two-and-a-half years, VA still had not done this, and the case returned to court a second time. Katrina Eagle, Esq., a sole practitioner in San Diego, was lead attorney for Mr. Harvey's appeal, which also involved Douglas Rosinski, Esq., in an amicus curiae role, in which he advised the Court on the many complex issues involved.

"That oral argument will be forever burned in my brain," Katrina Eagle recalls. "It was my first ever. I give the Pro Bono Program all the credit for giving me the opportunity. They grilled me, mentored me, prepped me, and helped me cut my teeth on the argument. You can't ask for a better organization to help you take your practice to the next level."

At the time the *Harvey* case came to the Pro Bono Program, Ms. Eagle had 15 years' experience in veterans law. That, plus her proximity to Mr. Harvey, who lived in Brea, California, were among the reasons the Pro Bono Program reached out to her. "I think they sensed it might need some personal attention," she says. "I told them I would love it. The case was set for oral argument, and that was appealing to me. I had done many cases, but this was my first opportunity to make an oral argument, and the case itself had also a great appeal."

As president of the National Organization of Veterans Advocates at the time, Ms. Eagle also was drawn to the chance to set an example. "We were trying to tell people not to shy away because of oral argument, but get your feet wet and take things to the next level of advocacy."

The challenges presented by *Harvey* also captured her professional attention. "This was the second time this case was going back to court. For years, by law, cases remanded to VA by the Court were supposed to be given 'expedited treatment.' The term had become overused by practitioners and VA and had lost its meaning. This was

an opportunity to give life back to that law."

Ms. Eagle combed through the case file of more than 3,000 pages. She uncovered a letter to Mr. Harvey from VA that discussed the amount it owed him after his VA benefits were offset by a previous one-time lump severance he had received from the military when medically discharged. "His answer had existed all along in that file," she says. "I brought it to opposing counsel's attention, and in a footnote she admitted 'there it is; our apologies.' That was what led to the ultimate order with sanctions against VA, why the court held it in contempt. Nineteen VA people touched the file in this case, not taking the time to see that what he was asking for was there; just give it to him. If anyone [at VA] had done that, we would not have been back in court a second time.

"Mr. Harvey's case has helped a lot of vets," Ms. Eagle says. "He has forced the VA to treat their cases the way they should have all along. And he deserves the credit for that."



VETERANS CONSORTIUM EXECUTIVE BOARD



The Executive Board consists of six voting members – four of them veterans – who are responsible for establishing and monitoring the activities of the Pro Bono Program. One representative is drawn from each of the four veterans service organizations that make up the Consortium – The American Legion, Disabled American Veterans, National Veterans Legal Services Program, and Paralyzed Veterans of America. The fifth and sixth voting members – the Board’s current Chairman and Vice Chairman – represent the private bar.

Executive Board members oversee the Pro Bono Program’s Executive Director, who is responsible for implementing established policies, complying with the terms of the Pro Bono Program’s federal grant, and operating the components within a budget approved by the Executive Board.

The Board formally met seven times during 2011, rotating among the offices of the Consortium’s constituent organizations. All personnel and other expenses connected with the Executive Board’s activities were donated by the organizations with which the Board members are affiliated.



CHAIRMAN

Mary Ann Gilleece, Esq., became chairman of the Executive Board in December 2009. In private practice since 1985, in 2005 she became a partner in Holland & Knight, LLP, based in the firm's Washington, D.C., office. Ms. Gilleece

serves as counsel to a wide spectrum of domestic and foreign corporations on a broad range of issues related to legislative, government contract, and business matters. Her clients include manufacturers of military systems and component parts, and providers of technical services.

Ms. Gilleece's legal career began with her appointment as an assistant attorney general for the Commonwealth of Massachusetts, followed by a period in private practice as a trial lawyer.

She then served as counsel to the U.S. House of Representatives Committee on Armed Services before moving to the Department of Defense in the position of Deputy Undersecretary of Defense for Research and Engineering (Acquisition Management). In that position she was involved in all aspects of federal procurement and manufacturing.

Ms. Gilleece is a graduate of the University of Connecticut and Suffolk University Law School. She received an LLM in government procurement law from The George Washington University. Besides serving as chairman of the Veterans Consortium, Ms. Gilleece has served in leadership positions for the American Defense Preparedness Association, the American Bar Association, the Federal Bar Association, the Suffolk University Alumni Association, and the USO of Metropolitan Washington. She is on the board of directors of the University of Connecticut Foundation and serves on the Dean's Advisory Committee, Suffolk University Law School.



VICE CHAIRMAN

Gary M. Butter, Esq., the first vice chairman of the Executive Board, is a partner specializing in intellectual property law with the firm of Baker Botts, LLP, in New York. Mr. Butter is a

1982 graduate of the U.S. Naval Academy (BSEE with merit) and earned his JD in 1990 from the New York University School of Law.

Mr. Butter's practice focuses on high-tech patent preparation, prosecution, and litigation. He also counsels high-tech companies and individual inventors on a wide range of issues in the field, including intellectual property protection, procurement, licensing, risk analysis, and dispute resolution. His expertise focuses on legal matters related to software, telecommunications, and mechanical technologies. He is also an assistant adjunct professor at the Brooklyn Law School.

Recently retired as a captain in the U.S. Naval Reserve, he served for three years onboard the *USS Billfish* (SSN 676), a nuclear-powered attack submarine. This service, along with the 18 months of technical training he received before reporting to the *Billfish*, provided special insight into a variety of engineering disciplines.



PARALYZED VETERANS OF AMERICA

William Mailander, Esq., is general counsel for Paralyzed Veterans of America (Paralyzed Veterans), one of the top 400 charities as ranked by the *Chronicle*

of Philanthropy. In this capacity he serves as the chief legal officer of the corporation and its subsidiaries, is responsible for all aspects of Paralyzed Veterans' legal affairs, and is a member of its senior management team. Mr. Mailander has been with Paralyzed Veterans since 1992 and previously served as its deputy general counsel and assistant general counsel. Prior to coming to Paralyzed Veterans, Mr. Mailander was a staff attorney with the Board of Veterans' Appeals, Coast Guard Chief Counsel's Office, and the Department of Veterans Affairs Office of General Counsel.

Mr. Mailander served in the United States Marine Corps from 1976 to 1979, receiving meritorious promotions through the rank of corporal. He was also awarded the Navy Achievement Medal. He received a BA from New York University in 1984, a JD degree from Temple University School of Law in 1988 and an MBA degree from the Johns Hopkins University School of Business in 2001.

Admitted to practice law in the District of Columbia, New Jersey, and Pennsylvania, Mr. Mailander serves on the board of directors of the Veterans Consortium Pro Bono Program and is its corporate secretary. He also serves as a public arbitrator for the Financial Industry Regulatory Authority and is a member of the Rules of Admissions and Practice for the U.S. Court of Appeals for Veterans Claims.



NATIONAL VETERANS LEGAL SERVICES PROGRAM

Ronald B. Abrams, Esq., is Joint Executive Director of NVLSP. He is a graduate of Temple University and Temple University School of Law. A member of the

Pennsylvania Bar, Mr. Abrams began his career in 1975 in the Philadelphia regional office of the Veterans Administration, serving first as an adjudicator and then as a member of the rating board. Mr. Abrams transferred to VA Central Office in 1977 as legal consultant to the Compensation and Pension Service (C&P), where he was recognized as an expert in due process. As legal consultant to C&P, Mr. Abrams helped to draft the *VA Adjudication Procedures Manual M21-1*. He wrote and interpreted regulations and directives to be followed by VA staff and others, and both drafted and commented on legislation. As part of his work for the VA Central Office, Mr. Abrams was in charge of the C&P quality review section. While at the Central Office, Mr. Abrams conducted national training sessions in adjudication and due process for VA staff.

Since joining NVLSP in 1989, Mr. Abrams has conducted more than 200 training sessions for such organizations as The American Legion, the National Association of State Directors of Veterans Affairs, National Association of County Veterans Service Officers, the Vietnam Veterans of America, the Veterans of Foreign Wars of the United States, AMVETS, Military Order of the Purple Heart, and many state and county departments of veterans affairs. He has also conducted training sessions for many state bar associations, Legal Services Corporation funded offices, the National Legal Aid and Defender Association, the National Association of Elder Law Attorneys, and the National Association for the Advancement of Colored People. Mr. Abrams is author of the NVLSP's Basic Training Course in Veterans

Benefits and he serves as a member of the governing board of the Veterans Consortium Pro Bono Program. Mr. Abrams helped design the training curriculum for the Pro Bono Program.



THE AMERICAN LEGION

Verna Jones has been a member of the American Legion's national VA&R staff since July 2009, initially serving as an appeals representative in the Appeals and Special Claims unit located at the

Board of Veterans' Appeals in Washington, D.C. She has since held the positions of BVA manager and deputy director of claims and currently the director of National Veterans Affairs and Rehabilitation Commission.

Before joining the national staff, Ms. Jones was the Department of North Carolina's department service officer from 2004 to 2009; she remains a member of American Legion Post #55 in Winston-Salem, North Carolina. Ms. Jones was a personnel sergeant in the U.S. Army from 1987 to 1995.



DISABLED AMERICAN VETERANS

Roy E. Spicer, a native of Clarksville, Tennessee, heads the Disabled American Veterans (DAV) National Appeals Office in Washington, D.C., where he supervises 14 national appeals officers and staff

who represent appellants before the Board of Veterans' Appeals. Mr. Spicer has served in positions with DAV in Louisville, Kentucky; Pittsburgh, Pennsylvania; Roanoke, Virginia; St. Petersburg, Florida; and Washington, D.C. From December 1994 to August 1997, he was executive assistant to the Secretary of the Department of Veterans Affairs before returning to DAV and the National Appeals Office.

A Vietnam veteran, Mr. Spicer joined the Army in 1968 and saw combat as a recon team leader until serious combat wounds led to a disability retirement. He has received the Combat Infantryman Badge, two Purple Hearts, the Bronze Star with V device, the Army

Commendation Medal with V device, the Vietnamese Cross of Gallantry with Silver Star, and other personal and unit awards.

Mr. Spicer is admitted to the Bar of the U.S. Court of Appeals for Veterans Claims as a nonattorney practitioner. His accomplishments have been recognized by DAV at the chapter, department, and national levels, and he has been recognized with honors from local, state, and federal governments.



TREASURER

Hugh P. Quinn assumed the duties of chief financial officer in 2009. Mr. Quinn is a partner at Fluet, Huber + Hoang, a principal at Quinn Forensics, and brings more than 30 years of legal and business

management, litigation consulting, and accounting experience to this position. Mr. Quinn has assisted corporate officers; boards of directors, including special and audit committees; and counsel in a wide range of matters, including government contractors, international accounting issues, and insurance investigations.

Mr. Quinn earned his BA from the University of Notre Dame, MBA from the University of Denver, and JD from the Georgetown University Law Center.

INVITED GUESTS



U.S. COURT OF APPEALS FOR VETERANS CLAIMS

Cary P. Sklar, Esq., serves as counsel to the Court, having joined the court in 2005. In that capacity, Mr. Sklar acts as a court liaison to the Pro Bono Program. He also handles

a wide range of legal matters arising from court administration, including compliance with the codes of conduct and other judicial ethics questions; attorney discipline; interpreting and applying court rules; and

advising on public office operations, appropriations, and personnel matters.

Before joining the court, Mr. Sklar served as senior advisor to the special counsel at the U.S. Office of Special Counsel (OSC), where he provided advice on administrative and policy matters, including agency program initiatives, personnel, budget, procurement, and intergovernmental relations. He later served as associate special counsel for investigation and prosecution, supervising a team of investigators and attorneys in resolving federal employee complaints of whistle-blower retaliation and violations of the Uniformed Services Employment and Reemployment Rights Act. He also established and directed the OSC's Mediation Program and served as director of OSC's Equal Employment Opportunity Program.

Mr. Sklar, a graduate of Cornell University, earned his JD from Georgetown University. His past public service includes teaching for many years as an adjunct instructor for alternative dispute resolution, labor relations, and business law at Bowie State University and serving as a pro bono mediator in D.C. Superior Court.



LEGAL SERVICES CORPORATION

Dr. Bristow Hardin is a program analyst with the Legal Services Corporation (LSC) and is its administrator for the Pro Bono Program's grant funds. Before joining the LSC, he was director of

the Union Institute's Center for Public Policy, project coordinator at the National Legal Aid and Defender Association, and policy analyst and advocate at the Food Research and Action Center and the Virginia Poverty Law Center Food Law Project. He has been a lecturer and adjunct professor at the University of California, Santa Cruz, and American University, Washington, D.C. As a private consultant, he provides legal services organizations and other groups with assistance in the areas of evaluation, strategic research, and policy analysis. He received an MA and a PhD in political and economic sociology from the University of California, Santa Cruz.

KEY STAFF OF THE CONSORTIUM



EXECUTIVE DIRECTOR

Camille Soleil, Esq., joined the Pro Bono Program as its first Executive Director in January 2011. Previously she served in nonprofit management positions with professional associations for registered nurses, including Director

of Leadership Services for the American Nurses Association, Executive Director of the Alaska Nurses Association, and Director of Labor for the Kentucky Nurses Association. In addition, she worked as an attorney for the Louisville Legal Aid Society.

Ms. Soleil attended the University of California at Irvine, and the Louis D. Brandeis School of Law at the University of Louisville. She is a member of the Kentucky Bar and American Bar Associations and is a member of the American Society of Association Executives.



DIRECTOR, CASE EVALUATION AND PLACEMENT COMPONENT

Brian D. Robertson, Esq., director, Case Evaluation and Placement, became the director of the Component in October 1994, after a brief period

as its deputy director. He was a career Naval officer, retiring after 23 years of service, including more than 18 years as a Navy judge advocate. He is past chair of the Veterans Law Section of the Federal Bar Association and has served in a number of leadership positions with the U.S. Court of Appeals for Veterans Claims Bar Association.

Mr. Robertson is a 1971 graduate of the U.S. Naval Academy and a 1976 graduate of the University of Maryland School of Law. He also has an MA from the University of Southern California.



DIRECTOR, OUTREACH AND EDUCATION COMPONENTS

Meg Bartley, Esq., a senior staff attorney at the National Veterans Legal Services Program (NVLSP), is the director of the Outreach and Education Component for

the Veterans Consortium Pro Bono Program. Ms. Bartley trains lawyers and nonlawyers in the area of veterans law. She is editor of the quarterly NVLSP publication *The Veterans Advocate: A Veterans Law and Advocacy Journal*, and she represents veterans and their dependents before the U.S. Court of Appeals for Veterans Claims. She previously served as judicial clerk for the Hon. Jonathan R. Steinberg of the U.S. Court of Veterans Appeals (now the U.S. Court of Appeals for Veterans Claims) from 1993-94. She is the author or a coauthor of numerous monographs and publications on veterans law.

Ms. Bartley is a graduate of the Pennsylvania State University (BA 1981, cum laude) and the Washington College of Law at American University (JD 1993, cum laude).

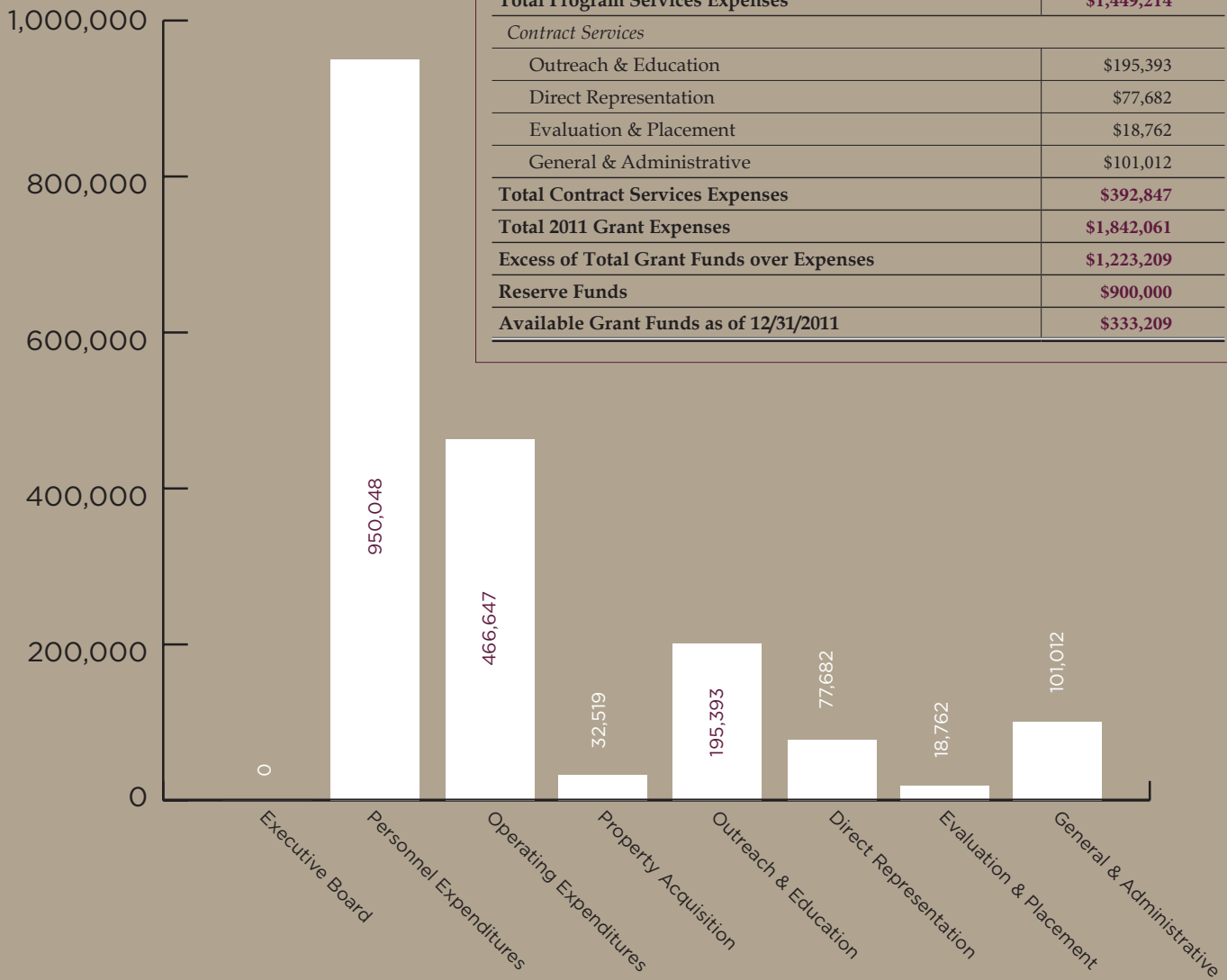


Pro Bono Program staff members donate toys to the Marine Corps Reserve's Toys for Tots drive at the Navy Memorial December 2011. Left to Right: Nathan Smith, Administrative Assistant; David Myers, Deputy Director of Case Evaluation; VADM John Totushek, USNR (Ret.), President and CEO of the Navy Memorial Foundation; Brian Robertson, Director of Case Evaluation and Placement; Sgt. Hernandez, USMCR; LtCol Marcus Wollard, USMCR; Courtney McRae, Case Management Attorney; Leonce Wilson, Veterans Law Specialist; Sandra Peterson, Assistant Docket Administrator. Front: Cathy Klingler, Docket Administrator.

FINANCIALS

TABLE A: STATEMENT OF GRANT INCOME & EXPENSES (UNAUDITED)

Revenue	
Grant Funds Carried Forward (Prior Years)	\$778,894
2011 Grant Funds Made Available by LSC	\$2,295,360
Interest Earned from 1/1/11 - 12/31/11	\$1,016
Total Funds Available in Grant Year 2011	\$3,075,270
Expenses	
<i>Program Services</i>	
Executive Board	\$0
Personnel Expenditures	\$950,048
Operating Expenditures	\$466,647
Property Acquisition	\$32,519
Total Program Services Expenses	\$1,449,214
<i>Contract Services</i>	
Outreach & Education	\$195,393
Direct Representation	\$77,682
Evaluation & Placement	\$18,762
General & Administrative	\$101,012
Total Contract Services Expenses	\$392,847
Total 2011 Grant Expenses	\$1,842,061
Excess of Total Grant Funds over Expenses	\$1,223,209
Reserve Funds	\$900,000
Available Grant Funds as of 12/31/2011	\$333,209



CONTRIBUTIONS TO THE PROGRAM (UNAUDITED)

TABLE B: REPORTED/ESTIMATED ORGANIZATIONAL CONTRIBUTIONS

The American Legion	\$15,300
Disabled American Veterans	\$4,220
National Veterans Legal Services Program	\$28,917
Paralyzed Veterans of America	\$205,671
Holland Knight	\$68,339
Baker Botts, LLP	\$90,245
Quinn Forensics, Inc. (Treasurer)	\$187,688
Total Value of Organizational Contributions	\$600,379^a

a. Each of the constituent veterans service organizations, as well as the representative of the private bar chairing the Executive Board, makes various contributions to the Program during the course of the year.

TABLE C: NONORGANIZATIONAL CONTRIBUTIONS

<i>Donated Pro Bono Legal Services</i>	\$6,283,200
<i>Donated Mentor Services – Chisholm, Chisholm & Kilpatrick</i>	\$36,583
<i>Donated Screening Services – Goodman, Allen & Filetti</i>	\$29,896
<i>Donated Services – D.C. Bar Pro Bono Program</i>	\$3,000
<i>Donated Services – Armstrong Teasdale</i>	\$1,235
<i>Donated Services – Jones Day</i>	\$2,964
<i>Donated Services – Arnold & Porter, LLP</i>	\$1,268
Total Value of Nonorganizational Contributions	\$6,358,146

Total Program Donated Contributions & Services \$6,958,525

DONATED FUNDS (UNAUDITED)

TABLE D: 2011 DONATED FUNDS

Butler Pappas Weihmuller Katz Craig, LLP	\$18,000
Charles Szalkowski	\$50
Gray Plant Mooty	\$1,000
Kilpatrick Townsend & Stockton, LLP	\$9,550
Local Independent Charities of America	\$12,381
Mark Flanigan	\$500
Nathan Kasuk Trust	\$500
Patton Boggs, LLC	\$3,000
Skadden, Arps, Slate, Meagher & Flom, LLP	\$5,000
Camille Soleil	\$50
Truist	\$20
Vinson & Elkilns, LLP	\$4,025
William and Rosalind Mailander	\$500
Total Funds Donated in 2011	\$54,575

TABLE E: 2011 SUMMARY OF DONATED FUNDS & EXPENSES

Donated Funds Available as of 1/1/11 (unaudited)	\$117,256
Donations Received	\$54,575
Interest Earned 1/1/11 – 12/31/11	\$113
Total Donated Funds & Interest	\$117,944
Expenses Paid from Donated Funds	(\$19,911)
Donated Funds Available as of 12/31/11	\$152,033

ANOTHER STEP IN THE LONG JOURNEY:



Douglas Rosinski

A major issue in the case of Freeman v. Shinseki was the question of jurisdiction. As a general rule, courts are deferential to an agency such as VA. Courts ask, "Can we interfere here? Do we have authority to tell the government that what it is doing is wrong?" In Freeman, the sister of a paranoid schizophrenic veteran asked to be appointed fiduciary for her brother, replacing the VA-appointed fiduciary. When VA said no, her next step was to file a notice of disagreement (NOD) that VA refused to accept. She then filed a writ of mandamus with the Court of Appeals for Veterans Claims, asking it to order VA to accept her NOD. VA maintained that the Court could not tell it what to do – the law allowed it to make such decisions without interference. Douglas Rosinski, a volunteer attorney for the Pro Bono Program with a strong record of success in veterans law cases, led the appeal that resulted in the Court finding that it did have jurisdiction over VA in the matter and ordering it to accept Mr. Freeman's sister's NOD. The CAVC's decision undoubtedly will have a far-reaching effect on other veterans' appeals relating to appointments of fiduciaries.

"I was brought into the case when the court accepted the petition from Mr. Freeman's sister," Mr. Rosinski explains. "It presented complicated challenges. It also looked like a case that could set some kind of precedent that could reward not just this veteran but others."

"These people [VA] are there to help veterans like my brother," Deborah Freeman said. "But it seemed they really wanted to do the opposite. And so many things we were told just didn't make sense to me. All I could do was try to find another way, which is why I decided to file my writ."

Ms. Freeman had not only been taking care of her own family, but also her veteran brother and their father, now ill and elderly. In order to become the extended family's full-time caregiver, she quit her job. Around this time, her brother's rent increased, but the VA fiduciary refused to pay the higher amount, although money was available. She asked to be made Mr. Freeman's fiduciary, but, in true Catch-22 style, VA then decided that she could not be a fiduciary because she did not have a full-time job.

"VA made that up," Mr. Rosinski notes. "Most fiduciaries say they have full-time jobs and then quit them because they get so many fiduciary appointments." During the deposition phase, he found one VA fiduciary making \$4,000 a month in that role.

That was the point at which Ms. Freeman filed her NOD, which was refused. She next filed her handwritten petition, carefully thought out and cogently presented, to the CAVC, which referred the case to the Pro Bono Program.

The VA fiduciary program has long been considered to be in need of review, a reputation established by the Government Accountability Office reports and media coverage. However, despite the bad publicity, VA repeatedly has said there is nothing it can do. However, in this case, the fiduciary people had clearly crossed the line by maintaining that Mr. Freeman had no right of appeal. "That was the challenge," Mr. Rosinski says, "and we accepted it.

"The basis of the argument was that the VA position was ridiculous, and that this was a 'righteous case,' "



After Douglas Rosinski's successful argument in *Freeman*, the Court of Appeals for Veterans Claims issued a decision relating to appointment of fiduciaries that will have far-reaching implications for other veterans.

he explains. "There had to be a way it legally could be corrected. You do not lose your rights to due process because a federal official says so. We just had to find the argument that would allow the court to do the right thing."

In April 2011, the case was resolved when the court ruled that Mr. Freeman had the right to appeal the appointment of his particular fiduciary. VA had to accept his sister's NOD as it would do for any other appeal. "Mr. Freeman won the right to fight VA in the normal course of events," Mr. Rosinski says. "But VA is in no hurry to allow him to exercise that right." In late fall 2011, he was preparing to file another petition.

"I don't know what I would have done without the Pro Bono Program," said Ms. Freeman. "It seemed to me that every time I responded to the Veterans Administration, they would reject me and force me to do something else. We just were not getting anywhere. I had heard how other people were encountering this kind of thing from the VA, but until it happens to you, you don't really understand how hopeless everything can feel. You are just a person. They are a big bureaucracy and if they want to stall and say no, they can.

"When I was contacted by Mr Rosinski, it was as if a light went on. I could see the way. He worked so hard for us. He explained the issues, he kept me informed, he kept my spirits up when I felt hopeless or things seemed to be going on and on," Ms. Freeman said.

"I cannot thank him or the other lawyers or this Pro Bono Program enough. They tell me that the decision in my brother's case will help other veterans. That makes me very happy. No one should have to go through what we went through to get what is due them. With the Pro Bono Program on our side, we prevailed. I wish every veteran and veteran's family out there knew about this resource, and could use it when nothing seems to be working. They made all the difference for me and my brother. God bless them."

In Mr. Rosinski's view, *Freeman* is a shining example of the Pro Bono Program working exactly as it is supposed to: it championed a "righteous case," and put a veteran who needed help together with an attorney experienced in veterans law — and VA processes — who could help him prevail. Ultimately, the subtle arguments and important points presented to the Court allowed it to do the right thing. "*Freeman* is a great case," Mr. Rosinski says, "because it told us that VA has to open the door. It's a direct step in a long journey."

No one should have to go through what we went through to get what is due them. With the Pro Bono Program on our side, we prevailed."

- Deborah Freeman

PHOTO CREDITS

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Page 7: Jean Bushnell and Tom Stoever. Photo by Vicki Kerr.

Page 8: David Myers, Brian Robertson, and Carol Wild Scott. Photo by Benjamin Myers.

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Page 10: Sarah Schauerte. Photo by Jim Darling.

Page 18: Charles Henderson. Photo by Craig Michellydyer.

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Page 26-27: Katrina Eagle. Photos by Avery Meyers.

Page 28: (from left to right) Roy E. Spicer, William Mailander, Verna Jones, Mary Ann Gilleece, Ronald B. Abrams, and Gary M. Butter. Photo by Bill Fitz-Patrick.

Page 29: Mary Ann Gilleece; Gary M. Butter; William Mailander. Photos by Bill Fitz-Patrick.

Page 30: Ronald B. Abrams; Verna Jones; Roy E. Spicer. Photos by Bill Fitz-Patrick.

Page 31: Hugh P. Quinn; Cary P. Sklar; Bristow Hardin. Photos by Bill Fitz-Patrick.

Page 32: Camille Soleil; Brian D. Robertson; Meg Bartley. Photos by Bill Fitz-Patrick.

Page 38, 40: Douglas Rosinski. Photos by Benjamin Myers.

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